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BUSINESS MEETING

MEETING

BEFORE THE

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS UNITED STATES SENATE

ONE HUNDRED FOURTEENTH CONGRESS

SECOND SESSION

APRIL 28, 2016

Printed for the use of the Committee on Environment and Public Works

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ONE HUNDRED FOURTEENTH CONGRESS
SECOND SESSION

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BUSINESS MEETING

THURSDAY, APRIL 28, 2016

U.S. SENATE,
COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS,
Washington, DC.

The committee met, pursuant to notice, at 9 a.m. in room 406, Dirksen Senate Office Building, Hon. James M. Inhofe (chairman of the committee) presiding.

Present: Senators Inhofe, Boxer, Vitter, Barrasso, Capito, Crapo, Fischer, Rounds, Sullivan, Carper, Cardin, Whitehouse, Merkley, and Gillibrand.

Senator INHOFE. The committee meeting will come to order, and Senator Boxer and I are going to discourage anything that takes a long time.

[Laughter.]

Senator INHOFE. Because we have some deadlines that we have to meet that are important. We have worked hard on this legislation.

And I would say this, Barbara, as soon as we have 11 people here, we are going to get into this thing. In the meantime, if there are comments you want to make.

OPENING STATEMENT OF HON. BARBARA BOXER, U.S. SENATOR FROM THE STATE OF CALIFORNIA

Senator BOXER. Yes. And I will stop if we get a quorum, obviously.

I am just so pleased that once again our committee is leading the way in restoring hope in the American people that we can work in a bipartisan fashion.

The Water Resources Development Act of 2016 is the latest in a long list of bipartisan infrastructure bills produced by this committee. We have done it across these sometimes very solid party lines. I am hopeful we will continue our success of building broad support for legislation to repair aging infrastructure, grow the economy, and create jobs.

We know we have issues with lead and water. It is not just in Flint; it is really starting to show up all over the country. And certainly what happened in Flint has put a spotlight on our infrastructure challenges. The American Society of Civil Engineers rates our Nation's infrastructure a D+. If one of our kids came home with that grade, we would say, uh-oh, we better change things. So we need to change things, and this WRDA bill certainly responds to this crisis, and I am so proud of that.

It is not perfect. I know a lot of us could make it better. Certainly, if I had my way, I would, and Senator Inhofe would. I know Senator Fischer would. We would all try to do this a better way.

But this is the sweet spot. This bill is the sweet spot. We can get it done and we can see additional investment in strengthening our levees, our dams, our navigation channels. And again I wanted to mention this lead contamination is occurring in aging lead pipes such as we find in Jackson, Mississippi, Sebring, Ohio, and Durham, North Carolina. I know in some places in my State we turn off the drinking water for the kids in school.

The American people certainly have a right to expect safe, clean water when they turn on their faucets. But yet millions of homes across America still receive their water from crumbling pipes. And this isn't going to get any better; and we have to work on it. So this bill begins the much needed work to ensure safe, reliable drinking water.

Also, we look at these critical programs that have been studied by the Army Corps, and they did some fine work. And people say, wow, you just did this a couple years ago; why do we have to move? Because the Corps has completed about 27 new studies that need to be authorized, or nothing is going to happen in our States. This is a really important bill for that reason.

The bill authorizes projects to maintain vital navigation routes for commerce and movement of goods. Our ports and waterways, which are essential to the U.S. economy, moved 2.3 billion tons of goods in 2014.

We are going to save lives with this bill. Storms and floods in recent years have resulted in loss of life. They have wiped out entire communities. Nobody knows that better than the Senator from Louisiana. We continue to work to strengthen our levees. In my State, the capital, Sacramento, is at great risk, and I am happy to say the Corps has finished their work on that particular project, so that will be authorized as well.

I will close with this. For the first time we look at innovative ways to create more water supply, and we really need that. And before I put our latest guest to sleep, I will stop and put the rest of my statement in the record.

[The prepared statement of Senator Boxer was not received at time of print.]

Senator INHOFE. Who do we have here? That is kind of neat.

Senator CAPITO. Well, today is take your sons and daughters to work day, and this is my granddaughter, Celia.

Senator INHOFE. Oh, isn't that neat?

Celia, how are you, honey? Good. Speak into the microphone. How are you, honey?

Ms. CAPITO. I'm good.

[Laughter.]

Senator INHOFE. You are good, all right.

Senator BOXER. Did you get her from central casting or is this real?

[Laughter.]

Senator INHOFE. I hate to tell you this, but I have 20 of them just like that.

[Laughter.]

Senator BOXER. Twenty little Inhofes?

[Laughter.]

Senator INHOFE. Hey, let's get serious here.

[Laughter.]

Senator INHOFE. We do have some absolute deadlines, and as soon as we get 11 people here we are going to jump right into this thing.

I want to make one comment about a concern that Senator Fischer has on IPCC. For years we have addressed this. I have been concerned about it, and my State of Oklahoma is the same as it is in your State. You have the same concerns, the same problems of farmers actually taking a back seat.

We addressed this partially in our WRRDA 2014 and made some exemptions of those under, I think, 2,500 or something like that. But it didn't go far enough. So I have to say to my good friend from Nebraska, I agree with you. Unfortunately, this is a bill that we want to get through, and there has been a lot of give and take. If there any comment you want to make, this would be a good time while we are waiting for our 11 to show up here.

OPENING STATEMENT OF HON. DEB FISCHER, U.S. SENATOR FROM THE STATE OF NEBRASKA

Senator FISCHER. Thank you, Mr. Chairman. If I could make a statement.

I do appreciate your efforts in preparing the legislation before us today. I know that a great deal of the work from you and your staff went into this bill, and I commend you and the Ranking Member for your commitment to the American people to pass a WRDA bill every 2 years. This bill continues the accelerated project delivery and construction streamlining theme from WRRDA 2014. It is a critical part of our continued effort to provide the American people and the industries they represent with safe and reliable infrastructure.

We can all agree that one of the basic duties of our Federal Government is to provide the necessary resources for commerce to flow freely across this Nation. I am pleased that this bill provides greater flexibility to local, non-Federal stakeholders. It will allow them to fund feasibility studies and receive reimbursement during the project construction phase instead of waiting until the completion of the project.

In Nebraska this will be especially beneficial to our natural resource districts. These districts are ready to move forward on projects, and they are best equipped to manage water and protect communities.

Furthermore, this legislation includes real reforms for State municipalities who face unfunded combined sewer overflow mandates. Communities like Omaha, Nebraska, would be enabled to develop integrated management plans which will allow them to prioritize human health benefits versus environmental impacts.

I am most excited that the WRDA 2016 would eliminate the EPA's flawed median household income affordability measurement, which has caused great financial distress for fixed and low income families.

While this bill contains many great provisions, I am concerned that it does not address much needed regulatory relief for on-farm fuel storage. During the WRRDA 2014 process, I worked with then-Chairman Boxer in a good faith effort to address concerns raised by my constituents about the EPA's plan to require farms to prepare and implement spill prevention control and countermeasure, or SPCC, plans. We were able to pass a provision that required the EPA, in consultation with the Department of Agriculture, to conduct a study to determine the appropriate exemption level "to not more than 6,000 gallons and not less than 2,500 gallons based on a significant risk of discharge to water."

The intent of this provision was to place boundaries on the EPA and ensure the Agency is not overregulating on farm fuel storage at capacities that do not pose a significant risk or harm to water quality. Simply put, if the EPA cannot find a significant risk, then the regulation is unwarranted.

Unfortunately, on June 30th, 2015, the EPA released its study recommending a minimum total above ground storage capacity of 2,500 gallons in order to comply with SPCC rules. The study contained numerous assumptions, and it lacked strong scientific evidence for such a recommendation. For instance, seven examples the EPA uses in the study did not occur on a farm or a ranch. One of the examples cited even lists a spill of 3,000 gallons of jet fuel.

While I don't have those specific numbers, I would guess from my own production agriculture experience it would be hard to find many farms with storage tanks filled with jet fuel.

This overreach continues to weigh heavily on the minds of farmers and ranchers in Nebraska and all across this country. It is time this committee addresses this issue and focuses on providing relief. While I am disappointed the committee failed to address this important issue, I will continue to work with the Chairman and our Ranking Member and all our colleagues to prioritize regulatory relief when WRDA 2016 reaches the floor.

Thank you, Mr. Chairman.

Senator INHOFE. Thank you very much. And let me assure you I am just as concerned about this as you are, and we will be working with you, and we are going to see this thing through.

Our eleventh one just came in, Senator Rounds.

First of all, we will begin with a manager's amendment, S. 2848, marked as Inhofe-Boxer No. 1. This amendment makes technical and conforming changes to the bill. It clarifies some of the authorities provided in the bill.

[The text of the manager's amendment offered by Senators Inhofe and Boxer follows:]

Inhofe/Boxer #1

Technical and conforming changes to the bill.

Clarification of certain authorities.

Additional interagency cooperation.

16 APR 27 AM 9:54

AMENDMENT NO._____ Calendar No._____

Purpose: To improve the bill.

IN THE SENATE OF THE UNITED STATES—114th Cong., 2d Sess.

S. 2848

To provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes.

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENTS intended to be proposed by _____

Viz:

1 On page 10, strike lines 8 through 12 and insert the
2 following:

3 **SEC. 1006. MUNITIONS DISPOSAL.**

4 Section 1027 of the Water Resources Reform and De-
5 velopment Act of 2014 (33 U.S.C. 426e–2) is amended—

6 (1) in subsection (a), in the matter preceding
7 paragraph (1), by inserting ", at full Federal ex-
8 pense," after "The Secretary may"; and

9 (2) in subsection (b), by striking "funded" and
10 inserting "reimbursed".

1 On page 12, line 17, strike "and associated features".

2 On page 12, lines 18 and 19, strike "or an authorized
3 representative".

4 On page 19, line 16, strike "Apalachicola-Chattahoo-
5 chee" and insert "Apalachicola-Chattahoochee-Flint".

6 On page 22, lines 22 and 23, strike "design and de-
7 velopment" and insert "research, design, and develop-
8 ment".

9 On page 23, line 1, strike "and" at the end.

10 On page 23, strike line 3 and insert the following:
11 ture; and
12 (4) identifying risks due to sea level rise.

13 On page 30, line 7, strike "and" at the end.

14 On page 30, line 8, strike "inserting".

15 On page 30, line 11, strike the period at the end and
16 insert "; and".

On page 30, between lines 11 and 12, insert the following:

(3) by striking "or flood control" and inserting ", flood control, or recreation".

Beginning on page 30, strike line 12 and all that follows through page 31, line 19, and insert the following:

SEC. 1026. AQUACULTURE STUDY.

(a) IN GENERAL.—The Comptroller General shall carry out an assessment of the shellfish aquaculture industry, including—

(1) an examination of Federal and State laws (including regulations) in each relevant district of the Corps of Engineers;

(2) the number of shellfish aquaculture leases, verifications, or permits in place in each relevant district of the Corps of Engineers;

(3) the period of time required to secure a shellfish aquaculture lease, verification, or permit from each relevant jurisdiction; and

(4) the experience of the private sector in applying for shellfish aquaculture permits from different jurisdictions of the Corps of Engineers and different States.

1 (b) STUDY AREA.—The study area shall comprise, to
2 the maximum extent practicable, the following applicable
3 locations:
4 (1) The Chesapeake Bay.
5 (2) The Gulf Coast States.
6 (3) The State of California.
7 (4) The State of Washington.
8 (c) FINDINGS.—Not later than 225 days after the
9 date of enactment of this Act, the Comptroller General
10 shall submit to the Committees on Environment and Pub-
11 lic Works and on Energy and Natural Resources of the
12 Senate and the Committees on Transportation and Infra-
13 structure and on Natural Resources of the House of Rep-
14 resentatives a report containing the findings of the assess-
15 ment conducted under subsection (a).

16 On page 37, strike line 23 and insert the following:
17 (d) CONSULTATION.—In carrying out a review under
18 subsection (a) and prior to implementing a change in oper-
19 ations under subsection (f), the Secretary shall consult
20 with all affected interests, including—
21 (1) non-Federal entities responsible for oper-
22 ations and maintenance costs of a Federal facility;
23 (2) individuals and entities with storage entitle-
24 ments; and

1 (3) local agencies with flood control responsibil-
2 ities downstream of a facility.
3 (e) RESULTS REPORTED.—Not later than 90 days

4 On page 38, line 3, strike "(e)" and insert "(f)".

5 On page 38, line 5, strike "(d)" and insert "(e)".

6 On page 38, line 18, strike "(f)" and insert "(g)".

7 On page 38, line 22, strike "(e)" and insert "(f)".

8 On page 38, line 24, strike "(g)" and insert "(h)".

9 On page 39, line 2, strike "(e)(2)" and insert
10 "(f)(2)".

11 On page 39, line 12, strike "(h)" and insert "(i)".

12 On page 39, line 16, strike "Apalachicola-Chattahoo-
13 chee" and insert "Apalachicola-Chattahoochee-Flint".

14 On page 44, between lines 3 and 4, insert the fol-
15 lowing:

1 **SEC. 1038. SHORE DAMAGE PREVENTION OR MITIGATION.**

2 Section 111 of the River and Harbor Act of 1968
3 (33 U.S.C. 426i) is amended—

4 (1) in subsection (b), by striking "measures"
5 and inserting "measures, including a study,"; and

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

7 "(e) REIMBURSEMENT FOR FEASIBILITY STUDIES.—
8 Beginning on the date of enactment of this subsection, in
9 any case in which the Secretary implements a project
10 under this section, the Secretary shall reimburse or credit
11 the non-Federal interest for any amounts contributed for
12 the study evaluating the damage in excess of the non-Fed-
13 eral share of the costs, as determined under subsection
14 (b).".

15 On page 49, strike line 20 and insert the following:

16 (a) IN GENERAL.—Section 101(a)(1) of the Water
17 Resources Develop-

18 On page 50, between lines 6 and 7, insert the fol-
19 lowing:

20 (b) DEFINITION OF DEEP-DRAFT HARBOR.—Section
21 214(1) of the Water Resources Development Act of 1986
22 (33 U.S.C. 2241(1)) is amended by striking "45 feet" and
23 inserting "50 feet".

On page 53, strike lines 13 through 18 and insert the following:

(e) REIMBURSEMENT ELIGIBILITY LIMITATIONS.—Costs that are eligible for reimbursement under this section are those costs directly related to the costs associated with operation and maintenance of the dredge based on the lesser of the period of time for which—

(1) the dredge is being used in the performance of work for the Federal Government during a given fiscal year; and

(2) the actual fiscal year Federal appropriations identified for that portion of maintenance dredging that are made available.

On page 53, line 19, strike "MONITORING".

On page 54, strike lines 9 through 23 and insert the following:

SEC. 2016. TRANSPORTATION COST SAVINGS.

Section 210(e)(3) of the Water Resources Development Act of 1986 (33 U.S.C. 2238(e)(3)) is amended—

(1) by redesignating subparagraph (B) as subparagraph (C); and

(2) by inserting after subparagraph (A) the following:

1 "(B) ADDITIONAL REQUIREMENT.—For
2 the first report following the date of enactment
3 of the Water Resources Development Act of
4 2016, in the report submitted under subpara-
5 graph (A), the Secretary shall identify, to the
6 maximum extent practicable, transportation
7 cost savings realized by achieving and maintain-
8 ing the constructed width and depth for the
9 harbors and inland harbors referred to in sub-
10 section (a)(2), on a project-by-project basis.".

11 On page 73, line 2, strike "to relocate to" and insert
12 "on".

13 On page 73, line 6, insert "for" before "the".

14 On page 73, line 7, strike "identified" and insert "es-
15 timated in the report".

16 On page 73, line 8, strike "in the report".

17 On page 82, strike line 20 and insert the following:
18 (a) IN GENERAL.—Section 4014(b) of the Water Re-
19 sources Reform and

1 On page 83, between lines 9 and 10, insert the fol-
2 lowing:
3 (b) INTERAGENCY COORDINATION ON COASTAL RE-
4 SILIENCE.—The Secretary shall convene an interagency
5 working group on resilience to extreme weather, which will
6 coordinate research, data, and Federal investments related
7 to sea level rise, resiliency, and vulnerability to extreme
8 weather, including coastal resilience.

9 On page 83, between lines 9 and 10, insert the fol-
10 lowing:
11 **SEC. 4014. REGIONAL INTERGOVERNMENTAL COLLABORA-**
12 **TION ON COASTAL RESILIENCE.**
13 (a) REGIONAL ASSESSMENTS.—
14 (1) IN GENERAL.—The Secretary may conduct
15 regional assessments of coastal and back bay protec-
16 tion and of Federal and State policies and programs
17 related to coastal water resources, including—
18 (A) an assessment of the probability and
19 the extent of coastal flooding and erosion, in-
20 cluding back bay and estuarine flooding;
21 (B) recommendations for policies and other
22 measures related to regional Federal, State,
23 local, and private participation in shoreline and
24 back-bay protection projects;

1 (C) an evaluation of the performance of ex-
2 isting Federal coastal storm damage reduction,
3 ecosystem restoration, and navigation projects,
4 including recommendations for the improvement
5 of those projects;
6 (D) an assessment of the value and im-
7 pacts of implementation of regional, systems-
8 based, watershed-based, and interstate ap-
9 proaches if practicable;
10 (E) recommendations for the demonstra-
11 tion of methodologies for resilience through the
12 use of natural and nature-based infrastructure
13 approaches, as appropriate; and
14 (F) recommendations regarding alternative
15 sources of funding for new and existing
16 projects.
17 (2) COOPERATION.—In carrying out paragraph
18 (1), the Secretary shall cooperate with—
19 (A) heads of appropriate Federal agencies;
20 (B) States that have approved coastal
21 management programs and appropriate agen-
22 cies of those States;
23 (C) local governments; and
24 (D) the private sector.

1 (b) STREAMLINING.—In carrying out this section, the
2 Secretary shall—
3 (1) to the maximum extent practicable, use ex-
4 isting research done by Federal, State, regional,
5 local, and private entities to eliminate redundancies
6 and related costs;
7 (2) receive from any of the entities described in
8 subsection (a)(2)—
9 (A) contributed funds; or
10 (B) research that may be eligible for credit
11 as work-in-kind under applicable Federal law;
12 and
13 (3) enable each District or combination of Dis-
14 tricts of the Corps of Engineers that jointly partici-
15 pate in carrying out an assessment under this sec-
16 tion to consider regionally appropriate engineering,
17 biological, ecological, social, economic, and other fac-
18 tors in carrying out the assessment.
19 (c) REPORTS.—The Secretary shall submit to the
20 Committee on Environment and Public Works of the Sen-
21 ate and the Committee on Transportation and Infrastruc-
22 ture of the House of Representatives all reports and rec-
23 ommendations prepared under this section, together with
24 any necessary supporting documentation.

1 On page 103, strike line 1 and the table following
2 line 1 and insert the following:
3 (2) FLOOD RISK MANAGEMENT.—

A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Costs
1. TX	Leon Creek Watershed, San Antonio	June 30, 2014	Federal: $18,314,000 Non-Federal: $9,861,000 Total: $28,175,000
2. MO, KS	Armourdale and Central Industrial District Levee Units, Missouri River and Tributaries at Kansas City	January 27, 2015	Federal: $207,036,000 Non-Federal: $111,481,000 Total: $318,517,000
3. KS	City of Manhattan	April 30, 2015	Federal: $15,440,100 Non-Federal: $8,313,900 Total: $23,754,000
4. KS	Upper Turkey Creek Basin	December 22, 2015	Federal: $24,584,000 Non-Federal: $13,238,000 Total: $37,822,000
5. NC	Princeville	February 23, 2016	Federal: $14,001,000 Non-Federal: $7,539,000 Total: $21,540,000
6. CA	West Sacramento	April ~~27~~ 26, 2016	Federal: $776,517,000 Non-Federal: $414,011,000 Total: $1,190,528,000
7. CA	American River Watershed Common Features	April ~~27~~ 26, 2016	Federal: $876,478,000 Non-Federal: $689,272,000 Total: $1,565,750,000

ON PAGE 105, ENGINEERS - SOLANA SHOULD READ - RENOURISHMENT FEDERAL: $68,215,000 RENOURISHMENT NON-FEDERAL $68,215,000

4 On page 135, strike lines 4 through 6 and insert the
5 following:

1 "(A) the Administrator determines, based
2 on affordability criteria established by the State
3 under section 1452(d)(3), to be a disadvantaged
4 community; and

5 Beginning on page 158, strike line 15 and all that
6 follows through the end of page 160 and insert the fol-
7 lowing:

8 **SEC. 7202. SMALL AND MEDIUM TREATMENT WORKS.**

9 (a) IN GENERAL.—Title II of the Federal Water Pol-
10 lution Control Act (33 U.S.C. 1281 et seq.) is amended
11 by adding at the end the following:

12 **"SEC. 222. TECHNICAL ASSISTANCE FOR SMALL AND ME-**
13 **DIUM TREATMENT WORKS.**

14 "(a) DEFINITIONS.—In this section:

15 "(1) MEDIUM TREATMENT WORKS.—The term
16 'medium treatment works' means a publicly owned
17 treatment works serving not fewer than 10,001 and
18 not more than 100,000 individuals.

19 "(2) QUALIFIED NONPROFIT MEDIUM TREAT-
20 MENT WORKS TECHNICAL ASSISTANCE PROVIDER.—
21 The term 'qualified nonprofit medium treatment
22 works technical assistance provider' means a quali-
23 fied nonprofit technical assistance provider of water
24 and wastewater services to medium-sized commu-

1 nities that provides technical assistance (including
2 circuit rider technical assistance programs, multi-
3 State, regional assistance programs, and training
4 and preliminary engineering evaluations) to owners
5 and operators of medium treatment works, which
6 may include State agencies.

7 "(3) QUALIFIED NONPROFIT SMALL TREAT-
8 MENT WORKS TECHNICAL ASSISTANCE PROVIDER.—
9 The term 'qualified nonprofit small treatment works
10 technical assistance provider' means a nonprofit or-
11 ganization that, as determined by the Adminis-
12 trator—

13 "(A) is the most qualified and experienced
14 in providing training and technical assistance to
15 small treatment works; and

16 "(B) the small treatment works in the
17 State finds to be the most beneficial and effec-
18 tive.

19 "(4) SMALL TREATMENT WORKS.—The term
20 'small treatment works' means a publicly owned
21 treatment works serving not more than 10,000 indi-
22 viduals.

23 "(b) TECHNICAL ASSISTANCE.—The Administrator
24 may use amounts made available to carry out this section
25 to provide grants or cooperative agreements to qualified

1 nonprofit small treatment works technical assistance pro-
2 viders and grants or cooperative agreements to qualified
3 nonprofit medium treatment works technical assistance
4 providers to provide to owners and operators of small and
5 medium treatment works onsite technical assistance, cir-
6 cuit-rider technical assistance programs, multi-State, re-
7 gional technical assistance programs, and onsite and re-
8 gional training, to assist the treatment works in achieving
9 compliance with this Act or obtaining financing under this
10 Act for eligible projects.

11 "(e) AUTHORIZATION OF APPROPRIATIONS.—There
12 are authorized to be appropriated to carry out this sec-
13 tion—

14 "(1) for grants for small treatment works tech-
15 nical assistance, $15,000,000 for each of fiscal years
16 2017 through 2021; and

17 "(2) for grants for medium treatment works
18 technical assistance, $10,000,000 for each of fiscal
19 years 2017 through 2021.".

20 (b) WATER POLLUTION CONTROL REVOLVING LOAN
21 FUNDS.—

22 (1) IN GENERAL.—Section 603 of the Federal
23 Water Pollution Control Act (33 U.S.C. 1383) is
24 amended—

25 (A) in subsection (d)—

1 (i) in the matter preceding paragraph
2 (1), by inserting "and as provided in sub-
3 section (e)" after "State law";
4 (ii) by redesignating subsections (e)
5 through (i) as subsections (f) through (j),
6 respectively; and
7 (iii) by inserting after subsection (d)
8 the following:
9 "(e) ADDITIONAL USE OF FUNDS.—A State may use
10 an additional 2 percent of the funds annually allotted to
11 the State under this section for qualified nonprofit small
12 treatment works technical assistance providers and quali-
13 fied nonprofit medium treatment works technical assist-
14 ance providers (as those terms are defined in section 222)
15 to provide technical assistance to small treatment works
16 and medium treatment works in the State.".
17 (2) CONFORMING AMENDMENT.—Section
18 221(d) of the Federal Water Pollution Control Act
19 (33 U.S.C. 1301(d)) is amended by striking "section
20 603(h)" and inserting "section 603(i)".

21 On page 177, line 17, strike "85" and insert "50".

22 On page 177, line 21, strike "15" and insert "50".

Senator INHOFE. Does any Senator seek recognition on this amendment?

[No audible response.]

Senator INHOFE. I move to accept this amendment. Is there a second?

Senator BOXER. Second.

Senator INHOFE. All in favor say aye.

[Chorus of ayes.]

Senator INHOFE. The matter is agreed to.

Does any Senator seek recognition concerning the bill or to offer amendments to the bill?

[No audible response.]

Senator INHOFE. Seeing no further members seeking recognition to offer amendments, is there a motion to report S. 2848, as amended, favorably to the Senate?

Senator BOXER. So moved.

Senator INHOFE. Is there a second?

Senator VITTER. Second.

Senator INHOFE. Is there a roll call requested?

Senator FISCHER. Yes.

Senator INHOFE. A roll call is requested. The Clerk will call the roll.

The CLERK. Mr. Barrasso.

Senator BARRASSO. Aye.

The CLERK. Mr. Booker.

Senator BOXER. Aye by proxy.

The CLERK. Mr. Boozman.

Senator INHOFE. Aye by proxy.

The CLERK. Mrs. Boxer.

Senator BOXER. Aye.

The CLERK. Mrs. Capito.

Senator CAPITO. Aye.

The CLERK. Mr. Cardin.

Senator CARDIN. Aye.

The CLERK. Mr. Carper.

Senator CARPER. Aye.

The CLERK. Mrs. Fischer.

Senator FISCHER. No.

The CLERK. Mrs. Gillibrand.

Senator BOXER. Aye by proxy.

The CLERK. Mr. Markey.

Senator BOXER. Aye by proxy.

The CLERK. Mr. Merkley.

Senator BOXER. Oh, he is here. Sorry, Jeff.

[Laughter.]

Senator CARPER. Senator Gillibrand is here now, too, if she wishes to vote.

Senator GILLIBRAND. Aye.

The CLERK. Mr. Rounds.

Senator ROUNDS. Aye.

The CLERK. Mr. Sanders.

Senator BOXER. Aye by proxy.

The CLERK. Mr. Sessions.

Senator INHOFE. Aye by proxy.

The CLERK. Mr. Sullivan.
Senator INHOFE. Aye by proxy.
The CLERK. Mr. Vitter.
Senator VITTER. Aye.
The CLERK. Mr. Whitehouse.
Senator WHITEHOUSE. Aye.
The CLERK. Mr. Wicker.
Senator INHOFE. Aye by proxy.
The CLERK. Mr. Chairman.
Senator INHOFE. Aye.
The CLERK. Mr. Chairman, the yeas are 19, the nays are 1.
Senator INHOFE. And the legislation is reported favorably to the Senate.
The Corps has made some last minute changes to the study resolutions. I ask unanimous consent that these be revised, resolutions replaced, the study resolutions that we have circulated with this markup. Is there objection to the unanimous consent request?
[No audible response.]
Senator INHOFE. Hearing none, so ordered.
[The referenced information follows:]

114TH CONGRESS
2D SESSION

S. _____

To provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes.

IN THE SENATE OF THE UNITED STATES

_____

_____ introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Water Resources Development Act of 2016".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definition of Secretary.
Sec. 3. Limitations.

TITLE I—PROGRAM REFORMS

Sec. 1001. Study of water resources development projects by non-Federal interests.
Sec. 1002. Advanced funds for water resources development studies and projects.
Sec. 1003. Authority to accept and use materials and services.
Sec. 1004. Partnerships with non-Federal entities to protect the Federal investment.
Sec. 1005. Non-Federal study and construction of projects.
Sec. 1006. Munitions disposal.
Sec. 1007. Challenge cost-sharing program for management of recreation facilities.
Sec. 1008. Structures and facilities constructed by the Secretary.
Sec. 1009. Project completion.
Sec. 1010. Contributed funds.
Sec. 1011. Application of certain benefits and costs included in final feasibility studies.
Sec. 1012. Leveraging Federal infrastructure for increased water supply.
Sec. 1013. New England District headquarters.
Sec. 1014. Buffalo District headquarters.
Sec. 1015. Completion of ecosystem restoration projects.
Sec. 1016. Credit for donated goods.
Sec. 1017. Structural health monitoring.
Sec. 1018. Fish and wildlife mitigation.
Sec. 1019. Non-Federal interests.
Sec. 1020. Discrete segment.
Sec. 1021. Funding to process permits.
Sec. 1022. International Outreach Program.
Sec. 1023. Wetlands mitigation.
Sec. 1024. Use of Youth Service and Conservation Corps.
Sec. 1025. Debris removal.
Sec. 1026. Oyster aquaculture study.
Sec. 1027. Levee vegetation.
Sec. 1028. Planning assistance to States.
Sec. 1029. Prioritization.
Sec. 1030. Kennewick Man.
Sec. 1031. Review of Corps of Engineers assets.
Sec. 1032. Review of reservoir operations.
Sec. 1033. Transfer of excess credit.
Sec. 1034. Surplus water storage.
Sec. 1035. Hurricane and storm damage reduction.
Sec. 1036. Fish hatcheries.
Sec. 1037. Feasibility studies and watershed assessments.

TITLE II—NAVIGATION

Sec. 2001. Projects funded by the Inland Waterways Trust Fund.
Sec. 2002. Operation and maintenance of fuel-taxed inland waterways.
Sec. 2003. Funding for harbor maintenance programs.
Sec. 2004. Dredged material disposal.
Sec. 2005. Cape Arundel disposal site, Maine.

Sec. 2006. Maintenance of harbors of refuge.
Sec. 2007. Aids to navigation.
Sec. 2008. Beneficial use of dredged material.
Sec. 2009. Operation and maintenance of harbor projects.
Sec. 2010. Additional measures at donor ports and energy transfer ports.
Sec. 2011. Harbor deepening.
Sec. 2012. Operations and maintenance of inland Mississippi River ports.
Sec. 2013. Implementation guidance.
Sec. 2014. Remote and subsistence harbors.
Sec. 2015. Non-Federal interest dredging authority.
Sec. 2016. Transportation cost savings.
Sec. 2017. Dredged material.

TITLE III—SAFETY IMPROVEMENTS

Sec. 3001. Rehabilitation assistance for non-Federal flood control projects.
Sec. 3002. Rehabilitation of existing levees.
Sec. 3003. Maintenance of high risk flood control projects.
Sec. 3004. Rehabilitation of high hazard potential dams.

TITLE IV—RIVER BASINS, WATERSHEDS, AND COASTAL AREAS

Sec. 4001. Gulf Coast oyster bed recovery plan.
Sec. 4002. Columbia River.
Sec. 4003. Missouri River.
Sec. 4004. Puget Sound nearshore ecosystem restoration.
Sec. 4005. Ice jam prevention and mitigation.
Sec. 4006. Chesapeake Bay oyster restoration.
Sec. 4007. North Atlantic coastal region.
Sec. 4008. Rio Grande.
Sec. 4009. Texas coastal area.
Sec. 4010. Upper Mississippi and Illinois Rivers flood risk management.
Sec. 4011. Salton Sea, California.
Sec. 4012. Adjustment.
Sec. 4013. Coastal resiliency.

TITLE V—DEAUTHORIZATIONS

Sec. 5001. Deauthorizations.
Sec. 5002. Conveyances.

TITLE VI—WATER RESOURCES INFRASTRUCTURE

Sec. 6001. Authorization of final feasibility studies.
Sec. 6002. Authorization of project modifications recommended by the Secretary.
Sec. 6003. Authorization of study and modification proposals submitted to Congress by the Secretary.

TITLE VII—SAFE DRINKING WATER AND CLEAN WATER INFRASTRUCTURE

Sec. 7001. Definition of Administrator.
Sec. 7002. Sense of the Senate on appropriations levels and findings on economic impacts.

Subtitle A—Drinking Water

Sec. 7101. Preconstruction work.
Sec. 7102. Priority system requirements.
Sec. 7103. Administration of State loan funds.
Sec. 7104. Other authorized activities.
Sec. 7105. Negotiation of contracts.
Sec. 7106. Assistance for small and disadvantaged communities.
Sec. 7107. Reducing lead in drinking water.
Sec. 7108. Regional liaisons for minority, tribal, and low-income communities.
Sec. 7109. Notice to persons served.
Sec. 7110. Electronic reporting of drinking water data.
Sec. 7111. Lead testing in school and child care drinking water.
Sec. 7112. WaterSense program.
Sec. 7113. Water supply cost savings.

Subtitle B—Clean Water

Sec. 7201. Sewer overflow control grants.
Sec. 7202. Small treatment works.
Sec. 7203. Integrated plans.
Sec. 7204. Green infrastructure promotion.
Sec. 7205. Financial capability guidance.

Subtitle C—Innovative Financing and Promotion of Innovative Technologies

Sec. 7301. Water infrastructure public-private partnership pilot program.
Sec. 7302. Water infrastructure finance and innovation.
Sec. 7303. Water Infrastructure Investment Trust Fund.
Sec. 7304. Innovative water technology grant program.
Sec. 7305. Water Resources Research Act amendments.
Sec. 7306. Reauthorization of Water Desalination Act of 1996.
Sec. 7307. National drought resilience guidelines.
Sec. 7308. Innovation in Clean Water State Revolving Funds.
Sec. 7309. Innovation in the Drinking Water State Revolving Fund.

Subtitle D—Drinking Water Disaster Relief and Infrastructure Investments

Sec. 7401. Drinking water infrastructure.
Sec. 7402. Loan forgiveness.
Sec. 7403. Registry for lead exposure and advisory committee.
Sec. 7404. Additional funding for certain childhood health programs.
Sec. 7405. Review and report.

Subtitle E—Report on Groundwater Contamination

Sec. 7501. Definitions.
Sec. 7502. Report on groundwater contamination.

Subtitle F—Restoration

PART I—Great Lakes Restoration Initiative

Sec. 7611. Great Lakes Restoration Initiative.

PART II—Lake Tahoe Restoration

Sec. 7621. Findings and purposes.
Sec. 7622. Definitions.

Sec. 7623. Improved administration of the Lake Tahoe Basin Management Unit.
Sec. 7624. Authorized programs.
Sec. 7625. Program performance and accountability.
Sec. 7626. Conforming amendments; updates to related laws.
Sec. 7627. Authorization of appropriations.
Sec. 7628. Land transfers to improve management efficiencies of Federal and State land.

PART III—LONG ISLAND SOUND RESTORATION

Sec. 7631. Restoration and stewardship programs.
Sec. 7632. Reauthorization.

Subtitle G—Offset

Sec. 7701. Offset.

SEC. 2. DEFINITION OF SECRETARY.

In this Act, the term "Secretary" means the Secretary of the Army.

SEC. 3. LIMITATIONS.

Nothing in this Act—

(1) supersedes or modifies any written agreement between the Federal Government and a non-Federal interest that is in effect on the date of enactment of this Act;

(2) supersedes or authorizes any amendment to a multistate water control plan, including the Missouri River Master Water Control Manual (as in effect on the date of enactment of this Act);

(3) affects any water right in existence on the date of enactment of this Act;

(4) preempts or affects any State water law or interstate compact governing water; or

(5) affects any authority of a State, as in effect on the date of enactment of this Act, to manage water resources within the State.

TITLE I—PROGRAM REFORMS

SEC. 1001. STUDY OF WATER RESOURCES DEVELOPMENT PROJECTS BY NON-FEDERAL INTERESTS.

Section 203 of the Water Resources Development Act of 1986 (33 U.S.C. 2231) is amended by adding at the end the following:

"(e) TECHNICAL ASSISTANCE.—On the request of a non-Federal interest, the Secretary may provide technical assistance relating to any aspect of the feasibility study if the non-Federal interest contracts with the Secretary to pay all costs of providing the technical assistance.".

SEC. 1002. ADVANCED FUNDS FOR WATER RESOURCES DEVELOPMENT STUDIES AND PROJECTS.

The Act of October 15, 1940 (33 U.S.C. 701h–1), is amended—

(1) in the first sentence—

(A) by striking "Whenever any" and inserting the following:

"(a) IN GENERAL.—Whenever any";

(B) by striking "a flood-control project duly adopted and authorized by law" and in-

1 serting "an authorized water resources develop-
2 ment study or project,"; and
3 (C) by striking "such work" and inserting
4 "such study or project";
5 (2) in the second sentence—
6 (A) by striking "The Secretary of the
7 Army" and inserting the following:
8 "(b) REPAYMENT.—The Secretary of the Army"; and
9 (B) by striking "for flood-control work";
10 and
11 (3) by adding at the end the following:
12 "(c) DEFINITION OF STATE.—In this section, the
13 term 'State' means—
14 "(1) a State;
15 "(2) the District of Columbia;
16 "(3) the Commonwealth of Puerto Rico;
17 "(4) any other territory or possession of the
18 United States; and
19 "(5) a federally recognized Indian tribe or a
20 Native village, Regional Corporation, or Village Cor-
21 poration (as those terms are defined in section 3 of
22 the Alaska Native Claims Settlement Act (43 U.S.C.
23 1602)).".

1 **SEC. 1003. AUTHORITY TO ACCEPT AND USE MATERIALS**
2 **AND SERVICES.**

3 Section 1024 of the Water Resources Reform and De-
4 velopment Act of 2014 (33 U.S.C. 2325a) is amended—

5 (1) by striking subsection (a) and inserting the
6 following:

7 "(a) IN GENERAL.—Subject to subsection (b), the
8 Secretary is authorized to accept and use materials, serv-
9 ices, or funds contributed by a non-Federal public entity,
10 a nonprofit entity, or a private entity to repair, restore,
11 replace, or maintain a water resources project in any case
12 in which the District Commander determines that—

13 "(1) there is a risk of adverse impacts to the
14 functioning of the project for the authorized pur-
15 poses of the project; and

16 "(2) acceptance of the materials and services or
17 funds is in the public interest."; and

18 (2) in subsection (c), in the matter preceding
19 paragraph (1)—

20 (A) by striking "Not later than 60 days
21 after initiating an activity under this section,"
22 and inserting "Not later than February 1 of
23 each year after the first fiscal year in which
24 materials, services, or funds are accepted under
25 this section,"; and

1 (B) by striking "a report" and inserting
2 "an annual report".

3 **SEC. 1004. PARTNERSHIPS WITH NON-FEDERAL ENTITIES**
4 **TO PROTECT THE FEDERAL INVESTMENT.**

5 (a) IN GENERAL.—Subject to subsection (c), the Sec-
6 retary is authorized to partner with a non-Federal interest
7 for the maintenance of a water resources project to ensure
8 that the project will continue to function for the author-
9 ized purposes of the project.

10 (b) FORM OF PARTNERSHIP.—Under a partnership
11 referred to in subsection (a), the Secretary is authorized
12 to accept and use funds, materials, and services contrib-
13 uted by the non-Federal interest.

14 (c) NO CREDIT OR REIMBURSEMENT.—Any entity
15 that contributes materials, services, or funds under this
16 section shall not be eligible for credit, reimbursement, or
17 repayment for the value of those materials, services, or
18 funds.

19 **SEC. 1005. NON-FEDERAL STUDY AND CONSTRUCTION OF**
20 **PROJECTS.**

21 (a) IN GENERAL.—The Secretary may accept and ex-
22 pend funds provided by non-Federal interests to undertake
23 reviews, inspections, monitoring, and other Federal activi-
24 ties related to non-Federal interests carrying out the
25 study, design, or construction of water resources develop-

1 ment projects under section 203 or 204 of the Water Re-
2 sources Development Act of 1986 (33 U.S.C. 2231, 2232)
3 or any other Federal law.

4 (b) INCLUSION IN COSTS.—In determining credit or
5 reimbursement, the Secretary may include the amount of
6 funds provided by a non-Federal interest under this sec-
7 tion as a cost of the study, design, or construction.

8 **SEC. 1006. MUNITIONS DISPOSAL.**

9 Section 1027(b) of the Water Resources Reform and
10 Development Act of 2014 (33 U.S.C. 426e–2(b)) is
11 amended by striking "funded" and inserting "reim-
12 bursed".

13 **SEC. 1007. CHALLENGE COST-SHARING PROGRAM FOR**
14 **MANAGEMENT OF RECREATION FACILITIES.**

15 Section 225 of the Water Resources Development Act
16 of 1992 (33 U.S.C. 2328) is amended—

17 (1) by redesignating subsection (e) as sub-
18 section (d); and

19 (2) by inserting after subsection (b) the fol-
20 lowing:

21 "(e) USER FEES.—

22 "(1) COLLECTION OF FEES.—

23 "(A) IN GENERAL.—The Secretary may
24 allow a non-Federal public or private entity that
25 has entered into an agreement pursuant to sub-

1 section (b) to collect user fees for the use of de-
2 veloped recreation sites and facilities, whether
3 developed or constructed by that entity or the
4 Department of the Army.
5 "(B) USE OF VISITOR RESERVATION SERV-
6 ICES.—A public or private entity described in
7 subparagraph (A) may use to manage fee col-
8 lections and reservations under this section any
9 visitor reservation service that the Secretary
10 has provided for by contract or interagency
11 agreement, subject to such terms and condi-
12 tions as the Secretary determines to be appro-
13 priate.
14 "(2) USE OF FEES.—A non-Federal public or
15 private entity that collects user fees under para-
16 graph (1) may—
17 "(A) retain up to 100 percent of the fees
18 collected, as determined by the Secretary; and
19 "(B) notwithstanding section 210(b)(4) of
20 the Flood Control Act of 1968 (16 U.S.C.
21 460d–3(b)(4)), use that amount for operation,
22 maintenance, and management at the recre-
23 ation site at which the fee is collected.
24 "(3) TERMS AND CONDITIONS.—The authority
25 of a non-Federal public or private entity under this

1 subsection shall be subject to such terms and condi-
2 tions as the Secretary determines necessary to pro-
3 tect the interests of the United States.".

4 **SEC. 1008. STRUCTURES AND FACILITIES CONSTRUCTED**
5 **BY THE SECRETARY.**

6 Section 14 of the Act of March 3, 1899 (33 U.S.C.
7 408) (commonly known as the "Rivers and Harbors Act
8 of 1899"), is amended—

9 (1) by striking "That it shall not be lawful"
10 and inserting the following:

11 "(a) PROHIBITIONS AND PERMISSIONS.—It shall not
12 be lawful"; and

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

14 "(b) LOCAL FLOOD PROTECTION WORKS.—Permis-
15 sion under subsection (a) for alterations to a Federal
16 levee, floodwall, or flood risk management channel project
17 and associated features may be granted by a District En-
18 gineer of the Department of the Army or an authorized
19 representative.

20 "(c) CONCURRENT REVIEW.—

21 "(1) IN GENERAL.—In any case in which an ac-
22 tivity subject to this section requires a review under
23 the National Environmental Policy Act of 1969 (42
24 U.S.C. 4321 et seq.), review and approval under this
25 section shall, to the maximum extent practicable,

occur concurrently with any review and decisions made under that Act.

"(2) CORPS OF ENGINEERS AS A COOPERATING AGENCY.—If the Corps of Engineers is not the lead Federal agency for an environmental review described in paragraph (1), the Chief of Engineers shall, to the maximum extent practicable—

"(A) participate in the review as a cooperating agency (unless the Chief of Engineers does not intend to submit comments on the project); and

"(B) adopt and use any environmental document prepared under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) by the lead agency to the same extent that a Federal agency could adopt or use a document prepared by another Federal agency under—

"(i) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

"(ii) parts 1500 through 1508 of title 40, Code of Federal Regulations (or successor regulations).".

SEC. 1009. PROJECT COMPLETION.

For any project authorized under section 219 of the Water Resources Development Act of 1992 (Public Law 102–580; 106 Stat. 4835), the authorization of appropriations is increased by the amount, including in increments, necessary to allow completion of the project if—

(1) as of the date of enactment of this Act, the project has received more than $4,000,000 in Federal appropriations and those appropriations equal an amount that is greater than 80 percent of the authorized amount;

(2) significant progress has been demonstrated toward completion of the project or segments of the project but the project is not complete as of the date of enactment of this Act; and

(3) the benefits of the Federal investment will not be realized without an increase in the authorization of appropriations to allow completion of the project.

SEC. 1010. CONTRIBUTED FUNDS.

(a) USE OF CONTRIBUTED FUNDS IN ADVANCE OF APPROPRIATIONS.—Section 5 of the Act of June 22, 1936 (33 U.S.C. 701h) (commonly known as the "Flood Control Act of 1936"), is amended by striking "funds appropriated by the United States for".

(b) REPORT.—Section 1015 of the Water Resources Reform and Development Act of 2014 is amended by striking subsection (b) (33 U.S.C. 701h note; Public Law 113–121) and inserting the following:

"(b) REPORT.—Not later than February 1 of each year, the Secretary shall submit to the Committees on Environment and Public Works and Appropriations of the Senate and the Committees on Transportation and Infrastructure and Appropriations of the House of Representatives a report that—

"(1) describes the number of agreements executed in the previous fiscal year for the acceptance of contributed funds under section 5 of the Act of June 22, 1936 (33 U.S.C. 701h) (commonly known as the 'Flood Control Act of 1936'); and

"(2) includes information on the projects and amounts of contributed funds referred to in paragraph (1).".

SEC. 1011. APPLICATION OF CERTAIN BENEFITS AND COSTS INCLUDED IN FINAL FEASIBILITY STUDIES.

(a) IN GENERAL.—For a navigation project authorized after November 7, 2007, involving offshore oil and gas fabrication ports, the recommended plan by the Chief of Engineers shall be the plan that uses the value of future

1 energy exploration and production fabrication contracts
2 and the transportation savings that would result from a
3 larger navigation channel in accordance with section 6009
4 of the Emergency Supplemental Appropriations Act for
5 Defense, the Global War on Terror, and Tsunami Relief,
6 2005 (Public Law 109–13; 119 Stat. 282).

7 (b) SPECIAL RULE.—In addition to projects de-
8 scribed in subsection (a), this section shall apply to—

9 (1) a project that has undergone an economic
10 benefits update; and

11 (2) at the request of the non-Federal sponsor,
12 any ongoing feasibility study for which the benefits
13 under section 6009 of the Emergency Supplemental
14 Appropriations Act for Defense, the Global War on
15 Terror, and Tsunami Relief, 2005 (Public Law 109–
16 13; 119 Stat. 282) may apply.

17 **SEC. 1012. LEVERAGING FEDERAL INFRASTRUCTURE FOR**
18 **INCREASED WATER SUPPLY.**

19 (a) IN GENERAL.—At the request of a non-Federal
20 interest, the Secretary shall review proposals to increase
21 the quantity of available supplies of water through—

22 (1) modification of a water resources project;

23 (2) modification of how a project is managed;
24 or

25 (3) accessing water released from a project.

(b) PROPOSALS INCLUDED.—A proposal under subsection (a) may include—

(1) increasing the storage capacity of a reservoir owned by the Corps of Engineers;

(2) diversion of water released from a reservoir owned by the Corps of Engineers—

(A) to recharge groundwater;

(B) to aquifer storage and recovery; or

(C) to any other storage facility;

(3) construction of facilities for delivery of water from pumping stations constructed by the Corps of Engineers;

(4) construction of facilities to access water; and

(5) a combination of the activities described in paragraphs (1) through (4).

(c) AUTHORITIES.—A proposal submitted to the Secretary under subsection (a) may be reviewed or approved, as appropriate, under—

(1) sections 203 and 204 of the Water Resources Development Act of 1986 (33 U.S.C. 2231, 2232);

(2) section 216 of the Flood Control Act of 1970 (33 U.S.C. 549a);

1 (3) section 301 of the Water Supply Act of
2 1958 (43 U.S.C. 390b); and
3 (4) section 14 of the Act of March 3, 1899
4 (commonly known as the "Rivers and Harbors Ap-
5 propriation Act of 1899") (33 U.S.C. 408).
6 (d) COST SHARE.—
7 (1) IN GENERAL.—Except as provided in para-
8 graph (2), 100 percent of the cost of developing, re-
9 viewing, and implementing a proposal under sub-
10 section (a) shall be provided by an entity other than
11 the Federal Government.
12 (2) COST ALLOCATION.—A non-Federal entity
13 shall only be required to pay to the Secretary the
14 separable costs associated with operation and main-
15 tenance of a dam that are necessary to implement
16 a proposal under subsection (a).
17 (e) CONTRIBUTED FUNDS.—The Secretary may re-
18 ceive from a non-Federal interest funds contributed by the
19 non-Federal interest for the review and approval of a pro-
20 posal submitted under subsection (a).
21 (f) STUDIES AND ENGINEERING.—
22 (1) IN GENERAL.—On request by an appro-
23 priate non-Federal interest and subject to paragraph
24 (2), the Secretary may—

(A) undertake all necessary studies and engineering for construction of a proposal approved by the Secretary under this section; and

(B) provide technical assistance in obtaining all necessary permits for the construction.

(2) REQUIREMENT.—Paragraph (1) shall only apply if the non-Federal interest contracts with the Secretary to provide funds for the studies, engineering, or technical assistance for the period during which the studies and engineering are being conducted.

(g) EXCLUSION.—This section shall not apply to reservoirs owned and operated by the Corps of Engineers in—

(1) the Upper Missouri River;

(2) the Apalachicola-Chattahoochee river system; and

(3) the Alabama-Coosa-Tallapoosa river system.

SEC. 1013. NEW ENGLAND DISTRICT HEADQUARTERS.

(a) IN GENERAL.—Subject to subsection (b), using amounts available in the revolving fund established by section 101 of the Civil Functions Appropriations Act, 1954 (33 U.S.C. 576) and not otherwise obligated, the Secretary may—

1 (1) design, renovate, and construct additions to
2 2 buildings located on Hanscom Air Force Base in
3 Bedford, Massachusetts for the headquarters of the
4 New England District of the Army Corps of Engi-
5 neers; and
6 (2) carry out such construction and infrastruc-
7 ture improvements as are required to support the
8 headquarters of the New England District of the
9 Army Corps of Engineers, including any necessary
10 demolition of the existing infrastructure.
11 (b) REQUIREMENT.—In carrying out subsection (a),
12 the Secretary shall ensure that the revolving fund estab-
13 lished by section 101 of the Civil Functions Appropria-
14 tions Act, 1954 (33 U.S.C. 576) is appropriately reim-
15 bursed from funds appropriated for programs that receive
16 a benefit under this section.
17 **SEC. 1014. BUFFALO DISTRICT HEADQUARTERS.**
18 (a) IN GENERAL.—Subject to subsection (b), using
19 amounts available in the revolving fund established by sec-
20 tion 101 of the Civil Functions Appropriations Act, 1954
21 (33 U.S.C. 576) and not otherwise obligated, the Sec-
22 retary may—
23 (1) design and construct a new building in Buf-
24 falo, New York, for the headquarters of the Buffalo
25 District of the Army Corps of Engineers; and

1 (2) carry out such construction and infrastruc-
2 ture improvements as are required to support the
3 headquarters and related installations and facilities
4 of the Buffalo District of the Army Corps of Engi-
5 neers, including any necessary demolition or renova-
6 tion of the existing infrastructure.

7 (b) REQUIREMENT.—In carrying out subsection (a),
8 the Secretary shall ensure that the revolving fund estab-
9 lished by section 101 of the Civil Functions Appropria-
10 tions Act, 1954 (33 U.S.C. 576) is appropriately reim-
11 bursed from funds appropriated for programs that receive
12 a benefit under this section.

13 **SEC. 1015. COMPLETION OF ECOSYSTEM RESTORATION**
14 **PROJECTS.**

15 Section 2039 of the Water Resources Development
16 Act of 2007 (33 U.S.C. 2330a) is amended by adding at
17 the end the following:

18 "(d) INCLUSIONS.—A monitoring plan under sub-
19 section (b) shall include a description of—

20 "(1) the types and number of restoration activi-
21 ties to be conducted;

22 "(2) the physical action to be undertaken to
23 achieve the restoration objectives of the project;

24 "(3) the functions and values that will result
25 from the restoration plan; and

1 "(4) a contingency plan for taking corrective
2 actions in cases in which monitoring demonstrates
3 that restoration measures are not achieving ecologi-
4 cal success in accordance with criteria described in
5 the monitoring plan.

6 "(e) CONCLUSION OF OPERATION AND MAINTE-
7 NANCE RESPONSIBILITY.—The responsibility of the non-
8 Federal sponsor for operation, maintenance, repair, re-
9 placement, and rehabilitation of the ecosystem restoration
10 project shall cease 10 years after the date on which the
11 Secretary makes a determination of success under sub-
12 section (b)(2).".

13 **SEC. 1016. CREDIT FOR DONATED GOODS.**

14 Section 221(a)(4)(D)(iv) of the Flood Control Act of
15 1970 (42 U.S.C. 1962d-5b(a)(4)(D)(iv)) is amended—

16 (1) by inserting "regardless of the cost incurred
17 by the non-Federal interest," before "shall not"; and

18 (2) by striking "costs" and inserting "value".

19 **SEC. 1017. STRUCTURAL HEALTH MONITORING.**

20 (a) IN GENERAL.—The Secretary shall design and
21 develop a structural health monitoring program to assess
22 and improve the condition of infrastructure constructed
23 and maintained by the Corps of Engineers, including de-
24 sign and development of systems and frameworks for—

25 (1) response to flood and earthquake events;

1 (2) pre-disaster mitigation measures; and
2 (3) lengthening the useful life of the infrastruc-
3 ture.
4 (b) CONSULTATION AND CONSIDERATION.—In devel-
5 oping the program under subsection (a), the Secretary
6 shall—
7 (1) consult with academic and other experts;
8 and
9 (2) consider models for maintenance and repair
10 information, the development of degradation models
11 for real-time measurements and environmental in-
12 puts, and research on qualitative inspection data as
13 surrogate sensors.
14 **SEC. 1018. FISH AND WILDLIFE MITIGATION.**
15 Section 906 of the Water Resources Development Act
16 of 1986 (33 U.S.C. 2283) is amended—
17 (1) in subsection (h)—
18 (A) in paragraph (4)—
19 (i) by redesignating subparagraphs
20 (D) and (E) as subparagraphs (E) and
21 (F), respectively; and
22 (ii) by inserting after subparagraph
23 (C) the following:
24 "(D) include measures to protect or re-
25 store habitat connectivity"; and

(B) in paragraph (6)(C), by striking "impacts" and inserting "impacts, including impacts to habitat connectivity"; and

(2) by adding at the end the following:

"(j) USE OF FUNDS.—The Secretary may use funds made available for preconstruction engineering and design prior to authorization of project construction to satisfy mitigation requirements through third-party arrangements or to acquire interests in land necessary for meeting mitigation requirements under this section.".

SEC. 1019. NON-FEDERAL INTERESTS.

Section 221(b)(1) of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b(b)(1)) is amended by inserting "or a Native village, Regional Corporation, or Village Corporation (as those terms are defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602))" after "Indian tribe".

SEC. 1020. DISCRETE SEGMENT.

Section 204 of the Water Resources Development Act of 1986 (33 U.S.C. 2232) is amended—

(1) by striking "project or separable element" each place it appears and inserting "project, separable element, or discrete segment";

(2) by striking "project, or separable element thereof," each place it appears and inserting

"project, separable element, or discrete segment of a project";

(3) in subsection (a)—

(A) by redesignating paragraphs (1) through (3) as subparagraphs (A) through (C), respectively, and indenting appropriately; and

(B) by striking the subsection designation and all that follows through "In this section, the" and inserting the following:

"(a) DEFINITIONS.—In this section:

"(1) DISCRETE SEGMENT.—The term 'discrete segment', with respect to a project, means a physical portion of the project, as described in design documents, that is environmentally acceptable, is complete, will not create a hazard, and functions independently so that the non-Federal sponsor can operate and maintain the discrete segment in advance of completion of the total project or separable element of the project.

"(2) WATER RESOURCES DEVELOPMENT PROJECT.—The";

(4) in subsection (b)(1), in the matter preceding subparagraph (A), by striking "project, or separate element thereof" and inserting "project,

1 separable element, or discrete segment of a project";
2 and
3 (5) in subsection (d)—
4 (A) in paragraph (3)(B), in the matter
5 preceding clause (i), by striking "project" and
6 inserting "project, separable element, or dis-
7 crete segment";
8 (B) in paragraph (4), in the matter pre-
9 ceding subparagraph (A), by striking "project,
10 or a separable element of a water resources de-
11 velopment project," and inserting "project, sep-
12 arable element, or discrete segment of a
13 project"; and
14 (C) by adding at the end the following:
15 "(5) REPAYMENT OF REIMBURSEMENT.—If the
16 non-Federal interest receives reimbursement for a
17 discrete segment of a project and fails to complete
18 the entire project or separable element of the
19 project, the non-Federal interest shall repay to the
20 Secretary the amount of the reimbursement, plus in-
21 terest.".
22 **SEC. 1021. FUNDING TO PROCESS PERMITS.**
23 Section 214(a) of the Water Resources Development
24 Act of 2000 (33 U.S.C. 2352(a)) is amended—

(1) in paragraph (1), by adding at the end the following:

"(C) RAIL CARRIER.—The term 'rail carrier' has the meaning given the term in section 10102 of title 49, United States Code.";

(2) in paragraph (2), by striking "or natural gas company" and inserting ", natural gas company, or rail carrier";

(3) in paragraph (3), by striking "or natural gas company" and inserting ", natural gas company, or rail carrier"; and

(4) in paragraph (5), by striking "and natural gas companies" and inserting ", natural gas companies, and rail carriers, including an evaluation of the compliance with all requirements of this section and, with respect to a permit for those entities, the requirements of all applicable Federal laws".

SEC. 1022. INTERNATIONAL OUTREACH PROGRAM.

Section 401 of the Water Resources Development Act of 1992 (33 U.S.C. 2329) is amended by striking subsection (a) and inserting the following:

"(a) AUTHORIZATION.—

"(1) IN GENERAL.—The Secretary may engage in activities to inform the United States of technological innovations abroad that could significantly

1 improve water resources development in the United
2 States.
3 "(2) INCLUSIONS.—Activities under paragraph
4 (1) may include—
5 "(A) development, monitoring, assessment,
6 and dissemination of information about foreign
7 water resources projects that could significantly
8 improve water resources development in the
9 United States;
10 "(B) research, development, training, and
11 other forms of technology transfer and ex-
12 change; and
13 "(C) offering technical services that cannot
14 be readily obtained in the private sector to be
15 incorporated into water resources projects if the
16 costs for assistance will be recovered under the
17 terms of each project.".

18 **SEC. 1023. WETLANDS MITIGATION.**

19 Section 2036(c) of the Water Resources Development
20 Act of 2007 (33 U.S.C. 2317b) is amended by adding at
21 the end the following:
22 "(4) MITIGATION BANKS.—
23 "(A) IN GENERAL.—Not later than 180
24 days after the date of enactment of this para-
25 graph, the Secretary shall issue implementation

1 guidance that provides for the consideration of
2 the entire amount of potential credits available
3 at in-kind, in-basin mitigation banks and in-lieu
4 fee programs for water resource development
5 project feasibility studies.
6 "(B) REQUIREMENTS.—All potential miti-
7 gation bank and in-lieu fee credits shall be con-
8 sidered a reasonable alternative for planning
9 purposes if the applicable mitigation bank—
10 "(i) has an approved mitigation bank-
11 ing instrument; and
12 "(ii) has completed a functional anal-
13 ysis of the potential credits using the ap-
14 proved Corps of Engineers certified habitat
15 assessment model specific to the region.".
16 **SEC. 1024. USE OF YOUTH SERVICE AND CONSERVATION**
17 **CORPS.**
18 Section 213 of the Water Resources Development Act
19 of 2000 (33 U.S.C. 2339) is amended by adding at the
20 end the following:
21 "(d) YOUTH SERVICE AND CONSERVATION CORPS.—
22 The Secretary shall encourage each district of the Corps
23 of Engineers to enter into cooperative agreements author-
24 ized under this section with qualified youth service and
25 conservation corps to perform appropriate projects.".

SEC. 1025. DEBRIS REMOVAL.

Section 3 of the Act entitled "An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved March 2, 1945 (33 U.S.C. 603a), is amended—

(1) by striking "$1,000,000" and inserting "$5,000,000"; and

(2) by inserting striking "accumulated snags and other debris" and inserting "accumulated snags, obstructions, and other debris located in or adjacent to a Federal channel".

SEC. 1026. OYSTER AQUACULTURE STUDY.

(a) IN GENERAL.—The Comptroller General shall carry out an assessment of the oyster aquaculture industry, including—

(1) an examination of Federal and State laws (including regulations) in each relevant district of the Corps of Engineers;

(2) the number, structure, funding, and regulation of oyster hatcheries in each State;

(3) the number of oyster aquaculture leases in place in each relevant district of the Corps of Engineers;

(4) the period of time required to secure an oyster aquaculture lease from each relevant jurisdiction; and

1 (5) the experience of the private sector in ap-
2 plying for oyster aquaculture permits from different
3 jurisdictions of the Corps of Engineers and different
4 States.
5 (b) STUDY AREA.—The study area shall comprise, to
6 the maximum extent practicable, the following applicable
7 locations:
8 (1) The Chesapeake Bay.
9 (2) The Gulf Coast States.
10 (3) The State of California.
11 (4) Puget Sound.
12 (c) FINDINGS.—Not later than 225 days after the
13 date of enactment of this Act, the Comptroller General
14 shall submit to the Committees on Environment and Pub-
15 lic Works and on Energy and Natural Resources of the
16 Senate and the Committees on Transportation and Infra-
17 structure and on Natural Resources of the House of Rep-
18 resentatives a report containing the findings of the assess-
19 ment conducted under subsection (a).
20 **SEC. 1027. LEVEE VEGETATION.**
21 (a) IN GENERAL.—Section 3013(g)(1) of the Water
22 Resources Reform and Development Act of 2014 (33
23 U.S.C. 701n note; Public Law 113–121) is amended—
24 (1) by inserting "remove existing vegetation or"
25 after "the Secretary shall not"; and

(2) by striking "as a condition or requirement for any approval or funding of a project, or any other action".

(b) REPORT.—Not later than 30 days after the enactment of this Act, 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 report that—

(1) describes the reasons for the failure of the Secretary to meet the deadlines in subsection (f) of section 3013 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 701n note; Public Law 113–121); and

(2) provides a plan for completion of the activities required in that subsection (f).

SEC. 1028. PLANNING ASSISTANCE TO STATES.

Section 22(a)(1) of the Water Resources Development Act of 1974 (42 U.S.C. 1962d-16(a)(1)) is amended—

(1) by inserting ", a group of States, or a regional or national consortia of States" after "working with a State"; and

(2) by striking "located within the boundaries of such State".

1 **SEC. 1029. PRIORITIZATION.**

2 Section 1011 of the Water Resources Reform and De-
3 velopment Act of 2014 (33 U.S.C. 2341a) is amended—
4 (1) in subsection (a)—
5 (A) in paragraph (1)(C), by inserting ''re-
6 store or'' before ''prevent the loss''; and
7 (B) in paragraph (2)—
8 (i) in the matter preceding subpara-
9 graph (A), by striking ''the date of enact-
10 ment of this Act'' and inserting ''the date
11 of enactment of the Water Resources De-
12 velopment Act of 2016''; and
13 (ii) in subparagraph (A)(ii), by strik-
14 ing ''that—'' and all that follows through
15 ''(II)'' and inserting ''that''; and
16 (2) in subsection (b)—
17 (A) in paragraph (1), by redesignating
18 subparagraphs (A) through (C) as clauses (i)
19 through (iii), respectively, and indenting appro-
20 priately;
21 (B) by redesignating paragraphs (1) and
22 (2) as subparagraphs (A) and (B), respectively,
23 and indenting appropriately;
24 (C) in the matter preceding subparagraph
25 (A) (as so redesignated), by striking ''For'' and
26 inserting the following:

"(1) IN GENERAL.—For"; and

(D) by adding at the end the following:

"(2) EXPEDITED CONSIDERATION OF CURRENTLY AUTHORIZED PROGRAMMATIC AUTHORITIES.—Not later than 180 days after the date of enactment of the Water Resources Development Act of 2016, 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 report that contains—

"(A) a list of all programmatic authorities for aquatic ecosystem restoration or improvement of the environment that—

"(i) were authorized or modified in the Water Resources Development Act of 2007 (Public Law 110–114; 121 Stat. 1041) or any subsequent Act; and

"(ii) that meet the criteria described in paragraph (1); and

"(B) a plan for expeditiously completing the projects under the authorities described in subparagraph (A), subject to available funding.".

1 **SEC. 1030. KENNEWICK MAN.**

2 (a) DEFINITIONS.—In this section:

3 (1) CLAIMANT TRIBES.—The term "claimant
4 tribes" means the Indian tribes and band referred to
5 in the letter from Secretary of the Interior Bruce
6 Babbitt to Secretary of the Army Louis Caldera, re-
7 lating to the human remains and dated September
8 21, 2000.

9 (2) DEPARTMENT.—The term "Department"
10 means the Washington State Department of Archae-
11 ology and Historic Preservation.

12 (3) HUMAN REMAINS.—The term "human re-
13 mains" means the human remains that—

14 (A) are known as Kennewick Man or the
15 Ancient One, which includes the projectile point
16 lodged in the right ilium bone, as well as any
17 residue from previous sampling and studies;
18 and

19 (B) are part of archaeological collection
20 number 45BN495.

21 (b) TRANSFER.—Notwithstanding any other provi-
22 sion of Federal law or law of the State of Washington,
23 including the Native American Graves Protection and Re-
24 patriation Act (25 U.S.C. 3001 et seq.), not later than
25 90 days after the date of enactment of this Act, the Sec-
26 retary, acting through the Chief of Engineers, shall trans-

1 fer the human remains to the Department, on the condi-
2 tion that the Department, acting through the State His-
3 toric Preservation Officer, disposes of the remains and re-
4 patriates the remains to claimant tribes.

5 (c) COST.—The Corps of Engineers shall be respon-
6 sible for any costs associated with the transfer.

7 (d) LIMITATIONS.—

8 (1) IN GENERAL.—The transfer shall be limited
9 solely to the human remains portion of the archae-
10 ological collection.

11 (2) CORPS OF ENGINEERS.—The Corps of En-
12 gineers shall have no further responsibility for the
13 human remains transferred pursuant to subsection
14 (b) after the date of the transfer.

15 **SEC. 1031. REVIEW OF CORPS OF ENGINEERS ASSETS.**

16 Section 6002(b) of the Water Resources Reform and
17 Development Act of 2014 (Public Law 113–121; 128 Stat.
18 1349) is amended by adding at the end the following:

19 "(6) The extent to which the property has eco-
20 nomic, cultural, historic, or recreational significance
21 or impacts at the national, State, or local level.".

22 **SEC. 1032. REVIEW OF RESERVOIR OPERATIONS.**

23 (a) IN GENERAL.—The Secretary, in consultation
24 with the heads of other Federal agencies, as appropriate,
25 shall review the operation of a reservoir, including the

1 water control manual and rule curves, using the best avail-
2 able science, including improved weather forecasts and
3 run-off forecasting methods in any case in which the Sec-
4 retary receives a request for such a review from a non-
5 Federal entity.

6 (b) PRIORITY.—In conducting reviews under sub-
7 section (a), the Secretary shall give priority to reservoirs—

8 (1) located in areas with prolonged drought
9 conditions; and

10 (2) for which no such review has occurred dur-
11 ing the 10-year period preceding the date of the re-
12 quest.

13 (c) DESCRIPTION OF BENEFITS.—In conducting the
14 review under subsection (a), the Secretary shall determine
15 if a change in operations, including the use of improved
16 weather forecasts and run-off forecasting methods, will en-
17 hance 1 or more existing authorized project purposes, in-
18 cluding—

19 (1) flood risk reduction;

20 (2) water supply;

21 (3) recreation; and

22 (4) fish and wildlife protection and mitigation.

23 (d) RESULTS REPORTED.—Not later than 90 days
24 after completion of a review under this section, the Sec-

1 retary shall post a report on the Internet regarding the
2 results of the review.
3 (e) MANUAL UPDATE.—As soon as practicable, but
4 not later than 3 years after the date on which a report
5 under subsection (d) is posted on the Internet, pursuant
6 to the procedures required under existing authorities, if
7 the Secretary determines based on that report that using
8 the best available science, including improved weather and
9 run-off forecasting methods, improves 1 or more existing
10 authorized purposes at a reservoir, the Secretary shall—
11 (1) incorporate those methods in the operation
12 of the reservoir; and
13 (2) as appropriate, update or revise operational
14 documents, including water control plans, water con-
15 trol manuals, water control diagrams, release sched-
16 ules, rule curves, and operational agreements with
17 non-Federal entities.
18 (f) FUNDING.—The Secretary may accept and expend
19 amounts from non-Federal entities and other Federal
20 agencies to fund all or a portion of the cost of carrying
21 out a review under subsection (a) or an update or revision
22 of operational documents under subsection (e), including
23 any associated environmental documentation.
24 (g) EFFECT.—

1 (1) MANUAL UPDATES.—An update under sub-
2 section (e)(2) shall not interfere with the authorized
3 purposes of a project.
4 (2) EFFECT OF SECTION.—Nothing in this sec-
5 tion—
6 (A) authorizes the Secretary to carry out
7 any project or activity for a purpose not other-
8 wise authorized as of the date of enactment of
9 this Act; or
10 (B) affects or modifies any obligation of
11 the Secretary under Federal or State law.
12 (h) EXCLUSION.—This section shall not apply to res-
13 ervoirs owned and operated by the Corps of Engineers
14 in—
15 (1) the Upper Missouri River;
16 (2) the Apalachicola-Chattahoochee river sys-
17 tem; and
18 (3) the Alabama-Coosa-Tallapoosa river system.
19 **SEC. 1033. TRANSFER OF EXCESS CREDIT.**
20 Section 1020 of the Water Resources Reform and De-
21 velopment Act of 2014 (33 U.S.C. 2223) is amended—
22 (1) in subsection (a)—
23 (A) by striking the subsection designation
24 and heading and all that follows through "Sub-

1 ject to subsection (b)" and inserting the fol-
2 lowing:
3 "(a) APPLICATION OF CREDIT.—
4 "(1) IN GENERAL.—Subject to subsection (b)";
5 and
6 (B) by adding at the end the following:
7 "(2) REASONABLE INTERVALS.—On request
8 from a non-Federal interest, the credit described in
9 subsection (a) may be applied at reasonable intervals
10 as those intervals occur and are identified as being
11 in excess of the required non-Federal cost share
12 prior to completion of the study or project if the
13 credit amount is verified by the Secretary.";
14 (2) by striking subsection (d); and
15 (3) by redesignating subsection (e) as sub-
16 section (d).
17 **SEC. 1034. SURPLUS WATER STORAGE.**
18 Section 1046(e) of the Water Resources Reform and
19 Development Act of 2014 (Public Law 113–121; 128 Stat.
20 1254) is amended by adding at the end the following:
21 "(5) TIME LIMIT.—
22 "(A) IN GENERAL.—If the Secretary has
23 documented the volume of surplus water avail-
24 able, not later than 60 days after the date on
25 which the Secretary receives a request for a

contract and easement, the Secretary shall issue a decision on the request.

"(B) OUTSTANDING INFORMATION.—If the Secretary has not documented the volume of surplus water available, not later than 30 days after the date on which the Secretary receives a request for a contract and easement, the Secretary shall provide to the requester—

"(i) an identification of any outstanding information that is needed to make a final decision;

"(ii) the date by which the information referred to in clause (i) shall be obtained; and

"(iii) the date by which the Secretary will make a final decision on the request.".

SEC. 1035. HURRICANE AND STORM DAMAGE REDUCTION.

Section 3(c)(2)(B) of the Act of August 13, 1946 (33 U.S.C. 426g(c)(2)(B)) is amended by striking "$5,000,000" and inserting "$10,000,000".

SEC. 1036. FISH HATCHERIES.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary may operate a fish hatchery for the purpose of restoring a population of fish species located in the region surrounding the fish hatchery that is

1 listed as a threatened species or an endangered species
2 under the Endangered Species Act of 1973 (16 U.S.C.
3 1531 et seq.) or a similar State law.

4 (b) COSTS.—A non-Federal entity, another Federal
5 agency, or a group of non-Federal entities or other Fed-
6 eral agencies shall be responsible for 100 percent of the
7 additional costs associated with managing a fish hatchery
8 for the purpose described in subsection (a) that are not
9 authorized as of the date of enactment of this Act for the
10 fish hatchery.

11 **SEC. 1037. FEASIBILITY STUDIES AND WATERSHED ASSESS-**
12 **MENTS.**

13 (a) VERTICAL INTEGRATION AND ACCELERATION OF
14 STUDIES.—Section 1001(d) of the Water Resources Re-
15 form and Development Act of 2014 (33 U.S.C. 2282c(d))
16 is amended by striking paragraph (3) and inserting the
17 following:

18 "(3) REPORT.—Not later than February 1 of
19 each year, the Secretary shall submit to the Com-
20 mittee on Environment and Public Works of the
21 Senate and the Committee on Transportation and
22 Infrastructure of the House of Representatives a re-
23 port that identifies any feasibility study for which
24 the Secretary in the preceding fiscal year approved
25 an increase in cost or extension in time as provided

1 under this section, including an identification of the
2 specific 1 or more factors used in making the deter-
3 mination that the project is complex.".
4 (b) COST SHARING.—Section 105(a)(1)(A) of the
5 Water Resources Development Act of 1986 (33 U.S.C.
6 2215(a)(1)(A)) is amended—
7 (1) by striking the subparagraph designation
8 and heading and all that follows through "The Sec-
9 retary" and inserting the following:
10 "(A) REQUIREMENT.—
11 "(i) IN GENERAL.—Except as pro-
12 vided in clause (ii), the Secretary"; and
13 (2) by adding at the end the following:
14 "(ii) EXCEPTION.—For the purpose of
15 meeting or otherwise communicating with
16 prospective non-Federal sponsors to iden-
17 tify the scope of a potential water re-
18 sources project feasibility study, identifying
19 the Federal interest, developing the cost
20 sharing agreement, and developing the
21 project management plan, the first
22 $100,000 of the feasibility study shall be a
23 Federal expense.".
24 (c) NON-FEDERAL SHARE.—Section 729(f)(1) of the
25 Water Resources Development Act of 1986 (33 U.S.C.

2267a(f)(1)) is amended by inserting before the period at the end ", except that the first $100,000 of the assessment shall be a Federal expense".

TITLE II—NAVIGATION

SEC. 2001. PROJECTS FUNDED BY THE INLAND WATERWAYS TRUST FUND.

Beginning on June 10, 2014, and ending on the date that is 15 years after the date of enactment of this Act, section 1001(b)(2) of the Water Resources Development Act of 1986 (33 U.S.C. 579a(b)(2)) shall not apply to any project authorized to receive funding from the Inland Waterways Trust Fund established by section 9506(a) of the Internal Revenue Code of 1986.

SEC. 2002. OPERATION AND MAINTENANCE OF FUEL-TAXED INLAND WATERWAYS.

Section 102(c) of the Water Resources Development Act of 1986 (33 U.S.C. 2212(c)) is amended by adding at the end the following:

"(3) CREDIT OR REIMBURSEMENT.—The Federal share of operation and maintenance carried out by a non-Federal interest under this subsection after the date of enactment of the Water Resources Reform and Development Act of 2014 shall be eligible for reimbursement or for credit toward—

"(A) the non-Federal share of future operation and maintenance under this subsection; or

"(B) any measure carried out by the Secretary under section 3017(a) of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 3303a note; Public Law 113–121).".

SEC. 2003. FUNDING FOR HARBOR MAINTENANCE PROGRAMS.

Section 2101 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2238b) is amended—

(1) in subsection (b)(1), in the matter preceding subparagraph (A), by striking "The target total" and inserting "Except as provided in subsection (c), the target total";

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

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

"(c) EXCEPTION.—If the target total budget resources for a fiscal year described in subparagraphs (A) through (J) of subsection (b)(1) is lower than the target total budget resources for the previous fiscal year, then the target total budget resources shall be adjusted to be equal to the lesser of—

"(1) 103 percent of the total budget resources appropriated for the previous fiscal year; or

"(2) 100 percent of the total amount of harbor maintenance taxes received in the previous fiscal year.".

SEC. 2004. DREDGED MATERIAL DISPOSAL.

Disposal of dredged material shall not be considered environmentally acceptable if the disposal violates applicable State water quality standards approved by the Administrator of the Environmental Protection Agency under section 303 of the Federal Water Pollution Control Act (33 U.S.C. 1313).

SEC. 2005. CAPE ARUNDEL DISPOSAL SITE, MAINE.

(a) DEADLINE.—The Cape Arundel Disposal Site selected by the Department of the Army as an alternative dredged material disposal site under section 103(b) of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1413(b)) and reopened pursuant to section 113 of the Energy and Water Development and Related Agencies Appropriations Act, 2014 (Public Law 113–76; 128 Stat. 158) (referred to in this section as the "Site") may remain open until the earlier of—

(1) the date on which the Site does not have any remaining disposal capacity;

1 (2) the date on which an environmental impact
2 statement designating an alternative dredged mate-
3 rial disposal site for southern Maine has been com-
4 pleted; or
5 (3) the date that is 5 years after the date of en-
6 actment of this Act.
7 (b) LIMITATIONS.—The use of the Site as a dredged
8 material disposal site under subsection (a) shall be subject
9 to the conditions that—
10 (1) conditions at the Site remain suitable for
11 the continued use of the Site as a dredged material
12 disposal site; and
13 (2) the Site not be used for the disposal of
14 more than 80,000 cubic yards from any single
15 dredging project.
16 **SEC. 2006. MAINTENANCE OF HARBORS OF REFUGE.**
17 The Secretary is authorized to maintain federally au-
18 thorized harbors of refuge.
19 **SEC. 2007. AIDS TO NAVIGATION.**
20 (a) IN GENERAL.—The Secretary shall—
21 (1) consult with the Commandant of the Coast
22 Guard regarding navigation on the Ouachita-Black
23 Rivers; and
24 (2) share information regarding the assistance
25 that the Secretary can provide regarding the place-

1 ment of any aids to navigation on the rivers referred
2 to in paragraph (1).
3 (b) REPORT.—Not later than 1 year after the date
4 of enactment of this Act, the Secretary shall submit to
5 the Committee on Environment and Public Works of the
6 Senate and the Committee on Transportation and Infra-
7 structure of the House of Representatives a report on the
8 outcome of the consultation under subsection (a).

9 **SEC. 2008. BENEFICIAL USE OF DREDGED MATERIAL.**

10 Section 204(d) of the Water Resources Development
11 Act of 1992 (33 U.S.C. 2326(d)) is amended by adding
12 at the end the following:
13 "(3) SPECIAL RULE.—Disposal of dredged ma-
14 terial under this subsection may include a single or
15 periodic application of sediment for beneficial use
16 and shall not require operation and maintenance.
17 "(4) DISPOSAL AT NON-FEDERAL COST.—The
18 Secretary may accept funds from a non-Federal in-
19 terest to dispose of dredged material as provided
20 under section 103(d)(1) of the Water Resources De-
21 velopment Act of 1986 (33 U.S.C. 2213(d)(1)).".

22 **SEC. 2009. OPERATION AND MAINTENANCE OF HARBOR**
23 **PROJECTS.**

24 Section 210(e)(3) of the Water Resources Develop-
25 ment Act of 1986 (33 U.S.C. 2238(e)(3)) is amended—

(1) by striking "2022" and inserting "2025"; and

(2) by striking "2012" and inserting "2015".

SEC. 2010. ADDITIONAL MEASURES AT DONOR PORTS AND ENERGY TRANSFER PORTS.

Section 2106 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2238c) is amended—

(1) in subsection (a)(4)(A), by striking "Code of Federal Regulation" and inserting "Code of Federal Regulations"; and

(2) in subsection (f)—

(A) in paragraph (1), by striking "2018" and inserting "2025"; and

(B) in paragraph (3)—

(i) by striking "2015 through 2018" and inserting "2016 through 2020"; and

(ii) by striking "2019 through 2022" and inserting "2021 through 2025".

SEC. 2011. HARBOR DEEPENING.

Section 101(a)(1) of the Water Resources Development Act of 1986 (33 U.S.C. 2211(a)(1)) is amended—

(1) in the matter preceding subparagraph (A), by striking "the date of enactment of this Act" and inserting "the date of enactment of the Water Re-

1 sources Reform and Development Act of 2014 (Pub-
2 lic Law 113–121; 128 Stat. 1193)";
3 (2) in subparagraph (B), by striking "45 feet"
4 and inserting "50 feet"; and
5 (3) in subparagraph (C), by striking "45 feet"
6 and inserting "50 feet".

7 **SEC. 2012. OPERATIONS AND MAINTENANCE OF INLAND**
8 **MISSISSIPPI RIVER PORTS.**

9 (a) DEFINITIONS.—In this section:
10 (1) INLAND MISSISSIPPI RIVER.—The term "in-
11 land Mississippi River" means the portion of the
12 Mississippi River that begins at the confluence of
13 the Minnesota River and ends at the confluence of
14 the Red River.
15 (2) SHALLOW DRAFT.—The term "shallow
16 draft" means a project that has a depth of less than
17 14 feet.
18 (b) DREDGING ACTIVITIES.—The Secretary shall
19 carry out dredging activities on shallow draft ports located
20 on the inland Mississippi River to the respective author-
21 ized widths and depths of those inland ports, as authorized
22 on the date of enactment of this Act.
23 (c) AUTHORIZATION OF APPROPRIATIONS.—For each
24 fiscal year, there is authorized to be appropriated to the
25 Secretary to carry out this section $25,000,000.

SEC. 2013. IMPLEMENTATION GUIDANCE.

Section 2102 of the Water Resources Reform and Development Act of 2014 (Public Law 113–121; 128 Stat. 1273) is amended by adding at the end the following:

"(d) GUIDANCE.—Not later than 90 days after the date of enactment of the Water Resources Development Act of 2016 the Secretary shall publish on the website of the Corps of Engineers guidance on the implementation of this section and the amendments made by this section.".

SEC. 2014. 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)(3), by inserting "in which the project is located or of a community that is located in the region that is served by the project and that will rely on the project" after "community"; and

(2) in subsection (b)—

(A) in paragraph (1), by inserting "or of a community that is located in the region to be served by the project and that will rely on the project" after "community";

(B) in paragraph (4), by striking "local population" and inserting "regional population to be served by the project"; and

1 (C) in paragraph (5), by striking "commu-
2 nity" and inserting "local community or to a
3 community that is located in the region to be
4 served by the project and that will rely on the
5 project".

6 **SEC. 2015. NON-FEDERAL INTEREST DREDGING AUTHOR-**
7 **ITY.**

8 (a) IN GENERAL.—The Secretary may permit a non-
9 Federal interest to carry out, for an authorized navigation
10 project (or a separable element of an authorized naviga-
11 tion project), such maintenance activities as are necessary
12 to ensure that the project is maintained to not less than
13 the minimum project dimensions.

14 (b) COST LIMITATIONS.—Except as provided in this
15 section and subject to the availability of appropriations,
16 the costs incurred by a non-Federal interest in performing
17 the maintenance activities described in subsection (a) shall
18 be eligible for reimbursement, not to exceed an amount
19 that is equal to the estimated Federal cost for the per-
20 formance of the maintenance activities.

21 (c) AGREEMENT.—Before initiating maintenance ac-
22 tivities under this section, the non-Federal interest shall
23 enter into an agreement with the Secretary that specifies,
24 for the performance of the maintenance activities, the

1 terms and conditions that are acceptable to the non-Fed-
2 eral interest and the Secretary.
3 (d) PROVISION OF EQUIPMENT.—In carrying out
4 maintenance activities under this section, a non-Federal
5 interest shall—
6 (1) provide equipment at no cost to the Federal
7 Government; and
8 (2) hold and save the United States free from
9 any and all damage that arises from the use of the
10 equipment of the non-Federal interest, except for
11 damage due to the fault or negligence of a con-
12 tractor of the Federal Government.
13 (e) REIMBURSEMENT ELIGIBILITY LIMITATIONS.—
14 Costs that are directly related to the operation and main-
15 tenance of a dredge, based on the period of time the
16 dredge is used in the performance of work for the Federal
17 Government during a given fiscal year, are eligible for re-
18 imbursement under this section.
19 (f) MONITORING AUDIT.—Not earlier than 5 years
20 after the date of enactment of this Act, the Secretary may
21 conduct an audit on any maintenance activities for an au-
22 thorized navigation project (or a separable element of an
23 authorized navigation project) carried out under this sec-
24 tion to determine if permitting a non-Federal interest to

1 carry out maintenance activities under this section has re-
2 sulted in—
3 (1) improved reliability and safety for naviga-
4 tion; and
5 (2) cost savings to the Federal Government.
6 (g) TERMINATION OF AUTHORITY.—The authority of
7 the Secretary under this section terminates on the date
8 that is 10 years after the date of enactment of this Act.
9 **SEC. 2016. TRANSPORTATION COST SAVINGS.**
10 Section 210(e)(3)(A) of the Water Resources Devel-
11 opment Act of 1986 (33 U.S.C. 2238(e)(3)(A)) is amend-
12 ed—
13 (1) in clause (iii), by striking "and" at the end;
14 (2) in clause (iv), by striking the period at the
15 end and inserting "; and"; and
16 (3) by adding at the end the following:
17 "(v) identifies, to the maximum extent
18 practicable, transportation cost savings re-
19 alized by achieving and maintaining the
20 constructed width and depth for the har-
21 bors and inland harbors referred to in sub-
22 section (a)(2), on a project-by-project
23 basis.".

SEC. 2017. DREDGED MATERIAL.

(a) IN GENERAL.—Notwithstanding part 335 of title 33, Code of Federal Regulations, the Secretary may place dredged material from the operation and maintenance of an authorized Federal water resources project at another authorized water resource project if the Secretary determines that—

(1) the placement of the dredged material would—

(A)(i) enhance protection from flooding caused by storm surges or sea level rise; or

(ii) significantly contribute to shoreline resiliency, including the resilience and restoration of wetland; and

(B) be in the public interest; and

(2) the cost associated with the placement of the dredged material is reasonable in relation to the associated environmental, flood protection, and resiliency benefits.

(b) ADDITIONAL COSTS.—If the cost of placing the dredged material at another authorized water resource project exceeds the cost of depositing the dredged material in accordance with the Federal standard (as defined in section 335.7 of title 33, Code of Federal Regulations (as in effect on the date of enactment of this Act)), the Secretary shall not require a non-Federal entity to bear any

of the increased costs associated with the placement of the dredged material.

TITLE III—SAFETY IMPROVEMENTS

SEC. 3001. REHABILITATION ASSISTANCE FOR NON-FEDERAL FLOOD CONTROL PROJECTS.

(a) IN GENERAL.—Section 5 of the Act of August 18, 1941 (33 U.S.C. 701n), is amended—

(1) in subsection (a), by adding at the end the following:

"(3) DEFINITION OF NONSTRUCTURAL ALTERNATIVES.—In this subsection, 'nonstructural alternatives' includes efforts to restore or protect natural resources including streams, rivers, floodplains, wetlands, or coasts, if those efforts will reduce flood risk."; and

(2) by adding at the end the following:

"(d) INCREASED LEVEL OF PROTECTION.—In conducting repair or restoration work under subsection (a), at the request of the non-Federal sponsor, the Secretary may increase the level of protection above the level to which the system was designed, or, if the repair and rehabilitation includes repair or rehabilitation of a pumping station, will increase the capacity of a pump, if—

"(1) the Chief of Engineers determines the improvements are in the public interest, including consideration of whether—

"(A) the authority under this section has been used more than once at the same location;

"(B) there is an opportunity to decrease significantly the risk of loss of life and property damage; or

"(C) there is an opportunity to decrease total life cycle rehabilitation costs for the project; and

"(2) the non-Federal sponsor agrees to pay the difference between the cost of repair, restoration, or rehabilitation to the original design level or original capacity and the cost of achieving the higher level of protection or capacity sought by the non-Federal sponsor.

"(e) NOTICE.—The Secretary shall notify the non-Federal sponsor of the opportunity to request implementation of nonstructural alternatives to the repair or restoration of the flood control work under subsection (a).".

(b) PROJECTS IN COORDINATION WITH CERTAIN REHABILITATION REQUIREMENTS.—

(1) IN GENERAL.—In any case in which the Secretary has completed a study determining a

1 project for flood damage reduction is feasible and
2 such project is designed to protect the same geo-
3 graphic area as work to be performed under section
4 5(e) of the Act of August 18, 1941 (33 U.S.C.
5 701n(e)), the Secretary may, if the Secretary deter-
6 mines that the action is in the public interest, carry
7 out such project with the work being performed
8 under section 5(e) of that Act, subject to the limita-
9 tions in paragraph (2).
10 (2) COST-SHARING.—The cost to carry out a
11 project under paragraph (1) shall be shared in ac-
12 cordance with section 103 of the Water Resources
13 Development Act of 1986 (33 U.S.C. 2213).
14 **SEC. 3002. REHABILITATION OF EXISTING LEVEES.**
15 Section 3017 of the Water Resources Reform and De-
16 velopment Act of 2014 (33 U.S.C. 3303a note; Public Law
17 113–121) is amended—
18 (1) in subsection (a), by striking "if the Sec-
19 retary determines the necessary work is technically
20 feasible, environmentally acceptable, and economi-
21 cally justified";
22 (2) in subsection (b)—
23 (A) by striking "This section" and insert-
24 ing the following:
25 "(1) IN GENERAL.—This section"; and

1 (B) by adding at the end the following:

2 "(2) REQUIREMENT.—A measure carried out
3 under subsection (a) shall be implemented in the
4 same manner as the repair or restoration of a flood
5 control work pursuant to section 5 of the Act of Au-
6 gust 18, 1941 (33 U.S.C. 701n).";

7 (3) in subsection (c)(1), by striking "The non-
8 Federal" and inserting "Notwithstanding subsection
9 (b)(2), the non-Federal"; and

10 (4) by adding at the end the following:

11 "(f) AUTHORIZATION OF APPROPRIATIONS.—There
12 is authorized to be appropriated to the Secretary to carry
13 out this section $125,000,000.".

14 **SEC. 3003. MAINTENANCE OF HIGH RISK FLOOD CONTROL**
15 **PROJECTS.**

16 In any case in which the Secretary is responsible, as
17 of the date of enactment of this Act, for the maintenance
18 of a project classified as class III under the Dam Safety
19 Action Classification of the Corps of Engineers, the Sec-
20 retary shall continue to be responsible for the maintenance
21 until the earlier of the date that—

22 (1) the project is modified to reduce that risk
23 and the Secretary determines that the project is no
24 longer classified as class III under the Dam Safety
25 Action Classification of the Corps of Engineers; and

1 (2) is 15 years after the date of enactment of
2 this Act.

3 **SEC. 3004. REHABILITATION OF HIGH HAZARD POTENTIAL**
4 **DAMS.**

5 (a) DEFINITIONS.—Section 2 of the National Dam
6 Safety Program Act (33 U.S.C. 467) is amended—
7 (1) by redesignating paragraphs (4), (5), (6),
8 (7), (8), (9), (10), (11), (12), and (13) as para-
9 graphs (5), (6), (7), (8), (9), (11), (13), (14), (15),
10 and (16), respectively;
11 (2) by inserting after paragraph (3) the fol-
12 lowing:
13 "(4) ELIGIBLE HIGH HAZARD POTENTIAL
14 DAM.—
15 "(A) IN GENERAL.—The term 'eligible
16 high hazard potential dam' means a non-Fed-
17 eral dam that—
18 "(i) is located in a State with a State
19 dam safety program;
20 "(ii) is classified as 'high hazard po-
21 tential' by the State dam safety agency in
22 the State in which the dam is located;
23 "(iii) has an emergency action plan
24 approved by the relevant State dam safety
25 agency; and

1 "(iv) the State in which the dam is lo-
2 cated determines—
3 "(I) fails to meet minimum dam
4 safety standards of the State; and
5 "(II) poses an unacceptable risk
6 to the public.
7 "(B) EXCLUSION.—The term 'eligible high
8 hazard potential dam' does not include—
9 "(i) a licensed hydroelectric dam; or
10 "(ii) a dam built under the authority
11 of the Secretary of Agriculture.";
12 (3) by inserting after paragraph (9) (as redesig-
13 nated by paragraph (1)) the following:
14 "(10) NON-FEDERAL SPONSOR.—The term
15 'non-Federal sponsor', in the case of a project re-
16 ceiving assistance under section 8A, includes—
17 "(A) a governmental organization; and
18 "(B) a nonprofit organization." and
19 (4) by inserting after paragraph (11) (as redes-
20 ignated by paragraph (1)) the following:
21 "(12) REHABILITATION.—The term 'rehabilita-
22 tion' means the repair, replacement, reconstruction,
23 or removal of a dam that is carried out to meet ap-
24 plicable State dam safety and security standards.".

1 (b) PROGRAM FOR REHABILITATION OF HIGH HAZ-
2 ARD POTENTIAL DAMS.—The National Dam Safety Pro-
3 gram Act is amended by inserting after section 8 (33
4 U.S.C. 467f) the following:

5 **"SEC. 8A. REHABILITATION OF HIGH HAZARD POTENTIAL**
6 **DAMS.**

7 "(a) ESTABLISHMENT OF PROGRAM.—The Adminis-
8 trator shall establish, within FEMA, a program to provide
9 technical, planning, design, and construction assistance in
10 the form of grants to non-Federal sponsors for rehabilita-
11 tion of eligible high hazard potential dams.

12 "(b) ELIGIBLE ACTIVITIES.—A grant awarded under
13 this section for a project may be used for—

14 "(1) repair;

15 "(2) removal; or

16 "(3) any other structural or nonstructural
17 measures to rehabilitate a high hazard potential
18 dam.

19 "(c) AWARD OF GRANTS.—

20 "(1) APPLICATION.—

21 "(A) IN GENERAL.—A non-Federal spon-
22 sor interested in receiving a grant under this
23 section may submit to the Administrator an ap-
24 plication for the grant.

1 "(B) REQUIREMENTS.—An application
2 submitted to the Administrator under this sec-
3 tion shall be submitted at such time, be in such
4 form, and contain such information as the Ad-
5 ministrator may prescribe by regulation pursu-
6 ant to section 3004(c) of the Water Resources
7 Development Act of 2016.
8 "(2) GRANT.—
9 "(A) IN GENERAL.—The Administrator
10 may make a grant in accordance with this sec-
11 tion for rehabilitation of a high hazard potential
12 dam to a non-Federal sponsor that submits an
13 application for the grant in accordance with the
14 regulations prescribed by the Administrator.
15 "(B) PROJECT GRANT AGREEMENT.—The
16 Administrator shall enter into a project grant
17 agreement with the non-Federal sponsor to es-
18 tablish the terms of the grant and the project,
19 including the amount of the grant.
20 "(C) GRANT ASSURANCE.—As part of a
21 project grant agreement under subparagraph
22 (B), the Administrator shall require the non-
23 Federal sponsor to provide an assurance, with
24 respect to the dam to be rehabilitated under the
25 project, that the owner of the dam has devel-

1 oped and will carry out a plan for maintenance
2 of the dam during the expected life of the dam.
3 "(D) LIMITATION.—A grant provided
4 under this section shall not exceed the lesser
5 of—
6 "(i) 12.5 percent of the total amount
7 of funds made available to carry out this
8 section; or
9 "(ii) $7,500,000.
10 "(d) REQUIREMENTS.—
11 "(1) APPROVAL.—A grant awarded under this
12 section for a project shall be approved by the rel-
13 evant State dam safety agency.
14 "(2) NON-FEDERAL SPONSOR REQUIRE-
15 MENTS.—To receive a grant under this section, the
16 non-Federal sponsor shall—
17 "(A) participate in, and comply with, all
18 applicable Federal flood insurance programs;
19 "(B) have in place a hazard mitigation
20 plan that—
21 "(i) includes all dam risks; and
22 "(ii) complies with the Disaster Miti-
23 gation Act of 2000 (Public Law 106–390;
24 114 Stat. 1552);

1 "(C) commit to provide operation and
2 maintenance of the project for the 50-year pe-
3 riod following completion of rehabilitation;
4 "(D) comply with such minimum eligibility
5 requirements as the Administrator may estab-
6 lish to ensure that each owner and operator of
7 a dam under a participating State dam safety
8 program—
9 "(i) acts in accordance with the State
10 dam safety program; and
11 "(ii) carries out activities relating to
12 the public in the area around the dam in
13 accordance with the hazard mitigation plan
14 described in subparagraph (B); and
15 "(E) comply with section 611(j)(9) of the
16 Robert T. Stafford Disaster Relief and Emer-
17 gency Assistance Act (42 U.S.C. 5196(j)(9))
18 (as in effect on the date of enactment of this
19 section) with respect to projects receiving as-
20 sistance under this section in the same manner
21 as recipients are required to comply in order to
22 receive financial contributions from the Admin-
23 istrator for emergency preparedness purposes.
24 "(e) FLOODPLAIN MANAGEMENT PLANS.—

1 "(1) IN GENERAL.—As a condition of receipt of
2 assistance under this section, the non-Federal entity
3 shall demonstrate that a floodplain management
4 plan to reduce the impacts of future flood events in
5 the area protected by the project—
6 "(A) is in place; or
7 "(B) will be—
8 "(i) developed not later than 1 year
9 after the date of execution of a project
10 agreement for assistance under this sec-
11 tion; and
12 "(ii) implemented not later than 1
13 year after the date of completion of con-
14 struction of the project.
15 "(2) INCLUSIONS.—A plan under paragraph (1)
16 shall address—
17 "(A) potential measures, practices, and
18 policies to reduce loss of life, injuries, damage
19 to property and facilities, public expenditures,
20 and other adverse impacts of flooding in the
21 area protected by the project;
22 "(B) plans for flood fighting and evacu-
23 ation; and
24 "(C) public education and awareness of
25 flood risks.

1 "(3) TECHNICAL SUPPORT.—The Administrator
2 may provide technical support for the development
3 and implementation of floodplain management plans
4 prepared under this subsection.
5 "(f) PRIORITY SYSTEM.—The Administrator, in con-
6 sultation with the Board, shall develop a risk-based pri-
7 ority system for use in identifying high hazard potential
8 dams for which grants may be made under this section.
9 "(g) FUNDING.—
10 "(1) COST SHARING.—
11 "(A) IN GENERAL.—Any assistance pro-
12 vided under this section for a project shall be
13 subject to a non-Federal cost-sharing require-
14 ment of not less than 35 percent.
15 "(B) IN-KIND CONTRIBUTIONS.—The non-
16 Federal share under subparagraph (A) may be
17 provided in the form of in-kind contributions.
18 "(2) ALLOCATION OF FUNDS.—The total
19 amount of funds made available to carry out this
20 section for each fiscal year shall be distributed as
21 follows:
22 "(A) EQUAL DISTRIBUTION.—⅓ shall be
23 distributed equally among the States in which
24 the projects for which applications are sub-
25 mitted under subsection (c)(1) are located.

"(B) NEED-BASED.—⅔ shall be distributed among the States in which the projects for which applications are submitted under subsection (c)(1) are located based on the proportion that—

"(i) the number of eligible high hazard potential dams in the State; bears to

"(ii) the number of eligible high hazard potential dams in all States in which projects for which applications are submitted under subsection (c)(1).

"(h) USE OF FUNDS.—None of the funds provided in the form of a grant or otherwise made available under this section shall be used—

"(1) to rehabilitate a Federal dam;

"(2) to perform routine operation or maintenance of a dam;

"(3) to modify a dam to produce hydroelectric power;

"(4) to increase water supply storage capacity; or

"(5) to make any other modification to a dam that does not also improve the safety of the dam.

"(i) CONTRACTUAL REQUIREMENTS.—

1 "(1) IN GENERAL.—Subject to paragraph (2),
2 as a condition on the receipt of a grant under this
3 section of an amount greater than $1,000,000, a
4 non-Federal sponsor that receives the grant shall re-
5 quire that each contract and subcontract for pro-
6 gram management, construction management, plan-
7 ning studies, feasibility studies, architectural serv-
8 ices, preliminary engineering, design, engineering,
9 surveying, mapping, and related services entered
10 into using funds from the grant be awarded in the
11 same manner as a contract for architectural and en-
12 gineering services is awarded under—
13 "(A) chapter 11 of title 40, United States
14 Code; or
15 "(B) an equivalent qualifications-based re-
16 quirement prescribed by the relevant State.
17 "(2) NO PROPRIETARY INTEREST.—A contract
18 awarded in accordance with paragraph (1) shall not
19 be considered to confer a proprietary interest upon
20 the United States.
21 "(j) AUTHORIZATION OF APPROPRIATIONS.—There
22 are authorized to be appropriated to carry out this sec-
23 tion—
24 "(1) $10,000,000 for fiscal years 2017 and
25 2018;

"(2) $25,000,000 for fiscal year 2019;

"(3) $40,000,000 for fiscal year 2020; and

"(4) $60,000,000 for each of fiscal years 2021 through 2026.".

(c) RULEMAKING.—

(1) PROPOSED RULEMAKING.—Not later than 90 days after the date of enactment of this Act, the Administrator of the Federal Emergency Management Agency shall issue a notice of proposed rulemaking regarding applications for grants of assistance under the amendments made by subsection (b) to the National Dam Safety Program Act (33 U.S.C. 467 et seq.).

(2) FINAL RULE.—Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Emergency Management Agency shall promulgate a final rule regarding the amendments described in paragraph (1).

TITLE IV—RIVER BASINS, WATERSHEDS, AND COASTAL AREAS

SEC. 4001. GULF COAST OYSTER BED RECOVERY PLAN.

(a) DEFINITION OF GULF STATES.—In this section, the term "Gulf States" means each of the States of Alabama, Florida, Louisiana, Mississippi, and Texas.

1 (b) GULF COAST OYSTER BED RECOVERY PLAN.—
2 The Secretary, in coordination with the Gulf States, shall
3 develop and implement a plan to assist in the recovery of
4 oyster beds on the coast of Gulf States that were damaged
5 by events including—
6 (1) Hurricane Katrina in 2005;
7 (2) the Deep Water Horizon oil spill in 2010;
8 and
9 (3) floods in 2011 and 2016.
10 (c) INCLUSION.—The plan developed under sub-
11 section (b) shall address the beneficial use of dredged ma-
12 terial in providing substrate for oyster bed development.
13 (d) SUBMISSION.—Not later than 18 months after
14 the date of enactment of this Act, the Secretary shall sub-
15 mit to the Committee of Environment and Public Works
16 of the Senate and the Committee on Transportation and
17 Infrastructure of the House of Representatives the plan
18 developed under subsection (b).
19 (e) AUTHORIZATION OF APPROPRIATIONS.—There is
20 authorized to be appropriated to the Secretary to carry
21 out this section $2,000,000, to remain available until ex-
22 pended.
23 **SEC. 4002. COLUMBIA RIVER.**
24 (a) ECOSYSTEM RESTORATION.—Section 536(g) of
25 the Water Resources Development Act of 2000 (Public

1 Law 106–541; 114 Stat. 2662; 128 Stat. 1314) is amend-
2 ed by striking "$50,000,000" and inserting
3 "$75,000,000".
4 (b) WATERCRAFT INSPECTION STATIONS, COLUMBIA
5 RIVER BASIN.—Section 104(d) of the River and Harbor
6 Act of 1958 (33 U.S.C. 610(d)) is amended—
7 (1) in paragraph (1), by striking "stations in
8 the Columbia River Basin to be located in the States
9 of Idaho, Montana, Oregon, and Washington" and
10 inserting "stations to protect the Columbia River
11 Basin"; and
12 (2) in paragraph (3), by striking subparagraph
13 (A) and inserting the following:
14 "(A) the Governor of each State in which
15 a station is established under paragraph (1);".
16 (c) TRIBAL HOUSING.—
17 (1) DEFINITION OF REPORT.—In this sub-
18 section, the term "report" means the final report of
19 the Portland District, Corps of Engineers, entitled
20 "Columbia River Treaty Fishing Access Sites, Or-
21 egon and Washington: Fact-finding Review on Trib-
22 al Housing" and dated November 19, 2013.
23 (2) ASSISTANCE AUTHORIZED.—As replacement
24 housing for Indian families displaced due to the con-
25 struction of the Bonneville Dam, on the request of

1 the Secretary of the Interior, the Secretary may pro-
2 vide assistance to relocate to land transferred by the
3 Department of the Army to the Department of the
4 Interior pursuant to title IV of Public Law 100–581
5 (102 Stat. 2944; 110 Stat. 766; 110 Stat. 3762;
6 114 Stat. 2679; 118 Stat. 544) the number of fami-
7 lies identified as having received no relocation assist-
8 ance in the report.
9 (3) STUDY.—The Secretary shall—
10 (A) conduct a study to determine the num-
11 ber of Indian people displaced by the construc-
12 tion of the John Day Dam; and
13 (B) identify a plan for suitable housing to
14 replace housing lost to the construction of the
15 John Day Dam.
16 (d) COLUMBIA AND LOWER WILLAMETTE RIVERS
17 BELOW VANCOUVER, WASHINGTON AND OREGON.—The
18 Secretary shall conduct a study to determine the feasibility
19 of modifying the project for navigation, Columbia and
20 Lower Willamette Rivers below Vancouver, Washington
21 and Portland, Oregon, authorized by section 101 of the
22 River and Harbor Act of 1962 (Public Law 87–874; 76
23 Stat. 1177) to address safety risks.
24 **SEC. 4003. MISSOURI RIVER.**
25 (a) RESERVOIR SEDIMENT MANAGEMENT.—

1 (1) DEFINITION OF SEDIMENT MANAGEMENT
2 PLAN.—In this subsection, the term "sediment man-
3 agement plan" means a plan for preventing sedi-
4 ment from reducing water storage capacity at a res-
5 ervoir and increasing water storage capacity through
6 sediment removal at a reservoir.
7 (2) UPPER MISSOURI RIVER BASIN PILOT PRO-
8 GRAM.—The Secretary shall carry out a pilot pro-
9 gram for the development and implementation of
10 sediment management plans for reservoirs owned
11 and operated by the Secretary in the Upper Missouri
12 River Basin, on request by project beneficiaries.
13 (3) PLAN ELEMENTS.—A sediment manage-
14 ment plan under paragraph (2) shall—
15 (A) provide opportunities for project bene-
16 ficiaries and other stakeholders to participate in
17 sediment management decisions;
18 (B) evaluate the volume of sediment in a
19 reservoir and impacts on storage capacity;
20 (C) identify preliminary sediment manage-
21 ment options, including sediment dikes and
22 dredging;
23 (D) identify constraints;
24 (E) assess technical feasibility, economic
25 justification, and environmental impacts;

1 (F) identify beneficial uses for sediment;
2 and
3 (G) to the maximum extent practicable,
4 use, develop, and demonstrate innovative, cost-
5 saving technologies, including structural and
6 nonstructural technologies and designs, to man-
7 age sediment.
8 (4) COST SHARE.—The beneficiaries requesting
9 the plan shall share in the cost of development and
10 implementation of a sediment management plan allo-
11 cated in accordance with the benefits to be received.
12 (5) CONTRIBUTED FUNDS.—The Secretary may
13 accept funds from non-Federal interests and other
14 Federal agencies to develop and implement a sedi-
15 ment management plan under this subsection.
16 (6) GUIDANCE.—The Secretary shall use the
17 knowledge gained through the development and im-
18 plementation of sediment management plans under
19 paragraph (2) to develop guidance for sediment
20 management at other reservoirs.
21 (7) PARTNERSHIP WITH THE SECRETARY OF
22 THE INTERIOR.—
23 (A) IN GENERAL.—The Secretary shall
24 carry out the pilot program established under
25 this subsection in partnership with the Sec-

1 retary of the Interior, and the program may
2 apply to reservoirs managed or owned by the
3 Bureau of Reclamation on execution of a
4 memorandum of agreement between the Sec-
5 retary and the Secretary of the Interior estab-
6 lishing the framework for a partnership and the
7 terms and conditions for sharing expertise and
8 resources.
9 (B) LEAD AGENCY.—The Secretary that
10 has primary jurisdiction over the reservoir shall
11 take the lead in developing and implementing a
12 sediment management plan for that reservoir.
13 (8) OTHER AUTHORITIES NOT AFFECTED.—
14 Nothing in this subsection affects sediment manage-
15 ment or the share of costs paid by Federal and non-
16 Federal interests relating to sediment management
17 under any other provision of law (including regula-
18 tions).
19 (b) SNOWPACK AND DROUGHT MONITORING.—Sec-
20 tion 4003(a) of the Water Resources Reform and Develop-
21 ment Act of 2014 (Public Law 113–121; 128 Stat. 1311)
22 is amended by adding at the end the following:
23 "(5) LEAD AGENCY.—The Corps of Engineers
24 shall be the lead agency for carrying out and coordi-
25 nating the activities described in paragraph (1).".

SEC. 4004. PUGET SOUND NEARSHORE ECOSYSTEM RESTORATION.

Section 544(f) of the Water Resources Development Act of 2000 (Public Law 106–541; 114 Stat. 2675) is amended by striking "$5,000,000" and inserting "$10,000,000".

SEC. 4005. ICE JAM PREVENTION AND MITIGATION.

(a) IN GENERAL.—The Secretary may carry out projects under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s), including planning, design, construction, and monitoring of structural and nonstructural technologies and measures for preventing and mitigating flood damages associated with ice jams.

(b) INCLUSION.—The projects described in subsection (a) may include the development and demonstration of cost-effective technologies and designs developed in consultation with—

(1) the Cold Regions Research and Engineering Laboratory of the Corps of Engineers;

(2) universities;

(3) Federal, State, and local agencies; and

(4) private organizations.

(c) PILOT PROGRAM.—

(1) AUTHORIZATION.—In addition to the funding authorized under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s), the Secretary is

1 authorized to expend $30,000,000 to carry out pilot
2 projects to demonstrate technologies and designs de-
3 veloped in accordance with this section.
4 (2) PRIORITY.—In carrying out pilot projects
5 under paragraph (1), the Secretary shall give pri-
6 ority to projects in the Upper Missouri River Basin.
7 (3) SUNSET.—The pilot program under this
8 subsection shall terminate on December 31, 2026.

9 **SEC. 4006. CHESAPEAKE BAY OYSTER RESTORATION.**

10 Section 704(b)(1) of the Water Resources Develop-
11 ment Act of 1986 (33 U.S.C. 2263(b)(1)) is amended by
12 striking "$60,000,000" and inserting "$100,000,000".

13 **SEC. 4007. NORTH ATLANTIC COASTAL REGION.**

14 Section 4009(a) of the Water Resources Reform and
15 Development Act of 2014 (Public Law 113–121; 128 Stat.
16 1316) is amended by inserting "at Federal expense" after
17 "study".

18 **SEC. 4008. RIO GRANDE.**

19 Section 5056(f) of the Water Resources Development
20 Act of 2007 (Public Law 110–114; 121 Stat. 1214) is
21 amended by striking "2019" and inserting "2024".

22 **SEC. 4009. TEXAS COASTAL AREA.**

23 In carrying out the Coastal Texas ecosystem protec-
24 tion and restoration study authorized by section 4091 of
25 the Water Resources Development Act of 2007 (Public

1 Law 110–114; 121 Stat. 1187), the Secretary shall con-
2 sider studies, data, or information developed by the Gulf
3 Coast Community Protection and Recovery District to ex-
4 pedite completion of the study.

5 **SEC. 4010. UPPER MISSISSIPPI AND ILLINOIS RIVERS**
6 **FLOOD RISK MANAGEMENT.**

7 (a) IN GENERAL.—The Secretary shall conduct a
8 study at Federal expense to determine the feasibility of
9 carrying out projects to address systemic flood damage re-
10 duction in the upper Mississippi and Illinois River basins.
11 (b) PURPOSE.—The purposes of the study under sub-
12 section (a) are—
13 (1) to develop an integrated, comprehensive,
14 and systems-based approach to minimize the threat
15 to health and safety resulting from flooding by using
16 structural and nonstructural flood risk management
17 measures;
18 (2) to reduce damages and costs associated with
19 flooding;
20 (3) to identify opportunities to support environ-
21 mental sustainability and restoration goals of the
22 Upper Mississippi River and Illinois River floodplain
23 as part of any systemic flood risk management plan;
24 and

1 (4) to seek opportunities to address, in concert
2 with flood risk management measures, other flood-
3 plain specific problems, needs, and opportunities.
4 (c) STUDY COMPONENTS.—In carrying out the study
5 under subsection (a), the Secretary shall—
6 (1) as appropriate, coordinate with the heads of
7 other appropriate Federal agencies, the Governors of
8 the States within the Upper Mississippi and Illinois
9 River basins, the appropriate levee and drainage dis-
10 tricts, nonprofit organizations, and other interested
11 parties;
12 (2) recommend projects for reconstruction of
13 existing levee systems so as to develop and maintain
14 a comprehensive system for flood risk reduction and
15 floodplain management;
16 (3) perform a systemic analysis of critical
17 transportation systems to determine the feasibility of
18 protecting river approaches for land-based systems,
19 highways, and railroads;
20 (4) develop a basin-wide hydrologic model for
21 the Upper Mississippi River System and update as
22 changes occur and new data is available; and
23 (5) use, to the maximum extent practicable, any
24 existing plans and data, including the Upper Mis-
25 sissippi River Comprehensive Plan authorized in sec-

1 tion 429 of the Water Resources Development Act
2 of 1999 (Public Law 106–53; 113 Stat. 326).
3 (d) BASIS FOR RECOMMENDATIONS.—In recom-
4 mending a project under subsection (c)(2), the Secretary
5 may justify the project based on system-wide benefits.
6 **SEC. 4011. SALTON SEA, CALIFORNIA.**
7 Section 3032 of the Water Resources Development
8 Act of 2007 (Public Law 110–114; 121 Stat. 1113) is
9 amended—
10 (1) in subsection (b)—
11 (A) in the subsection heading, by striking
12 "PILOT PROJECTS" and inserting "PROJECTS";
13 (B) in paragraph (1)—
14 (i) in subparagraph (A), by striking
15 "the pilot"; and
16 (ii) in subparagraph (B)—
17 (I) in clause (i), in the matter
18 preceding subclause (I), by striking
19 "the pilot";
20 (II) in subclause (I), by inserting
21 ", Salton Sea Authority, or other non-
22 Federal interest" before the semicolon
23 at the end; and
24 (III) in subclause (II), by strik-
25 ing "pilot";

(C) in paragraph (2), in the matter preceding subparagraph (A), by striking "pilot"; and

(D) in paragraph (3)—

(i) by striking "pilot" each place it appears; and

(ii) by inserting ", Salton Sea Authority, or other non-Federal interest" after "State"; and

(2) in subsection (c), by striking "pilot".

SEC. 4012. ADJUSTMENT.

Section 219(f)(25) of the Water Resources Development Act of 1992 (Public Law 102–580; 113 Stat. 336) is amended—

(1) by inserting "Berkeley" before "Calhoun"; and

(2) by striking "Orangeberg, and Sumter" and inserting "and Orangeberg".

SEC. 4013. COASTAL RESILIENCY.

Section 4014(b) of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2803a(b)) is amended—

(1) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(2) by inserting after paragraph (2) the following:

"(3) give priority to projects in communities the existence of which is threatened by rising sea level, including projects relating to shoreline restoration, tidal marsh restoration, dunal habitats to protect coastal infrastructure, reduction of future and existing emergency repair costs, and projects that use dredged materials;".

TITLE V—DEAUTHORIZATIONS

SEC. 5001. DEAUTHORIZATIONS.

(a) VALDEZ, ALASKA.—

(1) IN GENERAL.—Subject to paragraph (2), the portions of the project for navigation, Valdez, Alaska, identified as Tract G, Harbor Subdivision, shall not be subject to navigation servitude beginning on the date of enactment of this Act.

(2) ENTRY BY FEDERAL GOVERNMENT.—The Federal Government may enter on the property referred to in paragraph (1) to carry out any required operation and maintenance of the general navigation features of the project described in paragraph (1).

(b) RED RIVER BELOW DENISON DAM, ARKANSAS, LOUISIANA, AND TEXAS.—The portion of the project for flood protection on Red River Below Denison Dam, Ar-

1 kansas, Louisiana and Texas, authorized by section 10 of
2 the Flood Control Act of 1946 (60 Stat. 647, chapter
3 596), consisting of the portion of the West Agurs Levee
4 that begins at lat. 32°32'50.86'' N ., by long.
5 93°46'16.82'' W., and ends at lat. 32° 31'22.79'' N., by
6 long. 93° 45' 2.47'' W., is no longer authorized beginning
7 on the date of enactment of this Act.

8 (c) SUTTER BASIN, CALIFORNIA.—

9 (1) IN GENERAL.—The separable element con-
10 stituting the locally preferred plan increment re-
11 flected in the report of the Chief of Engineers dated
12 March 12, 2014, and authorized for construction
13 under section 7002(2)(8) of the Water Resources
14 Reform and Development Act of 2014 (Public Law
15 113–121; 128 Stat. 1366) is no longer authorized
16 beginning on the date of enactment of this Act.

17 (2) SAVINGS PROVISIONS.—The deauthorization
18 under paragraph (1) does not affect—

19 (A) the national economic development
20 plan separable element reflected in the report of
21 the Chief of Engineers dated March 12, 2014,
22 and authorized for construction under section
23 7002(2)(8) of the Water Resources Reform and
24 Development Act of 2014 (Public Law 113–
25 121; 128 Stat. 1366); or

(B) previous authorizations providing for the Sacramento River and major and minor tributaries project, including—

(i) section 2 of the Act of March 1, 1917 (39 Stat. 949; chapter 144);

(ii) section 12 of the Act of December 22, 1944 (58 Stat. 900; chapter 665);

(iii) section 204 of the Flood Control Act of 1950 (64 Stat. 177; chapter 188); and

(iv) any other Acts relating to the authorization for the Sacramento River and major and minor tributaries project along the Feather River right bank between levee stationing 1483+33 and levee stationing 2368+00.

(d) STONINGTON HARBOR, CONNECTICUT.—The portion of the project for navigation, Stonington Harbor, Connecticut, authorized by the Act of May 23, 1828 (4 Stat. 288; chapter 73) that consists of the inner stone breakwater that begins at coordinates N. 682,146.42, E. 1231,378.69, running north 83.587 degrees west 166.79' to a point N. 682,165.05, E. 1,231,212.94, running north 69.209 degrees west 380.89' to a point N. 682,300.25,

1 E. 1,230,856.86, is no longer authorized as a Federal
2 project beginning on the date of enactment of this Act.
3 (e) GREEN RIVER LOCK AND DAM 3, OHIO AND
4 MUHLENBERG COUNTIES, KENTUCKY.—
5 (1) IN GENERAL.—The structure and land asso-
6 ciated with Green River Lock and Dam 3 and de-
7 authorized under section 6001(1) pursuant to the
8 report of the Chief of Engineers relating to Green
9 River Locks and Dams 3, 4, 5, and 6 and Barren
10 River Lock and Dam 1, Kentucky, dated April 30,
11 2015 shall be transferred under this subsection, and
12 the land shall no longer be a portion of the Green
13 River project for navigation, built by the Common-
14 wealth of Kentucky prior to 1886 and purchased
15 and ceded to the Federal Government under the first
16 section of the Act of August 11, 1888 (25 Stat. 416;
17 chapter 860).
18 (2) TRANSFER.—Subject to this subsection, the
19 Secretary shall convey to the Rochester Dam Re-
20 gional Water Commission by quitclaim deed and
21 without consideration, all right, title, and interest of
22 the United States in 3 adjacent parcels of land situ-
23 ated on the Ohio County side of the Green River to-
24 gether with any improvements on the land.
25 (3) LANDS TO BE CONVEYED.—

1 (A) IN GENERAL.—The 3 adjacent parcels
2 of land to be conveyed under this subsection
3 total approximately 6.72 acres of land in Ohio
4 County, with all 3 parcels being associated with
5 the deauthorized Green River Lock and Dam 3.
6 (B) USE.—The 3 parcels of land described
7 in subparagraph (A) may be used by the Roch-
8 ester Dam Regional Water Commission in such
9 a manner as to ensure a water supply for local
10 communities.
11 (4) REVERSION.—If the Secretary determines
12 that the land conveyed under this subsection ceases
13 to be owned by the public or is used for any purpose
14 that is inconsistent with paragraph (3)(B), all right,
15 title, and interest in and to the land shall revert, at
16 the discretion of the Secretary, to the United States.
17 (f) GREEN RIVER LOCK AND DAM 5, BUTLER AND
18 WARREN COUNTIES, KENTUCKY.—
19 (1) IN GENERAL.—If the Secretary determines
20 that the Corps of Engineers will not oversee and
21 conduct the removal of the lock and dam structure
22 for Green River Lock and Dam 5 deauthorized
23 under section 6001(1) pursuant to the report of the
24 Chief of Engineers relating to Green River Locks
25 and Dams 3, 4, 5, and 6 and Barren River Lock

and Dam 1, Kentucky, dated April 30, 2015, the lock and dam structure and associated land shall be transferred through established General Services Administration procedures to another entity for the express purposes of—

(A) removing the structure from the river at the earliest feasible time; and

(B) making the land available for conservation and public recreation and river access in the future.

(2) DEAUTHORIZATION.—On a transfer under paragraph (1), the land described in that paragraph shall no longer be a portion of the Green River project for navigation, authorized by the first section of the Act of July 13, 1892 (27 Stat. 105; chapter 158).

(g) GREEN RIVER LOCK AND DAM 6, EDMONSON COUNTY, KENTUCKY.—

(1) IN GENERAL.—The structure and land associated with Green River Lock and Dam 6 and deauthorized under section 6001(1) pursuant to the report of the Chief of Engineers relating to Green River Locks and Dams 3, 4, 5, and 6 and Barren River Lock and Dam 1, Kentucky, dated April 30, 2015, shall be transferred under this subsection and

1 the land shall no longer be a portion of the Green
2 River project for navigation, authorized by the first
3 section of the Act of June 13, 1902 (32 Stat. 359;
4 chapter 1079).
5 (2) TRANSFER.—
6 (A) TRANSFER TO DEPARTMENT OF THE
7 INTERIOR.—Subject to this subsection, the Sec-
8 retary shall transfer to the Department of Inte-
9 rior, Mammoth Cave National Park, by quit-
10 claim deed and without consideration, all right,
11 title, and interest of the United States in the
12 4.19 acre parcel of land situated on left de-
13 scending bank (south side) of the Green River
14 together with any improvements on the land.
15 (B) TRANSFER TO THE COMMONWEALTH
16 OF KENTUCKY.—Subject to this subsection, the
17 Secretary shall transfer to the Commonwealth
18 of Kentucky, Department of Fish and Wildlife
19 Resources, by quitclaim deed and without con-
20 sideration, all right, title, and interest of the
21 United States in the 18.0 acre parcel of land on
22 the right descending bank (north side) of the
23 river and the deauthorized lock and dam struc-
24 ture.
25 (3) LAND TO BE CONVEYED.—

1 (A) IN GENERAL.—The 2 parcels of land
2 to be conveyed under this subsection include—
3 (i) a parcel consisting of approxi-
4 mately 4.19 acres of land, located on each
5 side of the Green River and associated
6 with the deauthorized Green River Lock
7 and Dam 6 in Edmonson County, Ken-
8 tucky; and
9 (ii) a parcel consisting of approxi-
10 mately 18.0 acres of land and the de-
11 authorized lock and dam structure.
12 (B) USE.—
13 (i) MAMMOTH CAVE NATIONAL
14 PARK.—The 4.19-acre parcel of land de-
15 scribed in subparagraph (A)(i) shall be
16 used for established purposes of Mammoth
17 Cave National Park.
18 (ii) DEPARTMENT OF FISH AND WILD-
19 LIFE RESOURCES.—The 18.0-acre parcel of
20 land and deauthorized lock and dam struc-
21 ture described in subparagraph (A)(ii)
22 may—
23 (I) be used for the purposes of
24 removal of the deauthorized structures
25 to restore natural river functions

while providing green space and ecotourism development, including the provision of roads, parking, camping, and boat access; or

(II) if the Department of Fish and Wildlife Resources, Commonwealth of Kentucky, cannot fulfill the uses described in subclause (I), be transferred to county or local governments or private conservation entities for continued public green space utilization as described in subclause (I).

(4) REVERSION.—If the Secretary determines that the land conveyed under this subsection ceases to be owned by the public or is used for any purpose that is inconsistent with paragraph (3)(B), all right, title, and interest in and to the land shall revert, at the discretion of the Secretary, to the United States.

(h) BARREN RIVER LOCK AND DAM 1, WARREN COUNTY, KENTUCKY.—

(1) IN GENERAL.—The structure and land associated with Barren River Lock and Dam 1 and deauthorized under section 6001(1) pursuant to the report of the Chief of Engineers relating to Green River Locks and Dams 3, 4, 5, and 6 and Barren

1 River Lock and Dam 1, Kentucky, dated April 30,
2 2015, shall be conveyed under this subsection and
3 the land shall no longer be a portion of the Barren
4 River project for navigation, built by the Common-
5 wealth of Kentucky prior to 1886 and purchased by
6 and ceded to the Federal Government under the first
7 section of the Act of August 11, 1888 (25 Stat. 416;
8 chapter 860).

9 (2) TRANSFER.—Subject to this subsection, the
10 Secretary shall convey to the Commonwealth of Ken-
11 tucky, Department of Fish and Wildlife Resources,
12 by quitclaim deed and without consideration, all
13 right, title, and interest of the United States in 1
14 parcel of land situated on the right bank of the Bar-
15 ren River together with any improvements on the
16 land.

17 (3) LAND TO BE CONVEYED.—

18 (A) IN GENERAL.—The parcel of land to
19 be conveyed under this subsection includes ap-
20 proximately 16.63 acres of land, located on the
21 right bank of the Barren River and associated
22 with the deauthorized Barren River Lock and
23 Dam 1 in Warren County, Kentucky.

24 (B) USE.—The parcel of land described in
25 subparagraph (A) may—

(i) be used by the Commonwealth of Kentucky for the purposes of removal of structures to restore natural river functions while providing green space and ecotourism development, including the provision of roads, parking, camping, and boat access; or

(ii) if the Department of Fish and Wildlife Resources, Commonwealth of Kentucky, cannot fulfill the uses described in clause (i), be transferred to county or local governments or private conservation entities for continued public green space utilization as described in clause (i).

(4) REVERSION.—If the Secretary determines that the land conveyed under this subsection ceases to be owned by the public or is used for any purpose that is inconsistent with paragraph (3)(B), all right, title, and interest in and to the land shall revert, at the discretion of the Secretary, to the United States.

(i) PORT OF CASCADE LOCKS, OREGON.—

(1) TERMINATION OF PORTIONS OF EXISTING FLOWAGE EASEMENT.—

(A) DEFINITION OF FLOWAGE EASEMENT.—In this paragraph, the term "flowage

1 easement'' means the flowage easements identi-
2 fied as tracts 302E-1 and 304E-1 on the ease-
3 ment deeds recorded as instruments in Hood
4 River County, Oregon, as follows:
5 (i) A flowage easement dated October
6 3, 1936, recorded December 1, 1936, book
7 25 at page 531 (records of Hood River
8 County, Oregon), in favor of United States
9 (302E-1-Perpetual Flowage Easement
10 from October 5, 1937, October 5, 1936,
11 and October 3, 1936) (previously acquired
12 as tracts OH-36 and OH-41 and a portion
13 of tract OH-47).
14 (ii) A flowage easement recorded Oc-
15 tober 17, 1936, book 25 at page 476
16 (records of Hood River County, Oregon),
17 in favor of the United States, that affects
18 that portion below the 94-foot contour line
19 above main sea level (304 E-1-Perpetual
20 Flowage Easement from August 10, 1937
21 and October 3, 1936) (previously acquired
22 as tract OH-42 and a portion of tract OH-
23 47).
24 (B) TERMINATION.—With respect to the
25 properties described in paragraph (2), begin-

1 ning on the date of enactment of this Act, the
2 flowage easements are terminated above ele-
3 vation 82.4 feet (NGVD29), the ordinary high
4 water mark.
5 (2) AFFECTED PROPERTIES.—The properties
6 described in this paragraph, as recorded in Hood
7 River, County, Oregon, are as follows:
8 (A) Lots 3, 4, 5, and 7 of the "Port of
9 Cascade Locks Business Park" subdivision, in-
10 strument #2014-00436.
11 (B) Parcels 1, 2, and 3 of Hood River
12 County Partition plat No. 2008-25P.
13 (3) FEDERAL LIABILITIES; CULTURAL, ENVI-
14 RONMENTAL, OTHER REGULATORY REVIEWS.—
15 (A) FEDERAL LIABILITY.—The United
16 States shall not be liable for any injury caused
17 by the termination of the easement under this
18 subsection.
19 (B) CULTURAL AND ENVIRONMENTAL
20 REGULATORY ACTIONS.—Nothing in this sub-
21 section establishes any cultural or environ-
22 mental regulation relating to the properties de-
23 scribed in paragraph (2).
24 (4) EFFECT ON OTHER RIGHTS.—Nothing in
25 this subsection affects any remaining right or inter-

1 est of the Corps of Engineers in the properties de-
2 scribed in paragraph (2).
3 (j) DECLARATIONS OF NON-NAVIGABILITY FOR POR-
4 TIONS OF THE DELAWARE RIVER, PHILADELPHIA, PENN-
5 SYLVANIA.—
6 (1) IN GENERAL.—Subject to paragraphs (2)
7 and (3), unless the Secretary determines, after con-
8 sultation with local and regional public officials (in-
9 cluding local and regional project planning organiza-
10 tions), that there are substantive objections, the fol-
11 lowing portions of the Delaware River, bounded by
12 the former bulkhead and pierhead lines established
13 by the Secretary of War and successors, are declared
14 to be non-navigable waters of the United States:
15 (A) Piers 70 South through 38 South, en-
16 compassing an area bounded by the southern
17 line of Moore Street extended to the northern
18 line of Catherine Street extended, including the
19 following piers: Piers 70, 68, 67, 64, 61-63, 60,
20 57, 55, 46, 48, 40, and 38.
21 (B) Piers 24 North through 72 North, en-
22 compassing an area bounded by the southern
23 line of Callowhill Street extended to the north-
24 ern line of East Fletcher Street extended, in-
25 cluding the following piers: 24, 25, 27-35, 35.5,

36, 37, 38, 39, 49, 51-52, 53-57, 58-65, 66, 67, 69, 70-72, and Rivercenter.

(2) DETERMINATION.—The Secretary shall make the determination under paragraph (1) separately for each portion of the Delaware River described in subparagraphs (A) and (B) of paragraph (1), using reasonable discretion, by not later than 150 days after the date of submission of appropriate plans for that portion.

(3) LIMITS ON APPLICABILITY.—

(A) IN GENERAL.—Paragraph (1) applies only to those parts of the areas described in that paragraph that are or will be bulkheaded and filled or otherwise occupied by permanent structures, including marina and recreation facilities.

(B) OTHER FEDERAL LAWS.—Any work described in subparagraph (A) shall be subject to all applicable Federal law (including regulations), including—

(i) sections 9 and 10 of the Act of March 3, 1899 (commonly known as the "River and Harbors Appropriation Act of 1899") (33 U.S.C. 401, 403);

(ii) section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344); and

(iii) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(k) SALT CREEK, GRAHAM, TEXAS.—

(1) IN GENERAL.—The project for flood control, environmental restoration, and recreation, Salt Creek, Graham, Texas, authorized by section 101(a)(30) of the Water Resources Development Act of 1999 (Public Law 106–53; 113 Stat. 278-279), is no longer authorized as a Federal project beginning on the date of enactment of this Act.

(2) CERTAIN PROJECT-RELATED CLAIMS.—The non-Federal sponsor for the project described in paragraph (1) shall hold and save the United States harmless from any claim that has arisen, or that may arise, in connection with the project.

(3) TRANSFER.—The Secretary is authorized to transfer any land acquired by the Federal Government for the project on behalf of the non-Federal sponsor that remains in Federal ownership on or after the date of enactment of this Act to the non-Federal sponsor.

1 (4) REVERSION.—If the Secretary determines
2 that the land that is integral to the project described
3 in paragraph (1) ceases to be owned by the public,
4 all right, title, and interest in and to the land and
5 improvements shall revert, at the discretion of the
6 Secretary, to the United States.

7 **SEC. 5002. CONVEYANCES.**

8 (a) PEARL RIVER, MISSISSIPPI AND LOUISIANA.—

9 (1) IN GENERAL.—The project for navigation,
10 Pearl River, Mississippi and Louisiana, authorized
11 by the first section of the Act of August 30, 1935
12 (49 Stat. 1033, chapter 831) and section 101 of the
13 River and Harbor Act of 1966 (Public Law 89–789;
14 80 Stat. 1405), is no longer authorized as a Federal
15 project beginning on the date of enactment of this
16 Act.

17 (2) TRANSFER.—

18 (A) IN GENERAL.—Subject to subpara-
19 graphs (B) and (C), the Secretary is authorized
20 to convey to a State or local interest, without
21 consideration, all right, title, and interest of the
22 United States in and to—

23 (i) any land in which the Federal Gov-
24 ernment has a property interest for the
25 project described in paragraph (1); and

1 (ii) improvements to the land de-
2 scribed in clause (i).
3 (B) RESPONSIBILITY FOR COSTS.—The
4 transferee shall be responsible for the payment
5 of all costs and administrative expenses associ-
6 ated with any transfer carried out pursuant to
7 subparagraph (A), including costs associated
8 with any land survey required to determine the
9 exact acreage and legal description of the land
10 and improvements to be transferred.
11 (C) OTHER TERMS AND CONDITIONS.—A
12 transfer under subparagraph (A) shall be sub-
13 ject to such other terms and conditions as the
14 Secretary determines to be necessary and ap-
15 propriate to protect the interests of the United
16 States.
17 (3) REVERSION.—If the Secretary determines
18 that the land and improvements conveyed under
19 paragraph (2) ceases to be owned by the public, all
20 right, title, and interest in and to the land and im-
21 provements shall revert, at the discretion of the Sec-
22 retary, to the United States.
23 (b) SARDIS LAKE, MISSISSIPPI.—
24 (1) IN GENERAL.—The Secretary is authorized
25 to convey to the lessee, at full fair market value, all

1 right, title and interest of the United Sates in and
2 to the property identified in the leases numbered
3 DACW38-1-15-7, DACW38-1-15-33, DACW38-1-
4 15-34, and DACW38-1-15-38, subject to such terms
5 and conditions as the Secretary determines to be
6 necessary and appropriate to protect the interests of
7 the United States.
8 (2) EASEMENT AND RESTRICTIVE COVENANT.—
9 The conveyance under paragraph (1) shall include—
10 (A) a restrictive covenant to require the
11 approval of the Secretary for any substantial
12 change in the use of the property; and
13 (B) a flowage easement.
14 (c) JOE POOL LAKE, TEXAS.—The Secretary shall
15 accept from the Trinity River Authority of Texas, if re-
16 ceived by September 30, 2016, $31,233,401 as payment
17 in full of amounts owed to the United States, including
18 any accrued interest, for the approximately 61,747.1 acre-
19 feet of water supply storage space in Joe Pool Lake, Texas
20 (previously known as Lakeview Lake), for which payment
21 has not commenced under Article 5.a (relating to project
22 investment costs) of contract number DACW63–76–C–
23 0106 as of the date of enactment of this Act.

TITLE VI—WATER RESOURCES INFRASTRUCTURE

SEC. 6001. AUTHORIZATION OF FINAL FEASIBILITY STUDIES.

The following final feasibility studies for water resources development and conservation and other purposes are authorized to be carried out by the Secretary substantially in accordance with the plan, and subject to the conditions, described in the respective reports designated in this section:

(1) NAVIGATION.—

A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Costs
1. TX	Brazos Island Harbor	November 3, 2014	Federal: $116,116,000 Non-Federal: $135,836,000 Total: $251,952,000
2. LA	Calcasieu Lock	December 2, 2014	Federal: $16,700,000 Non-Federal: $0 Total: $16,700,000
3. NH, ME	Portsmouth Harbor and Piscataqua River	February 8, 2015	Federal: $15,580,000 Non-Federal: $5,190,000 Total: $20,770,000
4. KY	Green River Locks and Dams 3, 4, 5, and 6 and Barren River Lock and Dam 1 Disposition	April 30, 2015	Federal: $0 Non-Federal: $0 Total: $0
5. FL	Port Everglades	June 25, 2015	Federal: $220,200,000 Non-Federal: $102,500,000 Total: $322,700,000

A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Costs
6. AK	Little Diomede	August 10, 2015	Federal: $26,015,000 Non-Federal: $2,945,000 Total: $28,960,000
7. SC	Charleston Harbor	September 8, 2015	Federal: $224,300,000 Non-Federal: $269,000,000 Total: $493,300,000
8. AK	Craig Harbor	March 16, 2016	Federal: $29,062,000 Non-Federal: $3,255,000 Total: $32,317,000

1 (2) FLOOD RISK MANAGEMENT.—

A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Costs
1. TX	Leon Creek Watershed, San Antonio	June 30, 2014	Federal: $18,314,000 Non-Federal: $9,861,000 Total: $28,175,000
2. MO, KS	Armourdale and Central Industrial District Levee Units, Missouri River and Tributaries at Kansas City	January 27, 2015	Federal: $207,036,000 Non-Federal: $111,481,000 Total: $318,517,000
3. KS	City of Manhattan	April 30, 2015	Federal: $15,440,100 Non-Federal: $8,313,900 Total: $23,754,000
4. KS	Upper Turkey Creek Basin	December 22, 2015	Federal: $24,584,000 Non-Federal: $13,238,000 Total: $37,822,000
5. NC	Princeville	February 23, 2016	Federal: $14,001,000 Non-Federal: $7,539,000 Total: $21,540,000

1 (3) HURRICANE AND STORM DAMAGE RISK RE-
2 DUCTION.—

A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Initial Costs and Estimated Renourishment Costs
1. SC	Edisto Beach, Colleton County	September 5, 2014	Initial Federal: $13,733,850 Initial Non-Federal: $7,395,150 Initial Total: $21,129,000 Renourishment Federal: $16,371,000 Renourishment Non-Federal: $16,371,000 Renourishment Total: $32,742,000
2. FL	Flagler County	December 23, 2014	Initial Federal: $9,218,300 Initial Non-Federal: $4,963,700 Initial Total: $14,182,000 Renourishment Federal: $15,390,000 Renourishment Non-Federal: $15,390,000 Renourishment Total: $30,780,000
3. NC	Bogue Banks, Carteret County	December 23, 2014	Initial Federal: $24,263,000 Initial Non-Federal: $13,064,000 Initial Total: $37,327,000 Renourishment Federal: $114,728,000 Renourishment Non-Federal: $114,728,000 Renourishment Total: $229,456,000
4. NJ	Hereford Inlet to Cape May Inlet, New Jersey Shoreline Protection Project, Cape May County	January 23, 2015	Initial Federal: $14,040,000 Initial Non-Federal: $7,560,000 Initial Total: $21,600,000 Renourishment Federal: $41,215,000 Renourishment Non-Federal: $41,215,000 Renourishment Total: $82,430,000

A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Initial Costs and Estimated Renourishment Costs
5. LA	West Shore Lake Pontchartrain	June 12, 2015	Federal: $466,760,000 Non-Federal: $251,330,000 Total: $718,090,000
6. CA	Encinitas-Solana Beach Coastal Storm Damage Reduction	March 29, 2016	Initial Federal: $20,166,000 Initial Non-Federal: $10,858,000 Initial Total: $31,024,000 Renourishment Federal: $68,125,000 Renourishment Non-Federal: $68,125,000 Renourishment Total: $136,430,000

1 (4) FLOOD RISK MANAGEMENT AND ENVIRON-
2 MENTAL RESTORATION.—

A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Costs
1. IL, WI	Upper Des Plaines River and Tributaries	June 8, 2015	Federal: $199,393,000 Non-Federal: $107,694,000 Total: $307,087,000
2. CA	South San Francisco Bay Shoreline	December 18, 2015	Federal: $69,521,000 Non-Federal: $104,379,000 Total: $173,900,000

3 (5) ENVIRONMENTAL RESTORATION.—

A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Costs
1. FL	Central Everglades Planning Project, Comprehensive Everglades Restoration Plan, Central and Southern Florida Project	December 23, 2014	Federal: $976,375,000 Non-Federal: $974,625,000 Total: $1,951,000,000
2. OR	Lower Willamette River Environmental Dredging	December 14, 2015	Federal: $19,143,000 Non-Federal: $10,631,000 Total: $29,774,000
3. WA	Skokomish River	December 14, 2015	Federal: $12,782,000 Non-Federal: $6,882,000 Total: $19,664,000
4. CA	LA River Ecosystem Restoration	December 18, 2015	Federal: $375,773,000 Non-Federal: $980,835,000 Total: $1,356,608,000

SEC. 6002. AUTHORIZATION OF PROJECT MODIFICATIONS RECOMMENDED BY THE SECRETARY.

The following project modifications for water resources development and conservation and other purposes are authorized to be carried out by the Secretary substantially in accordance with the recommendations of the Director of Civil Works, as specified in the reports referred to in this section:

A. State	B. Name	C. Date of Director's Report	D. Updated Authorization Project Costs
1. KS, MO	Turkey Creek Basin	November 4, 2015	Estimated Federal: $96,880,750 Estimated Non-Federal: $52,954,250 Total: $149,835,000
2. MO	Blue River Basin	November 6, 2015	Estimated Federal: $34,537,000 Estimated Non-Federal: $11,512,000 Total: $46,049,000
3. FL	Picayune Strand	March 9, 2016	Estimated Federal: $311,269,000 Estimated Non-Federal: $311,269,000 Total: $622,538,000
4. KY	Ohio River Shoreline	March 11, 2016	Estimated Federal: $20,309,900 Estimated Non-Federal: $10,936,100 Total: $31,246,000

SEC. 6003. AUTHORIZATION OF STUDY AND MODIFICATION PROPOSALS SUBMITTED TO CONGRESS BY THE SECRETARY.

(a) ARCTIC DEEP DRAFT PORT DEVELOPMENT PARTNERSHIPS.—Section 2105 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2243) is amended—

(1) by striking "(25 U.S.C. 450b))" each place it appears and inserting "(25 U.S.C. 250b)) and a Native village, Regional Corporation, or Village Corporation (as those terms are defined in section 3 of

1 the Alaska Native Claims Settlement Act (43 U.S.C.
2 1602)"; and
3 (2) by adding at the end the following:
4 "(e) CONSIDERATION OF NATIONAL SECURITY IN-
5 TERESTS.—In carrying out a study of the feasibility of
6 an Arctic deep draft port, the Secretary—
7 "(1) shall consult with the Secretary of Home-
8 land Security and the Secretary of Defense to iden-
9 tify national security benefits associated with an
10 Arctic deep draft port; and
11 "(2) if appropriate, as determined by the Sec-
12 retary, may determine a port described in paragraph
13 (1) is feasible based on the benefits described in that
14 paragraph.".
15 (b) OUACHITA-BLACK RIVERS, ARKANSAS AND LOU-
16 ISIANA.—The Secretary shall conduct a study to deter-
17 mine the feasibility of modifying the project for naviga-
18 tion, Ouachita-Black Rivers, authorized by section 101 of
19 the River and Harbor Act of 1960 (Public Law 86–645;
20 74 Stat. 481) to include bank stabilization and water sup-
21 ply as project purposes.
22 (c) CACHE CREEK BASIN, CALIFORNIA.—
23 (1) IN GENERAL.—The Secretary shall prepare
24 a general reevaluation report on the project for flood
25 control, Cache Creek Basin, California, authorized

1 by section 401(a) of the Water Resources Develop-
2 ment Act of 1986 (Public Law 99–662; 100 Stat.
3 4112).
4 (2) REQUIREMENTS.—In preparing the report
5 under paragraph (1), the Secretary shall identify
6 specific needed modifications to existing project au-
7 thorities—
8 (A) to increase basin capacity;
9 (B) to decrease the long-term maintenance;
10 and
11 (C) to provide opportunities for ecosystem
12 benefits for the Sacramento River flood control
13 project.
14 (d) COYOTE VALLEY DAM, CALIFORNIA.—The Sec-
15 retary shall conduct a study to determine the feasibility
16 of carrying out a project for flood damage reduction, envi-
17 ronmental restoration, and water supply by modifying the
18 Coyote Valley Dam, California.
19 (e) DEL ROSA DRAINAGE AREA, CALIFORNIA.—The
20 Secretary shall conduct a study to determine the feasibility
21 of carrying out projects for flood control and ecosystem
22 restoration in the cities of San Bernardino and Highland,
23 San Bernardino County, California.
24 (f) MERCED COUNTY, CALIFORNIA.—The Secretary
25 shall prepare a general reevaluation report on the project

1 for flood control, Merced County streams project, Cali-
2 fornia, authorized by section 10 of the Act of December
3 22, 1944 (58 Stat. 900; chapter 665), to investigate the
4 flood risk management opportunities and improve levee
5 performance along Black Rascal Creek and Bear Creek.
6 (g) MISSION-ZANJA DRAINAGE AREA, CALI-
7 FORNIA.—The Secretary shall conduct a study to deter-
8 mine the feasibility of carrying out projects for flood con-
9 trol and ecosystem restoration in the cities of Redlands,
10 Loma Linda, and San Bernardino, California, and unin-
11 corporated counties of San Bernardino County, California.
12 (h) SANTA ANA RIVER BASIN, CALIFORNIA.—The
13 Secretary shall conduct a study to determine the feasibility
14 of modifying the project for flood damage reduction by
15 modifying the San Jacinto and Bautista Creek Improve-
16 ment Project, part of the Santa Ana River Basin Project
17 in Riverside County, California.
18 (i) DELAWARE BAY COASTLINE, DELAWARE AND
19 NEW JERSEY-ROOSEVELT INLET-LEWES BEACH, DELA-
20 WARE.—The Secretary shall conduct a study to determine
21 the feasibility of modifying the project for shoreline pro-
22 tection and ecosystem restoration, Delaware Bay Coast-
23 line, Delaware and New Jersey-Roosevelt Inlet-Lewes
24 Beach, Delaware, authorized by section 101(a)(13) of the
25 Water Resources Development Act of 1999 (Public Law

1 106–53; 113 Stat. 276), to extend the authorized project
2 limit from the current eastward terminus to a distance of
3 8,000 feet east of the Roosevelt Inlet east jetty.

4 (j) MISPILLION INLET, CONCH BAR, DELAWARE.—
5 The Secretary shall conduct a study to determine the fea-
6 sibility of carrying out a project for navigation and shore-
7 line protection at Mispillion Inlet and Conch Bar, Sussex
8 County, Delaware.

9 (k) DAYTONA BEACH FLOOD PROTECTION, FLOR-
10 IDA.—The Secretary shall conduct a study to determine
11 the feasibility of carrying out projects for flood control in
12 the city of Daytona Beach, Florida.

13 (l) BRUNSWICK HARBOR, GEORGIA.—The Secretary
14 shall conduct a study to determine the feasibility of modi-
15 fying the project for navigation, Brunswick Harbor, Geor-
16 gia, authorized by section 101(a)(19) of the Water Re-
17 sources and Development Act of 1999 (Public Law 106–
18 53; 113 Stat. 277)—

19 (1) to widen the existing bend in the Federal
20 navigation channel at the intersection of Cedar
21 Hammock and Brunswick Point Cut Ranges; and

22 (2) to extend the northwest side of the existing
23 South Brunswick River Turning Basin.

24 (m) SAVANNAH RIVER BELOW AUGUSTA, GEOR-
25 GIA.—The Secretary shall conduct a study to determine

1 the feasibility of modifying the project for navigation, Sa-
2 vannah River below Augusta, Georgia, authorized by the
3 first section of the Act of July 3, 1930 (46 Stat. 924,
4 chapter 847), to include aquatic ecosystem restoration,
5 water supply, recreation, sediment management, and flood
6 control as project purposes.

7 (n) DUBUQUE, IOWA.—The Secretary shall conduct
8 a study to determine the feasibility of modifying the
9 project for flood protection, Dubuque, Iowa, authorized by
10 section 208 of the Flood Control Act of 1965 (Public Law
11 89–298; 79 Stat. 1086), to increase the level of flood pro-
12 tection and reduce flood damages.

13 (o) MISSISSIPPI RIVER SHIP CHANNEL, GULF TO
14 BATON ROUGE, LOUISIANA.—The Secretary shall conduct
15 a study to determine the feasibility of modifying the
16 project for navigation, Mississippi River Ship Channel,
17 Gulf to Baton Rouge, Louisiana, authorized by section
18 201(a) of the Harbor Development and Navigation Im-
19 provement Act of 1986 (Public Law 99–662; 100 Stat.
20 4090), to deepen the channel approaches and the associ-
21 ated area on the left descending bank of the Mississippi
22 River between mile 98.3 and mile 100.6 Above Head of
23 Passes (AHP) to a depth equal to the Channel.

24 (p) ST. TAMMANY PARISH GOVERNMENT COM-
25 PREHENSIVE COASTAL MASTER PLAN, LOUISIANA.—The

1 Secretary shall conduct a study to determine the feasibility
2 of carrying out projects described in the St. Tammany
3 Parish Comprehensive Coastal Master Plan for flood con-
4 trol, shoreline protection, and ecosystem restoration in St.
5 Tammany Parish, Louisiana.

6 (q) CAYUGA INLET, ITHACA, NEW YORK.—The Sec-
7 retary shall conduct a study to determine the feasibility
8 of modifying the project for flood protection, Great Lakes
9 Basin, authorized by section 203 of the Flood Control Act
10 of 1960 (Public Law 86–645; 74 Stat. 488) to include
11 sediment management as a project purpose on the Cayuga
12 Inlet, Ithaca, New York.

13 (r) CHAUTAUQUA COUNTY, NEW YORK.—

14 (1) IN GENERAL.—The Secretary shall conduct
15 a study to determine the feasibility of carrying out
16 projects for flood risk management, navigation, envi-
17 ronmental dredging, and ecosystem restoration on
18 the Cattaraugus, Silver Creek, and Chautauqua
19 Lake tributaries in Chautauqua County, New York.

20 (2) EVALUATION OF POTENTIAL SOLUTIONS.—
21 In conducting the study under paragraph (1), the
22 Secretary shall evaluate potential solutions to flood-
23 ing from all sources, including flooding that results
24 from ice jams.

25 (s) CINCINNATI, OHIO.—

1 (1) IN GENERAL.—The Secretary shall review
2 the ecosystem restoration and flood risk reduction
3 components of the Central Riverfront Park Master
4 Plan, dated December 1999, for the purpose of de-
5 termining whether or not the study, and the process
6 under which the study was developed, each comply
7 with Federal law (including regulations) applicable
8 to feasibility studies for water resources development
9 projects.
10 (2) RECOMMENDATION.—Not later than 180
11 days after reviewing the Master Plan under para-
12 graph (1), the Secretary shall submit to Congress—
13 (A) the results of the review of the Master
14 Plan, including a determination of whether any
15 project identified in the plan is feasible;
16 (B) any recommendations of the Secretary
17 related to any modifications to section 5116 of
18 the Water Resources Development Act of 2007
19 (Public Law 110–114; 121 Stat. 1238) nec-
20 essary to carry out any projects determined to
21 be feasible.
22 (t) TULSA AND WEST TULSA, ARKANSAS RIVER,
23 OKLAHOMA.—
24 (1) IN GENERAL.—The Secretary shall conduct
25 a study to determine the feasibility of modifying the

1 projects for flood risk management, Tulsa and West
2 Tulsa, Oklahoma, authorized by section 3 of the Act
3 of August 18, 1941 (55 Stat. 645; chapter 377).
4 (2) REQUIREMENTS.—
5 (A) IN GENERAL.—In carrying out the
6 study under paragraph (1), the Secretary shall
7 address project deficiencies, uncertainties, and
8 significant data gaps, including material, con-
9 struction, and subsurface, which render the
10 project at risk of overtopping, breaching, or sys-
11 tem failure.
12 (B) ADDRESSING DEFICIENCIES.—In ad-
13 dressing deficiencies under subparagraph (A),
14 the Secretary shall incorporate current design
15 standards and efficiency improvements, includ-
16 ing the replacement of mechanical and electrical
17 components at pumping stations, if the incorpo-
18 ration does not significantly change the scope,
19 function, or purpose of the project.
20 (3) PRIORITIZATION TO ADDRESS SIGNIFICANT
21 RISKS.—In any case in which a levee or levee system
22 (as defined in section 9002 of the Water Resources
23 Reform and Development Act of 2007 (33 U.S.C.
24 3301)) is classified as a Class I or II under the levee
25 safety action classification tool developed by the

1 Corps of Engineers, the Secretary shall expedite the
2 project for budget consideration.
3 (u) JOHNSTOWN, PENNSYLVANIA.—The Secretary
4 shall conduct a study to determine the feasibility of modi-
5 fying the project for flood control, Johnstown, Pennsyl-
6 vania, authorized by the Act of June 22, 1936 (49 Stat.
7 1570, chapter 688; 50 Stat. 880) (commonly known as
8 the "Flood Control Act of 1936"), to include aquatic eco-
9 system restoration, recreation, sediment management, and
10 increase the level of flood control.
11 (v) CHACON CREEK, TEXAS.—Notwithstanding any
12 other provision of law (including any resolution of a Com-
13 mittee of Congress), the study conducted by the Secretary
14 described in the resolution adopted by the Committee on
15 Transportation and Infrastructure of the House of Rep-
16 resentatives on May 21, 2003, relating to flood damage
17 reduction, environmental restoration and protection, water
18 conservation and supply, water quality, and related pur-
19 poses in the Rio Grande Watershed below Falcon Dam,
20 shall include the area above Falcon Dam.
21 (w) CORPUS CHRISTI SHIP CHANNEL, TEXAS.—The
22 Secretary shall conduct a study to determine the feasibility
23 of modifying the project for navigation and ecosystem res-
24 toration, Corpus Christi Ship Channel, Texas, authorized
25 by section 1001(40) of the Water Resources Development

1 Act of 2007 (Public Law 110–114; 121 Stat. 1056), to
2 develop and evaluate alternatives that address navigation
3 problems directly affecting the Corpus Christi Ship Chan-
4 nel, La Quinta Channel, and La Quinta Channel Exten-
5 sion, including deepening the La Quinta Channel, 2 turn-
6 ing basins, and the wye at La Quinta Junction.

7 (x) TRINITY RIVER AND TRIBUTARIES, TEXAS.—

8 (1) REVIEW.—Not later than 180 days after
9 the date of enactment of this Act, the Secretary
10 shall review the economic analysis of the Center for
11 Economic Development and Research of the Univer-
12 sity of North Texas entitled "Estimated Economic
13 Benefits of the Modified Central City Project (Trin-
14 ity River Vision) in Fort Worth, Texas" and dated
15 November 2014.

16 (2) AUTHORIZATION.—The project for flood
17 control and other purposes on the Trinity River and
18 tributaries, Texas, authorized by the River and Har-
19 bor Act of 1965 (Public Law 89–298; 79 Stat.
20 1091), as modified by section 116 the Energy and
21 Water Development Appropriations Act, 2005 (Pub-
22 lic Law 108–447; 118 Stat. 2944), is further modi-
23 fied to authorize the Secretary to carry out projects
24 described in the recommended plan of the economic
25 analysis described in paragraph (1), if the Secretary

1 determines, based on the review referred to in para-
2 graph (1), that—
3 (A) the economic analysis and the process
4 by which the economic analysis was developed
5 complies with Federal law (including regula-
6 tions) applicable to economic analyses for water
7 resources development projects; and
8 (B) based on the economic analysis, the
9 recommended plan in the supplement to the
10 final environmental impact statement for the
11 Central City Project, Upper Trinity River enti-
12 tled "Final Supplemental No. 1" is economi-
13 cally justified.
14 (3) LIMITATION.—The Federal share of the
15 cost of the recommended plan described in para-
16 graph (2) shall not exceed $520,000,000, of which
17 not more than $5,500,000 may be expended to carry
18 out recreation features of the project.
19 (y) CHINCOTEAGUE ISLAND, VIRGINIA.—The Sec-
20 retary shall conduct a study to determine the feasibility
21 of carrying out projects for ecosystem restoration and
22 flood control, Chincoteague Island, Virginia, authorized by
23 section 8 of Public Law 89–195 (16 U.S.C. 459f–7) (com-
24 monly known as the "Assateague Island National Sea-
25 shore Act") for—

(1) assessing the current and future function of the barrier island, inlet, and coastal bay system surrounding Chincoteague Island;

(2) developing an array of options for resource management; and

(3) evaluating the feasibility and cost associated with sustainable protection and restoration areas.

(z) BURLEY CREEK WATERSHED, WASHINGTON.—The Secretary shall conduct a study to determine the feasibility of carrying out projects for flood control and aquatic ecosystem restoration in the Burley Creek Watershed, Washington.

TITLE VII—SAFE DRINKING WATER AND CLEAN WATER INFRASTRUCTURE

SEC. 7001. DEFINITION OF ADMINISTRATOR.

In this title, the term "Administrator" means the Administrator of the Environmental Protection Agency.

SEC. 7002. SENSE OF THE SENATE ON APPROPRIATIONS LEVELS AND FINDINGS ON ECONOMIC IMPACTS.

(a) SENSE OF THE SENATE.—It is the sense of the Senate that Congress should provide robust funding for the State drinking water treatment revolving loan funds established under section 1452 of the Safe Drinking

1 Water Act (42 U.S.C. 300j–12) and the State water pollu-
2 tion control revolving funds established under title VI of
3 the Federal Water Pollution Control Act (33 U.S.C. 1381
4 et seq.).

5 (b) FINDINGS.—Congress finds, based on an analysis
6 sponsored by the Water Environment Federation and the
7 WateReuse Association of the nationwide impact of State
8 revolving loan fund spending using the IMPLAN economic
9 model developed by the Federal Government, that, in addi-
10 tion to the public health and environmental benefits, the
11 Federal investment in safe drinking water and clean water
12 provides the following benefits:

13 (1) Generation of significant Federal tax rev-
14 enue, as evidenced by the following:

15 (A) Every dollar of a Federal capitalization
16 grant returns $0.21 to the general fund of the
17 Treasury in the form of Federal taxes and,
18 when additional spending from the State revolv-
19 ing loan funds is considered to be the result of
20 leveraging the Federal investment, every dollar
21 of a Federal capitalization grant returns $0.93
22 in Federal tax revenue.

23 (B) A combined $34,700,000,000 in cap-
24 italization grants for the clean water and state
25 drinking water state revolving loan funds de-

1 scribed in subsection (a) over a period of 5
2 years would generate $7,430,000,000 in Fed-
3 eral tax revenue and, when additional spending
4 from the State revolving loan funds is consid-
5 ered to be the result of leveraging the Federal
6 investment, the Federal investment will result
7 in $32,300,000,000 in Federal tax revenue dur-
8 ing that 5-year period.
9 (2) An increase in employment, as evidenced by
10 the following:
11 (A) Every $1,000,000 in State revolving
12 loan fund spending generates 16 ½ jobs.
13 (B) $34,700,000,000 in Federal capitaliza-
14 tion grants for State revolving loan funds over
15 a period of 5 years would result in 506,000
16 jobs.
17 (3) An increase in economic output:
18 (A) Every $1,000,000 in State revolving
19 loan fund spending results in $2,950,000 in
20 output for the economy of the United States.
21 (B) $34,700,000,000 in Federal capitaliza-
22 tion grants for State revolving loan funds over
23 a period of 5 years will generate
24 $102,700,000,000 in total economic output.

Subtitle A—Drinking Water

SEC. 7101. PRECONSTRUCTION WORK.

Section 1452(a)(2) of the Safe Drinking Water Act (42 U.S.C. 300j–12(a)(2)) is amended—

(1) by designating the first, second, third, fourth, and fifth sentences as subparagraphs (A), (B), (D), (E), and (F), respectively;

(2) in subparagraph (B) (as designated by paragraph (1))—

(A) by striking "(not" and inserting "(including expenditures for planning, design, and associated preconstruction activities, including activities relating to the siting of the facility, but not"; and

(B) by inserting before the period at the end the following: "or to replace or rehabilitate aging treatment, storage, or distribution facilities of public water systems or provide for capital projects (excluding any expenditure for operations and maintenance) to upgrade the security of public water systems"; and

(3) by inserting after subparagraph (B) (as designated by paragraph (1)) the following:

"(C) SALE OF BONDS.—Funds may also be used by a public water system as a source

of revenue (restricted solely to interest earnings of the applicable State loan fund) or security for payment of the principal and interest on revenue or general obligation bonds issued by the State to provide matching funds under subsection (e), if the proceeds of the sale of the bonds will be deposited in the State loan fund.".

SEC. 7102. PRIORITY SYSTEM REQUIREMENTS.

Section 1452(b)(3) of the Safe Drinking Water Act (42 U.S.C. 300j–12(b)(3)) is amended—

(1) by redesignating subparagraph (B) as subparagraph (D);

(2) by striking subparagraph (A) and inserting the following:

"(A) DEFINITION OF RESTRUCTURING.—In this paragraph, the term 'restructuring' means changes in operations (including ownership, cooperative partnerships, asset management, consolidation, and alternative water supply).

"(B) PRIORITY SYSTEM.—An intended use plan shall provide, to the maximum extent practicable, that priority for the use of funds be given to projects that—

1 "(i) address the most serious risk to
2 human health;
3 "(ii) are necessary to ensure compli-
4 ance with this title (including requirements
5 for filtration);
6 "(iii) assist systems most in need on
7 a per-household basis according to State
8 affordability criteria; and
9 "(iv) improve the sustainability of sys-
10 tems.
11 "(C) WEIGHT GIVEN TO APPLICATIONS.—
12 After determining project priorities under sub-
13 paragraph (B), an intended use plan shall pro-
14 vide that the State shall give greater weight to
15 an application for assistance by a community
16 water system if the application includes such in-
17 formation as the State determines to be nec-
18 essary and contains—
19 "(i) a description of utility manage-
20 ment best practices undertaken by a treat-
21 ment works applying for assistance, includ-
22 ing—
23 "(I) an inventory of assets, in-
24 cluding a description of the condition
25 of the assets;

1 "(II) a schedule for replacement
2 of assets;
3 "(III) a financing plan that fac-
4 tors in all lifecycle costs indicating
5 sources of revenue from ratepayers,
6 grants, bonds, other loans, and other
7 sources to meet the costs; and
8 "(IV) a review of options for re-
9 structuring the public water system;
10 "(ii) demonstration of consistency
11 with State, regional, and municipal water-
12 shed plans;
13 "(iii) a water conservation plan con-
14 sistent with guidelines developed for those
15 plans by the Administrator under section
16 1455(a); and
17 "(iv) approaches to improve the sus-
18 tainability of the system, including—
19 "(I) water efficiency or conserva-
20 tion, including the rehabilitation or re-
21 placement of existing leaking pipes;
22 "(II) use of reclaimed water;
23 "(III) actions to increase energy
24 efficiency; and

"(IV) implementation of source water protection plans."; and

(3) in subparagraph (D) (as redesignated by paragraph (1)), by striking "periodically" and inserting "at least biennially".

SEC. 7103. ADMINISTRATION OF STATE LOAN FUNDS.

Section 1452(g)(2) of the Safe Drinking Water Act (42 U.S.C. 300j–12(g)(2)) is amended—

(1) in the first sentence, by striking "up to 4 percent of the funds allotted to the State under this section" and inserting ", for each fiscal year, an amount that does not exceed the sum of the amount of any fees collected by the State for use in covering reasonable costs of administration of programs under this section, regardless of the source, and an amount equal to the greatest of $400,000, ⅕ percent of the current valuation of the fund, or 4 percent of all grant awards to the fund under this section for the fiscal year,"; and

(2) by striking "1419," and all that follows through "1993." and inserting "1419.".

SEC. 7104. OTHER AUTHORIZED ACTIVITIES.

Section 1452(k)(2)(D) of the Safe Drinking Water Act (42 U.S.C. 300j–12(k)(2)(D)) is amended by inserting

1 before the period at the end the following: "(including im-
2 plementation of source water protection plans)".

3 **SEC. 7105. NEGOTIATION OF CONTRACTS.**

4 Section 1452 of the Safe Drinking Water Act (42
5 U.S.C. 300j–12) is amended by adding at the end the fol-
6 lowing:

7 "(s) NEGOTIATION OF CONTRACTS.—For commu-
8 nities with populations of more than 10,000 individuals,
9 a contract to be carried out using funds directly made
10 available by a capitalization grant under this section for
11 program management, construction management, feasi-
12 bility studies, preliminary engineering, design, engineer-
13 ing, surveying, mapping, or architectural or related serv-
14 ices shall be negotiated in the same manner as—

15 "(1) a contract for architectural and engineer-
16 ing services is negotiated under chapter 11 of title
17 40, United States Code; or

18 "(2) an equivalent State qualifications-based re-
19 quirement (as determined by the Governor of the
20 State).".

21 **SEC. 7106. ASSISTANCE FOR SMALL AND DISADVANTAGED**
22 **COMMUNITIES.**

23 (a) IN GENERAL.—Part E of the Safe Drinking
24 Water Act (42 U.S.C. 300j et seq.) is amended by adding
25 at the end the following:

1 **"SEC. 1459A. ASSISTANCE FOR SMALL AND DISADVAN-**
2 **TAGED COMMUNITIES.**

3 "(a) DEFINITION OF UNDERSERVED COMMUNITY.—
4 In this section:

5 "(1) IN GENERAL.—The term 'underserved
6 community' means a local political subdivision that
7 , as determined by the Administrator, has an inad-
8 equate drinking water or wastewater system.

9 "(2) INCLUSIONS.—The term 'underserved
10 community' includes a local political subdivision that
11 , as determined by the Administrator—

12 "(A) does not have household drinking
13 water or wastewater services; and

14 "(B) has a drinking water system that
15 fails to meet health-based standards under this
16 Act, including—

17 "(i) a maximum contaminant level for
18 a primary drinking water contaminant;

19 "(ii) a treatment technique violation;
20 and

21 "(iii) an action level exceedance.

22 "(b) ESTABLISHMENT.—

23 "(1) IN GENERAL.—The Administrator shall es-
24 tablish a program under which grants are provided
25 to eligible entities for use in carrying out projects
26 and activities the primary purposes of which are to

1 assist community water systems in meeting the re-
2 quirements of this Act.
3 "(2) INCLUSIONS.—Projects and activities
4 under paragraph (1) include—
5 "(A) infrastructure investments necessary
6 to comply with the requirements of this Act,
7 "(B) assistance that directly and primarily
8 benefits the disadvantaged community on a per-
9 household basis, and
10 "(C) programs to provide water quality
11 testing.
12 "(c) ELIGIBLE ENTITIES.—An entity eligible to re-
13 ceive a grant under this section—
14 "(1) is—
15 "(A) a community water system as defined
16 in section 1401; or
17 "(B) a system that is located in an area
18 governed by an Indian Tribe (as defined in sec-
19 tion 1401); and
20 "(2) serves a community that, under afford-
21 ability criteria established by the State under section
22 1452(d)(3), is determined by the State—
23 "(A) to be a disadvantaged community;

1 "(B) to be a community that may become
2 a disadvantaged community as a result of car-
3 rying out an eligible activity; or
4 "(C) to serve a community with a popu-
5 lation of less than 10,000 individuals that the
6 Administrator determines does not have the ca-
7 pacity to incur debt sufficient to finance the
8 project under subsection (b).
9 "(d) PRIORITY.—In prioritizing projects for imple-
10 mentation under this section, the Administrator shall give
11 priority to systems that serve underserved communities.
12 "(e) LOCAL PARTICIPATION.—In prioritizing projects
13 for implementation under this section, the Administrator
14 shall consult with, and consider the priorities of, affected
15 States, Indian Tribes, and local governments.
16 "(f) COST SHARING.—Before carrying out any
17 project under this section, the Administrator shall enter
18 into a binding agreement with 1 or more non-Federal in-
19 terests that shall require the non-Federal interests—
20 "(1) to pay not less than 45 percent of the total
21 costs of the project, which may include services, ma-
22 terials, supplies, or other in-kind contributions;
23 "(2) to provide any land, easements, rights-of-
24 way, and relocations necessary to carry out the
25 project; and

1 "(3) to pay 100 percent of any operation, main-
2 tenance, repair, replacement, and rehabilitation costs
3 associated with the project.
4 "(g) WAIVER.—The Administrator may waive the re-
5 quirement to pay the non-Federal share of the cost of car-
6 rying out an eligible activity using funds from a grant pro-
7 vided under this section if the Administrator determines
8 that an eligible entity is unable to pay, or would experience
9 significant financial hardship if required to pay, the non-
10 Federal share.
11 "(h) AUTHORIZATION OF APPROPRIATIONS.—There
12 are authorized to be appropriated to carry out this sec-
13 tion—
14 "(1) $230,000,000 for fiscal year 2017; and
15 "(2) $300,000,000 for each of fiscal years 2018
16 through 2021.".
17 (b) FUNDING.—Out of any funds in the Treasury not
18 otherwise appropriated, the Secretary of the Treasury
19 shall transfer to the Administrator to provide grants to
20 eligible entities under section 1459A of the Safe Drinking
21 Water Act (as added by subsection (a)), $20,000,000, to
22 remain available until expended.

1 **SEC. 7107. REDUCING LEAD IN DRINKING WATER.**

2 (a) IN GENERAL.—Part E of the Safe Drinking
3 Water Act (42 U.S.C. 300j et seq.) (as amended by section
4 7106) is amended by adding at the end the following:

5 **"SEC. 1459B. REDUCING LEAD IN DRINKING WATER.**

6 "(a) DEFINITIONS.—In this section:

7 "(1) ELIGIBLE ENTITY.—The term 'eligible en-
8 tity' means—

9 "(A) a community water system;

10 "(B) a system located in an area governed
11 by an Indian Tribe;

12 "(C) a nontransient noncommunity water
13 system;

14 "(D) a qualified nonprofit organization, as
15 determined by the Administrator; and

16 "(E) a municipality or State, interstate, or
17 intermunicipal agency.

18 "(2) LEAD REDUCTION PROJECT.—

19 "(A) IN GENERAL.—The term 'lead reduc-
20 tion project' means a project or activity the pri-
21 mary purpose of which is to reduce the level of
22 lead in water for human consumption by—

23 "(i) replacement of publicly owned
24 lead service lines;

25 "(ii) testing, planning, or other rel-
26 evant activities, as determined by the Ad-

1 ministrator, to identify and address condi-
2 tions (including corrosion control) that
3 contribute to increased lead levels in water
4 for human consumption;
5 "(iii) assistance to low-income home-
6 owners to replace privately owned service
7 lines, pipes, fittings, or fixtures that con-
8 tain lead; and
9 "(iv) education of consumers regard-
10 ing measures to reduce exposure to lead
11 from drinking water or other sources.
12 "(B) LIMITATION.—The term 'lead reduc-
13 tion project' does not include a partial lead
14 service line replacement if, at the conclusion of
15 the service line replacement, drinking water is
16 delivered to a household through a publicly or
17 privately owned portion of a lead service line.
18 "(3) LOW-INCOME.—The term 'low-income',
19 with respect to an individual provided assistance
20 under this section, has such meaning as may be
21 given the term by the head of the municipality or
22 State, interstate, or intermunicipal agency with ju-
23 risdiction over the area to which assistance is pro-
24 vided.

1 "(4) MUNICIPALITY.—The term 'municipality'
2 means—
3 "(A) a city, town, borough, county, parish,
4 district, association, or other public entity es-
5 tablished by, or pursuant to, applicable State
6 law; and
7 "(B) an Indian tribe (as defined in section
8 4 of the Indian Self-Determination and Edu-
9 cation Assistance Act (25 U.S.C. 450b)).
10 "(b) GRANT PROGRAM.—
11 "(1) ESTABLISHMENT.—The Administrator
12 shall establish a grant program to provide assistance
13 to eligible entities for lead reduction projects in the
14 United States.
15 "(2) PRECONDITION.—As a condition of receipt
16 of assistance under this section, before receiving the
17 assistance the eligible entity shall take steps to iden-
18 tify—
19 "(A) the source of lead in water for human
20 consumption; and
21 "(B) the means by which the proposed lead
22 reduction project would reduce lead levels in the
23 applicable water system.

1 "(3) PRIORITY APPLICATION.—In providing
2 grants under this subsection, the Administrator shall
3 give priority to an eligible entity that—
4 "(A) demonstrates that the eligible entity
5 is unable to fund the proposed lead reduction
6 project through other sources of funding; and
7 "(B) proposes to—
8 "(i) carry out a lead reduction project
9 at a public water system or nontransient
10 noncommunity water system that has ex-
11 ceeded the lead action level established by
12 the Administrator at any time during the
13 3-year period preceding the date of submis-
14 sion of the application of the eligible enti-
15 ty;
16 "(ii) address lead levels in water for
17 human consumption at a school, daycare,
18 or other facility that primarily serves chil-
19 dren or another vulnerable human sub-
20 population; or
21 "(iii) address such priority criteria as
22 the Administrator may establish, consistent
23 with the goal of reducing lead levels of con-
24 cern.
25 "(4) COST SHARING.—

1 "(A) IN GENERAL.—Subject to subpara-
2 graph (B), the non-Federal share of the total
3 cost of a project funded by a grant under this
4 subsection shall be not less than 20 percent.
5 "(B) WAIVER.—The Administrator may
6 reduce or eliminate the non-Federal share
7 under subparagraph (A) for reasons of afford-
8 ability, as the Administrator determines to be
9 appropriate.
10 "(5) LOW-INCOME ASSISTANCE.—
11 "(A) IN GENERAL.—Subject to subpara-
12 graph (B), an eligible entity may use a grant
13 provided under this subsection to provide assist-
14 ance to low-income homeowners to carry out
15 lead reduction projects.
16 "(B) LIMITATION.—The amount of a
17 grant provided to a low-income homeowner
18 under this paragraph shall not exceed the cost
19 of replacement of the privately owned portion of
20 the service line.
21 "(6) SPECIAL CONSIDERATION FOR LEAD SERV-
22 ICE LINE REPLACEMENT.—In carrying out lead serv-
23 ice line replacement using a grant under this sub-
24 section, an eligible entity shall—

"(A) notify customers of the replacement of any publicly owned portion of the lead service line;

"(B) in the case of a homeowner who is not low-income, offer to replace the privately owned portion of the lead service line at the cost of replacement;

"(C) in the case of a low-income homeowner, offer to replace the privately owned portion of the lead service line and any pipes, fitting, and fixtures that contain lead at a cost that is equal to the difference between—

"(i) the cost of replacement; and

"(ii) the amount of low-income assistance available to the homeowner under paragraph (5);

"(D) notify each customer that a planned replacement of any publicly owned portion of a lead service line that is funded by a grant made under this subsection will not be carried out unless the customer agrees to the simultaneous replacement of the privately owned portion of the lead service line; and

"(E) demonstrate that the eligible entity has considered multiple options for reducing

1 lead in drinking water, including an evaluation
2 of options for corrosion control.
3 "(c) AUTHORIZATION OF APPROPRIATIONS.—There
4 is authorized to be appropriated to carry out this section
5 $60,000,000 for each of fiscal years 2017 through 2021.".
6 (b) FUNDING.—Out of any funds in the Treasury not
7 otherwise appropriated, the Secretary of the Treasury
8 shall transfer to the Administrator to provide grants to
9 eligible entities under this section under section 1459B of
10 the Safe Drinking Water Act (as added by subsection (a)),
11 $20,000,000, to remain available until expended.

12 **SEC. 7108. REGIONAL LIAISONS FOR MINORITY, TRIBAL,**
13 **AND LOW-INCOME COMMUNITIES.**

14 (a) IN GENERAL.—The Administrator shall appoint
15 not fewer than 1 employee in each regional office of the
16 Environmental Protection Agency to serve as a liaison to
17 minority, tribal, and low-income communities in the rel-
18 evant region.
19 (b) PUBLIC IDENTIFICATION.—The Administrator
20 shall identify each regional liaison selected under sub-
21 section (a) on the website of—
22 (1) the relevant regional office of the Environ-
23 mental Protection Agency; and
24 (2) the Office of Environmental Justice of the
25 Environmental Protection Agency.

1 **SEC. 7109. NOTICE TO PERSONS SERVED.**

2 (a) EXCEEDANCE OF LEAD ACTION LEVEL.—Section
3 1414(c) of the Safe Drinking Water Act (42 U.S.C. 300g–
4 3(c)) is amended—

5 (1) in paragraph (1), by adding at the end the
6 following:

7 "(D) Notice of any exceedance of a lead
8 action level or any other prescribed level of lead
9 in a regulation issued under section 1412, in-
10 cluding the concentrations of lead found in a
11 monitoring activity.";

12 (2) in paragraph (2)—

13 (A) in subparagraph (C)—

14 (i) in clause (iii)—

15 (I) by striking "Administrator
16 or" and inserting "Administrator, the
17 Director of the Centers for Disease
18 Control and Prevention, and, if appli-
19 cable,"; and

20 (II) by inserting "and the appro-
21 priate State and county health agen-
22 cies" after "1413";

23 (B) by redesignating subparagraphs (D)
24 and (E) as subparagraphs (E) and (F), respec-
25 tively; and

1 (C) by inserting after subparagraph (C)
2 the following:
3 "(D) EXCEEDANCE OF LEAD ACTION
4 LEVEL.—Regulations issued under subpara-
5 graph (A) shall specify notification procedures
6 for an exceedance of a lead action level or any
7 other prescribed level of lead in a regulation
8 issued under section 1412.";
9 (3) by redesignating paragraphs (3) and (4) as
10 paragraphs (4) and (5), respectively; and
11 (4) by inserting after paragraph (2) the fol-
12 lowing:
13 "(3) NOTIFICATION OF THE PUBLIC RELATING
14 TO LEAD.—
15 "(A) EXCEEDANCE OF LEAD ACTION
16 LEVEL.—Not later than 15 days after the date
17 of an exceedance of a lead action level or any
18 other prescribed level of lead in a regulation
19 issued under section 1412, the Administrator
20 shall notify the public of the concentrations of
21 lead found in the monitoring activity conducted
22 by the public water system if the public water
23 system or the State does not notify the public
24 of the concentrations of lead found in a moni-
25 toring activity.

1 "(B) RESULTS OF LEAD MONITORING.—
2 "(i) IN GENERAL.—The Administrator
3 may provide notice of any result of lead
4 monitoring conducted by a public water
5 system to—
6 "(I) any person that is served by
7 the public water system; or
8 "(II) the local or State health de-
9 partment of a locality or State in
10 which the public water system is lo-
11 cated.
12 "(ii) FORM OF NOTICE.—The Admin-
13 istrator may provide the notice described
14 in clause (i) by—
15 "(I) press release; or
16 "(II) other form of communica-
17 tion, including local media.
18 "(C) PRIVACY.—Notice to the public shall
19 protect the privacy of individual customer infor-
20 mation.".
21 (b) CONFORMING AMENDMENTS.—Section 1414(c)
22 of the Safe Drinking Water Act (42 U.S.C. 300g–3(c))
23 is amended—
24 (1) in paragraph (1)(C), by striking "paragraph
25 (2)(E)" and inserting "paragraph (2)(F)";

1 (2) in paragraph (2)(B)(i)(II), by striking "sub-
2 paragraph (D)" and inserting "subparagraph (E)";
3 and
4 (3) in paragraph (3)(B), in the first sentence,
5 by striking "(D)" and inserting "(E)".

6 **SEC. 7110. ELECTRONIC REPORTING OF DRINKING WATER**
7 **DATA.**

8 Section 1414 of the Safe Drinking Water Act (42
9 U.S.C. 300g–3) is amended by adding at the end the fol-
10 lowing:
11 "(j) ELECTRONIC REPORTING OF COMPLIANCE MON-
12 ITORING DATA.—
13 "(1) IN GENERAL.—As a condition on the re-
14 ceipt of funds under this Act, the Administrator
15 shall require electronic submission of available com-
16 pliance monitoring data, if practicable—
17 "(A) by public water systems—
18 "(i) to the Administrator; or
19 "(ii) with respect to a public water
20 system in a State that has primary en-
21 forcement responsibility under section
22 1413, to that State; and
23 "(B) by each State that has primary en-
24 forcement responsibility under section 1413 to
25 the Administrator.

1 "(2) CONSIDERATIONS.—In determining wheth-
2 er the condition referred to in paragraph (1) is prac-
3 ticable, the Administrator shall consider—
4 "(A) the ability of a public water system or
5 State to meet the requirements of sections 3.1
6 through 3.2000 of title 40, Code of Federal
7 Regulations (or successor regulations);
8 "(B) information system compatibility;
9 "(C) the size of the public water system;
10 and
11 "(D) the size of the community served by
12 the public water system.".

13 **SEC. 7111. LEAD TESTING IN SCHOOL AND CHILD CARE**
14 **DRINKING WATER.**

15 (a) IN GENERAL.—Section 1464 of the Safe Drink-
16 ing Water Act (42 U.S.C. 300j–24) is amended by striking
17 subsection (d) and inserting the following:
18 "(d) VOLUNTARY SCHOOL AND CHILD CARE LEAD
19 TESTING GRANT PROGRAM.—
20 "(1) DEFINITIONS.—In this subsection:
21 "(A) CHILD CARE PROGRAM.—The term
22 'child care program' has the meaning given the
23 term 'early childhood education program' in
24 section 103 of the Higher Education Act of
25 1965 (20 U.S.C. 1003).

1 "(B) LOCAL EDUCATIONAL AGENCY.—The
2 term 'local educational agency' means—
3 "(i) a local educational agency (as de-
4 fined in section 8101 of the Elementary
5 and Secondary Education Act of 1965 (20
6 U.S.C. 7801));
7 "(ii) a tribal education agency (as de-
8 fined in section 3 of the National Environ-
9 mental Education Act (20 U.S.C. 5502));
10 and
11 "(iii) an operator of a child care pro-
12 gram facility.
13 "(2) ESTABLISHMENT.—
14 "(A) IN GENERAL.—Not later than 180
15 days after the date of enactment of the Water
16 Resources Development Act of 2016, the Ad-
17 ministrator shall establish a voluntary school
18 and child care lead testing grant program to
19 make grants available to States to assist local
20 educational agencies in voluntary testing for
21 lead contamination in drinking water at schools
22 and child care programs under the jurisdiction
23 of the local educational agencies.
24 "(B) GRANTS TO LOCAL EDUCATIONAL
25 AGENCIES.—The Administrator may make

1 grants directly available to local educational
2 agencies for the voluntary testing described in
3 subparagraph (A) in—
4 "(i) any State that does not partici-
5 pate in the voluntary school and child care
6 lead testing grant program established
7 under that subparagraph; and
8 "(ii) any direct implementation area.
9 "(3) APPLICATION.—To be eligible to receive a
10 grant under this subsection, a State or local edu-
11 cational agency shall submit to the Administrator an
12 application at such time, in such manner, and con-
13 taining such information as the Administrator may
14 require.
15 "(4) USE OF FUNDS.—
16 "(A) IN GENERAL.—A State or local edu-
17 cational agency that receives a grant under this
18 subsection may use grant funds for the vol-
19 untary testing described in paragraph (2)(A).
20 "(B) LIMITATION.—Not more than 4 per-
21 cent of grant funds accepted under this sub-
22 section shall be used to pay the administrative
23 costs of carrying out this subsection.
24 "(5) GUIDANCE; PUBLIC AVAILABILITY.—As a
25 condition of receiving a grant under this subsection,

1 the State or local educational agency shall ensure
2 that each local educational agency to which grant
3 funds are distributed shall—
4 "(A) expend grant funds in accordance
5 with—
6 "(i) the guidance of the Environ-
7 mental Protection Agency entitled '3Ts for
8 Reducing Lead in Drinking Water in
9 Schools: Revised Technical Guidance' and
10 dated October 2006 (or any successor
11 guidance); or
12 "(ii) applicable State regulations or
13 guidance regarding reducing lead in drink-
14 ing water in schools and child care pro-
15 grams that is not less stringent than the
16 guidance referred to in clause (i); and
17 "(B)(i) make available in the administra-
18 tive offices, and to the maximum extent prac-
19 ticable, on the Internet website, of the local
20 educational agency for inspection by the public
21 (including teachers, other school personnel, and
22 parents) a copy of the results of any voluntary
23 testing for lead contamination in school and
24 child care program drinking water that is car-

1 ried out with grant funds under this subsection;
2 and
3 "(ii) notify parent, teacher, and employee
4 organizations of the availability of the results
5 described in clause (i).
6 "(6) MAINTENANCE OF EFFORT.—If resources
7 are available to a State or local educational agency
8 from any other Federal agency, a State, or a private
9 foundation for testing for lead contamination in
10 drinking water, the State or local educational agency
11 shall demonstrate that the funds provided under this
12 subsection will not displace those resources.
13 "(7) AUTHORIZATION OF APPROPRIATIONS.—
14 There is authorized to be appropriated to carry out
15 this subsection $20,000,000 for each of fiscal years
16 2017 through 2021.".
17 (b) REPEAL.—Section 1465 of the Safe Drinking
18 Water Act (42 U.S.C. 300j–25) is repealed.
19 **SEC. 7112. WATERSENSE PROGRAM.**
20 (a) ESTABLISHMENT OF WATERSENSE PROGRAM.—
21 (1) IN GENERAL.—There is established within
22 the Environmental Protection Agency a voluntary
23 WaterSense program to identify and promote water-
24 efficient products, buildings, landscapes, facilities,
25 processes, and services that, through voluntary label-

1 ing of, or other forms of communications regarding,
2 products, buildings, landscapes, facilities, processes,
3 and services while meeting strict performance cri-
4 teria, sensibly—
5 (A) reduce water use;
6 (B) reduce the strain on public and com-
7 munity water systems and wastewater and
8 stormwater infrastructure;
9 (C) conserve energy used to pump, heat,
10 transport, and treat water; and
11 (D) preserve water resources for future
12 generations.
13 (2) INCLUSIONS.—The Administrator shall,
14 consistent with this section, identify water-efficient
15 products, buildings, landscapes, facilities, processes,
16 and services, including categories such as—
17 (A) irrigation technologies and services;
18 (B) point-of-use water treatment devices;
19 (C) plumbing products;
20 (D) reuse and recycling technologies;
21 (E) landscaping and gardening products,
22 including moisture control or water enhancing
23 technologies;
24 (F) xeriscaping and other landscape con-
25 versions that reduce water use;

1 (G) whole house humidifiers; and
2 (H) water-efficient buildings or facilities.
3 (b) DUTIES.—The Administrator, coordinating as ap-
4 propriate with the Secretary, shall—
5 (1) establish—
6 (A) a WaterSense label to be used for
7 items meeting the certification criteria estab-
8 lished in accordance with this section; and
9 (B) the procedure, including the methods
10 and means, and criteria by which an item may
11 be certified to display the WaterSense label;
12 (2) enhance public awareness regarding the
13 WaterSense label through outreach, education, and
14 other means;
15 (3) preserve the integrity of the WaterSense
16 label by—
17 (A) establishing and maintaining feasible
18 performance criteria so that products, build-
19 ings, landscapes, facilities, processes, and serv-
20 ices labeled with the WaterSense label perform
21 as well or better than less water-efficient coun-
22 terparts;
23 (B) overseeing WaterSense certifications
24 made by third parties;

1 (C) as determined appropriate by the Ad-
2 ministrator, using testing protocols, from the
3 appropriate, applicable, and relevant consensus
4 standards, for the purpose of determining
5 standards compliance; and
6 (D) auditing the use of the WaterSense
7 label in the marketplace and preventing cases of
8 misuse; and
9 (4) not more than 6 years after adoption or
10 major revision of any WaterSense specification, re-
11 view and, if appropriate, revise the specification to
12 achieve additional water savings;
13 (5) in revising a WaterSense specification—
14 (A) provide reasonable notice to interested
15 parties and the public of any changes, including
16 effective dates, and an explanation of the
17 changes;
18 (B) solicit comments from interested par-
19 ties and the public prior to any changes;
20 (C) as appropriate, respond to comments
21 submitted by interested parties and the public;
22 and
23 (D) provide an appropriate transition time
24 prior to the applicable effective date of any
25 changes, taking into account the timing nec-

1 essary for the manufacture, marketing, train-
2 ing, and distribution of the specific water-effi-
3 cient product, building, landscape, process, or
4 service category being addressed; and
5 (6) not later than December 31, 2018, consider
6 for review and revision any WaterSense specification
7 adopted before January 1, 2012.
8 (c) TRANSPARENCY.—The Administrator shall, to the
9 maximum extent practicable and not less than annually,
10 regularly estimate and make available to the public the
11 production and relative market shares and savings of
12 water, energy, and capital costs of water, wastewater, and
13 stormwater attributable to the use of WaterSense-labeled
14 products, buildings, landscapes, facilities, processes, and
15 services.
16 (d) DISTINCTION OF AUTHORITIES.—In setting or
17 maintaining specifications for Energy Star pursuant to
18 section 324A, and WaterSense under this section, the Sec-
19 retary and Administrator shall coordinate to prevent du-
20 plicative or conflicting requirements among the respective
21 programs.
22 (e) NO WARRANTY.—A WaterSense label shall not
23 create an express or implied warranty.
24 **SEC. 7113. WATER SUPPLY COST SAVINGS.**
25 (a) FINDINGS.—Congress finds that—

1 (1) the United States is facing a drinking water
2 infrastructure funding crisis;
3 (2) the Environmental Protection Agency
4 projects a shortfall of approximately
5 $384,000,000,000 in funding for drinking water in-
6 frastructure from 2015 to 2035 and this funding
7 challenge is particularly acute in rural communities
8 in the United States;
9 (3) there are approximately 52,000 community
10 water systems in the United States, of which nearly
11 42,000 are small community water systems;
12 (4) the Drinking Water Needs Survey con-
13 ducted by the Environmental Protection Agency in
14 2011 placed the shortfall in drinking water infra-
15 structure funding for small communities, which con-
16 sist of 3,300 or fewer persons, at $64,500,000,000;
17 (5) small communities often cannot finance the
18 construction and maintenance of drinking water sys-
19 tems because the cost per resident for the invest-
20 ment would be prohibitively expensive;
21 (6) drought conditions have placed significant
22 strains on existing surface water supplies;
23 (7) many communities across the United States
24 are considering the use of groundwater and commu-
25 nity well systems to provide drinking water; and

1 (8) approximately 42,000,000 people in the
2 United States receive drinking water from individual
3 wells and millions more rely on community well sys-
4 tems for drinking water.
5 (b) SENSE OF THE SENATE.—It is the sense of the
6 Senate that providing rural communities with the knowl-
7 edge and resources necessary to fully use alternative
8 drinking water systems, including wells and community
9 well systems, can provide safe and affordable drinking
10 water to millions of people in the United States.
11 (c) DRINKING WATER TECHNOLOGY CLEARING-
12 HOUSE.—The Administrator and the Secretary of Agri-
13 culture shall—
14 (1) update existing programs of the Environ-
15 mental Protection Agency and the Department of
16 Agriculture designed to provide drinking water tech-
17 nical assistance to include information on cost-effec-
18 tive, innovative, and alternative drinking water deliv-
19 ery systems, including systems that are supported by
20 wells; and
21 (2) disseminate information on the cost effec-
22 tiveness of alternative drinking water delivery sys-
23 tems, including wells and well systems, to commu-
24 nities and not-for-profit organizations seeking Fed-

1 eral funding for drinking water systems serving 500
2 or fewer persons.
3 (d) WATER SYSTEM ASSESSMENT.—Notwithstanding
4 any other provision of law, in any application for a grant
5 or loan from the Federal Government or a State that is
6 using Federal assistance for a drinking water system serv-
7 ing 500 or fewer persons, a unit of local government or
8 not-for-profit organization shall self-certify that the unit
9 of local government or organization has considered, as an
10 alternative drinking water supply, drinking water delivery
11 systems sourced by publicly owned—
12 (1) individual wells;
13 (2) shared wells; and
14 (3) community wells.
15 (e) REPORT TO CONGRESS.—Not later than 3 years
16 after the date of enactment of this Act, the Administrator
17 and the Secretary of Agriculture shall submit to Congress
18 a report that describes—
19 (1) the use of innovative and alternative drink-
20 ing water systems described in this section;
21 (2) the range of cost savings for communities
22 using innovative and alternative drinking water sys-
23 tems described in this section; and

1 (3) the use of drinking water technical assist-
2 ance programs operated by the Administrator and
3 the Secretary of Agriculture.

4 Subtitle B—Clean Water

5 **SEC. 7201. SEWER OVERFLOW CONTROL GRANTS.**

6 Section 221 of the Federal Water Pollution Control
7 Act (33 U.S.C. 1301) is amended—

8 (1) in subsection (a), by striking the subsection
9 designation and heading and all that follows through
10 "subject to subsection (g), the Administrator may"
11 in paragraph (2) and inserting the following:

12 "(a) AUTHORITY.—The Administrator may—

13 "(1) make grants to States for the purpose of
14 providing grants to a municipality or municipal enti-
15 ty for planning, designing, and constructing—

16 "(A) treatment works to intercept, trans-
17 port, control, or treat municipal combined sewer
18 overflows and sanitary sewer overflows; and

19 "(B) measures to manage, reduce, treat, or
20 recapture stormwater or subsurface drainage
21 water; and

22 "(2) subject to subsection (g),";

23 (2) in subsection (b)—

24 (A) in paragraph (1), by striking the semi-
25 colon at the end and inserting "; or";

1 (B) by striking paragraphs (2) and (3);
2 and
3 (C) by redesignating paragraph (4) as
4 paragraph (2);
5 (3) by striking subsections (e) through (g) and
6 inserting the following:
7 "(e) ADMINISTRATIVE REQUIREMENTS.—
8 "(1) IN GENERAL.—Subject to paragraph (2), a
9 project that receives grant assistance under sub-
10 section (a) shall be carried out subject to the same
11 requirements as a project that receives assistance
12 from a State water pollution control revolving fund
13 established pursuant to title VI.
14 "(2) DETERMINATION OF GOVERNOR.—The re-
15 quirement described in paragraph (1) shall not apply
16 to a project that receives grant assistance under
17 subsection (a) to the extent that the Governor of the
18 State in which the project is located determines that
19 a requirement described in title VI is inconsistent
20 with the purposes of this section.
21 "(f) AUTHORIZATION OF APPROPRIATIONS.—There
22 are authorized to be appropriated to carry out this section,
23 to remain available until expended—
24 "(1) $250,000,000 for fiscal year 2017;
25 "(2) $300,000,000 for fiscal year 2018;

"(3) $350,000,000 for fiscal year 2019;

"(4) $400,000,000 for fiscal year 2020; and

"(5) $500,000,000 for fiscal year 2021.

"(g) ALLOCATION OF FUNDS.—

"(1) FISCAL YEAR 2017 AND 2018.—For each of fiscal years 2017 and 2018, subject to subsection (h), the Administrator shall use the amounts made available to carry out this section to provide grants to municipalities and municipal entities under subsection (a)(2)—

"(A) in accordance with the priority criteria described in subsection (b); and

"(B) with additional priority given to proposed projects that involve the use of—

"(i) nonstructural, low-impact development;

"(ii) water conservation, efficiency, or reuse; or

"(iii) other decentralized stormwater or wastewater approaches to minimize flows into the sewer systems.

"(2) FISCAL YEAR 2019 AND THEREAFTER.—For fiscal year 2019 and each fiscal year thereafter, subject to subsection (h), the Administrator shall use the amounts made available to carry out this

1 section to provide grants to States under subsection
2 (a)(1) in accordance with a formula that—
3 "(A) shall be established by the Adminis-
4 trator, after providing notice and an oppor-
5 tunity for public comment; and
6 "(B) allocates to each State a proportional
7 share of the amounts based on the total needs
8 of the State for municipal combined sewer over-
9 flow controls and sanitary sewer overflow con-
10 trols, as identified in the most recent survey—
11 "(i) conducted under section 210; and
12 "(ii) included in a report required
13 under section 516(b)(1)(B)."; and
14 (4) by striking subsection (i).

15 **SEC. 7202. SMALL TREATMENT WORKS.**

16 (a) IN GENERAL.—Title II of the Federal Water Pol-
17 lution Control Act (33 U.S.C. 1281 et seq.) is amended
18 by adding at the end the following:

19 **"SEC. 222. TECHNICAL ASSISTANCE FOR SMALL TREAT-**
20 **MENT WORKS.**

21 "(a) DEFINITIONS.—In this section:
22 "(1) QUALIFIED NONPROFIT TECHNICAL AS-
23 SISTANCE PROVIDER.—The term 'qualified nonprofit
24 technical assistance provider' means a nonprofit or-

1 ganization that, as determined by the Adminis-
2 trator—
3 "(A) is the most qualified and experienced
4 in providing training and technical assistance to
5 small treatment works; and
6 "(B) the small treatment works in the
7 State finds to be the most beneficial and effec-
8 tive.
9 "(2) SMALL TREATMENT WORKS.—The term
10 'small treatment works' means a publicly owned
11 treatment works serving not more than 10,000 indi-
12 viduals.
13 "(b) TECHNICAL ASSISTANCE.—The Administrator
14 may use amounts made available to carry out this section
15 to provide grants or cooperative agreements to qualified
16 nonprofit technical assistance providers to provide to own-
17 ers and operators of small treatment works onsite tech-
18 nical assistance, circuit-rider technical assistance pro-
19 grams, multistate, regional technical assistance programs,
20 and onsite and regional training, to assist the treatment
21 works in achieving compliance with this Act or obtaining
22 financing under this Act for eligible projects.
23 "(c) AUTHORIZATION OF APPROPRIATIONS.—There
24 are authorized to be appropriated to carry out this section
25 $15,000,000 for each of fiscal years 2017 through 2021.".

1 (b) WATER POLLUTION CONTROL REVOLVING LOAN
2 FUNDS.—
3 (1) IN GENERAL.—Section 603 of the Federal
4 Water Pollution Control Act (33 U.S.C. 1383) is
5 amended—
6 (A) in subsection (d)—
7 (i) in the matter preceding paragraph
8 (1), by inserting "and as provided in sub-
9 section (e)" after "State law";
10 (ii) by redesignating subsections (e)
11 through (i) as subsections (f) through (j),
12 respectively; and
13 (iii) by inserting after subsection (d)
14 the following:
15 "(e) ADDITIONAL USE OF FUNDS.—A State may use
16 an additional 2 percent of the funds annually allotted to
17 the State under this section for qualified nonprofit tech-
18 nical assistance providers (as defined in section 222) to
19 provide technical assistance to public water systems serv-
20 ing not more than 10,000 individuals in the State.".
21 (2) CONFORMING AMENDMENT.—Section
22 221(d) of the Federal Water Pollution Control Act
23 (33 U.S.C. 1301(d)) is amended by striking "section
24 603(h)" and inserting "section 603(i)".

1 **SEC. 7203. INTEGRATED PLANS.**

2 (a) INTEGRATED PLANS.—Section 402 of the Fed-
3 eral Water Pollution Control Act (33 U.S.C. 1342) is
4 amended by adding at the end the following:

5 "(s) INTEGRATED PLAN PERMITS.—

6 "(1) DEFINITIONS.—In this subsection:

7 "(A) GREEN INFRASTRUCTURE.—The
8 term 'green infrastructure' means the range of
9 measures that use plant or soil systems, per-
10 meable pavement or other permeable surfaces
11 or substrates, stormwater harvest and reuse, or
12 landscaping to store, infiltrate, or
13 evapotranspirate stormwater and reduce flows
14 to sewer systems or to surface waters.

15 "(B) INTEGRATED PLAN.—The term 'inte-
16 grated plan' has the meaning given in Part III
17 of the Integrated Municipal Stormwater and
18 Wastewater Planning Approach Framework,
19 issued by the Environmental Protection Agency
20 and dated May 2012.

21 "(C) MUNICIPAL DISCHARGE.—

22 "(i) IN GENERAL.—The term 'munic-
23 ipal discharge' means a discharge from a
24 treatment works (as defined in section
25 212) or a discharge from a municipal
26 storm sewer under subsection(p).

"(ii) INCLUSION.—The term 'municipal discharge' includes a discharge of wastewater or storm water collected from multiple municipalities if the discharge is covered by the same permit issued under this section.

"(2) INTEGRATED PLAN.—

"(A) IN GENERAL.—The Administrator (or a State, in the case of a permit program approved under subsection (b)) shall inform a municipal permittee or multiple municipal permittees of the opportunity to develop an integrated plan.

"(B) SCOPE OF PERMIT INCORPORATING INTEGRATED PLAN.—A permit issued under this subsection that incorporates an integrated plan may integrate all requirements under this Act addressed in the integrated plan, including requirements relating to—

"(i) a combined sewer overflow;

"(ii) a capacity, management, operation, and maintenance program for sanitary sewer collection systems;

"(iii) a municipal stormwater discharge;

1 "(iv) a municipal wastewater dis-
2 charge; and
3 "(v) a water quality-based effluent
4 limitation to implement an applicable
5 wasteload allocation in a total maximum
6 daily load.
7 "(3) COMPLIANCE SCHEDULES.—
8 "(A) IN GENERAL.—A permit for a munic-
9 ipal discharge by a municipality that incor-
10 porates an integrated plan may include a sched-
11 ule of compliance, under which actions taken to
12 meet any applicable water quality-based effluent
13 limitation may be implemented over more than
14 1 permit term if the compliance schedules are
15 authorized by State water quality standards.
16 "(B) INCLUSION.—Actions subject to a
17 compliance schedule under subparagraph (A)
18 may include green infrastructure if imple-
19 mented as part of a water quality-based effluent
20 limitation.
21 "(C) REVIEW.—A schedule of compliance
22 may be reviewed each time the permit is re-
23 newed.
24 "(4) EXISTING AUTHORITIES RETAINED.—

1 "(A) APPLICABLE STANDARDS.—Nothing
2 in this subsection modifies any obligation to
3 comply with applicable technology and water
4 quality-based effluent limitations under this
5 Act.
6 "(B) FLEXIBILITY.—Nothing in this sub-
7 section reduces or eliminates any flexibility
8 available under this Act, including the authority
9 of a State to revise a water quality standard
10 after a use attainability analysis under section
11 131.10(g) of title 40, Code of Federal Regula-
12 tions (as in effect on the date of enactment of
13 this subsection), subject to the approval of the
14 Administrator under section 303(c).
15 "(5) CLARIFICATION OF STATE AUTHORITY.—
16 "(A) IN GENERAL.—Nothing in section
17 301(b)(1)(C) precludes a State from author-
18 izing in the water quality standards of the
19 State the issuance of a schedule of compliance
20 to meet water quality-based effluent limitations
21 in permits that incorporate provisions of an in-
22 tegrated plan.
23 "(B) TRANSITION RULE.—In any case in
24 which a discharge is subject to a judicial order
25 or consent decree as of the date of enactment

of the Water Resources Development Act of 2016 resolving an enforcement action under this Act, any schedule of compliance issued pursuant to an authorization in a State water quality standard shall not revise or otherwise affect a schedule of compliance in that order or decree unless the order or decree is modified by agreement of the parties and the court.".

(b) MUNICIPAL OMBUDSMAN.—

(1) ESTABLISHMENT.—There is established within the Office of the Administrator an Office of the Municipal Ombudsman.

(2) GENERAL DUTIES.—The municipal ombudsman shall—

(A) provide technical assistance to municipalities seeking to comply with the requirements of laws implemented by the Environmental Protection Agency; and

(B) provide information to the Administrator to help the Administrator ensure that agency policies are implemented by all offices of the Environmental Protection Agency, including regional offices.

(3) ACTIONS REQUIRED.—The municipal ombudsman shall work with appropriate offices at the

1 headquarters and regional offices of the Environ-
2 mental Protection Agency to ensure that the munici-
3 pality seeking assistance is provided information—
4 (A) about available Federal financial as-
5 sistance for which the municipality is eligible;
6 (B) about flexibility available under the
7 Federal Water Pollution Control Act (33 U.S.C.
8 1251 et seq.) and, if applicable, the Safe Drink-
9 ing Water Act (42 U.S.C. 300f et seq.); and
10 (C) regarding the opportunity to develop
11 an integrated plan, as defined in section
12 402(s)(1)(B) of the Federal Water Pollution
13 Control Act (as added by subsection (a)).
14 (4) PRIORITY.—In carrying out paragraph (3),
15 the municipal ombudsman shall give priority to any
16 municipality that demonstrates affordability con-
17 cerns relating to compliance with the Federal Water
18 Pollution Control Act (33 U.S.C. 1251 et seq.) or
19 the Safe Drinking Water Act (42 U.S.C. 300f et
20 seq.).
21 (c) MUNICIPAL ENFORCEMENT.—Section 309 of the
22 Federal Water Pollution Control Act (33 U.S.C. 1319) is
23 amended by adding at the end the following:
24 "(h) IMPLEMENTATION OF INTEGRATED PLANS
25 THROUGH ENFORCEMENT TOOLS.—

1 "(1) IN GENERAL.—In conjunction with an en-
2 forcement action under subsection (a) or (b) relating
3 to municipal discharges, the Administrator shall in-
4 form a municipality of the opportunity to develop an
5 integrated plan, as defined in section 402(s).
6 "(2) MODIFICATION.—Any municipality under
7 an administrative order under subsection (a) or set-
8 tlement agreement under subsection (b) that has de-
9 veloped an integrated plan consistent with section
10 402(s) may request a modification of the adminis-
11 trative order or settlement agreement based on that
12 integrated plan.".

13 **SEC. 7204. GREEN INFRASTRUCTURE PROMOTION.**

14 Title V of the Federal Water Pollution Control Act
15 (33 U.S.C. 1361 et seq.) is amended—
16 (1) by redesignating section 519 (33 U.S.C.
17 1251 note) as section 520; and
18 (2) by inserting after section 518 (33 U.S.C.
19 1377) the following:

20 **"SEC. 519. ENVIRONMENTAL PROTECTION AGENCY GREEN**
21 **INFRASTRUCTURE PROMOTION.**

22 "(a) IN GENERAL.—The Administrator shall ensure
23 that the Office of Water, the Office of Enforcement and
24 Compliance Assurance, the Office of Research and Devel-
25 opment, and the Office of Policy of the Environmental

1 Protection Agency promote the use of green infrastructure
2 in and coordinate the integration of green infrastructure
3 into, permitting programs, planning efforts, research,
4 technical assistance, and funding guidance.
5 "(b) DUTIES.—The Administrator shall ensure that
6 the Office of Water—
7 "(1) promotes the use of green infrastructure in
8 the programs of the Environmental Protection Agen-
9 cy; and
10 "(2) coordinates efforts to increase the use of
11 green infrastructure with—
12 "(A) other Federal departments and agen-
13 cies;
14 "(B) State, tribal, and local governments;
15 and
16 "(C) the private sector.
17 "(c) REGIONAL GREEN INFRASTRUCTURE PRO-
18 MOTION.—The Administrator shall direct each regional of-
19 fice of the Environmental Protection Agency, as appro-
20 priate based on local factors, and consistent with the re-
21 quirements of this Act, to promote and integrate the use
22 of green infrastructure within the region that includes—
23 "(1) outreach and training regarding green in-
24 frastructure implementation for State, tribal, and

1 local governments, tribal communities, and the pri-
2 vate sector; and
3 "(2) the incorporation of green infrastructure
4 into permitting and other regulatory programs,
5 codes, and ordinance development, including the re-
6 quirements under consent decrees and settlement
7 agreements in enforcement actions.
8 "(d) GREEN INFRASTRUCTURE INFORMATION-SHAR-
9 ING.—The Administrator shall promote green infrastruc-
10 ture information-sharing, including through an Internet
11 website, to share information with, and provide technical
12 assistance to, State, tribal, and local governments, tribal
13 communities, the private sector, and the public regarding
14 green infrastructure approaches for—
15 "(1) reducing water pollution;
16 "(2) protecting water resources;
17 "(3) complying with regulatory requirements;
18 and
19 "(4) achieving other environmental, public
20 health, and community goals.".
21 **SEC. 7205. FINANCIAL CAPABILITY GUIDANCE.**
22 (a) DEFINITIONS.—In this section:
23 (1) AFFORDABILITY.—The term "affordability"
24 means, with respect to payment of a utility bill, a
25 measure of whether an individual customer or house-

1 hold can pay the bill without undue hardship or un-
2 reasonable sacrifice in the essential lifestyle or
3 spending patterns of the individual or household, as
4 determined by the Administrator.

5 (2) FINANCIAL CAPABILITY.—The term ''finan-
6 cial capability'' means the financial capability of a
7 community to make investments necessary to make
8 water quality or drinking water improvements.

9 (3) GUIDANCE.—The term ''guidance'' means
10 the guidance published by the Administrator entitled
11 ''Combined Sewer Overflows—Guidance for Finan-
12 cial Capability Assessment and Schedule Develop-
13 ment'' and dated February 1997, as applicable to
14 the combined sewer overflows and sanitary sewer
15 overflows guidance published by the Administrator
16 entitled ''Financial Capability Assessment Frame-
17 work'' and dated November 24, 2014.

18 (b) USE OF MEDIAN HOUSEHOLD INCOME.—The
19 Administrator shall not use median household income as
20 the sole indicator of affordability for a residential house-
21 hold.

22 (c) UPDATING.—Not later than 1 year after the date
23 of completion of the National Academy of Public Adminis-
24 tration study to establish a definition and framework for
25 community affordability required by Senate Report 114–

1 70, accompanying S. 1645 (114th Congress), the Adminis-
2 trator shall revise the guidance.
3 (d) CONSIDERATION AND CONSULTATION.—
4 (1) CONSIDERATION.—In revising the guidance,
5 the Administrator shall consider—
6 (A) the recommendations of the study re-
7 ferred to in subsection (c) and any other rel-
8 evant study, as determined by the Adminis-
9 trator;
10 (B) local economic conditions, including
11 site-specific local conditions that should be
12 taken into consideration in analyzing financial
13 capability;
14 (C) other essential community investments;
15 (D) potential adverse impacts on distressed
16 populations, including the percentage of low-in-
17 come ratepayers within the service area of a
18 utility and impacts in communities with dis-
19 parate economic conditions throughout the en-
20 tire service area of a utility;
21 (E) the degree to which rates of low-in-
22 come consumers would be affected by water in-
23 frastructure investments and the use of rate
24 structures to address the rates of low-income
25 consumers;

1 (F) an evaluation of an array of factors,
2 the relative importance of which may vary
3 across regions and localities; and
4 (G) the appropriate weight for economic,
5 public health, and environmental benefits asso-
6 ciated with improved water quality.
7 (2) CONSULTATION.—Any guidance issued to
8 replace the guidance shall be developed in consulta-
9 tion with interested parties.
10 (e) PUBLICATION AND SUBMISSION.—On completion
11 of the updating of guidance, the Administrator shall pub-
12 lish in the Federal Register and submit to the Committee
13 on Environment and Public Works of the Senate and the
14 Committee on Transportation and Infrastructure of the
15 House of Representatives the updated guidance.

16 Subtitle C—Innovative Financing
17 and Promotion of Innovative
18 Technologies

19 SEC. 7301. WATER INFRASTRUCTURE PUBLIC-PRIVATE
20 PARTNERSHIP PILOT PROGRAM.

21 Section 5014 of the Water Resources Reform and De-
22 velopment Act of 2014 (33 U.S.C. 2201 note; Public Law
23 113–121) is amended—
24 (1) by striking subsection (c);

(2) by redesignating subsections (d) through (n) as subsections (e) through (m), respectively;

(3) in subsection (e)(5) (as so redesignated), by striking "subsection (g)" and inserting "subsection (f)";

(4) in subsection (d) (as so redesignated), in the matter preceding paragraph (1), by striking "subsection (d)(1)" and inserting "subsection (e)(1)";

(5) in subsection (e) (as so redesignated), by striking "subsection (d)(4)" and inserting "subsection (e)(4)";

(6) in subsection (f) (as so redesignated), in the matter preceding paragraph (1), by striking "subsection (d)(4)" and inserting "subsection (e)(4)"; and

(7) in subsection (i)(1) (as so redesignated), by striking "subsection (d)(4)" and inserting "subsection (e)(4)".

SEC. 7302. WATER INFRASTRUCTURE FINANCE AND INNOVATION.

(a) AUTHORITY TO PROVIDE ASSISTANCE.—Section 5023(b)(2) of the Water Infrastructure Finance and Innovation Act of 2014 (33 U.S.C. 3902(b)(2)) is amended

1 by striking "carry out" and inserting "provide financial
2 assistance to carry out".
3 (b) PROJECTS ELIGIBLE FOR ASSISTANCE.—Section
4 5026(6) of the Water Infrastructure Finance and Innova-
5 tion Act of 2014 (33 U.S.C. 3905(6)) is amended—
6 (1) by striking "desalination project" and in-
7 serting "desalination project, including chloride con-
8 trol"; and
9 (2) by striking "or a water recycling project"
10 and inserting "a water recycling project, or a project
11 to provide alternative water supplies to reduce aqui-
12 fer depletion".
13 (c) TERMS AND CONDITIONS.—Section 5029(b) of
14 the Water Infrastructure Finance and Innovation Act of
15 2014 (33 U.S.C. 3908(b)) is amended—
16 (1) in paragraph (7)—
17 (A) by striking "The Secretary" and in-
18 serting the following:
19 "(A) IN GENERAL.—Except as provided in
20 subparagraph (B), the Secretary"; and
21 (B) by adding at the end the following:
22 "(B) FINANCING FEES.—On request of a
23 community with a population of not more than
24 10,000 individuals, the Secretary or the Admin-
25 istrator, as applicable, shall allow the fees

1 under subparagraph (A) to be financed as part
2 of the loan."; and
3 (2) by adding at the end the following:
4 "(10) CREDIT.—Any eligible project costs in-
5 curred and the value of any integral in-kind con-
6 tributions made before receipt of assistance under
7 this subtitle shall be credited toward the 51 percent
8 of project costs to be provided by sources of funding
9 other than a secured loan under this subtitle (as de-
10 scribed in paragraph (2)(A).".
11 (d) REMOVAL OF PILOT DESIGNATION.—
12 (1) Subtitle C of title V of the Water Resources
13 Reform and Development Act of 2014 (33 U.S.C.
14 3901 et seq.) is amended by striking the subtitle
15 designation and heading and inserting the following:
16 **"Subtitle C—Innovative Financing**
17 **Projects".**
18 (2) Section 5023 of the Water Infrastructure
19 Finance and Innovation Act of 2014 (33 U.S.C.
20 3092) is amended by striking "pilot" each place it
21 appears.
22 (3) Section 5034 of the Water Infrastructure
23 Finance and Innovation Act of 2014 (33 U.S.C.
24 3913) is amended by striking the section designation
25 and heading and inserting the following:

1 **"SEC. 5034. REPORTS ON PROGRAM IMPLEMENTATION.".**

2 (4) The table of contents for the Water Re-
3 sources Reform and Development Act of 2014 (Pub-
4 lic Law 113–121) is amended—

5 (A) by striking the item relating to subtitle
6 C of title V and inserting the following:

"Subtitle C—Innovative Financing Projects".; and

7 (B) by striking the item relating to section
8 5034 and inserting the following:

"Sec. 5034. Reports on program implementation.".

9 (e) SENSE OF THE SENATE.—It is the sense of the
10 Senate that—

11 (1) appropriations made available to carry out
12 the Water Infrastructure Finance and Innovation
13 Act of 2014 (33 U.S.C. 3901 et seq.) should be in
14 addition to robust funding for the State water pollu-
15 tion control revolving funds established under title
16 VI of the Federal Water Pollution Control Act (33
17 U.S.C. 1381 et seq.) and State drinking water treat-
18 ment revolving loan funds established under section
19 1452 of the Safe Drinking Water Act (42 U.S.C.
20 300j–12); and

21 (2) the appropriations made available for the
22 funds referred to in paragraph (1) should not de-
23 crease for any fiscal year.

1 **SEC. 7303. WATER INFRASTRUCTURE INVESTMENT TRUST**
2 **FUND.**

3 (a) CREATION OF TRUST FUND.—There is estab-
4 lished in the Treasury of the United States a trust fund
5 to be known as the "Water Infrastructure Investment
6 Trust Fund", consisting of such amounts as may be ap-
7 propriated or credited to such fund as provided in this
8 section.

9 (b) TRANSFERS TO TRUST FUND.—There are hereby
10 appropriated to the Water Infrastructure Investment
11 Trust Fund amounts equivalent to the fees received in the
12 Treasury before January 1, 2022, under subsection (f).

13 (c) EXPENDITURES.—Except as provided by sub-
14 section (d), amounts in the Water Infrastructure Invest-
15 ment Trust Fund shall be available, without further ap-
16 propriation, as follows:

17 (1) 85 percent of the amounts shall be available
18 to the Administrator for making capitalization
19 grants under section 601 of the Federal Water Pol-
20 lution Control Act (33 U.S.C. 1381).

21 (2) 15 percent of the amounts shall be available
22 to the Administrator for making capitalization
23 grants under section 1452 of the Safe Drinking
24 Water Act (42 U.S.C. 300j–12).

25 (d) INVESTMENT.—Amounts in the Water Infra-
26 structure Investment Trust Fund shall be invested in ac-

1 cordance with section 9702 of title 31, United States
2 Code, and any interest on, and proceeds from, any such
3 investment shall be available for expenditure in accordance
4 with this Act and the amendments made by this Act.

5 (e) LIMITATION ON EXPENDITURES.—Amounts in
6 the Water Infrastructure Investment Trust Fund may not
7 be made available for a fiscal year unless the funds appro-
8 priated to the Clean Water State Revolving Fund through
9 annual capitalization grants is not less than the average
10 of the annual amounts provided in capitalization grants
11 under section 601 of the Federal Water Pollution Control
12 Act (33 U.S.C. 1381) for the 5-fiscal-year period imme-
13 diately preceding such fiscal year.

14 (f) VOLUNTARY LABELING SYSTEM.—

15 (1) IN GENERAL.—The Secretary of the Treas-
16 ury, in consultation with the Administrator of the
17 Food and Drug Administration, manufacturers, pro-
18 ducers, and importers, shall develop and implement
19 a program under which the Secretary provides a
20 label designed in consultation with manufacturers,
21 producers, and importers suitable for placement on
22 products to inform consumers that the manufac-
23 turer, producer, or importer of the product, and
24 other stakeholders, participates in the Water Infra-

1 structure Investment Trust Fund and is contrib-
2 uting to the clean water of the United States.
3 (2) FEE.—
4 (A) IN GENERAL.—The Secretary shall
5 provide a label for a fee of 3 cents per unit.
6 (B) DEPOSIT.—Amounts received by the
7 Secretary under subparagraph (A) shall be de-
8 posited in the general fund of the Treasury.
9 (g) EPA STUDY ON WATER PRICING.—
10 (1) STUDY.—The Administrator, with participa-
11 tion by the States, shall conduct a study to—
12 (A) assess the affordability gap faced by
13 low-income populations located in urban and
14 rural areas in obtaining services from clean
15 water and drinking water systems; and
16 (B) analyze options for programs to pro-
17 vide incentives for rate adjustments at the local
18 level to achieve "full cost" or "true value" pric-
19 ing for such services, while protecting low-in-
20 come ratepayers from undue burden.
21 (2) REPORT.—Not later than 180 days after
22 the date of enactment of this Act, the Administrator
23 shall transmit to the Committee on the Environment
24 and Public Works of the Senate and the Committee
25 on Transportation and Infrastructure and the Com-

1 mittee on Energy and Commerce of the House of
2 Representatives a report on the results of the study.

3 **SEC. 7304. INNOVATIVE WATER TECHNOLOGY GRANT PRO-**
4 **GRAM.**

5 (a) DEFINITION OF ELIGIBLE ENTITY.—In this sec-
6 tion, the term "eligible entity" means—
7 (1) a public utility, including publicly owned
8 treatment works and clean water systems;
9 (2) a unit of local government, including a mu-
10 nicipality or a joint powers authority;
11 (3) a private entity, including a farmer or man-
12 ufacturer;
13 (4) an institution of higher education;
14 (5) a research institution or foundation;
15 (6) a State;
16 (7) a regional organization; or
17 (8) a nonprofit organization.

18 (b) GRANT PROGRAM AUTHORIZED.—The Adminis-
19 trator shall carry out a grant program for purposes de-
20 scribed in subsection (c) to accelerate the development of
21 innovative water technologies that address pressing water
22 challenges.

23 (c) GRANTS.—In carrying out the program under
24 subsection (b), the Administrator shall make to eligible en-
25 tities grants that—

1 (1) finance projects to develop, deploy, test, and
2 improve emerging water technologies;
3 (2) fund entities that provide technical assist-
4 ance to deploy innovative water technologies more
5 broadly, especially—
6 (A) to increase adoption of innovative
7 water technologies in—
8 (i) municipal drinking water and
9 wastewater treatment systems;
10 (ii) areas served by private wells; or
11 (iii) water supply systems in arid
12 areas that are experiencing, or have re-
13 cently experienced, prolonged drought con-
14 ditions; and
15 (B) in a manner that reduces ratepayer or
16 community costs over time, including the cost
17 of future capital investments; or
18 (3) support technologies that, as determined by
19 the Administrator—
20 (A) improve water quality of a water
21 source;
22 (B) improve the safety and security of a
23 drinking water delivery system;
24 (C) minimize contamination of drinking
25 water and drinking water sources, including

1 contamination by lead, bacteria, chlorides, and
2 nitrates;
3 (D) improve the quality and timeliness and
4 decrease the cost of drinking water quality
5 tests, especially technologies that can be de-
6 ployed within water systems and at individual
7 faucets to provide accurate real-time tests of
8 water quality, especially with respect to lead,
9 bacteria, and nitrate content;
10 (E) increase water supplies in arid areas
11 that are experiencing, or have recently experi-
12 enced, prolonged drought conditions;
13 (F) treat edge-of-field runoff to improve
14 water quality;
15 (G) treat agricultural, municipal, and in-
16 dustrial wastewater;
17 (H) recycle or reuse water;
18 (I) manage urban storm water runoff;
19 (J) reduce sewer or stormwater overflows;
20 (K) conserve water;
21 (L) improve water quality by reducing sa-
22 linity;
23 (M) mitigate air quality impacts associated
24 with declining water resources; or

1 (N) address urgent water quality and
2 human health needs.
3 (d) PRIORITY FUNDING.—In making grants under
4 this section, the Administrator shall give priority to
5 projects that have the potential—
6 (1) to provide substantial cost savings across a
7 sector;
8 (2) to significantly improve human health or
9 the environment; or
10 (3) to provide additional water supplies with
11 minimal environmental impact.
12 (e) COST-SHARING.—The Federal share of the cost
13 of activities carried out using a grant made under this sec-
14 tion shall be not more than 65 percent.
15 (f) LIMITATION.—The maximum amount of a grant
16 provided to a project under this section shall be
17 $5,000,000.
18 (g) REPORT.—Each year, the Administrator shall
19 submit to Congress and make publicly available on the
20 website of the Administrator a report that describes any
21 advancements during the previous year in development of
22 innovative water technologies made as a result of funding
23 provided under this section.

1 (h) AUTHORIZATION OF APPROPRIATIONS.—There is
2 authorized to be appropriated to carry out this section
3 $50,000,000 for each fiscal year.
4 (i) FUNDING.—Out of any funds in the Treasury not
5 otherwise appropriated, the Secretary of the Treasury
6 shall transfer to the Administrator to provide grants to
7 eligible entities under this section $10,000,000, to remain
8 available until expended.

9 **SEC. 7305. WATER RESOURCES RESEARCH ACT AMEND-**
10 **MENTS.**

11 (a) CONGRESSIONAL FINDINGS AND DECLARA-
12 TIONS.—Section 102 of the Water Resources Research
13 Act of 1984 (42 U.S.C. 10301) is amended—
14 (1) by redesignating paragraphs (7) through
15 (9) as paragraphs (8) through (10), respectively;
16 (2) in paragraph (8) (as so redesignated), by
17 striking "and" at the end; and
18 (3) by inserting after paragraph (6) the fol-
19 lowing:
20 "(7) additional research is required to increase
21 the effectiveness and efficiency of new and existing
22 treatment works through alternative approaches, in-
23 cluding—
24 "(A) nonstructural alternatives;
25 "(B) decentralized approaches;

"(C) water use efficiency and conservation; and

"(D) actions to reduce energy consumption or extract energy from wastewater;".

(b) WATER RESOURCES RESEARCH AND TECHNOLOGY INSTITUTES.—Section 104 of the Water Resources Research Act of 1984 (42 U.S.C. 10303) is amended—

(1) in subsection (b)(1)—

(A) in subparagraph (B)(ii), by striking "water-related phenomena" and inserting "water resources"; and

(B) in subparagraph (D), by striking the period at the end and inserting "; and";

(2) in subsection (c)—

(A) by striking "From the" and inserting the following:

"(1) IN GENERAL.—From the"; and

(B) by adding at the end the following:

"(2) REPORT.—Not later than December 31 of each fiscal year, the Secretary shall submit to the Committee on Environment and Public Works of the Senate, the Committee on the Budget of the Senate, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee

on the Budget of the House of Representatives a report regarding the compliance of each funding recipient with this subsection for the immediately preceding fiscal year.";

(3) by striking subsection (e) and inserting the following:

"(e) EVALUATION OF WATER RESOURCES RESEARCH PROGRAM.—

"(1) IN GENERAL.—The Secretary shall conduct a careful and detailed evaluation of each institute at least once every 3 years to determine—

"(A) the quality and relevance of the water resources research of the institute;

"(B) the effectiveness of the institute at producing measured results and applied water supply research; and

"(C) whether the effectiveness of the institute as an institution for planning, conducting, and arranging for research warrants continued support under this section.

"(2) PROHIBITION ON FURTHER SUPPORT.—If, as a result of an evaluation under paragraph (1), the Secretary determines that an institute does not qualify for further support under this section, no further grants to the institute may be provided until the

1 qualifications of the institute are reestablished to the
2 satisfaction of the Secretary.";
3 (4) in subsection (f)(1), by striking
4 "$12,000,000 for each of fiscal years 2007 through
5 2011" and inserting "$7,500,000 for each of fiscal
6 years 2017 through 2021"; and
7 (5) in subsection (g)(1), in the first sentence,
8 by striking "$6,000,000 for each of fiscal years
9 2007 through 2011" and inserting "$1,500,000 for
10 each of fiscal years 2017 through 2021".

11 **SEC. 7306. REAUTHORIZATION OF WATER DESALINATION**
12 **ACT OF 1996.**

13 (a) AUTHORIZATION OF RESEARCH AND STUDIES.—
14 Section 3 of the Water Desalination Act of 1996 (42
15 U.S.C. 10301 note; Public Law 104–298) is amended by
16 adding at the end the following:
17 "(e) PRIORITIZATION.—In carrying out this section,
18 the Secretary shall prioritize funding for research—
19 "(1) to reduce energy consumption and lower
20 the cost of desalination, including chloride control;
21 "(2) to reduce the environmental impacts of
22 seawater desalination and develop technology and
23 strategies to minimize those impacts;
24 "(3) to improve existing reverse osmosis and
25 membrane technology;

1 "(4) to carry out basic and applied research on
2 next generation desalination technologies, including
3 improved energy recovery systems and renewable en-
4 ergy-powered desalination systems that could signifi-
5 cantly reduce desalination costs;
6 "(5) to develop portable or modular desalina-
7 tion units capable of providing temporary emergency
8 water supplies for domestic or military deployment
9 purposes; and
10 "(6) to develop and promote innovative desali-
11 nation technologies, including chloride control, iden-
12 tified by the Secretary.".
13 (b) DESALINATION DEMONSTRATION AND DEVELOP-
14 MENT.—Section 4 of the Water Desalination Act of 1996
15 (42 U.S.C. 10301 note; Public Law 104–298) is amended
16 by adding at the end the following:
17 "(e) PRIORITIZATION.—In carrying out demonstra-
18 tion and development activities under this section, the Sec-
19 retary shall prioritize projects—
20 "(1) in drought-stricken States and commu-
21 nities;
22 "(2) in States that have authorized funding for
23 research and development of desalination tech-
24 nologies and projects;

"(3) that can reduce reliance on imported water supplies that have an impact on species listed under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); and

"(4) that demonstrably leverage the experience of international partners with considerable expertise in desalination, such as the State of Israel.".

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 8 of the Water Desalination Act of 1996 (42 U.S.C. 10301 note; Public Law 104–298) is amended—

(1) in the first sentence of subsection (a)—

(A) by striking "$5,000,000" and inserting "$8,000,000"; and

(B) by striking "2013" and inserting "2021"; and

(2) in subsection (b), by striking "for each of fiscal years 2012 through 2013" and inserting "for each of fiscal years 2017 through 2021".

(d) CONSULTATION.—Section 9 of the Water Desalination Act of 1996 (42 U.S.C. 10301 note; Public Law 104–298) is amended—

(1) by striking the section designation and heading and all that follows through "In carrying out" in the first sentence and inserting the following:

1 **"SEC. 9. CONSULTATION AND COORDINATION.**

2 "(a) CONSULTATION.—In carrying out";

3 (2) in the second sentence, by striking "The au-

4 thorization" and inserting the following:

5 "(c) OTHER DESALINATION PROGRAMS.—The au-

6 thorization"; and

7 (3) by inserting after subsection (a) (as des-

8 ignated by paragraph (1)) the following:

9 "(b) COORDINATION OF FEDERAL DESALINATION

10 RESEARCH AND DEVELOPMENT.—

11 "(1) IN GENERAL.—The White House Office of

12 Science and Technology Policy shall develop a co-

13 ordinated strategic plan that—

14 "(A) establishes priorities for future Fed-

15 eral investments in desalination;

16 "(B) coordinates the activities of Federal

17 agencies involved in desalination, including the

18 Bureau of Reclamation, the Corps of Engineers,

19 the United States Army Tank Automotive Re-

20 search, Development and Engineering Center,

21 the National Science Foundation, the Office of

22 Naval Research of the Department of Defense,

23 the National Laboratories of the Department of

24 Energy, the United States Geological Survey,

25 the Environmental Protection Agency, and the

1 National Oceanic and Atmospheric Administra-
2 tion; and
3 "(C) strengthens research and development
4 cooperation with international partners, such as
5 the State of Israel, in the area of desalination
6 technology.".

7 **SEC. 7307. NATIONAL DROUGHT RESILIENCE GUIDELINES.**

8 (a) IN GENERAL.—The Administrator, in conjunction
9 with the Secretary of the Interior, the Secretary of Agri-
10 culture, the Director of the National Oceanic and Atmos-
11 pheric Administration, and other appropriate Federal
12 agency heads along with State and local governments,
13 shall develop nonregulatory national drought resilience
14 guidelines relating to drought preparedness planning and
15 investments for communities, water utilities, and other
16 water users and providers.

17 (b) CONSULTATION.—In developing the national
18 drought resilience guidelines, the Administrator and other
19 Federal agency heads referred to in subsection (a) shall
20 consult with—
21 (1) State and local governments;
22 (2) water utilities;
23 (3) scientists;
24 (4) institutions of higher education;
25 (5) relevant private entities; and

1 (6) other stakeholders.

2 (c) CONTENTS.—The national drought resilience
3 guidelines developed under this section shall, to the max-
4 imum extent practicable, provide recommendations for a
5 period of 10 years that—

6 (1) address a broad range of potential actions,
7 including—

8 (A) analysis of the impacts of the changing
9 frequency and duration of drought on the fu-
10 ture effectiveness of water management tools;

11 (B) the identification of drought-related
12 water management challenges in a broad range
13 of fields, including—

14 (i) public health and safety;

15 (ii) municipal and industrial water
16 supply;

17 (iii) agricultural water supply;

18 (iv) water quality;

19 (v) ecosystem health; and

20 (vi) water supply planning;

21 (C) water management tools to reduce
22 drought-related impacts, including—

23 (i) water use efficiency through gal-
24 lons per capita reduction goals, appliance

1 efficiency standards, water pricing incen-
2 tives, and other measures;
3 (ii) water recycling;
4 (iii) groundwater clean-up and stor-
5 age;
6 (iv) new technologies, such as behav-
7 ioral water efficiency; and
8 (v) stormwater capture and reuse;
9 (D) water-related energy and greenhouse
10 gas reduction strategies; and
11 (E) public education and engagement; and
12 (2) include recommendations relating to the
13 processes that Federal, State, and local governments
14 and water utilities should consider when developing
15 drought resilience preparedness and plans, includ-
16 ing—
17 (A) the establishment of planning goals;
18 (B) the evaluation of institutional capacity;
19 (C) the assessment of drought-related risks
20 and vulnerabilities, including the integration of
21 climate-related impacts;
22 (D) the establishment of a development
23 process, including an evaluation of the cost-ef-
24 fectiveness of potential strategies;

(E) the inclusion of private entities, technical advisors, and other stakeholders in the development process;

(F) implementation and financing issues; and

(G) evaluation of the plan, including any updates to the plan.

SEC. 7308. INNOVATION IN CLEAN WATER STATE REVOLVING FUNDS.

(a) IN GENERAL.—Subsection (j)(1)(B) (as redesignated by section 7202(b)(1)(A)(ii)) of section 603 of the Federal Water Pollution Control Act (33 U.S.C. 1383) is amended—

(1) in clause (iii), by striking "or" at the end;

(2) in clause (iv), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(v) to encourage the use of innovative water technologies related to any of the issues identified in clauses (i) through (iv) or, as determined by the State, any other eligible project and activity eligible for assistance under subsection (c)".

(b) INNOVATIVE WATER TECHNOLOGIES.—Section 603 of the Federal Water Pollution Control Act (33

1 U.S.C. 1383) (as amended by section 7202(b)(1)) is
2 amended by adding at the end the following:
3 "(k) TECHNICAL ASSISTANCE.—The Administrator
4 may provide technical assistance to facilitate and encour-
5 age the provision of financial assistance for innovative
6 water technologies.
7 "(l) REPORT.—Not later than 1 year after the date
8 of enactment of the Water Resources Development Act of
9 2016, and not less frequently than every 5 years there-
10 after, the Administrator shall submit to Congress a report
11 that describes—
12 "(1) the amount of financial assistance pro-
13 vided by State water pollution control revolving
14 funds to deploy innovative water technologies;
15 "(2) the barriers impacting greater use of inno-
16 vative water technologies; and
17 "(3) the cost-saving potential to cities and fu-
18 ture infrastructure investments from emerging tech-
19 nologies.".
20 **SEC. 7309. INNOVATION IN THE DRINKING WATER STATE**
21 **REVOLVING FUND.**
22 Section 1452 of the Safe Drinking Water Act (42
23 U.S.C. 300j–12) (as amended by section 7105) is amend-
24 ed—
25 (1) in subsection (d)—

1 (A) by striking the heading and inserting
2 "ADDITIONAL ASSISTANCE.—";
3 (B) in paragraph (1)—
4 (i) by striking "Notwithstanding" and
5 inserting the following:
6 "(A) IN GENERAL.—Notwithstanding";
7 and
8 (ii) by adding at the end the fol-
9 lowing:
10 "(B) INNOVATIVE WATER TECHNOLOGY.—
11 Notwithstanding any other provision of this sec-
12 tion, in the case of a State that makes a loan
13 under subsection (a)(2) to carry out an eligible
14 activity through the use of an innovative water
15 technology (including technologies to improve
16 water treatment to ensure compliance with this
17 title and technologies to identify and mitigate
18 sources of drinking water contamination, in-
19 cluding lead contamination), the State may pro-
20 vide additional subsidization, including forgive-
21 ness of principal that is not more than 50 per-
22 cent of the cost of the portion of the project as-
23 sociated with the innovative technology.";
24 (C) in paragraph (2)—

(i) by striking "For each fiscal year" and inserting the following:

"(A) IN GENERAL.—For each fiscal year"; and

(ii) by adding at the end the following:

"(B) INNOVATIVE WATER TECHNOLOGY.—For each fiscal year, not more than 20 percent of the loan subsidies that may be made by a State under paragraph (1) may be used to provide additional subsidization under subparagraph (B) of that paragraph."; and

(D) in paragraph (3), in the first sentence, by inserting ", or portion of a service area," after "service area"; and

(2) by adding at the end the following:

"(t) TECHNICAL ASSISTANCE.—The Administrator may provide technical assistance to facilitate and encourage the provision of financial assistance for the deployment of innovative water technologies.

"(u) REPORT.—Not later than 1 year after the date of enactment of the Water Resources Development Act of 2016, and not less frequently than every 5 years thereafter, the Administrator shall submit to Congress a report that describes—

"(1) the amount of financial assistance provided by State loan funds to deploy innovative water technologies;

"(2) the barriers impacting greater use of innovative water technologies; and

"(3) the cost-saving potential to cities and future infrastructure investments from emerging technologies.".

Subtitle D—Drinking Water Disaster Relief and Infrastructure Investments

SEC. 7401. DRINKING WATER INFRASTRUCTURE.

(a) DEFINITIONS.—In this section:

(1) ELIGIBLE STATE.—The term "eligible State" means a State for which the President has declared an emergency under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) relating to the public health threats associated with the presence of lead or other contaminants in a public drinking water supply system.

(2) ELIGIBLE SYSTEM.—The term "eligible system" means a public drinking water supply system that has been the subject of an emergency declaration referred to in paragraph (1).

1 (b) STATE REVOLVING LOAN FUND ASSISTANCE.—
2 (1) IN GENERAL.—An eligible system shall be—
3 (A) considered to be a disadvantaged com-
4 munity under section 1452(d) of the Safe
5 Drinking Water Act (42 U.S.C. 300j–12(d));
6 and
7 (B) eligible to receive loans with additional
8 subsidization under that Act (42 U.S.C. 300f et
9 seq.), including forgiveness of principal under
10 section 1452(d)(1) of that Act (42 U.S.C.
11 300j–12(d)(1)).
12 (2) AUTHORIZATION.—
13 (A) IN GENERAL.—Using funds provided
14 under subsection (e)(1)(A), an eligible State
15 may provide assistance to an eligible system
16 within the eligible State, for the purpose of ad-
17 dressing lead or other contaminants in drinking
18 water, including repair and replacement of pub-
19 lic and private drinking water infrastructure.
20 (B) INCLUSION.—Assistance provided
21 under subparagraph (A) may include additional
22 subsidization under the Safe Drinking Water
23 Act (42 U.S.C. 300f et seq.), as described in
24 paragraph (1)(B).

1 (C) EXCLUSION.—Assistance provided
2 under subparagraph (A) shall not include as-
3 sistance for a project that is financed (directly
4 or indirectly), in whole or in part, with proceeds
5 of any obligation issued after the date of enact-
6 ment of this Act—
7 (i) the interest of which is exempt
8 from the tax imposed under chapter 1 of
9 the Internal Revenue Code of 1986; or
10 (ii) with respect to which credit is al-
11 lowable under subpart I or J of part IV of
12 subchapter A of chapter 1 of such Code.
13 (3) LIMITATION.—Section 1452(d)(2) of the
14 Safe Drinking Water Act (42 U.S.C. 300j–12(d)(2))
15 shall not apply to—
16 (A) any funds provided under subsection
17 (e)(1)(A); or
18 (B) any other loan provided to an eligible
19 system.
20 (e) WATER INFRASTRUCTURE FINANCING.—
21 (1) SECURED LOANS.—
22 (A) IN GENERAL.—Using funds provided
23 under subsection (e)(2)(A), the Administrator
24 may make a secured loan under the Water In-

1 frastructure Finance and Innovation Act of
2 2014 (33 U.S.C. 3901 et seq.) to—
3 (i) an eligible State to carry out a
4 project eligible under paragraphs (2)
5 through (9) of section 5026 of that Act
6 (33 U.S.C. 3905) to address lead or other
7 contaminants in drinking water in an eligi-
8 ble system, including repair and replace-
9 ment of public and private drinking water
10 infrastructure; and
11 (ii) any eligible entity under section
12 5025 of that Act (33 U.S.C. 3904) for a
13 project eligible under paragraphs (2)
14 through (9) of section 5026 of that Act
15 (33 U.S.C. 3905).
16 (B) AMOUNT.—Notwithstanding section
17 5029(b)(2) of the Water Infrastructure Finance
18 and Innovation Act of 2014 (33 U.S.C.
19 3908(b)(2)), the amount of a secured loan pro-
20 vided under subparagraph (A)(i) may be equal
21 to not more than 80 percent of the reasonably
22 anticipated costs of the projects.
23 (2) FEDERAL INVOLVEMENT.—Notwithstanding
24 section 5029(b)(9) of the Water Infrastructure Fi-
25 nance and Innovation Act of 2014 (33 U.S.C.

1 3908(b)(9)), any costs for a project to address lead
2 or other contaminants in drinking water in an eligi-
3 ble system that are not covered by a secured loan
4 under paragraph (1) may be covered using amounts
5 in the State revolving loan fund under section 1452
6 of the Safe Drinking Water Act (42 U.S.C. 300j–
7 12).
8 (d) NONDUPLICATION OF WORK.—An activity car-
9 ried out pursuant to this section shall not duplicate the
10 work or activity of any other Federal or State department
11 or agency.
12 (e) FUNDING.—
13 (1) ADDITIONAL DRINKING WATER STATE RE-
14 VOLVING FUND CAPITALIZATION GRANTS.—
15 (A) IN GENERAL.—The Secretary of the
16 Treasury shall make available to the Adminis-
17 trator a total of $100,000,000 to provide addi-
18 tional grants to eligible States pursuant to sec-
19 tion 1452 of the Safe Drinking Water Act (42
20 U.S.C. 300j–12), to be available during the pe-
21 riod of fiscal years 2016 and 2017 for the pur-
22 poses described in subsection (b)(2).
23 (B) SUPPLEMENTED INTENDED USE
24 PLANS.—From funds made available under sub-
25 paragraph (A), the Administrator shall obligate

1 to an eligible State such amounts as are nec-
2 essary to meet the needs identified in a supple-
3 mented intended use plan by not later than 30
4 days after the date on which the eligible State
5 submits to the Administrator a supplemented
6 intended use plan under section 1452(b) of the
7 Safe Drinking Water Act (42 U.S.C. 300j–
8 12(b)) that includes preapplication information
9 regarding projects to be funded using the addi-
10 tional assistance, including, with respect to each
11 such project—
12 (i) a description of the project;
13 (ii) an explanation of the means by
14 which the project will address a situation
15 causing a declared emergency in the eligi-
16 ble State;
17 (iii) the estimated cost of the project;
18 and
19 (iv) the projected start date for con-
20 struction of the project.
21 (C) UNOBLIGATED AMOUNTS.—Any
22 amounts made available to the Administrator
23 under subparagraph (A) that are unobligated
24 on the date that is 18 months after the date on
25 which the amounts are made available shall be

1 available to provide additional grants to States
2 to capitalize State loan funds as provided under
3 section 1452 of the Safe Drinking Water Act
4 (42 U.S.C. 300j–12).
5 (D) APPLICABILITY.—Section 1452(b)(1)
6 of the Safe Drinking Water Act (42 U.S.C.
7 300j–12(b)(1)) shall not apply to a supplement
8 to an intended use plan under subparagraph
9 (B).
10 (2) WIFIA FUNDING.—
11 (A) IN GENERAL.—As soon as practicable
12 after the date of enactment of this Act, the Sec-
13 retary of the Treasury shall make available to
14 the Administrator $70,000,000 to provide cred-
15 it subsidies, in consultation with the Director of
16 the Office of Management and Budget, for se-
17 cured loans under subsection (c)(1)(A) with a
18 goal of providing secured loans totaling at least
19 $700,000,000.
20 (B) USE.—Secured loans provided pursu-
21 ant to subparagraph (A) shall be available to
22 carry out activities described in subsection
23 (c)(1)(A).
24 (3) APPLICABILITY.—Unless explicitly waived,
25 all requirements under the Safe Drinking Water Act

1 (42 U.S.C. 300f et seq.) and the Water Infrastruc-
2 ture Finance and Innovation Act of 2014 (33 U.S.C.
3 3901 et seq.) shall apply to funding provided under
4 this subsection.
5 (f) HEALTH EFFECTS EVALUATION.—
6 (1) IN GENERAL.—Pursuant to section
7 104(i)(1)(E) of the Comprehensive Environmental
8 Response, Compensation, and Liability Act (42
9 U.S.C. 9604(i)(1)(E)), and on receipt of a request
10 of an appropriate State or local health official of an
11 eligible State, the Director of the Agency for Toxic
12 Substances and Disease Registry of the National
13 Center for Environmental Health shall in coordina-
14 tion with other agencies, as appropriate, conduct vol-
15 untary surveillance activities to evaluate any adverse
16 health effects on individuals exposed to lead from
17 drinking water in the affected communities.
18 (2) CONSULTATIONS.—Pursuant to section
19 104(i)(4) of the Comprehensive Environmental Re-
20 sponse, Compensation, and Liability Act (42 U.S.C.
21 9604(i)(4)), and on receipt of a request of an appro-
22 priate State or local health official of an eligible
23 State, the Director of the Agency for Toxic Sub-
24 stances and Disease Registry of the National Center

1 for Environmental Health shall provide consultations
2 regarding health issues described in paragraph (1).

3 **SEC. 7402. LOAN FORGIVENESS.**

4 The matter under the heading "STATE AND TRIBAL
5 ASSISTANCE GRANTS" under the heading "ENVIRON-
6 MENTAL PROTECTION AGENCY" in title II of divi-
7 sion G of the Consolidated Appropriations Act, 2016
8 (Public Law 114–113), is amended in paragraph (1), by
9 striking the semicolon at the end and inserting the fol-
10 lowing: "or, if a Federal or State emergency declaration
11 has been issued due to a threat to public health from
12 heightened exposure to lead in a municipal drinking water
13 supply, before the date of enactment of this Act: *Provided*
14 *further*, That in a State in which such an emergency dec-
15 laration has been issued, the State may use more than
16 20 percent of the funds made available under this title
17 to the State for Drinking Water State Revolving Fund
18 capitalization grants to provide additional subsidy to eligi-
19 ble recipients;".

20 **SEC. 7403. REGISTRY FOR LEAD EXPOSURE AND ADVISORY**
21 **COMMITTEE.**

22 (a) DEFINITIONS.—In this section:
23 (1) CITY.—The term "City" means a city ex-
24 posed to lead contamination in the local drinking
25 water system.

1 (2) COMMITTEE.—The term "Committee"
2 means the Advisory Committee established under
3 subsection (c).
4 (3) SECRETARY.—The term "Secretary" means
5 the Secretary of Health and Human Services.
6 (b) LEAD EXPOSURE REGISTRY.—The Secretary
7 shall establish within the Agency for Toxic Substances and
8 Disease Registry or another relevant agency at the discre-
9 tion of the Secretary, or establish through a grant award
10 or contract, a lead exposure registry to collect data on the
11 lead exposure of residents of a City on a voluntary basis.
12 (c) ADVISORY COMMITTEE.—
13 (1) MEMBERSHIP.—
14 (A) IN GENERAL.—The Secretary shall es-
15 tablish an Advisory Committee in coordination
16 with the Director of the Centers for Disease
17 Control and Prevention and other relevant
18 agencies as determined by the Secretary con-
19 sisting of Federal members and non-Federal
20 members, and which shall include—
21 (i) an epidemiologist;
22 (ii) a toxicologist;
23 (iii) a mental health professional;
24 (iv) a pediatrician;

1 (v) an early childhood education ex-
2 pert;
3 (vi) a special education expert;
4 (vii) a dietician; and
5 (viii) an environmental health expert.
6 (B) REQUIREMENTS.—Membership in the
7 Committee shall not exceed 15 members and
8 not less than ½ of the members shall be Fed-
9 eral members.
10 (2) CHAIR.—The Secretary shall designate a
11 chair from among the Federal members appointed to
12 the Committee.
13 (3) TERMS.—Members of the Committee shall
14 serve for a term of not more than 3 years and the
15 Secretary may reappoint members for consecutive
16 terms.
17 (4) APPLICATION OF FACA.—The Committee
18 shall be subject to the Federal Advisory Committee
19 Act (5 U.S.C. App.).
20 (5) RESPONSIBILITIES.—The Committee shall,
21 at a minimum—
22 (A) review the Federal programs and serv-
23 ices available to individuals and communities
24 exposed to lead;

1 (B) review current research on lead poi-
2 soning to identify additional research needs;
3 (C) review and identify best practices, or
4 the need for best practices, regarding lead
5 screening and the prevention of lead poisoning;
6 (D) identify effective services, including
7 services relating to healthcare, education, and
8 nutrition for individuals and communities af-
9 fected by lead exposure and lead poisoning, in-
10 cluding in consultation with, as appropriate, the
11 lead exposure registry as established in sub-
12 section (b); and
13 (E) undertake any other review or activi-
14 ties that the Secretary determines to be appro-
15 priate.
16 (6) REPORT.—Annually for 5 years and there-
17 after as determined necessary by the Secretary or as
18 required by Congress, the Committee shall submit to
19 the Secretary, the Committees on Finance, Health,
20 Education, Labor, and Pensions, and Agriculture,
21 Nutrition, and Forestry of the Senate and the Com-
22 mittees on Education and the Workforce, Energy
23 and Commerce, and Agriculture of the House of
24 Representatives a report that includes—

1 (A) an evaluation of the effectiveness of
2 the Federal programs and services available to
3 individuals and communities exposed to lead;
4 (B) an evaluation of additional lead poi-
5 soning research needs;
6 (C) an assessment of any effective screen-
7 ing methods or best practices used or developed
8 to prevent or screen for lead poisoning;
9 (D) input and recommendations for im-
10 proved access to effective services relating to
11 healthcare, education, or nutrition for individ-
12 uals and communities impacted by lead expo-
13 sure; and
14 (E) any other recommendations for com-
15 munities affected by lead exposure, as appro-
16 priate.
17 (d) MANDATORY FUNDING.—
18 (1) IN GENERAL.—On the date of enactment of
19 this Act, out of any funds in the Treasury not other-
20 wise appropriated, the Secretary of the Treasury
21 shall transfer to the Secretary, to be available during
22 the period of fiscal years 2016 through 2020—
23 (A) $17,500,000 to carry out subsection
24 (b); and
25 (B) $2,500,000 to carry out subsection (c).

1 (2) RECEIPT AND ACCEPTANCE.—The Sec-
2 retary shall be entitled to receive, shall accept, and
3 shall use to carry out subsections (b) and (c) the
4 funds transferred under subparagraphs (A) and (B)
5 of paragraph (1), respectively, without further ap-
6 propriation.

7 **SEC. 7404. ADDITIONAL FUNDING FOR CERTAIN CHILD-**
8 **HOOD HEALTH PROGRAMS.**

9 (a) CHILDHOOD LEAD POISONING PREVENTION
10 PROGRAM.—

11 (1) IN GENERAL.—On the date of enactment of
12 this Act, out of any funds in the Treasury not other-
13 wise appropriated, the Secretary of the Treasury
14 shall transfer to the Director of the Centers for Dis-
15 ease Control and Prevention, to be available during
16 the period of fiscal years 2017 and 2018,
17 $10,000,000 for the childhood lead poisoning pre-
18 vention program authorized under section 317A of
19 the Public Health Service Act (42 U.S.C. 247b–1).

20 (2) RECEIPT AND ACCEPTANCE.—The Director
21 of the Centers for Disease Control and Prevention
22 shall be entitled to receive, shall accept, and shall
23 use to carry out the childhood lead poisoning preven-
24 tion program authorized under section 317A of the
25 Public Health Service Act (42 U.S.C. 247b–1) the

1 funds transferred under paragraph (1), without fur-
2 ther appropriation.
3 (b) HEALTHY HOMES PROGRAM.—
4 (1) IN GENERAL.—On the date of enactment of
5 this Act, out of any funds in the Treasury not other-
6 wise appropriated, the Secretary of the Treasury
7 shall transfer to the Secretary of Housing and
8 Urban Development, to be available during the pe-
9 riod of fiscal years 2017 and 2018, $10,000,000 to
10 carry out the Healthy Homes Initiative of the De-
11 partment of Housing and Urban Development.
12 (2) RECEIPT AND ACCEPTANCE.—The Sec-
13 retary of Housing and Urban Development shall be
14 entitled to receive, shall accept, and shall use to
15 carry out the Healthy Homes Initiative of the De-
16 partment of Housing and Urban Development the
17 funds transferred under paragraph (1), without fur-
18 ther appropriation.
19 (c) HEALTHY START PROGRAM.—
20 (1) IN GENERAL.—On the date of enactment of
21 this Act, out of any funds in the Treasury not other-
22 wise appropriated, the Secretary of the Treasury
23 shall transfer to the Administrator of the Health Re-
24 sources and Services Administration, to be available
25 during the period of fiscal years 2017 and 2018,

1 $10,000,000 to carry out the Healthy Start Initia-
2 tive under section 330H of the Public Health Serv-
3 ice Act (42 U.S.C. 254c–8).
4 (2) RECEIPT AND ACCEPTANCE.—The Adminis-
5 trator of the Health Resources and Services Admin-
6 istration shall be entitled to receive, shall accept,
7 and shall use to carry out the Healthy Start Initia-
8 tive under section 330H of the Public Health Serv-
9 ice Act (42 U.S.C. 254c–8) the funds transferred
10 under paragraph (1), without further appropriation.
11 **SEC. 7405. REVIEW AND REPORT.**
12 (a) IN GENERAL.—Not later than 1 year after the
13 date of enactment of this Act, the Attorney General and
14 the Inspector General of the Environmental Protection
15 Agency shall submit to the Committees on Appropriations,
16 Environment and Public Works, and Homeland Security
17 and Governmental Affairs of the Senate and the Commit-
18 tees on Appropriations, Energy and Commerce, Transpor-
19 tation and Infrastructure, and Oversight and Government
20 Reform of the House of Representatives a report on the
21 status of any ongoing investigations into the Federal and
22 State response to the contamination of the drinking water
23 supply of the City of Flint, Michigan.
24 (b) REVIEW.—Not later than 30 days after the com-
25 pletion of the investigations described in subsection (a),

1 the Comptroller General of the United States shall com-
2 mence a review of issues that are not addressed by the
3 investigations and relating to—

4 (1) the adequacy of the response by the State
5 of Michigan and the City of Flint to the drinking
6 water crisis in Flint, Michigan, including the timeli-
7 ness and transparency of the response, as well as the
8 capacity of the State and City to manage the drink-
9 ing water system; and

10 (2) the adequacy of the response by Region 5
11 of the Environmental Protection Agency to the
12 drinking water crisis in Flint, Michigan, including
13 the timeliness and transparency of the response.

14 (c) CONTENTS OF REPORT.—Not later than 1 year
15 after commencing each review under subsection (b), the
16 Comptroller General of the United States shall submit to
17 Congress a report that includes—

18 (1) a statement of the principal findings of the
19 review; and

20 (2) recommendations for Congress and the
21 President to take any actions to prevent a similar
22 situation in the future and to protect public health.

Subtitle E—Report on Groundwater Contamination

SEC. 7501. DEFINITIONS.

In this subtitle:

(1) COMPREHENSIVE STRATEGY.—The term "comprehensive strategy" means a plan for—

(A) the remediation of the plume under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.); or

(B) corrective action under the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

(2) GROUNDWATER.—The term "groundwater" means water in a saturated zone or stratum beneath the surface of land or water.

(3) PLUME.—The term "plume" means any hazardous waste (as defined in section 1004 of the Solid Waste Disposal Act (42 U.S.C. 6903)) or hazardous substance (as defined in section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601)) found in the groundwater supply.

(4) SITE.—The term "site" means the site located at 830 South Oyster Bay Road, Bethpage,

1 New York, 11714 (Environmental Protection Agency
2 identification number NYD002047967).

3 **SEC. 7502. REPORT ON GROUNDWATER CONTAMINATION.**

4 Not later than 180 days after the date of enactment
5 of this Act and annually thereafter, the Secretary of the
6 Navy shall submit to Congress a report on the ground-
7 water contamination from the site that includes—

8 (1) a description of the status of the ground-
9 water contaminants that are leaving the site and mi-
10 grating to a location within a 10-mile radius of the
11 site, including—

12 (A) detailed mapping of the movement of
13 the plume over time; and

14 (B) projected migration rates of the plume;

15 (2) an analysis of the current and future im-
16 pact of the movement of the plume on drinking
17 water facilities; and

18 (3) a comprehensive strategy to prevent the
19 groundwater contaminants from the site from con-
20 taminating drinking water wells that, as of the date
21 of the submission of the report, have not been af-
22 fected by the migration of the plume.

Subtitle F—Restoration

PART I—GREAT LAKES RESTORATION INITIATIVE

SEC. 7611. GREAT LAKES RESTORATION INITIATIVE.

Section 118(c) of the Federal Water Pollution Control Act (33 U.S.C. 1268(c)) is amended by striking paragraph (7) and inserting the following:

"(7) GREAT LAKES RESTORATION INITIATIVE.—

"(A) ESTABLISHMENT.—There is established in the Agency a Great Lakes Restoration Initiative (referred to in this paragraph as the 'Initiative') to carry out programs and projects for Great Lakes protection and restoration.

"(B) FOCUS AREAS.—Each fiscal year under a 5-year Initiative Action Plan, the Initiative shall prioritize programs and projects, carried out in coordination with non-Federal partners, that address priority areas, such as—

"(i) the remediation of toxic substances and areas of concern;

"(ii) the prevention and control of invasive species and the impacts of invasive species;

"(iii) the protection and restoration of nearshore health and the prevention and mitigation of nonpoint source pollution;

"(iv) habitat and wildlife protection and restoration, including wetlands restoration and preservation; and

"(v) accountability, monitoring, evaluation, communication, and partnership activities.

"(C) PROJECTS.—Under the Initiative, the Agency shall collaborate with Federal partners, including the Great Lakes Interagency Task Force, to select the best combination of programs and projects for Great Lakes protection and restoration using appropriate principles and criteria, including whether a program or project provides—

"(i) the ability to achieve strategic and measurable environmental outcomes that implement the Great Lakes Action Plan and the Great Lakes Water Quality Agreement;

"(ii) the feasibility of—

"(I) prompt implementation;

1 "(II) timely achievement of re-
2 sults; and
3 "(III) resource leveraging; and
4 "(iii) the opportunity to improve
5 interagency and inter-organizational co-
6 ordination and collaboration to reduce du-
7 plication and streamline efforts.
8 "(D) IMPLEMENTATION OF PROJECTS.—
9 "(i) IN GENERAL.—Subject to sub-
10 paragraph (G)(ii), funds made available to
11 carry out the Initiative shall be used to
12 strategically implement—
13 "(I) Federal projects; and
14 "(II) projects carried out in co-
15 ordination with States, Indian tribes,
16 municipalities, institutions of higher
17 education, and other organizations.
18 "(ii) TRANSFER OF FUNDS.—With
19 amounts made available for the Initiative
20 each fiscal year, the Administrator may—
21 "(I) transfer not more than
22 $300,000,000 to the head of any Fed-
23 eral department or agency, with the
24 concurrence of the department or
25 agency head, to carry out activities to

1 support the Initiative and the Great
2 Lakes Water Quality Agreement;
3 "(II) enter into an interagency
4 agreement with the head of any Fed-
5 eral department or agency to carry
6 out activities described in subclause
7 (I); and
8 "(III) make grants to govern-
9 mental entities, nonprofit organiza-
10 tions, institutions, and individuals for
11 planning, research, monitoring, out-
12 reach, and implementation of projects
13 in furtherance of the Initiative and
14 the Great Lakes Water Quality Agree-
15 ment.
16 "(E) SCOPE.—
17 "(i) IN GENERAL.—Projects shall be
18 carried out under the Initiative on multiple
19 levels, including—
20 "(I) Great Lakes-wide; and
21 "(II) Great Lakes basin-wide.
22 "(ii) LIMITATION.—No funds made
23 available to carry out the Initiative may be
24 used for any water infrastructure activity
25 (other than a green infrastructure project

1 that improves habitat and other ecosystem
2 functions in the Great Lakes) for which
3 amounts are made available from—
4 "(I) a State water pollution con-
5 trol revolving fund established under
6 title VI; or
7 "(II) a State drinking water re-
8 volving loan fund established under
9 section 1452 of the Safe Drinking
10 Water Act (42 U.S.C. 300j–12).
11 "(F) ACTIVITIES BY OTHER FEDERAL
12 AGENCIES.—Each relevant Federal department
13 or agency shall, to the maximum extent prac-
14 ticable—
15 "(i) maintain the base level of funding
16 for the Great Lakes activities of that de-
17 partment or agency without regard to
18 funding under the Initiative; and
19 "(ii) identify new activities and
20 projects to support the environmental goals
21 of the Initiative and the Great Lakes
22 Water Quality Agreement.
23 "(G) FUNDING.—
24 "(i) IN GENERAL.—There is author-
25 ized to be appropriated to carry out this

1 paragraph $300,000,000 for each of fiscal
2 years 2017 through 2021.
3 "(ii) LIMITATION.—Nothing in this
4 paragraph creates, expands, or amends the
5 authority of the Administrator to imple-
6 ment programs or projects under—
7 "(I) this section;
8 "(II) the Initiative Action Plan;
9 or
10 "(III) the Great Lakes Water
11 Quality Agreement.".

12 **PART II—LAKE TAHOE RESTORATION**

13 **SEC. 7621. FINDINGS AND PURPOSES.**

14 The Lake Tahoe Restoration Act (Public Law 106–
15 506; 114 Stat. 2351) is amended by striking section 2
16 and inserting the following:

17 **"SEC. 2. FINDINGS AND PURPOSES.**

18 "(a) FINDINGS.—Congress finds that—
19 "(1) Lake Tahoe—
20 "(A) is one of the largest, deepest, and
21 clearest lakes in the world;
22 "(B) has a cobalt blue color, a biologically
23 diverse alpine setting, and remarkable water
24 clarity; and

1 "(C) is recognized nationally and world-
2 wide as a natural resource of special signifi-
3 cance;
4 "(2) in addition to being a scenic and ecological
5 treasure, the Lake Tahoe Basin is one of the out-
6 standing recreational resources of the United States,
7 which—
8 "(A) offers skiing, water sports, biking,
9 camping, and hiking to millions of visitors each
10 year; and
11 "(B) contributes significantly to the econo-
12 mies of California, Nevada, and the United
13 States;
14 "(3) the economy in the Lake Tahoe Basin is
15 dependent on the conservation and restoration of the
16 natural beauty and recreation opportunities in the
17 area;
18 "(4) the ecological health of the Lake Tahoe
19 Basin continues to be challenged by the impacts of
20 land use and transportation patterns developed in
21 the last century;
22 "(5) the alteration of wetland, wet meadows,
23 and stream zone habitat have compromised the ca-
24 pacity of the watershed to filter sediment, nutrients,
25 and pollutants before reaching Lake Tahoe;

1 "(6) forests in the Lake Tahoe Basin suffer
2 from over a century of fire damage and periodic
3 drought, which have resulted in—
4 "(A) high tree density and mortality;
5 "(B) the loss of biological diversity; and
6 "(C) a large quantity of combustible forest
7 fuels, which significantly increases the threat of
8 catastrophic fire and insect infestation;
9 "(7) the establishment of several aquatic and
10 terrestrial invasive species (including perennial
11 pepperweed, milfoil, and Asian clam) threatens the
12 ecosystem of the Lake Tahoe Basin;
13 "(8) there is an ongoing threat to the economy
14 and ecosystem of the Lake Tahoe Basin of the intro-
15 duction and establishment of other invasive species
16 (such as yellow starthistle, New Zealand mud snail,
17 Zebra mussel, and quagga mussel);
18 "(9) 78 percent of the land in the Lake Tahoe
19 Basin is administered by the Federal Government,
20 which makes it a Federal responsibility to restore ec-
21 ological health to the Lake Tahoe Basin;
22 "(10) the Federal Government has a long his-
23 tory of environmental stewardship at Lake Tahoe,
24 including—

1 "(A) congressional consent to the estab-
2 lishment of the Planning Agency with—
3 "(i) the enactment in 1969 of Public
4 Law 91–148 (83 Stat. 360); and
5 "(ii) the enactment in 1980 of Public
6 Law 96–551 (94 Stat. 3233);
7 "(B) the establishment of the Lake Tahoe
8 Basin Management Unit in 1973;
9 "(C) the enactment of Public Law 96–586
10 (94 Stat. 3381) in 1980 to provide for the ac-
11 quisition of environmentally sensitive land and
12 erosion control grants in the Lake Tahoe Basin;
13 "(D) the enactment of sections 341 and
14 342 of the Department of the Interior and Re-
15 lated Agencies Appropriations Act, 2004 (Pub-
16 lic Law 108–108; 117 Stat. 1317), which
17 amended the Southern Nevada Public Land
18 Management Act of 1998 (Public Law 105–
19 263; 112 Stat. 2346) to provide payments for
20 the environmental restoration programs under
21 this Act; and
22 "(E) the enactment of section 382 of the
23 Tax Relief and Health Care Act of 2006 (Pub-
24 lic Law 109–432; 120 Stat. 3045), which
25 amended the Southern Nevada Public Land

1 Management Act of 1998 (Public Law 105–
2 263; 112 Stat. 2346) to authorize development
3 and implementation of a comprehensive 10-year
4 hazardous fuels and fire prevention plan for the
5 Lake Tahoe Basin;
6 "(11) the Assistant Secretary was an original
7 signatory in 1997 to the Agreement of Federal De-
8 partments on Protection of the Environment and
9 Economic Health of the Lake Tahoe Basin;
10 "(12) the Chief of Engineers, under direction
11 from the Assistant Secretary, has continued to be a
12 significant contributor to Lake Tahoe Basin restora-
13 tion, including—
14 "(A) stream and wetland restoration; and
15 "(B) programmatic technical assistance;
16 "(13) at the Lake Tahoe Presidential Forum in
17 1997, the President renewed the commitment of the
18 Federal Government to Lake Tahoe by—
19 "(A) committing to increased Federal re-
20 sources for ecological restoration at Lake
21 Tahoe; and
22 "(B) establishing the Federal Interagency
23 Partnership and Federal Advisory Committee to
24 consult on natural resources issues concerning
25 the Lake Tahoe Basin;

"(14) at the 2011 and 2012 Lake Tahoe Forums, Senator Reid, Senator Feinstein, Senator Heller, Senator Ensign, Governor Gibbons, Governor Sandoval, and Governor Brown—

"(A) renewed their commitment to Lake Tahoe; and

"(B) expressed their desire to fund the Federal and State shares of the Environmental Improvement Program through 2022;

"(15) since 1997, the Federal Government, the States of California and Nevada, units of local government, and the private sector have contributed more than $1,740,000,000 to the Lake Tahoe Basin, including—

"(A) $576,300,000 from the Federal Government;

"(B) $654,600,000 from the State of California;

"(C) $112,500,000 from the State of Nevada;

"(D) $74,900,000 from units of local government; and

"(E) $323,700,000 from private interests;

1 "(16) significant additional investment from
2 Federal, State, local, and private sources is nec-
3 essary—
4 "(A) to restore and sustain the ecological
5 health of the Lake Tahoe Basin;
6 "(B) to adapt to the impacts of fluctuating
7 water temperature and precipitation; and
8 "(C) to prevent the introduction and estab-
9 lishment of invasive species in the Lake Tahoe
10 Basin; and
11 "(17) the Secretary has indicated that the Lake
12 Tahoe Basin Management Unit has the capacity for
13 at least $10,000,000 annually for the Fire Risk Re-
14 duction and Forest Management Program.
15 "(b) PURPOSES.—The purposes of this Act are—
16 "(1) to enable the Chief of the Forest Service,
17 the Director of the United States Fish and Wildlife
18 Service, and the Administrator, in cooperation with
19 the Planning Agency and the States of California
20 and Nevada, to fund, plan, and implement signifi-
21 cant new environmental restoration activities and
22 forest management activities in the Lake Tahoe
23 Basin;

"(2) to ensure that Federal, State, local, regional, tribal, and private entities continue to work together to manage land in the Lake Tahoe Basin;

"(3) to support local governments in efforts related to environmental restoration, stormwater pollution control, fire risk reduction, and forest management activities; and

"(4) to ensure that agency and science community representatives in the Lake Tahoe Basin work together—

"(A) to develop and implement a plan for integrated monitoring, assessment, and applied research to evaluate the effectiveness of the Environmental Improvement Program; and

"(B) to provide objective information as a basis for ongoing decisionmaking, with an emphasis on decisionmaking relating to resource management in the Lake Tahoe Basin.".

SEC. 7622. DEFINITIONS.

The Lake Tahoe Restoration Act (Public Law 106–506; 114 Stat. 2351) is amended by striking section 3 and inserting the following:

"SEC. 3. DEFINITIONS.

"In this Act:

1 "(1) ADMINISTRATOR.—The term 'Adminis-
2 trator' means the Administrator of the Environ-
3 mental Protection Agency.
4 "(2) ASSISTANT SECRETARY.—The term 'As-
5 sistant Secretary' means the Assistant Secretary of
6 the Army for Civil Works.
7 "(3) CHAIR.—The term 'Chair' means the
8 Chair of the Federal Partnership.
9 "(4) COMPACT.—The term 'Compact' means
10 the Tahoe Regional Planning Compact included in
11 the first section of Public Law 96–551 (94 Stat.
12 3233).
13 "(5) DIRECTORS.—The term 'Directors'
14 means—
15 "(A) the Director of the United States
16 Fish and Wildlife Service; and
17 "(B) the Director of the United States Ge-
18 ological Survey.
19 "(6) ENVIRONMENTAL IMPROVEMENT PRO-
20 GRAM.—The term 'Environmental Improvement Pro-
21 gram' means—
22 "(A) the Environmental Improvement Pro-
23 gram adopted by the Planning Agency; and
24 "(B) any amendments to the Program.

1 "(7) ENVIRONMENTAL THRESHOLD CARRYING
2 CAPACITY.—The term 'environmental threshold car-
3 rying capacity' has the meaning given the term in
4 Article II of the Compact.
5 "(8) FEDERAL PARTNERSHIP.—The term 'Fed-
6 eral Partnership' means the Lake Tahoe Federal
7 Interagency Partnership established by Executive
8 Order 13057 (62 Fed. Reg. 41249) (or a successor
9 Executive order).
10 "(9) FOREST MANAGEMENT ACTIVITY.—The
11 term 'forest management activity' includes—
12 "(A) prescribed burning for ecosystem
13 health and hazardous fuels reduction;
14 "(B) mechanical and minimum tool treat-
15 ment;
16 "(C) stream environment zone restoration
17 and other watershed and wildlife habitat en-
18 hancements;
19 "(D) nonnative invasive species manage-
20 ment; and
21 "(E) other activities consistent with Forest
22 Service practices, as the Secretary determines
23 to be appropriate.
24 "(10) MAPS.—The term 'Maps' means the
25 maps—

"(A) entitled—

"(i) 'LTRA USFS-CA Land Exchange/North Shore';

"(ii) 'USFS-CA Land Exchange/West Shore'; and

"(iii) 'USFS-CA Land Exchange/South Shore'; and

"(B) dated April 12, 2013, and on file and available for public inspection in the appropriate offices of—

"(i) the Forest Service;

"(ii) the California Tahoe Conservancy; and

"(iii) the California Department of Parks and Recreation.

"(11) NATIONAL WILDLAND FIRE CODE.—The term 'national wildland fire code' means—

"(A) the most recent publication of the National Fire Protection Association codes numbered 1141, 1142, 1143, and 1144;

"(B) the most recent publication of the International Wildland-Urban Interface Code of the International Code Council; or

"(C) any other code that the Secretary determines provides the same, or better, stand-

1 ards for protection against wildland fire as a
2 code described in subparagraph (A) or (B).
3 "(12) PLANNING AGENCY.—The term 'Planning
4 Agency' means the Tahoe Regional Planning Agency
5 established under Public Law 91–148 (83 Stat. 360)
6 and Public Law 96–551 (94 Stat. 3233).
7 "(13) PRIORITY LIST.—The term 'Priority List'
8 means the environmental restoration priority list de-
9 veloped under section 5(b).
10 "(14) SECRETARY.—The term 'Secretary'
11 means the Secretary of Agriculture, acting through
12 the Chief of the Forest Service.
13 "(15) STREAM ENVIRONMENT ZONE.—The
14 term 'Stream Environment Zone' means an area
15 that generally owes the biological and physical char-
16 acteristics of the area to the presence of surface
17 water or groundwater.
18 "(16) TOTAL MAXIMUM DAILY LOAD.—The
19 term 'total maximum daily load' means the total
20 maximum daily load allocations adopted under sec-
21 tion 303(d) of the Federal Water Pollution Control
22 Act (33 U.S.C. 1313(d)).
23 "(17) WATERCRAFT.—The term 'watercraft'
24 means motorized and non-motorized watercraft, in-

1 cluding boats, seaplanes, personal watercraft,
2 kayaks, and canoes.".

3 **SEC. 7623. IMPROVED ADMINISTRATION OF THE LAKE**
4 **TAHOE BASIN MANAGEMENT UNIT.**

5 Section 4 of the Lake Tahoe Restoration Act (Public
6 Law 106–506; 114 Stat. 2353) is amended—

7 (1) in subsection (b)(3), by striking "basin"
8 and inserting "Basin"; and

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

10 "(c) FOREST MANAGEMENT ACTIVITIES.—

11 "(1) COORDINATION.—

12 "(A) IN GENERAL.—In conducting forest
13 management activities in the Lake Tahoe Basin
14 Management Unit, the Secretary shall, as ap-
15 propriate, coordinate with the Administrator
16 and State and local agencies and organizations,
17 including local fire departments and volunteer
18 groups.

19 "(B) GOALS.—The coordination of activi-
20 ties under subparagraph (A) should aim to in-
21 crease efficiencies and maximize the compat-
22 ibility of management practices across public
23 property boundaries.

24 "(2) MULTIPLE BENEFITS.—

1 "(A) IN GENERAL.—In conducting forest
2 management activities in the Lake Tahoe Basin
3 Management Unit, the Secretary shall conduct
4 the activities in a manner that—
5 "(i) except as provided in subpara-
6 graph (B), attains multiple ecosystem ben-
7 efits, including—
8 "(I) reducing forest fuels;
9 "(II) maintaining biological di-
10 versity;
11 "(III) improving wetland and
12 water quality, including in Stream
13 Environment Zones; and
14 "(IV) increasing resilience to
15 changing water temperature and pre-
16 cipitation; and
17 "(ii) helps achieve and maintain the
18 environmental threshold carrying capacities
19 established by the Planning Agency.
20 "(B) EXCEPTION.—Notwithstanding sub-
21 paragraph (A)(i), the attainment of multiple
22 ecosystem benefits shall not be required if the
23 Secretary determines that management for mul-
24 tiple ecosystem benefits would excessively in-
25 crease the cost of a program in relation to the

1 additional ecosystem benefits gained from the
2 management activity.
3 "(3) GROUND DISTURBANCE.—Consistent with
4 applicable Federal law and Lake Tahoe Basin Man-
5 agement Unit land and resource management plan
6 direction, the Secretary shall—
7 "(A) establish post-program ground condi-
8 tion criteria for ground disturbance caused by
9 forest management activities; and
10 "(B) provide for monitoring to ascertain
11 the attainment of the post-program conditions.
12 "(d) WITHDRAWAL OF FEDERAL LAND.—
13 "(1) IN GENERAL.—Subject to valid existing
14 rights and paragraph (2), the Federal land located
15 in the Lake Tahoe Basin Management Unit is with-
16 drawn from—
17 "(A) all forms of entry, appropriation, or
18 disposal under the public land laws;
19 "(B) location, entry, and patent under the
20 mining laws; and
21 "(C) disposition under all laws relating to
22 mineral and geothermal leasing.
23 "(2) EXCEPTIONS.—A conveyance of land shall
24 be exempt from withdrawal under this subsection if
25 carried out under—

"(A) this Act; or

"(B) Public Law 96–586 (94 Stat. 3381) (commonly known as the 'Santini-Burton Act').

"(e) ENVIRONMENTAL THRESHOLD CARRYING CAPACITY.—The Lake Tahoe Basin Management Unit shall support the attainment of the environmental threshold carrying capacities.

"(f) COOPERATIVE AUTHORITIES.—During the 4 fiscal years following the date of enactment of the Water Resources Development Act of 2016, the Secretary, in conjunction with land adjustment programs, may enter into contracts and cooperative agreements with States, units of local government, and other public and private entities to provide for fuel reduction, erosion control, reforestation, Stream Environment Zone restoration, and similar management activities on Federal land and non-Federal land within the programs.".

SEC. 7624. AUTHORIZED PROGRAMS.

The Lake Tahoe Restoration Act (Public Law 106–506; 114 Stat. 2351) is amended by striking section 5 and inserting the following:

"SEC. 5. AUTHORIZED PROGRAMS.

"(a) IN GENERAL.—The Secretary, the Assistant Secretary, the Directors, and the Administrator, in coordination with the Planning Agency and the States of Cali-

1 fornia and Nevada, may carry out or provide financial as-
2 sistance to any program that—
3 "(1) is described in subsection (d);
4 "(2) is included in the Priority List under sub-
5 section (b); and
6 "(3) furthers the purposes of the Environ-
7 mental Improvement Program if the program has
8 been subject to environmental review and approval,
9 respectively, as required under Federal law, Article
10 VII of the Compact, and State law, as applicable.
11 "(b) PRIORITY LIST.—
12 "(1) DEADLINE.—Not later than March 15 of
13 the year after the date of enactment of the Water
14 Resources Development Act of 2016, the Chair, in
15 consultation with the Secretary, the Administrator,
16 the Directors, the Planning Agency, the States of
17 California and Nevada, the Federal Partnership, the
18 Washoe Tribe, the Lake Tahoe Federal Advisory
19 Committee, and the Tahoe Science Consortium (or a
20 successor organization) shall submit to Congress a
21 prioritized Environmental Improvement Program list
22 for the Lake Tahoe Basin for each program category
23 described in subsection (d).

1 "(2) CRITERIA.—The ranking of the Priority
2 List shall be based on the best available science and
3 the following criteria:
4 "(A) The 4-year threshold carrying capac-
5 ity evaluation.
6 "(B) The ability to measure progress or
7 success of the program.
8 "(C) The potential to significantly con-
9 tribute to the achievement and maintenance of
10 the environmental threshold carrying capacities
11 identified in Article II of the Compact.
12 "(D) The ability of a program to provide
13 multiple benefits.
14 "(E) The ability of a program to leverage
15 non-Federal contributions.
16 "(F) Stakeholder support for the program.
17 "(G) The justification of Federal interest.
18 "(H) Agency priority.
19 "(I) Agency capacity.
20 "(J) Cost-effectiveness.
21 "(K) Federal funding history.
22 "(3) REVISIONS.—The Priority List submitted
23 under paragraph (1) shall be revised every 2 years.
24 "(4) FUNDING.—Of the amounts made avail-
25 able under section 10(a), $80,000,000 shall be made

1 available to the Secretary to carry out projects listed
2 on the Priority List.
3 "(e) RESTRICTION.—The Administrator shall use not
4 more than 3 percent of the funds provided under sub-
5 section (a) for administering the programs described in
6 paragraphs (1) and (2) of subsection (d).
7 "(d) DESCRIPTION OF ACTIVITIES.—
8 "(1) FIRE RISK REDUCTION AND FOREST MAN-
9 AGEMENT.—
10 "(A) IN GENERAL.—Of the amounts made
11 available under section 10(a), $150,000,000
12 shall be made available to the Secretary to
13 carry out, including by making grants, the fol-
14 lowing programs:
15 "(i) Programs identified as part of the
16 Lake Tahoe Basin Multi-Jurisdictional
17 Fuel Reduction and Wildfire Prevention
18 Strategy 10-Year Plan.
19 "(ii) Competitive grants for fuels work
20 to be awarded by the Secretary to commu-
21 nities that have adopted national wildland
22 fire codes to implement the applicable por-
23 tion of the 10-year plan described in clause
24 (i).

1 "(iii) Biomass programs, including
2 feasibility assessments.
3 "(iv) Angora Fire Restoration under
4 the jurisdiction of the Secretary.
5 "(v) Washoe Tribe programs on tribal
6 lands within the Lake Tahoe Basin.
7 "(vi) Development of an updated
8 Lake Tahoe Basin multijurisdictional fuel
9 reduction and wildfire prevention strategy,
10 consistent with section 4(c).
11 "(vii) Development of updated com-
12 munity wildfire protection plans by local
13 fire districts.
14 "(viii) Municipal water infrastructure
15 that significantly improves the firefighting
16 capability of local government within the
17 Lake Tahoe Basin.
18 "(ix) Stewardship end result con-
19 tracting projects carried out under section
20 604 of the Healthy Forests Restoration
21 Act of 2003 (16 U.S.C. 6591c).
22 "(B) MINIMUM ALLOCATION.—Of the
23 amounts made available to the Secretary to
24 carry out subparagraph (A), at least

1 $100,000,000 shall be used by the Secretary for
2 programs under subparagraph (A)(i).
3 "(C) PRIORITY.—Units of local govern-
4 ment that have dedicated funding for inspec-
5 tions and enforcement of defensible space regu-
6 lations shall be given priority for amounts pro-
7 vided under this paragraph.
8 "(D) COST-SHARING REQUIREMENTS.—
9 "(i) IN GENERAL.—As a condition on
10 the receipt of funds, communities or local
11 fire districts that receive funds under this
12 paragraph shall provide a 25-percent
13 match.
14 "(ii) FORM OF NON-FEDERAL
15 SHARE.—
16 "(I) IN GENERAL.—The non-
17 Federal share required under clause
18 (i) may be in the form of cash con-
19 tributions or in-kind contributions, in-
20 cluding providing labor, equipment,
21 supplies, space, and other operational
22 needs.
23 "(II) CREDIT FOR CERTAIN
24 DEDICATED FUNDING.—There shall
25 be credited toward the non-Federal

1 share required under clause (i) any
2 dedicated funding of the communities
3 or local fire districts for a fuels reduc-
4 tion management program, defensible
5 space inspections, or dooryard chip-
6 ping.
7 "(III) DOCUMENTATION.—Com-
8 munities and local fire districts
9 shall—
10 "(aa) maintain a record of
11 in-kind contributions that de-
12 scribes—
13 "(AA) the monetary
14 value of the in-kind con-
15 tributions; and
16 "(BB) the manner in
17 which the in-kind contribu-
18 tions assist in accomplishing
19 program goals and objec-
20 tives; and
21 "(bb) document in all re-
22 quests for Federal funding, and
23 include in the total program
24 budget, evidence of the commit-
25 ment to provide the non-Federal

1 share through in-kind contribu-
2 tions.
3 "(2) INVASIVE SPECIES MANAGEMENT.—
4 "(A) IN GENERAL.—Of the amounts made
5 available under section 10(a), $45,000,000 shall
6 be made available to the Director of the United
7 States Fish and Wildlife Service for the Aquatic
8 Invasive Species Program and the watercraft
9 inspections described in subparagraph (B).
10 "(B) DESCRIPTION OF ACTIVITIES.—The
11 Director of the United States Fish and Wildlife
12 Service, in coordination with the Assistant Sec-
13 retary, the Planning Agency, the California De-
14 partment of Fish and Wildlife, and the Nevada
15 Department of Wildlife, shall deploy strategies
16 consistent with the Lake Tahoe Aquatic
17 Invasive Species Management Plan to prevent
18 the introduction or spread of aquatic invasive
19 species in the Lake Tahoe region.
20 "(C) CRITERIA.—The strategies referred
21 to in subparagraph (B) shall provide that—
22 "(i) combined inspection and decon-
23 tamination stations be established and op-
24 erated at not less than 2 locations in the
25 Lake Tahoe region; and

1 "(ii) watercraft not be allowed to
2 launch in waters of the Lake Tahoe region
3 if the watercraft has not been inspected in
4 accordance with the Lake Tahoe Aquatic
5 Invasive Species Management Plan.
6 "(D) CERTIFICATION.—The Planning
7 Agency may certify State and local agencies to
8 perform the decontamination activities de-
9 scribed in subparagraph (C)(i) at locations out-
10 side the Lake Tahoe Basin if standards at the
11 sites meet or exceed standards for similar sites
12 in the Lake Tahoe Basin established under this
13 paragraph.
14 "(E) APPLICABILITY.—The strategies and
15 criteria developed under this paragraph shall
16 apply to all watercraft to be launched on water
17 within the Lake Tahoe region.
18 "(F) FEES.—The Director of the United
19 States Fish and Wildlife Service may collect
20 and spend fees for decontamination only at a
21 level sufficient to cover the costs of operation of
22 inspection and decontamination stations under
23 this paragraph.
24 "(G) CIVIL PENALTIES.—

1 "(i) IN GENERAL.—Any person that
2 launches, attempts to launch, or facilitates
3 launching of watercraft not in compliance
4 with strategies deployed under this para-
5 graph shall be liable for a civil penalty in
6 an amount not to exceed $1,000 per viola-
7 tion.
8 "(ii) OTHER AUTHORITIES.—Any pen-
9 alties assessed under this subparagraph
10 shall be separate from penalties assessed
11 under any other authority.
12 "(H) LIMITATION.—The strategies and
13 criteria under subparagraphs (B) and (C), re-
14 spectively, may be modified if the Secretary of
15 the Interior, in a nondelegable capacity and in
16 consultation with the Planning Agency and
17 State governments, issues a determination that
18 alternative measures will be no less effective at
19 preventing introduction of aquatic invasive spe-
20 cies into Lake Tahoe than the strategies and
21 criteria developed under subparagraphs (B) and
22 (C), respectively.
23 "(I) SUPPLEMENTAL AUTHORITY.—The
24 authority under this paragraph is supplemental

1 to all actions taken by non-Federal regulatory
2 authorities.
3 "(J) SAVINGS CLAUSE.—Nothing in this
4 title restricts, affects, or amends any other law
5 or the authority of any department, instrumen-
6 tality, or agency of the United States, or any
7 State or political subdivision thereof, respecting
8 the control of invasive species.
9 "(3) STORMWATER MANAGEMENT, EROSION
10 CONTROL, AND TOTAL WATERSHED RESTORATION.—
11 Of the amounts made available under section 10(a),
12 $113,000,000 shall be made available—
13 "(A) to the Secretary, the Secretary of the
14 Interior, the Assistant Secretary, or the Admin-
15 istrator for the Federal share of stormwater
16 management and related programs consistent
17 with the adopted Total Maximum Daily Load
18 and near-shore water quality goals;
19 "(B) for grants by the Secretary and the
20 Administrator to carry out the programs de-
21 scribed in subparagraph (A);
22 "(C) to the Secretary or the Assistant Sec-
23 retary for the Federal share of the Upper
24 Truckee River restoration programs and other
25 watershed restoration programs identified in

1 the Priority List established under section 5(b);
2 and
3 "(D) for grants by the Administrator to
4 carry out the programs described in subpara-
5 graph (C).
6 "(4) SPECIAL STATUS SPECIES MANAGE-
7 MENT.—Of the amounts made available under sec-
8 tion 10(a), $20,000,000 shall be made available to
9 the Director of the United States Fish and Wildlife
10 Service for the Lahontan Cutthroat Trout Recovery
11 Program.".

12 **SEC. 7625. PROGRAM PERFORMANCE AND ACCOUNT-**
13 **ABILITY.**

14 The Lake Tahoe Restoration Act (Public Law 106–
15 506; 114 Stat. 2351) is amended by striking section 6
16 and inserting the following:

17 **"SEC. 6. PROGRAM PERFORMANCE AND ACCOUNTABILITY.**

18 "(a) PROGRAM PERFORMANCE AND ACCOUNT-
19 ABILITY.—
20 "(1) IN GENERAL.—Of the amounts made
21 available under section 10(a), not less than
22 $5,000,000 shall be made available to the Secretary
23 to carry out this section.
24 "(2) PLANNING AGENCY.—Of the amounts de-
25 scribed in paragraph (1), not less than 50 percent

1 shall be made available to the Planning Agency to
2 carry out the program oversight and coordination
3 activities established under subsection (d).
4 "(b) CONSULTATION.—In carrying out this Act, the
5 Secretary, the Administrator, and the Directors shall, as
6 appropriate and in a timely manner, consult with the
7 heads of the Washoe Tribe, applicable Federal, State, re-
8 gional, and local governmental agencies, and the Lake
9 Tahoe Federal Advisory Committee.
10 "(c) CORPS OF ENGINEERS; INTERAGENCY AGREE-
11 MENTS.—
12 "(1) IN GENERAL.—The Assistant Secretary
13 may enter into interagency agreements with non-
14 Federal interests in the Lake Tahoe Basin to use
15 Lake Tahoe Partnership-Miscellaneous General In-
16 vestigations funds to provide programmatic technical
17 assistance for the Environmental Improvement Pro-
18 gram.
19 "(2) LOCAL COOPERATION AGREEMENTS.—
20 "(A) IN GENERAL.—Before providing tech-
21 nical assistance under this section, the Assist-
22 ant Secretary shall enter into a local coopera-
23 tion agreement with a non-Federal interest to
24 provide for the technical assistance.

1 "(B) COMPONENTS.—The agreement en-
2 tered into under subparagraph (A) shall—
3 "(i) describe the nature of the tech-
4 nical assistance;
5 "(ii) describe any legal and institu-
6 tional structures necessary to ensure the
7 effective long-term viability of the end
8 products by the non-Federal interest; and
9 "(iii) include cost-sharing provisions
10 in accordance with subparagraph (C).
11 "(C) FEDERAL SHARE.—
12 "(i) IN GENERAL.—The Federal share
13 of program costs under each local coopera-
14 tion agreement under this paragraph shall
15 be 65 percent.
16 "(ii) FORM.—The Federal share may
17 be in the form of reimbursements of pro-
18 gram costs.
19 "(iii) CREDIT.—The non-Federal in-
20 terest may receive credit toward the non-
21 Federal share for the reasonable costs of
22 related technical activities completed by
23 the non-Federal interest before entering
24 into a local cooperation agreement with the
25 Assistant Secretary under this paragraph.

1 "(d) EFFECTIVENESS EVALUATION AND MONI-
2 TORING.—In carrying out this Act, the Secretary, the Ad-
3 ministrator, and the Directors, in coordination with the
4 Planning Agency and the States of California and Nevada,
5 shall—
6 "(1) develop and implement a plan for inte-
7 grated monitoring, assessment, and applied research
8 to evaluate the effectiveness of the Environmental
9 Improvement Program;
10 "(2) include funds in each program funded
11 under this section for monitoring and assessment of
12 results at the program level; and
13 "(3) use the integrated multiagency perform-
14 ance measures established under this section.
15 "(e) REPORTING REQUIREMENTS.—Not later than
16 March 15 of each year, the Secretary, in cooperation with
17 the Chair, the Administrator, the Directors, the Planning
18 Agency, and the States of California and Nevada, con-
19 sistent with subsection (a), shall submit to Congress a re-
20 port that describes—
21 "(1) the status of all Federal, State, local, and
22 private programs authorized under this Act, includ-
23 ing to the maximum extent practicable, for programs
24 that will receive Federal funds under this Act during
25 the current or subsequent fiscal year—

1 "(A) the program scope;

2 "(B) the budget for the program; and

3 "(C) the justification for the program, con-
4 sistent with the criteria established in section
5 5(b)(2);

6 "(2) Federal, State, local, and private expendi-
7 tures in the preceding fiscal year to implement the
8 Environmental Improvement Program;

9 "(3) accomplishments in the preceding fiscal
10 year in implementing this Act in accordance with the
11 performance measures and other monitoring and as-
12 sessment activities; and

13 "(4) public education and outreach efforts un-
14 dertaken to implement programs authorized under
15 this Act.

16 "(f) ANNUAL BUDGET PLAN.—As part of the annual
17 budget of the President, the President shall submit infor-
18 mation regarding each Federal agency involved in the En-
19 vironmental Improvement Program (including the Forest
20 Service, the Environmental Protection Agency, the United
21 States Fish and Wildlife Service, the United States Geo-
22 logical Survey, and the Corps of Engineers), including—

23 "(1) an interagency crosscut budget that dis-
24 plays the proposed budget for use by each Federal
25 agency in carrying out restoration activities relating

1 to the Environmental Improvement Program for the
2 following fiscal year;
3 "(2) a detailed accounting of all amounts re-
4 ceived and obligated by Federal agencies to achieve
5 the goals of the Environmental Improvement Pro-
6 gram during the preceding fiscal year; and
7 "(3) a description of the Federal role in the
8 Environmental Improvement Program, including the
9 specific role of each agency involved in the restora-
10 tion of the Lake Tahoe Basin.".

11 **SEC. 7626. CONFORMING AMENDMENTS; UPDATES TO RE-**
12 **LATED LAWS.**

13 (a) LAKE TAHOE RESTORATION ACT.—The Lake
14 Tahoe Restoration Act (Public Law 106–506; 114 Stat.
15 2351) is amended—
16 (1) by striking sections 8 and 9;
17 (2) by redesignating sections 10, 11, and 12 as
18 sections 8, 9, and 10, respectively; and
19 (3) in section 9 (as redesignated by paragraph
20 (2)) by inserting ", Director, or Administrator"
21 after "Secretary".
22 (b) TAHOE REGIONAL PLANNING COMPACT.—Sub-
23 section (c) of Article V of the Tahoe Regional Planning
24 Compact (Public Law 96–551; 94 Stat. 3240) is amended
25 in the third sentence by inserting "and, in so doing, shall

1 ensure that the regional plan reflects changing economic
2 conditions and the economic effect of regulation on com-
3 merce" after "maintain the regional plan".

4 (e) TREATMENT UNDER TITLE 49, UNITED STATES
5 CODE.—Section 5303(r)(2)(C) of title 49, United States
6 Code, is amended—

7 (1) by inserting "and 25 square miles of land
8 area" after "145,000"; and

9 (2) by inserting "and 12 square miles of land
10 area" after "65,000".

11 **SEC. 7627. AUTHORIZATION OF APPROPRIATIONS.**

12 The Lake Tahoe Restoration Act (Public Law 106–
13 506; 114 Stat. 2351) is amended by striking section 10
14 (as redesignated by section 7626(a)(2)) and inserting the
15 following:

16 **"SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

17 "(a) AUTHORIZATION OF APPROPRIATIONS.—There
18 is authorized to be appropriated to carry out this Act
19 $415,000,000 for a period of 10 fiscal years beginning the
20 first fiscal year after the date of enactment of the Water
21 Resources Development Act of 2016.

22 "(b) EFFECT ON OTHER FUNDS.—Amounts author-
23 ized under this section and any amendments made by this
24 Act—

1 "(1) shall be in addition to any other amounts
2 made available to the Secretary, the Administrator,
3 or the Directors for expenditure in the Lake Tahoe
4 Basin; and
5 "(2) shall not reduce allocations for other Re-
6 gions of the Forest Service, the Environmental Pro-
7 tection Agency, or the United States Fish and Wild-
8 life Service.
9 "(c) COST-SHARING REQUIREMENT.—Except as pro-
10 vided in subsection (d) and section 5(d)(1)(D), funds for
11 activities carried out under section 5 shall be available for
12 obligation on a 1-to-1 basis with funding of restoration
13 activities in the Lake Tahoe Basin by the States of Cali-
14 fornia and Nevada.
15 "(d) RELOCATION COSTS.—Notwithstanding sub-
16 section (c), the Secretary shall provide to local utility dis-
17 tricts ⅔ of the costs of relocating facilities in connection
18 with—
19 "(1) environmental restoration programs under
20 sections 5 and 6; and
21 "(2) erosion control programs under section 2
22 of Public Law 96–586 (94 Stat. 3381).
23 "(e) SIGNAGE.—To the maximum extent practicable,
24 a program provided assistance under this Act shall include
25 appropriate signage at the program site that—

"(1) provides information to the public on—

"(A) the amount of Federal funds being provided to the program; and

"(B) this Act; and

"(2) displays the visual identity mark of the Environmental Improvement Program.".

SEC. 7628. LAND TRANSFERS TO IMPROVE MANAGEMENT EFFICIENCIES OF FEDERAL AND STATE LAND.

Section 3(b) of Public Law 96–586 (94 Stat. 3384) (commonly known as the "Santini-Burton Act") is amended—

(1) by striking "(b) Lands" and inserting the following:

"(b) ADMINISTRATION OF ACQUIRED LAND.—

"(1) IN GENERAL.—Land"; and

(2) by adding at the end the following:

"(2) CALIFORNIA CONVEYANCES.—

"(A) IN GENERAL.—If the State of California (acting through the California Tahoe Conservancy and the California Department of Parks and Recreation) offers to donate to the United States acceptable title to the non-Federal land described in subparagraph (B)(i), the Secretary—

"(i) may accept the offer; and

"(ii) not later than 180 days after the date on which the Secretary receives acceptable title to the non-Federal land described in subparagraph (B)(i), convey to the State of California, subject to valid existing rights and for no consideration, all right, title, and interest of the United States in and to the Federal land that is acceptable to the State of California.

"(B) DESCRIPTION OF LAND.—

"(i) NON-FEDERAL LAND.—The non-Federal land referred to in subparagraph (A) includes—

"(I) the approximately 1,981 acres of land administered by the California Tahoe Conservancy and identified on the Maps as 'Conservancy to the United States Forest Service'; and

"(II) the approximately 187 acres of land administered by California State Parks and identified on the Maps as 'State Parks to the U.S. Forest Service'.

"(ii) FEDERAL LAND.—The Federal land referred to in subparagraph (A) includes the approximately 1,995 acres of Forest Service land identified on the Maps as 'U.S. Forest Service to Conservancy and State Parks'.

"(C) CONDITIONS.—Any land conveyed under this paragraph shall—

"(i) be for the purpose of consolidating Federal and State ownerships and improving management efficiencies;

"(ii) not result in any significant changes in the uses of the land; and

"(iii) be subject to the condition that the applicable deed include such terms, restrictions, covenants, conditions, and reservations as the Secretary determines necessary—

"(I) to ensure compliance with this Act; and

"(II) to ensure that the transfer of development rights associated with the conveyed parcels shall not be recognized or available for transfer under chapter 51 of the Code of Ordinances

1 for the Tahoe Regional Planning
2 Agency.
3 "(3) NEVADA CONVEYANCES.—
4 "(A) IN GENERAL.—In accordance with
5 this section and on request by the Governor of
6 Nevada, the Secretary may transfer the land or
7 interests in land described in subparagraph (B)
8 to the State of Nevada without consideration,
9 subject to appropriate deed restrictions to pro-
10 tect the environmental quality and public rec-
11 reational use of the land transferred.
12 "(B) DESCRIPTION OF LAND.—The land
13 referred to in subparagraph (A) includes—
14 "(i) the approximately 38.68 acres of
15 Forest Service land identified on the map
16 entitled 'State of Nevada Conveyances' as
17 'Van Sickle Unit USFS Inholding'; and
18 "(ii) the approximately 92.28 acres of
19 Forest Service land identified on the map
20 entitled 'State of Nevada Conveyances' as
21 'Lake Tahoe Nevada State Park USFS
22 Inholding'.
23 "(C) CONDITIONS.—Any land conveyed
24 under this paragraph shall—

"(i) be for the purpose of consolidating Federal and State ownerships and improving management efficiencies;

"(ii) not result in any significant changes in the uses of the land; and

"(iii) be subject to the condition that the applicable deed include such terms, restrictions, covenants, conditions, and reservations as the Secretary determines necessary—

"(I) to ensure compliance with this Act; and

"(II) to ensure that the development rights associated with the conveyed parcels shall not be recognized or available for transfer under section 90.2 of the Code of Ordinances for the Tahoe Regional Planning Agency.

"(4) REVERSION.—If a parcel of land transferred under paragraph (2) or (3) is used in a manner that is inconsistent with the use described for the parcel of land in paragraph (2) or (3), respectively, the parcel of land, shall, at the discretion of the Secretary, revert to the United States.

"(5) FUNDING.—

"(A) IN GENERAL.—Of the amounts made available under section 10(a) of the Lake Tahoe Restoration Act (Public Law 106–506; 114 Stat. 2351), $2,000,000 shall be made available to the Secretary to carry out the activities under paragraphs (2) and (3).

"(B) OTHER FUNDS.—Of the amounts available to the Secretary under paragraph (1), not less than 50 percent shall be provided to the California Tahoe Conservancy to facilitate the conveyance of land described in paragraphs (2) and (3).".

PART III—LONG ISLAND SOUND RESTORATION

SEC. 7631. RESTORATION AND STEWARDSHIP PROGRAMS.

(a) LONG ISLAND SOUND RESTORATION PROGRAM.—Section 119 of the Federal Water Pollution Control Act (33 U.S.C. 1269) is amended—

(1) in subsection (b), by striking the subsection designation and heading and all that follows through "The Office shall" and inserting the following:

"(b) OFFICE.—

"(1) ESTABLISHMENT.—The Administrator shall—

"(A) continue to carry out the conference study; and

"(B) establish an office, to be located on or near Long Island Sound.

"(2) ADMINISTRATION AND STAFFING.—The Office shall";

(2) in subsection (c)—

(A) in the matter preceding paragraph (1), by striking "Management Conference of the Long Island Sound Study" and inserting "conference study";

(B) in paragraph (2)—

(i) in each of subparagraphs (A) through (G), by striking the commas at the end of the subparagraphs and inserting semicolons;

(ii) in subparagraph (H), by striking ", and" and inserting a semicolon;

(iii) in subparagraph (I), by striking the period at the end and inserting a semicolon; and

(iv) by adding at the end the following:

"(J) environmental impacts on the Long Island Sound watershed, including—

"(i) the identification and assessment of vulnerabilities in the watershed;

1 "(ii) the development and implementa-
2 tion of adaptation strategies to reduce
3 those vulnerabilities; and
4 "(iii) the identification and assess-
5 ment of the impacts of sea level rise on
6 water quality, habitat, and infrastructure;
7 and
8 "(K) planning initiatives for Long Island
9 Sound that identify the areas that are most
10 suitable for various types or classes of activities
11 in order to reduce conflicts among uses, reduce
12 adverse environmental impacts, facilitate com-
13 patible uses, or preserve critical ecosystem serv-
14 ices to meet economic, environmental, security,
15 or social objectives;";
16 (C) by striking paragraph (4) and insert-
17 ing the following:
18 "(4) develop and implement strategies to in-
19 crease public education and awareness with respect
20 to the ecological health and water quality conditions
21 of Long Island Sound;";
22 (D) in paragraph (5), by inserting "study"
23 after "conference";
24 (E) in paragraph (6)—

(i) by inserting "(including on the Internet)" after "the public"; and

(ii) by inserting "study" after "conference"; and

(F) by striking paragraph (7) and inserting the following:

"(7) monitor the progress made toward meeting the identified goals, actions, and schedules of the Comprehensive Conservation and Management Plan, including through the implementation and support of a monitoring system for the ecological health and water quality conditions of Long Island Sound; and";

(3) in subsection (d)(3), in the second sentence, by striking "50 per centum" and inserting "60 percent";

(4) by redesignating subsection (f) as subsection (i); and

(5) by inserting after subsection (e) the following:

"(f) REPORT.—

"(1) IN GENERAL.—Not later than 2 years after the date of enactment of the Water Resources Development Act of 2016, and biennially thereafter, the Director of the Office, in consultation with the

1 Governor of each Long Island Sound State, shall
2 submit to Congress a report that—
3 "(A) summarizes and assesses the progress
4 made by the Office and the Long Island Sound
5 States in implementing the Long Island Sound
6 Comprehensive Conservation and Management
7 Plan, including an assessment of the progress
8 made toward meeting the performance goals
9 and milestones contained in the Plan;
10 "(B) assesses the key ecological attributes
11 that reflect the health of the ecosystem of the
12 Long Island Sound watershed;
13 "(C) describes any substantive modifica-
14 tions to the Long Island Sound Comprehensive
15 Conservation and Management Plan made dur-
16 ing the 2-year period preceding the date of sub-
17 mission of the report;
18 "(D) provides specific recommendations to
19 improve progress in restoring and protecting
20 the Long Island Sound watershed, including, as
21 appropriate, proposed modifications to the Long
22 Island Sound Comprehensive Conservation and
23 Management Plan;
24 "(E) identifies priority actions for imple-
25 mentation of the Long Island Sound Com-

1 prehensive Conservation and Management Plan
2 for the 2-year period following the date of sub-
3 mission of the report; and
4 "(F) describes the means by which Federal
5 funding and actions will be coordinated with the
6 actions of the Long Island Sound States and
7 other entities.
8 "(2) PUBLIC AVAILABILITY.—The Adminis-
9 trator shall make the report described in paragraph
10 (1) available to the public, including on the Internet.
11 "(g) ANNUAL BUDGET PLAN.—The President shall
12 submit, together with the annual budget of the United
13 States Government submitted under section 1105(a) of
14 title 31, United States Code, information regarding each
15 Federal department and agency involved in the protection
16 and restoration of the Long Island Sound watershed, in-
17 cluding—
18 "(1) an interagency crosscut budget that dis-
19 plays for each department and agency—
20 "(A) the amount obligated during the pre-
21 ceding fiscal year for protection and restoration
22 projects and studies relating to the watershed;
23 "(B) the estimated budget for the current
24 fiscal year for protection and restoration

1 projects and studies relating to the watershed;
2 and
3 "(C) the proposed budget for succeeding
4 fiscal years for protection and restoration
5 projects and studies relating to the watershed;
6 and
7 "(2) a summary of any proposed modifications
8 to the Long Island Sound Comprehensive Conserva-
9 tion and Management Plan for the following fiscal
10 year.
11 "(h) FEDERAL ENTITIES.—
12 "(1) COORDINATION.—The Administrator shall
13 coordinate the actions of all Federal departments
14 and agencies that impact water quality in the Long
15 Island Sound watershed in order to improve the
16 water quality and living resources of the watershed.
17 "(2) METHODS.—In carrying out this section,
18 the Administrator, acting through the Director of
19 the Office, may—
20 "(A) enter into interagency agreements;
21 and
22 "(B) make intergovernmental personnel
23 appointments.
24 "(3) FEDERAL PARTICIPATION IN WATERSHED
25 PLANNING.—A Federal department or agency that

owns or occupies real property, or carries out activities, within the Long Island Sound watershed shall participate in regional and subwatershed planning, protection, and restoration activities with respect to the watershed.

"(4) CONSISTENCY WITH COMPREHENSIVE CONSERVATION AND MANAGEMENT PLAN.—To the maximum extent practicable, the head of each Federal department and agency that owns or occupies real property, or carries out activities, within the Long Island Sound watershed shall ensure that the property and all activities carried out by the department or agency are consistent with the Long Island Sound Comprehensive Conservation and Management Plan (including any related subsequent agreements and plans).".

(b) LONG ISLAND SOUND STEWARDSHIP PROGRAM.—

(1) LONG ISLAND SOUND STEWARDSHIP ADVISORY COMMITTEE.—Section 8 of the Long Island Sound Stewardship Act of 2006 (33 U.S.C. 1269 note; Public Law 109–359) is amended—

(A) in subsection (g), by striking "2011" and inserting "2021"; and

(B) by adding at the end the following:

1 "(h) NONAPPLICABILITY OF FACA.—The Federal
2 Advisory Committee Act (5 U.S.C. App.) shall not apply
3 to—
4 "(1) the Advisory Committee; or
5 "(2) any board, committee, or other group es-
6 tablished under this Act.".
7 (2) REPORTS.—Section 9(b)(1) of the Long Is-
8 land Sound Stewardship Act of 2006 (33 U.S.C.
9 1269 note; Public Law 109–359) is amended in the
10 matter preceding subparagraph (A) by striking
11 "2011" and inserting "2021".
12 (3) AUTHORIZATION.—Section 11 of the Long
13 Island Sound Stewardship Act of 2006 (33 U.S.C.
14 1269 note; Public Law 109–359) is amended—
15 (A) by striking subsection (a);
16 (B) by redesignating subsections (b)
17 through (d) as subsections (a) through (c), re-
18 spectively; and
19 (C) in subsection (a) (as so redesignated),
20 by striking "under this section each" and in-
21 serting "to carry out this Act for a".
22 (4) EFFECTIVE DATE.—The amendments made
23 by this subsection take effect on October 1, 2011.

1 **SEC. 7632. REAUTHORIZATION.**

2 (a) IN GENERAL.—There are authorized to be appro-
3 priated to the Administrator such sums as are necessary
4 for each of fiscal years 2017 through 2021 for the imple-
5 mentation of—

6 (1) section 119 of the Federal Water Pollution
7 Control Act (33 U.S.C. 1269), other than subsection
8 (d) of that section; and

9 (2) the Long Island Sound Stewardship Act of
10 2006 (33 U.S.C. 1269 note; Public Law 109–359).

11 (b) LONG ISLAND SOUND GRANTS.—There is author-
12 ized to be appropriated to the Administrator to carry out
13 section 119(d) of the Federal Water Pollution Control Act
14 (33 U.S.C. 1269(d)) $40,000,000 for each of fiscal years
15 2017 through 2021.

16 (c) LONG ISLAND SOUND STEWARDSHIP GRANTS.—
17 There is authorized to be appropriated to the Adminis-
18 trator to carry out the Long Island Sound Stewardship
19 Act of 2006 (33 U.S.C. 1269 note; Public Law 109–359)
20 $25,000,000 for each of fiscal years 2017 through 2021.

21 **Subtitle G—Offset**

22 **SEC. 7701. OFFSET.**

23 None of the funds available to the Secretary of En-
24 ergy to provide any credit subsidy under subsection (d)
25 of section 136 of the Energy Independence and Security
26 Act of 2007 (42 U.S.C. 17013) as of the date of enact-

1 ment of this Act shall be obligated for new loan commit-
2 ments under that subsection on or after October 1, 2020.

WEI16197 S.L.C.

114TH CONGRESS
2D SESSION

S. _____

To amend the John F. Kennedy Center Act to authorize appropriations for the John F. Kennedy Center for the Performing Arts.

IN THE SENATE OF THE UNITED STATES

Mr. INHOFE (for himself and Mrs. BOXER) introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To amend the John F. Kennedy Center Act to authorize appropriations for the John F. Kennedy Center for the Performing Arts.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "John F. Kennedy Center Reauthorization Act of 2016".

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

Section 13 of the John F. Kennedy Center Act (20 U.S.C. 76r) is amended by striking subsections (a) and (b) and inserting the following:

1 "(a) MAINTENANCE, REPAIR, AND SECURITY.—
2 There is authorized to be appropriated to the Board to
3 carry out section 4(a)(1)(H)—
4 "(1) $24,000,000 for fiscal year 2017;
5 "(2) $25,000,000 for fiscal year 2018;
6 "(3) $25,000,000 for fiscal year 2019; and
7 "(4) $26,000,000 for fiscal year 2020.
8 "(b) CAPITAL PROJECTS.—There is authorized to be
9 appropriated to the Board to carry out subparagraphs (F)
10 and (G) of section 4(a)(1)—
11 "(1) $13,000,000 for fiscal year 2017;
12 "(2) $13,000,000 for fiscal year 2018;
13 "(3) $14,000,000 for fiscal year 2019; and
14 "(4) $14,000,000 for fiscal year 2020.".

WEI16285 S.L.C.

114TH CONGRESS
2D SESSION

S. _____

To designate the Federal building housing the Bureau of Alcohol, Tobacco, Firearms and Explosives Headquarters located at 99 New York Avenue N.E., Washington, D.C., as the "Ariel Rios Federal Building".

IN THE SENATE OF THE UNITED STATES

_____ introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To designate the Federal building housing the Bureau of Alcohol, Tobacco, Firearms and Explosives Headquarters located at 99 New York Avenue N.E., Washington, D.C., as the "Ariel Rios Federal Building".

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Ariel Rios Federal Building Designation Act".

SEC. 2. DESIGNATION OF ARIEL RIOS FEDERAL BUILDING.

(a) DESIGNATION.—The Federal building housing the Bureau of Alcohol, Tobacco, Firearms and Explosives

1 Headquarters located at 99 New York Avenue N.E. in
2 Washington, D.C., shall be known and designated as the
3 "Ariel Rios Federal Building".

4 (b) REFERENCES.—Any reference in a law, map, reg-
5 ulation, document, paper, or other record of the United
6 States to the Federal building referred to in subsection
7 (a) shall be deemed to be a reference to the "Ariel Rios
8 Federal Building".

COMMITTEE RESOLUTION

LEASE
U.S. DEPARTMENT OF HOMELAND SECURITY
CITIZENSHIP AND IMMIGRATION SERVICES
DALLAS, TEXAS
PTX-01-DA16

RESOLVED BY THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS OF THE UNITED STATES SENATE

that pursuant to title 40 U.S.C. § 3307, a prospectus providing for a succeeding lease of up to 261,000 rentable square feet of space, including 8 official parking spaces; for the U.S. Department of Homeland Security, Citizenship and Immigration Services, currently located at 4141 N Street, Augustine, Mesquite, Texas; 7701 N. Stemmons Freeway, Dallas, Texas; and 8001 N. Stemmons Freeway, Dallas, Texas at a proposed total annual cost of $7,830,000 for a lease term of up to 20 years, a description of which is attached hereto and by reference made part of this resolution, is approved.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, that to the maximum extent practicable, the Administrator of General Services shall require that the procurement include energy efficiency requirements as would be required for the construction of a federal building.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, *except that,* if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Environment and Public Works of the United States Senate prior to exercising any lease authority provided in this resolution.

Provided further, that the Administrator shall not delegate to any other agency the authority granted by this resolution.

Chairman | **Ranking Member**

Adopted: April 28, 2016

COMMITTEE RESOLUTION

ALTERATION
DISTRICT COURTHOUSE
PENSACOLA, FL
PFL-2245-PE15

RESOLVED BY THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS OF THE UNITED STATES SENATE

that pursuant to title 40 U.S.C. § 3307, a prospectus providing for a repair and alteration project to remediate mold, eliminate water filtration, replace the building façade, and undertake system and site upgrades at the Pensacola District Courthouse located at 1 North Palafox Street in Pensacola, Florida, at a total cost not to exceed $2,673,000 for design; $25,259,222 for construction; and a management inspection cost of $2,849,000, for a total estimated project cost of $30,781,000, a description of which is hereto and by reference made part of this resolution, is approved.

Provided, that the Administrator shall not delegate to any other agency the authority granted by this resolution.

Chairman | **Ranking Member**

Adopted: April 28, 2016

114th Congress
2nd Session

United States Senate

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

COMMITTEE RESOLUTION

Au Sable River Harbor, Oscoda Township, Michigan

RESOLVED BY THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS OF THE UNITED STATES SENATE

Resolved by the Committee on Environment and Public Works of the United States Senate, that the Secretary of the Army is requested to review the Au Sable River Harbor Project, authorized by Section 2 of the Rivers and Harbors Act of 1945, and other pertinent reports to determine whether modifications to recommendations of the report are advisable at the present time in the interest of expanding navigation improvements to the Harbor of Refuge on Lake Huron, Michigan.

_____ _____

Chairman **Ranking Minority Member**

Adopted: _____

114th Congress
2nd Session

United States Senate

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

COMMITTEE RESOLUTION

Calcasieu River and Pass, Louisiana

RESOLVED BY THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS OF THE UNITED STATES SENATE

Resolved by the Committee on Environment and Public Works of the United States Senate, That, the Secretary of the Army is requested to review the report of the Chief of Engineers on Calcasieu River and Pass, Louisiana, published as House Document 436, Eighty-Sixth Congress; and other pertinent reports to determine whether modifications of the recommendations contained therein are advisable at this present time in the interest of deep-draft navigation improvements at Calcasieu River and Pass, Louisiana.

_____ _____

Chairman **Ranking Minority Member**

Adopted: _____

114th Congress
2nd Session

United States Senate

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

COMMITTEE RESOLUTION

Caseville Harbor, Huron County, Michigan

RESOLVED BY THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS OF THE UNITED STATES SENATE

Resolved by the Committee on Environment and Public Works of the United States Senate, That the Secretary of the Army is requested to review the Caseville Harbor Project, authorized by Section 101 of the Rivers and Harbors Act of 1962, and other pertinent reports to determine whether modifications to recommendations of the report are advisable at the present time in the interest of expanding navigation improvements to the Harbor of Refuge on Lake Huron, Michigan.

_____ _____

Chairman **Ranking Minority Member**

Adopted: _____

114th Congress
2nd Session

United States Senate

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

COMMITTEE RESOLUTION

Cass River Flood Control Project, Frankenmuth, Michigan

RESOLVED BY THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS OF THE UNITED STATES SENATE

Resolved by the Committee on Environment and Public Works of the United States Senate, That the Secretary of the Army is requested to review the Cass River Flood Control Project, authorized by Section 203 of the Flood Control Act of 1958, and other pertinent reports to determine whether modifications to recommendations of the report are advisable at the present time in the interest of flood damage reduction improvements to the Cass River Flood Control Project, Frankenmuth, Michigan.

_____ _____

Chairman Ranking Minority Member

Adopted: _____

114th Congress
2nd Session

United States Senate

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

COMMITTEE RESOLUTION

Salton Sea and Tributaries, Riverside, Imperial, and San Diego Counties, California

RESOLVED BY THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS OF THE UNITED STATES SENATE

Resolved by the Committee on Environment and Public Works of the United States Senate, The Secretary of the Army is hereby requested to review the reports of the Chief of Engineers contained in the preliminary examination report on flood control for all streams in San Diego and Imperial Counties, California, flowing into Salton Sea, dated July 15, 1943, and other pertinent reports to determine advisability of Federal participation in providing improvements for flood risk management, ecosystem restoration, and other water and land related resources for Salton Sea and the vicinity including all tributaries with a view towards restoration and protection of the environment, and improvements to public health and safety for Salton Sea and Tributaries, Riverside, Imperial, and San Diego Counties, California.

_____ _____

Chairman **Ranking Minority Member**

Adopted: _____

114th Congress
2nd Session

United States Senate

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

COMMITTEE RESOLUTION

Yuba River Watershed, California

RESOLVED BY THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS OF THE UNITED STATES SENATE

Resolved by the Committee on Environment and Public Works of the United States Senate, that the Secretary of the Army, pursuant to the Rivers and Harbors Act of 1962, Pub. L. 87-874 § 209, is requested to investigate ecosystem restoration opportunities in the Sacramento River Basin and streams in northern California draining into the Pacific Ocean, including the Yuba River watershed.

_____ _____

Chairman Ranking Minority Member

Adopted: _____

Senator INHOFE. Is there a motion to report S. 2808, S, 2824, and two GSA resolutions and six Corps study resolutions en bloc?

Senator BOXER. So moved.

Senator INHOFE. Second?

Senator VITTER. Second.

Senator INHOFE. All in favor say aye.

[Chorus of ayes.]

Senator INHOFE. Objection, no.

[No audible response.]

Senator INHOFE. They are accepted.

Without objection, the legislation and the resolutions are reported favorably to the committee.

OK, I ask unanimous consent that the staff be authorized to make technical and conforming changes to the measures approved today. Without objection, so ordered.

With that, our business meeting is concluded. And maybe a new record has been set. I don't know. I appreciate everyone coming in.

[Applause.]

Senator BOXER. Well, a new record has been set for many reasons, and I am just so proud of this committee when we do this, when we say it can't be exactly as we want it. It is wonderful.

And for the benefit of our beautiful granddaughter over there, I think I want to tell her something. This was a good day, and you helped us. Thank you for being here.

Senator INHOFE. That is right.

Oh, yes, Senator Cardin.

Before you speak, Senator Cardin, let me just mention to some who are observing today. We do have, at 9:30, a very significant Armed Services Committee meeting. We have nine members in common, and we will have both General Dunford and Secretary Carter.

Senator Cardin is recognized.

Senator CARDIN. Thank you, Mr. Chairman. I wanted to make sure we got through the business part in case people had to leave for other voting sessions, because I am strongly supporting this bill.

I thank both you and the Ranking Member for the manner in which you worked together in order to put together this bill that will really help our water infrastructure and our water needs around the Nation as well as our economy and our safety. For all those reasons I am very pleased that it has a strong provision on water infrastructure, including many provisions that were included in the True Leadership Act.

Thank you for dealing with how we deal with lead poisoning, which Senator Boxer pointed out is not just limited to Flint. I am glad Flint is taken care of, but it also deals with issues that we have in Baltimore City, where we have water connections to our schools and to homes where there is lead pipe that is exposing children to lead poisoning. Now, in Baltimore we don't use our water fountains because of that.

This bill will provide a $300 million 5-year program for schools and low income families so that they can get connections to public water that is safe drinking water for their families. It also includes $100 million for school and childcare lead testing programs and

many other provisions that deal with lead poisoning, which I think is extremely important.

Also, I would hope we would encourage the Environmental Protection Agency to advance the updated lead and copper rules.

It also, I might say on the Chesapeake and on oyster restoration, provides additional resources. We are very appreciative about that. And streamlines the request for regulatory process for oyster agriculture.

If I might, there is one aspect that I know is not included in the bill, Mr. Chairman, that you have been working on with us, and that is to get a more realistic level for the State Revolving Funds. I understand that there is an issue of whether we can find the revenue offset, and I certainly understand that. And I look forward to working with the Chairman and the Ranking Member as this bill moves forward to see whether we can't increase those limits to more authorizations and reauthorize and have a more realistic number reflecting the current needs under the State Revolving Funds.

With that, Mr. Chairman, again, I thank you very much for all your help.

Senator INHOFE. Well, thank you, Senator Cardin.

I also want to thank all the staff, because this was heavy staff duty. It didn't take near as much time for the Ranking Member and me as it did the staff, so we appreciate that very, very much.

Senator CARPER. Mr. Chairman.

Senator INHOFE. Yes.

Senator CARPER. If I could be recognized, please.

Senator INHOFE. Yes.

Senator CARPER. Let me just start off by saying kudos, Bravo Zulu. In the Navy, that is what we say when people do a job well done. Bravo Zulu to you and your staffs and to our own staff. I am grateful to you all.

I especially want to thank you for provisions that expand our ability that are included in this bill to put dredged materials back to use to protect our coasts from flooding and to restore our ecosystems. This will help communities save money on critical flood protection that are becoming more and more important as we face more extreme weather events.

I also should note the important language that was included to ensure that Federal coordination on extreme weather and sea level rise, and I would like to thank my colleagues for your assistance in helping to make sure that our Nation has a coordinated and consistent approach to the research, to the data, and the investments that make our coastal communities more resilient.

However, for the U.S. to become truly resilient to climate change and our coastal communities, we need to do more, and that is why I filed an amendment that would require the U.S. Army Corps of Engineers to develop a 10-year schedule for their priority beach and inlets. This amendment would have helped ensure that their coastal districts make the best possible use of their limited funds. This kind of priority list would also help to demonstrate the extent of the need of the vulnerabilities that result from underfunding and project delays.

I recognize the committee has done a lot of good work to achieve the same goals of prioritizing critical projects and achieving adequate flood protections, so I do not ask for a vote on that today, but I look forward to working with our Chairman and our Ranking Member on this issue in the future.

Senator INHOFE. Let me interrupt for just a moment, if I could. I am going to go ahead and authorize Senator Boxer to conclude the meeting so we can get to our Armed Services hearing.

Senator CARPER. You don't want to hear the rest of what I have to say here?

[Laughter.]

Senator CARPER. I will see you at Bible study. We will pray over it.

Another issue I want to look forward to working with our Chairman and Ranking Member on is an amendment that creates a Delaware River Basin restoration program. The Delaware River Basin is home to more than 8 million people, a lot of people, and is the source of drinking water for more than 15 million people, including the populations of New York City and Philadelphia.

This river is the longest undammed river east of the Mississippi, and it contributes approximately $25 billion annually in economic activity, including sustaining vital fisheries and tourism. It is also of critical ecological importance, providing habitat to hundreds of species of fish and migrating birds.

Other major watersheds in the U.S. benefit from coordinated planning and dedicated funding for regional protection and restoration efforts. The Delaware River watershed is among the Nation's most important systems in terms of its essential resources it provides to people, to fish, and to wildlife. Yet it receives a fraction of the funding and protection it needs.

My Amendment No. 3 would have addressed this imbalance by creating a Delaware River Basin restoration program within the U.S. Fish and Wildlife Service, and this new program would ensure funding is rightfully invested in the watershed and encourage innovative preservation strategies that would help make those investments go further.

This amendment is the same language as S. 921, the Delaware River Basin Conservation Act, which is co-sponsored by other colleagues in the Delaware River Basin, including Senators Gillibrand and Booker.

With that, Madam Chairman, I will call it a day, at least a morning. Thank you.

Senator BOXER [presiding.] Well, thank you so much.

Senator Merkley.

Senator MERKLEY. Thank you very much, Madam Chairman.

Senator BOXER. Well, for the moment. And don't say that too loudly.

[Laughter.]

Senator MERKLEY. I am delighted that this bill has gone forward and is where it is right now. I particularly wanted to express appreciation for several of the issues that are addressed in this bill that are important to my home State.

One of them is WIFIA, Water Infrastructure Finance and Invasion Act. This is legislation that I know that my colleague from

California has worked on, that I have worked on, and is going to create a substantial amount of financing for clean water supply and wastewater treatment.

I do want to note that I would like to see us continue a conversation about having the steel involved, be Build America steel. Just as we wanted to make sure our bridges were built with American steel, our water supply systems and water treatment systems should be, as well.

This bill does address a longstanding challenge in the Columbia. Columbia, several major dams went in, and the Federal Government had promises to provide relocation assistance to tribes that had villages up and down the Columbia that were flooded. Did not fulfill those promises, and now we are starting a path to fulfill those promises here many, many decades later. It is way past time to rectify the situation, and this bill has key language that puts us on track for several major projects related to that.

I also wanted to mention the assistance and authorization for small ports and harbors, essential for the Oregon coast. Provisions addressing invasive species, which are of substantial concern. Once established, an invasive species can cause havoc and be incredibly expensive as well, so we have to be ahead of the problem.

And there are other pieces of this that involve things like the Lower Columbia River ecosystem and the Turning Basin, and many provisions that make a lot of sense and help in many ways. So thank you for your work, thank you for Chair Inhofe's work, the staff team that came together. It has been a very productive dialogue. Thank you.

Senator BOXER. Well, thank you.

If there is no other—oh, hi, Senator. Senator Sullivan, go ahead.

Senator SULLIVAN. Madam Chair, I just want to take the opportunity to thank you and the Chairman, but thank you in particular for your commitment and leadership on this issue. I think it is a great example of where we are working in a bipartisan manner. And I want to thank your staff. We are talking about aging infrastructure here.

As the committee members know, I have been emphasizing a lot, not just aging infrastructure, but no infrastructure. And there are a number of communities in my State, but other places in the country that have no infrastructure in terms of water and sewer. Unfortunately, I think it is an embarrassment to America as a great country that we are. Some of these communities have diseases that are third world levels. Americans with third world disease levels in terms of ear infections, skin infections because the basic structure that most Americans believe we should have in terms of clean water and sewer, flush toilets, unfortunately a lot of Americans don't have that, and, unfortunately, a lot of them are in my State.

So I really want to thank you because you and your team made a commitment, and we all worked together on this. And I know between you and the Chairman, this has been a priority, and I appreciate your leadership, I appreciate the Chairman's leadership. I am proud of what is in this bill, and I am proud it is a bipartisan bill, and I think this is some of the good that our country needs right now. So thank you.

Senator BOXER. Well, I can't thank you enough, because you are passionate about the problems you have seen with your own eyes, and you didn't turn away from people who don't have a lot of power. It means a lot.

And I just want to say, I know I speak for Senator Inhofe, how much we appreciate not only our own staff, but the staffs of all the members here sitting very quietly. They all weighed in for their Senator, and we came together, we did something good, and there is just three of us here, so we can't comment for anybody else, but I hope the three of us will really take this to Senators McConnell and Reid and say, look, 19 to 1. Nothing happens here 19 to 1. Even a resolution on Mother's Day. Somebody would say, well, my mother was not nice to me today; I am not going for it.

So we have a great product. So I hope that both of you, if we all go to see these two leaders on the floor, we can get some time and get this done and send a message to the country that we still can function, which I think sometimes they doubt.

So thank you all again. Senator Inhofe went to another hearing he had to be here at, and I just want to say working with him and his staff, for us, when we can work together, is just a joy. I really mean it, and they know I mean it. And to all of you, thank you so much.

We stand adjourned.

[Whereupon, at 9:26 a.m. the committee was adjourned.]

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