

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

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

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended
to be proposed by _____

Viz:

1 Strike all after the enacting clause and insert the fol-
2 lowing:

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

4 (a) **SHORT TITLE.**—This Act may be cited as the
5 “Water Resources Development Act of 2016”.

6 (b) **TABLE OF CONTENTS.**—The table of contents for
7 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. 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. Transfer of excess credit.
- Sec. 1033. Surplus water storage.
- Sec. 1034. Hurricane and storm damage reduction.
- Sec. 1035. Fish hatcheries.
- Sec. 1036. Feasibility studies and watershed assessments.
- Sec. 1037. Shore damage prevention or mitigation.
- Sec. 1038. Enhancing lake recreation opportunities.
- Sec. 1039. Cost estimates.
- Sec. 1040. Tribal partnership program.
- Sec. 1041. Cost sharing for territories and Indian tribes.
- Sec. 1042. Local government water management plans.
- Sec. 1043. Credit in lieu of reimbursement.
- Sec. 1044. Retroactive changes to cost-sharing agreements.
- Sec. 1045. Easements for electric, telephone, or broadband service facilities eligible for financing under the Rural Electrification Act of 1936.
- Sec. 1046. Study on the performance of innovative materials.

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- 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.
- Sec. 3005. Expedited completion of authorized projects for flood damage reduction.
- Sec. 3006. Cumberland River Basin Dam repairs.
- Sec. 3007. Indian dam safety.

TITLE IV—RIVER BASINS, WATERSHEDS, AND COASTAL AREAS

- Sec. 4001. Gulf Coast oyster bed recovery plan.
- Sec. 4002. Columbia River, South Platte River, and Arkansas 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.
- Sec. 4014. Regional intergovernmental collaboration on coastal resilience.
- Sec. 4015. South Atlantic coastal study.
- Sec. 4016. Kanawha River Basin.
- Sec. 4017. Consideration of full array of measures for coastal risk reduction.
- Sec. 4018. Waterfront community revitalization and resiliency.

TITLE V—DEAUTHORIZATIONS

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

TITLE VI—WATER RESOURCES INFRASTRUCTURE

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- 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.
- Sec. 6004. Expedited completion of reports.
- Sec. 6005. Extension of expedited consideration in Senate.

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.
- Sec. 7114. Small system technical assistance.
- Sec. 7115. Definition of Indian tribe.
- Sec. 7116. Technical assistance for tribal water systems.
- Sec. 7117. Requirement for the use of American materials.

Subtitle B—Clean Water

- Sec. 7201. Sewer overflow control grants.
- Sec. 7202. Small and medium 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 State water pollution control revolving loan funds.
- Sec. 7309. Innovation in drinking water State revolving loan funds.

Subtitle D—Drinking Water Disaster Relief and Infrastructure Investments

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- 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.

PART IV—DELAWARE RIVER BASIN CONSERVATION

- Sec. 7641. Findings.
- Sec. 7642. Definitions.
- Sec. 7643. Program establishment.
- Sec. 7644. Grants and assistance.
- Sec. 7645. Annual reports.
- Sec. 7646. Authorization of appropriations.

Subtitle G—Offset

- Sec. 7701. Offset.

TITLE VIII—MISCELLANEOUS PROVISIONS

- Sec. 8001. Approval of State programs for control of coal combustion residuals.
- Sec. 8002. Choctaw Nation of Oklahoma and the Chickasaw Nation water settlement.

1 **SEC. 2. DEFINITION OF SECRETARY.**

2 In this Act, the term “Secretary” means the Sec-
3 retary of the Army.

4 **SEC. 3. LIMITATIONS.**

5 Nothing in this Act—

6 (1) supersedes or modifies any written agree-
7 ment between the Federal Government and a non-
8 Federal interest that is in effect on the date of en-
9 actment of this Act;

10 (2) supersedes or authorizes any amendment to
11 a multistate water control plan, including the Mis-
12 souri River Master Water Control Manual (as in ef-
13 fect on the date of enactment of this Act);

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

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

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

21 **TITLE I—PROGRAM REFORMS**

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

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

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

6 **SEC. 1002. ADVANCED FUNDS FOR WATER RESOURCES DE-**
7 **VELOPMENT STUDIES AND PROJECTS.**

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

10 (1) in the first sentence—

11 (A) by striking “Whenever any” and in-
12 serting the following:

13 “(a) IN GENERAL.—Whenever any”;

14 (B) by striking “a flood-control project
15 duly adopted and authorized by law” and in-
16 serting “an authorized water resources develop-
17 ment study or project,”; and

18 (C) by striking “such work” and inserting
19 “such study or project”;

20 (2) in the second sentence—

21 (A) by striking “The Secretary of the
22 Army” and inserting the following:

23 “(b) REPAYMENT.—The Secretary of the Army”; and

24 (B) by striking “from appropriations which
25 may be provided by Congress for flood-control

1 work” and inserting “if specific appropriations
2 are provided by Congress for such purpose”;
3 and

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

5 “(c) DEFINITION OF STATE.—In this section, the
6 term ‘State’ means—

7 “(1) a State;

8 “(2) the District of Columbia;

9 “(3) the Commonwealth of Puerto Rico;

10 “(4) any other territory or possession of the
11 United States; and

12 “(5) a federally recognized Indian tribe or a
13 Native village, Regional Corporation, or Village Cor-
14 poration (as those terms are defined in section 3 of
15 the Alaska Native Claims Settlement Act (43 U.S.C.
16 1602)).”.

17 **SEC. 1003. AUTHORITY TO ACCEPT AND USE MATERIALS**
18 **AND SERVICES.**

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

21 (1) by striking subsection (a) and inserting the
22 following:

23 “(a) IN GENERAL.—Subject to subsection (b), the
24 Secretary is authorized to accept and use materials, serv-
25 ices, or funds contributed by a non-Federal public entity,

1 a nonprofit entity, or a private entity to repair, restore,
2 replace, or maintain a water resources project in any case
3 in which the District Commander determines that—

4 “(1) there is a risk of adverse impacts to the
5 functioning of the project for the authorized pur-
6 poses of the project; and

7 “(2) acceptance of the materials and services or
8 funds is in the public interest.”; and

9 (2) in subsection (c), in the matter preceding
10 paragraph (1)—

11 (A) by striking “Not later than 60 days
12 after initiating an activity under this section,”
13 and inserting “Not later than February 1 of
14 each year after the first fiscal year in which
15 materials, services, or funds are accepted under
16 this section,”; and

17 (B) by striking “a report” and inserting
18 “an annual report”.

19 **SEC. 1004. PARTNERSHIPS WITH NON-FEDERAL ENTITIES**
20 **TO PROTECT THE FEDERAL INVESTMENT.**

21 (a) IN GENERAL.—Subject to subsection (c), the Sec-
22 retary is authorized to partner with a non-Federal interest
23 for the maintenance of a water resources project to ensure
24 that the project will continue to function for the author-
25 ized purposes of the project.

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

5 (c) NO CREDIT OR REIMBURSEMENT.—Any entity
6 that contributes materials, services, or funds under this
7 section shall not be eligible for credit, reimbursement, or
8 repayment for the value of those materials, services, or
9 funds.

10 **SEC. 1005. NON-FEDERAL STUDY AND CONSTRUCTION OF**
11 **PROJECTS.**

12 (a) IN GENERAL.—The Secretary may accept and ex-
13 pend funds provided by non-Federal interests to undertake
14 reviews, inspections, monitoring, and other Federal activi-
15 ties related to non-Federal interests carrying out the
16 study, design, or construction of water resources develop-
17 ment projects under section 203 or 204 of the Water Re-
18 sources Development Act of 1986 (33 U.S.C. 2231, 2232)
19 or any other Federal law.

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

1 **SEC. 1006. MUNITIONS DISPOSAL.**

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

4 (1) in subsection (a), in the matter preceding
5 paragraph (1), by inserting “, at full Federal ex-
6 pense,” after “The Secretary may”; and

7 (2) in subsection (b), by striking “funded” and
8 inserting “reimbursed”.

9 **SEC. 1007. CHALLENGE COST-SHARING PROGRAM FOR**
10 **MANAGEMENT OF RECREATION FACILITIES.**

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

13 (1) by redesignating subsection (c) as sub-
14 section (d); and

15 (2) by inserting after subsection (b) the fol-
16 lowing:

17 “(c) USER FEES.—

18 “(1) COLLECTION OF FEES.—

19 “(A) IN GENERAL.—The Secretary may
20 allow a non-Federal public or private entity that
21 has entered into an agreement pursuant to sub-
22 section (b) to collect user fees for the use of de-
23 veloped recreation sites and facilities, whether
24 developed or constructed by that entity or the
25 Department of the Army.

1 “(B) USE OF VISITOR RESERVATION SERV-
2 ICES.—A public or private entity described in
3 subparagraph (A) may use to manage fee col-
4 lections and reservations under this section any
5 visitor reservation service that the Secretary
6 has provided for by contract or interagency
7 agreement, subject to such terms and condi-
8 tions as the Secretary determines to be appro-
9 priate.

10 “(2) USE OF FEES.—A non-Federal public or
11 private entity that collects user fees under para-
12 graph (1) may—

13 “(A) retain up to 100 percent of the fees
14 collected, as determined by the Secretary; and

15 “(B) notwithstanding section 210(b)(4) of
16 the Flood Control Act of 1968 (16 U.S.C.
17 460d-3(b)(4)), use that amount for operation,
18 maintenance, and management at the recre-
19 ation site at which the fee is collected.

20 “(3) TERMS AND CONDITIONS.—The authority
21 of a non-Federal public or private entity under this
22 subsection shall be subject to such terms and condi-
23 tions as the Secretary determines necessary to pro-
24 tect the interests of the United States.”.

1 **SEC. 1008. STRUCTURES AND FACILITIES CONSTRUCTED**
2 **BY THE SECRETARY.**

3 Section 14 of the Act of March 3, 1899 (33 U.S.C.
4 408) (commonly known as the “Rivers and Harbors Act
5 of 1899”), is amended—

6 (1) by striking “That it shall not be lawful”
7 and inserting the following:

8 “(a) PROHIBITIONS AND PERMISSIONS.—It shall not
9 be lawful”; and

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

11 “(b) CONCURRENT REVIEW.—

12 “(1) NEPA REVIEW.—

13 “(A) IN GENERAL.—In any case in which
14 an activity subject to this section requires a re-
15 view under the National Environmental Policy
16 Act of 1969 (42 U.S.C. 4321 et seq.), review
17 and approval under this section shall, to the
18 maximum extent practicable, occur concurrently
19 with any review and decisions made under that
20 Act.

21 “(B) CORPS OF ENGINEERS AS A COOPER-
22 ATING AGENCY.—If the Corps of Engineers is
23 not the lead Federal agency for an environ-
24 mental review described in subparagraph (A),
25 the Chief of Engineers shall, to the maximum
26 extent practicable—

1 “(i) participate in the review as a co-
2 operating agency (unless the Chief of En-
3 gineers does not intend to submit com-
4 ments on the project); and

5 “(ii) adopt and use any environmental
6 document prepared under the National En-
7 vironmental Policy Act of 1969 (42 U.S.C.
8 4321 et seq.) by the lead agency to the
9 same extent that a Federal agency could
10 adopt or use a document prepared by an-
11 other Federal agency under—

12 “(I) the National Environmental
13 Policy Act of 1969 (42 U.S.C. 4321
14 et seq.); and

15 “(II) parts 1500 through 1508 of
16 title 40, Code of Federal Regulations
17 (or successor regulations).

18 “(2) REVIEWS BY SECRETARY.—In any case in
19 which the Secretary of the Army is required to ap-
20 prove an action under this section and under an-
21 other authority, including sections 9 and 10 of this
22 Act, section 404 of the Federal Water Pollution
23 Control Act (33 U.S.C. 1344), and section 103 of
24 the Marine Protection, Research, and Sanctuaries
25 Act of 1972 (33 U.S.C. 1413), the Secretary shall—

1 “(A) coordinate the reviews and, to the
2 maximum extent practicable, carry out the re-
3 views concurrently; and

4 “(B) adopt and use any document pre-
5 pared by the Corps of Engineers for the pur-
6 pose of complying with the same law and that
7 addresses the same types of impacts in the
8 same geographic area if the document, as deter-
9 mined by the Secretary, is current and applica-
10 ble.

11 “(3) CONTRIBUTED FUNDS.—The Secretary of
12 the Army may accept and expend funds received
13 from non-Federal public or private entities to evalu-
14 ate under this section an alteration or permanent oc-
15 cupation or use of a work built by the United
16 States.”.

17 **SEC. 1009. PROJECT COMPLETION.**

18 For any project authorized under section 219 of the
19 Water Resources Development Act of 1992 (Public Law
20 102–580; 106 Stat. 4835), the authorization of appropria-
21 tions is increased by the amount, including in increments,
22 necessary to allow completion of the project if—

23 (1) as of the date of enactment of this Act, the
24 project has received more than \$4,000,000 in Fed-
25 eral appropriations and those appropriations equal

1 an amount that is greater than 80 percent of the au-
2 thorized amount;

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

7 (3) the benefits of the Federal investment will
8 not be realized without an increase in the authoriza-
9 tion of appropriations to allow completion of the
10 project.

11 **SEC. 1010. CONTRIBUTED FUNDS.**

12 (a) CONTRIBUTED FUNDS.—Section 5 of the Act of
13 June 22, 1936 (33 U.S.C. 701h) (commonly known as the
14 “Flood Control Act of 1936”), is amended—

15 (1) by striking “funds appropriated by the
16 United States for”; and

17 (2) in the first proviso, by inserting after “au-
18 thorized purposes of the project:” the following:
19 “*Provided further*, That the Secretary may receive
20 and expend funds from a State or a political subdivi-
21 sion of a State and other non-Federal interests to
22 formulate, review, or revise operational documents
23 for any reservoir owned and operated by the Sec-
24 retary (other than reservoirs in the Upper Missouri
25 River, the Apalachicola-Chattahoochee-Flint River

1 system, the Alabama-Coosa-Tallapoosa River system,
2 and the Stones River):”

3 (b) REPORT.—Section 1015 of the Water Resources
4 Reform and Development Act of 2014 is amended by
5 striking subsection (b) (33 U.S.C. 701h note; Public Law
6 113–121) and inserting the following:

7 “(b) REPORT.—Not later than February 1 of each
8 year, the Secretary shall submit to the Committees on En-
9 vironment and Public Works and Appropriations of the
10 Senate and the Committees on Transportation and Infra-
11 structure and Appropriations of the House of Representa-
12 tives a report that—

13 “(1) describes the number of agreements exe-
14 cuted in the previous fiscal year for the acceptance
15 of contributed funds under section 5 of the Act of
16 June 22, 1936 (33 U.S.C. 701h) (commonly known
17 as the ‘Flood Control Act of 1936’); and

18 “(2) includes information on the projects and
19 amounts of contributed funds referred to in para-
20 graph (1).”.

21 **SEC. 1011. APPLICATION OF CERTAIN BENEFITS AND**
22 **COSTS INCLUDED IN FINAL FEASIBILITY**
23 **STUDIES.**

24 (a) IN GENERAL.—For a navigation project author-
25 ized after November 7, 2007, involving offshore oil and

1 gas fabrication ports, the recommended plan by the Chief
2 of Engineers shall be the plan that uses the value of future
3 energy exploration and production fabrication contracts
4 and the transportation savings that would result from a
5 larger navigation channel in accordance with section 6009
6 of the Emergency Supplemental Appropriations Act for
7 Defense, the Global War on Terror, and Tsunami Relief,
8 2005 (Public Law 109–13; 119 Stat. 282).

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

11 (1) a project that has undergone an economic
12 benefits update; and

13 (2) at the request of the non-Federal sponsor,
14 any ongoing feasibility study for which the benefits
15 under section 6009 of the Emergency Supplemental
16 Appropriations Act for Defense, the Global War on
17 Terror, and Tsunami Relief, 2005 (Public Law 109–
18 13; 119 Stat. 282) may apply.

19 **SEC. 1012. LEVERAGING FEDERAL INFRASTRUCTURE FOR**
20 **INCREASED WATER SUPPLY.**

21 (a) IN GENERAL.—At the request of a non-Federal
22 interest, the Secretary may review proposals to increase
23 the quantity of available supplies of water at Federal
24 water resources projects through—

25 (1) modification of a water resources project;

1 (2) modification of how a project is managed;

2 or

3 (3) accessing water released from a project.

4 (b) PROPOSALS INCLUDED.—A proposal under sub-
5 section (a) may include—

6 (1) increasing the storage capacity of the
7 project;

8 (2) diversion of water released or withdrawn
9 from the project—

10 (A) to recharge groundwater;

11 (B) to aquifer storage and recovery; or

12 (C) to any other storage facility;

13 (3) construction of facilities for delivery of
14 water from pumping stations constructed by the
15 Secretary;

16 (4) construction of facilities to access water;

17 and

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

20 (c) EXCLUSIONS.—This section shall not apply to a
21 proposal that—

22 (1) reallocates existing water supply or hydro-
23 power storage; or

24 (2) reduces water available for any authorized
25 project purpose.

1 (d) OTHER FEDERAL PROJECTS.—In any case in
2 which a proposal relates to a Federal project that is not
3 owned by the Secretary, this section shall apply only to
4 activities under the authority of the Secretary.

5 (e) REVIEW PROCESS.—

6 (1) NOTICE.—On receipt of a proposal sub-
7 mitted under subsection (a), the Secretary shall pro-
8 vide a copy of the proposal to each entity described
9 in paragraph (2) and if applicable, the Federal agen-
10 cy that owns the project, in the case of a project
11 owned by an agency other than the Department of
12 the Army.

13 (2) PUBLIC PARTICIPATION.—In reviewing pro-
14 posals submitted under subsection (a), and prior to
15 making any decisions regarding a proposal, the Sec-
16 retary shall comply with all applicable public partici-
17 pation requirements under law, including consulta-
18 tion with—

19 (A) affected States;

20 (B) Power Marketing Administrations, in
21 the case of reservoirs with Federal hydropower
22 projects;

23 (C) entities responsible for operation and
24 maintenance costs;

1 (D) any entity that has a contractual right
2 from the Federal Government or a State to
3 withdraw water from, or use storage at, the
4 project;

5 (E) entities that the State determines hold
6 rights under State law to the use of water from
7 the project; and

8 (F) units of local government with flood
9 risk reduction responsibilities downstream of
10 the project.

11 (f) AUTHORITIES.—A proposal submitted to the Sec-
12 retary under subsection (a) may be reviewed and ap-
13 proved, if applicable and appropriate, under—

14 (1) the specific authorization for the water re-
15 sources project;

16 (2) section 216 of the Flood Control Act of
17 1970 (33 U.S.C. 549a);

18 (3) section 301 of the Water Supply Act of
19 1958 (43 U.S.C. 390b); and

20 (4) section 14 of the Act of March 3, 1899
21 (commonly known as the “Rivers and Harbors Act
22 of 1899”) (33 U.S.C. 408).

23 (g) LIMITATIONS.—The Secretary shall not approve
24 a proposal submitted under subsection (a) that—

1 (1) is not supported by the Federal agency that
2 owns the project if the owner is not the Secretary;

3 (2) interferes with an authorized purpose of the
4 project;

5 (3) adversely impacts contractual rights to
6 water or storage at the reservoir;

7 (4) adversely impacts legal rights to water
8 under State law, as determined by an affected State;

9 (5) increases costs for any entity other than the
10 entity that submitted the proposal; or

11 (6) if a project is subject to section 301(e) of
12 the Water Supply Act of 1958 (43 U.S.C. 390b(e)),
13 makes modifications to the project that do not meet
14 the requirements of that section unless the modifica-
15 tion is submitted to and authorized by Congress.

16 (h) COST SHARE.—

17 (1) IN GENERAL.—Except as provided in para-
18 graph (2), 100 percent of the cost of developing, re-
19 viewing, and implementing a proposal submitted
20 under subsection (a) shall be provided by an entity
21 other than the Federal Government.

22 (2) PLANNING ASSISTANCE TO STATES.—In the
23 case of a proposal from an entity authorized to re-
24 ceive assistance under section 22 of the Water Re-
25 sources Development Act of 1974 (42 U.S.C. 1962d-

1 16), the Secretary may use funds available under
2 that section to pay 50 percent of the cost of a review
3 of a proposal submitted under subsection (a).

4 (3) OPERATION AND MAINTENANCE COSTS.—

5 (A) IN GENERAL.—Except as provided in
6 subparagraphs (B) and (C), the operation and
7 maintenance costs for the non-Federal sponsor
8 of a proposal submitted under subsection (a)
9 shall be 100 percent of the separable operation
10 and maintenance costs associated with the costs
11 of implementing the proposal.

12 (B) CERTAIN WATER SUPPLY STORAGE
13 PROJECTS.—For a proposal submitted under
14 subsection (a) for constructing additional water
15 supply storage at a reservoir for use under a
16 water supply storage agreement, in addition to
17 the costs under subparagraph (A), the non-Fed-
18 eral costs shall include the proportional share of
19 any joint-use costs for operation, maintenance,
20 repair, replacement, or rehabilitation of the res-
21 ervoir project determined in accordance with
22 section 301 of the Water Supply Act of 1958
23 (43 U.S.C. 390b).

24 (C) VOLUNTARY CONTRIBUTIONS.—An en-
25 tity other than an entity described in subpara-

1 graph (A) may voluntarily contribute to the
2 costs of implementing a proposal submitted
3 under subsection (a).

4 (i) CONTRIBUTED FUNDS.—The Secretary may re-
5 ceive and expend funds contributed by a non-Federal in-
6 terest for the review and approval of a proposal submitted
7 under subsection (a).

8 (j) ASSISTANCE.—On request by a non-Federal inter-
9 est, the Secretary may provide technical assistance in the
10 development or implementation of a proposal under sub-
11 section (a), including assistance in obtaining necessary
12 permits for construction, if the non-Federal interest con-
13 tracts with the Secretary to pay all costs of providing the
14 technical assistance.

15 (k) EXCLUSION.—This section shall not apply to res-
16 ervoirs in—

17 (1) the Upper Missouri River;

18 (2) the Apalachicola-Chattahoochee-Flint river
19 system;

20 (3) the Alabama-Coosa-Tallapoosa river system;

21 and

22 (4) the Stones River.

23 **SEC. 1013. NEW ENGLAND DISTRICT HEADQUARTERS.**

24 (a) IN GENERAL.—Subject to subsection (b), using
25 amounts available in the revolving fund established by sec-

1 tion 101 of the Civil Functions Appropriations Act, 1954
2 (33 U.S.C. 576) and not otherwise obligated, the Sec-
3 retary may—

4 (1) design, renovate, and construct additions to
5 2 buildings located on Hanscom Air Force Base in
6 Bedford, Massachusetts for the headquarters of the
7 New England District of the Army Corps of Engi-
8 neers; and

9 (2) carry out such construction and infrastruc-
10 ture improvements as are required to support the
11 headquarters of the New England District of the
12 Army Corps of Engineers, including any necessary
13 demolition of the existing infrastructure.

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

20 **SEC. 1014. BUFFALO DISTRICT HEADQUARTERS.**

21 (a) IN GENERAL.—Subject to subsection (b), using
22 amounts available in the revolving fund established by sec-
23 tion 101 of the Civil Functions Appropriations Act, 1954
24 (33 U.S.C. 576) and not otherwise obligated, the Sec-
25 retary may—

1 “(2) the physical action to be undertaken to
2 achieve the restoration objectives of the project;

3 “(3) the functions and values that will result
4 from the restoration plan; and

5 “(4) a contingency plan for taking corrective
6 actions in cases in which monitoring demonstrates
7 that restoration measures are not achieving ecologi-
8 cal success in accordance with criteria described in
9 the monitoring plan.

10 “(e) CONCLUSION OF OPERATION AND MAINTENANCE
11 RESPONSIBILITY.—The responsibility of the non-
12 Federal sponsor for operation, maintenance, repair, re-
13 placement, and rehabilitation of the ecosystem restoration
14 project shall cease 10 years after the date on which the
15 Secretary makes a determination of success under sub-
16 section (b)(2).”.

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

18 Section 221(a)(4)(D)(iv) of the Flood Control Act of
19 1970 (42 U.S.C. 1962d-5b(a)(4)(D)(iv)) is amended—

20 (1) by inserting “regardless of the cost incurred
21 by the non-Federal interest,” before “shall not”; and

22 (2) by striking “costs” and inserting “value”.

23 **SEC. 1017. STRUCTURAL HEALTH MONITORING.**

24 (a) IN GENERAL.—The Secretary shall design and
25 develop a structural health monitoring program to assess

1 and improve the condition of infrastructure constructed
2 and maintained by the Corps of Engineers, including re-
3 search, design, and development of systems and frame-
4 works for—

- 5 (1) response to flood and earthquake events;
- 6 (2) pre-disaster mitigation measures;
- 7 (3) lengthening the useful life of the infrastruc-
8 ture; and
- 9 (4) identifying risks due to sea level rise.

10 (b) CONSULTATION AND CONSIDERATION.—In devel-
11 oping the program under subsection (a), the Secretary
12 shall—

- 13 (1) consult with academic and other experts;
14 and
- 15 (2) consider models for maintenance and repair
16 information, the development of degradation models
17 for real-time measurements and environmental in-
18 puts, and research on qualitative inspection data as
19 surrogate sensors.

20 **SEC. 1018. FISH AND WILDLIFE MITIGATION.**

21 Section 906 of the Water Resources Development Act
22 of 1986 (33 U.S.C. 2283) is amended—

- 23 (1) in subsection (h)—
24 (A) in paragraph (4)—

1 (i) by redesignating subparagraphs
2 (D) and (E) as subparagraphs (E) and
3 (F), respectively; and

4 (ii) by inserting after subparagraph
5 (C) the following:

6 “(D) include measures to protect or re-
7 store habitat connectivity”;

8 (B) in paragraph (6)(C), by striking “im-
9 pacts” and inserting “impacts, including im-
10 pacts to habitat connectivity”; and

11 (C) by striking paragraph (11) and insert-
12 ing the following:

13 “(11) EFFECT.—Nothing in this subsection—

14 “(A) requires the Secretary to undertake
15 additional mitigation for existing projects for
16 which mitigation has already been initiated, in-
17 cluding the addition of fish passage to an exist-
18 ing water resources development project; or

19 “(B) affects the mitigation responsibilities
20 of the Secretary under any other provision of
21 law.”; and

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

23 “(j) USE OF FUNDS.—The Secretary may use funds
24 made available for preconstruction engineering and design
25 prior to authorization of project construction to satisfy

1 mitigation requirements through third-party arrange-
2 ments or to acquire interests in land necessary for meeting
3 mitigation requirements under this section.

4 “(k) MEASURES.—The Secretary shall consult with
5 interested members of the public, the Director of the
6 United States Fish and Wildlife Service, the Assistant Ad-
7 ministrator for Fisheries of the National Oceanic and At-
8 mospheric Administration, States, including State fish and
9 game departments, and interested local governments to
10 identify standard measures under subsection (h)(6)(C)
11 that reflect the best available scientific information for
12 evaluating habitat connectivity.”.

13 **SEC. 1019. NON-FEDERAL INTERESTS.**

14 Section 221(b)(1) of the Flood Control Act of 1970
15 (42 U.S.C. 1962d–5b(b)(1)) is amended by inserting “or
16 a Native village, Regional Corporation, or Village Corpora-
17 tion (as those terms are defined in section 3 of the Alaska
18 Native Claims Settlement Act (43 U.S.C. 1602))” after
19 “Indian tribe”.

20 **SEC. 1020. DISCRETE SEGMENT.**

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

23 (1) by striking “project or separable element”
24 each place it appears and inserting “project, sepa-
25 rable element, or discrete segment”;

1 (2) by striking “project, or separable element
2 thereof,” each place it appears and inserting
3 “project, separable element, or discrete segment of a
4 project”;

5 (3) in subsection (a)—

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

9 (B) by striking the subsection designation
10 and all that follows through “In this section,
11 the” and inserting the following:

12 “(a) DEFINITIONS.—In this section:

13 “(1) DISCRETE SEGMENT.—The term ‘discrete
14 segment’, with respect to a project, means a physical
15 portion of the project, as described in design docu-
16 ments, that is environmentally acceptable, is com-
17 plete, will not create a hazard, and functions inde-
18 pendently so that the non-Federal sponsor can oper-
19 ate and maintain the discrete segment in advance of
20 completion of the total project or separable element
21 of the project.

22 “(2) WATER RESOURCES DEVELOPMENT
23 PROJECT.—The”;

24 (4) in subsection (b)(1), in the matter pre-
25 ceding subparagraph (A), by striking “project, or

1 separate element thereof” and inserting “project,
2 separable element, or discrete segment of a project”;
3 and

4 (5) in subsection (d)—

5 (A) in paragraph (3)(B), in the matter
6 preceding clause (i), by striking “project” and
7 inserting “project, separable element, or dis-
8 crete segment”;

9 (B) in paragraph (4), in the matter pre-
10 ceeding subparagraph (A), by striking “project,
11 or a separable element of a water resources de-
12 velopment project,” and inserting “project, sep-
13 arable element, or discrete segment of a
14 project”; and

15 (C) by adding at the end the following:

16 “(5) REPAYMENT OF REIMBURSEMENT.—If the
17 non-Federal interest receives reimbursement for a
18 discrete segment of a project and fails to complete
19 the entire project or separable element of the
20 project, the non-Federal interest shall repay to the
21 Secretary the amount of the reimbursement, plus in-
22 terest.”.

23 **SEC. 1021. FUNDING TO PROCESS PERMITS.**

24 Section 214(a) of the Water Resources Development
25 Act of 2000 (33 U.S.C. 2352(a)) is amended—

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

3 “(C) RAIL CARRIER.—The term ‘rail car-
4 rier’ has the meaning given the term in section
5 10102 of title 49, United States Code.”;

6 (2) in paragraph (2), by striking “or natural
7 gas company” and inserting “, natural gas company,
8 or rail carrier”;

9 (3) in paragraph (3), by striking “or natural
10 gas company” and inserting “, natural gas company,
11 or rail carrier”; and

12 (4) in paragraph (5), by striking “and natural
13 gas companies” and inserting “, natural gas compa-
14 nies, and rail carriers, including an evaluation of the
15 compliance with all requirements of this section and,
16 with respect to a permit for those entities, the re-
17 quirements of all applicable Federal laws”.

18 **SEC. 1022. INTERNATIONAL OUTREACH PROGRAM.**

19 Section 401 of the Water Resources Development Act
20 of 1992 (33 U.S.C. 2329) is amended by striking sub-
21 section (a) and inserting the following:

22 “(a) AUTHORIZATION.—

23 “(1) IN GENERAL.—The Secretary may engage
24 in activities to inform the United States of techno-
25 logical 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.”.

1 **SEC. 1025. DEBRIS REMOVAL.**

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

6 (1) by striking “\$1,000,000” and inserting
7 “\$5,000,000”;

8 (2) by striking “accumulated snags and other
9 debris” and inserting “accumulated snags, obstruc-
10 tions, and other debris located in or adjacent to a
11 Federal channel”; and

12 (3) by striking “or flood control” and inserting
13 “, flood control, or recreation”.

14 **SEC. 1026. AQUACULTURE STUDY.**

15 (a) IN GENERAL.—The Comptroller General shall
16 carry out an assessment of the shellfish aquaculture indus-
17 try, including—

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

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

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

1 (4) the experience of the private sector in ap-
2 plying for shellfish aquaculture permits from dif-
3 ferent jurisdictions of the Corps of Engineers and
4 different 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) The State of Washington.

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

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

4 (b) REPORT.—Not later than 30 days after the enact-
5 ment of this Act, the Secretary shall submit to the Com-
6 mittee on Environment and Public Works of the Senate
7 and the Committee on Transportation and Infrastructure
8 of the House of Representatives a report that—

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

14 (2) provides a plan for completion of the activi-
15 ties required in that subsection (f).

16 **SEC. 1028. PLANNING ASSISTANCE TO STATES.**

17 Section 22(a)(1) of the Water Resources Develop-
18 ment Act of 1974 (42 U.S.C. 1962d-16(a)(1)) is amend-
19 ed—

20 (1) by inserting “, a group of States, or a re-
21 gional or national consortia of States” after “work-
22 ing with a State”; and

23 (2) by striking “located within the boundaries
24 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 “(1) IN GENERAL.—For”; and

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

3 “(2) EXPEDITED CONSIDERATION OF CUR-
4 RENTLY AUTHORIZED PROGRAMMATIC AUTHORI-
5 TIES.—Not later than 180 days after the date of en-
6 actment of the Water Resources Development Act of
7 2016, the Secretary shall submit to the Committee
8 on Environment and Public Works of the Senate
9 and the Committee on Transportation and Infra-
10 structure of the House of Representatives a report
11 that contains—

12 “(A) a list of all programmatic authorities
13 for aquatic ecosystem restoration or improve-
14 ment of the environment that—

15 “(i) were authorized or modified in
16 the Water Resources Development Act of
17 2007 (Public Law 110–114; 121 Stat.
18 1041) or any subsequent Act; and

19 “(ii) that meet the criteria described
20 in paragraph (1); and

21 “(B) a plan for expeditiously completing
22 the projects under the authorities described in
23 subparagraph (A), subject to available fund-
24 ing.”.

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, including the Native American Graves
23 Protection and Repatriation Act (25 U.S.C. 3001 et seq.),
24 or law of the State of Washington, not later than 90 days
25 after the date of enactment of this Act, the Secretary, act-
26 ing through the Chief of Engineers, shall transfer the

1 human remains to the Department, on the condition that
2 the Department, acting through the State Historic Preser-
3 vation Officer, disposes of the remains and repatriates the
4 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) SECRETARY.—The Secretary shall have no
12 further responsibility for the human remains trans-
13 ferred pursuant to subsection (b) after the date of
14 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. TRANSFER OF EXCESS CREDIT.**

23 Section 1020 of the Water Resources Reform and De-
24 velopment Act of 2014 (33 U.S.C. 2223) is amended—

25 (1) in subsection (a)—

1 (A) by striking the subsection designation
2 and heading and all that follows through “Sub-
3 ject to subsection (b)” and inserting the fol-
4 lowing:

5 “(a) APPLICATION OF CREDIT.—

6 “(1) IN GENERAL.—Subject to subsection (b)”;
7 and

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

9 “(2) REASONABLE INTERVALS.—On request
10 from a non-Federal interest, the credit described in
11 subsection (a) may be applied at reasonable intervals
12 as those intervals occur and are identified as being
13 in excess of the required non-Federal cost share
14 prior to completion of the study or project if the
15 credit amount is verified by the Secretary.”;

16 (2) by striking subsection (d); and

17 (3) by redesignating subsection (e) as sub-
18 section (d).

19 **SEC. 1033. SURPLUS WATER STORAGE.**

20 Section 1046(c) of the Water Resources Reform and
21 Development Act of 2014 (Public Law 113–121; 128 Stat.
22 1254) is amended by adding at the end the following:

23 “(5) TIME LIMIT.—

24 “(A) IN GENERAL.—If the Secretary has
25 documented the volume of surplus water avail-

1 able, not later than 60 days after the date on
2 which the Secretary receives a request for a
3 contract and easement, the Secretary shall issue
4 a decision on the request.

5 “(B) OUTSTANDING INFORMATION.—If the
6 Secretary has not documented the volume of
7 surplus water available, not later than 30 days
8 after the date on which the Secretary receives
9 a request for a contract and easement, the Sec-
10 retary shall provide to the requester—

11 “(i) an identification of any out-
12 standing information that is needed to
13 make a final decision;

14 “(ii) the date by which the informa-
15 tion referred to in clause (i) shall be ob-
16 tained; and

17 “(iii) the date by which the Secretary
18 will make a final decision on the request.”.

19 **SEC. 1034. HURRICANE AND STORM DAMAGE REDUCTION.**

20 Section 3(c)(2)(B) of the Act of August 13, 1946 (33
21 U.S.C. 426g(c)(2)(B)) is amended by striking
22 “\$5,000,000” and inserting “\$10,000,000”.

23 **SEC. 1035. FISH HATCHERIES.**

24 (a) IN GENERAL.—Notwithstanding any other provi-
25 sion of law, the Secretary may operate a fish hatchery for

1 the purpose of restoring a population of fish species lo-
2 cated in the region surrounding the fish hatchery that is
3 listed as a threatened species or an endangered species
4 under the Endangered Species Act of 1973 (16 U.S.C.
5 1531 et seq.) or a similar State law.

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

13 **SEC. 1036. FEASIBILITY STUDIES AND WATERSHED ASSESS-**
14 **MENTS.**

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

20 “(3) REPORT.—Not later than February 1 of
21 each year, the Secretary shall submit to the Com-
22 mittee on Environment and Public Works of the
23 Senate and the Committee on Transportation and
24 Infrastructure of the House of Representatives a re-
25 port that identifies any feasibility study for which

1 the Secretary in the preceding fiscal year approved
2 an increase in cost or extension in time as provided
3 under this section, including an identification of the
4 specific 1 or more factors used in making the deter-
5 mination that the project is complex.”.

6 (b) COST SHARING.—Section 105(a)(1)(A) of the
7 Water Resources Development Act of 1986 (33 U.S.C.
8 2215(a)(1)(A)) is amended—

9 (1) by striking the subparagraph designation
10 and heading and all that follows through “The Sec-
11 retary” and inserting the following:

12 “(A) REQUIREMENT.—

13 “(i) IN GENERAL.—Except as pro-
14 vided in clause (ii), the Secretary”; and

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

16 “(ii) EXCEPTION.—For the purpose of
17 meeting or otherwise communicating with
18 prospective non-Federal sponsors to iden-
19 tify the scope of a potential water re-
20 sources project feasibility study, identifying
21 the Federal interest, developing the cost
22 sharing agreement, and developing the
23 project management plan, the first
24 \$100,000 of the feasibility study shall be a
25 Federal expense.”.

1 (c) NON-FEDERAL SHARE.—Section 729(f)(1) of the
2 Water Resources Development Act of 1986 (33 U.S.C.
3 2267a(f)(1)) is amended by inserting before the period at
4 the end “, except that the first \$100,000 of the assess-
5 ment shall be a Federal expense”.

6 **SEC. 1037. SHORE DAMAGE PREVENTION OR MITIGATION.**

7 Section 111 of the River and Harbor Act of 1968
8 (33 U.S.C. 426i) is amended—

9 (1) in subsection (b), by striking “measures”
10 and all that follows through “project” and inserting
11 “measures, including a study, shall be cost-shared in
12 the same proportion as the cost-sharing provisions
13 applicable to construction of the project”; and

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

15 “(e) REIMBURSEMENT FOR FEASIBILITY STUDIES.—
16 Beginning on the date of enactment of this subsection, in
17 any case in which the Secretary implements a project
18 under this section, the Secretary shall reimburse or credit
19 the non-Federal interest for any amounts contributed for
20 the study evaluating the damage in excess of the non-Fed-
21 eral share of the costs, as determined under subsection
22 (b).”.

1 **SEC. 1038. ENHANCING LAKE RECREATION OPPORTUNI-**
2 **TIES.**

3 Section 3134 of the Water Resources Development
4 Act of 2007 (Public Law 110–114; 121 Stat. 1142) is
5 amended by striking subsection (e).

6 **SEC. 1039. COST ESTIMATES.**

7 Section 2008 of the Water Resources Development
8 Act of 2007 (33 U.S.C. 2340) is amended by striking sub-
9 section (c).

10 **SEC. 1040. TRIBAL PARTNERSHIP PROGRAM.**

11 Section 203 of the Water Resources Development Act
12 of 2000 (33 U.S.C. 2269) is amended—

13 (1) in subsection (b)—

14 (A) in paragraph (1), in the matter pre-
15 ceding subparagraph (A), by striking “the Sec-
16 retary” and all that follows through “projects”
17 and inserting “the Secretary may carry out
18 water-related planning activities, or activities
19 relating to the study, design, and construction
20 of water resources development projects or
21 projects for the preservation of cultural and
22 natural resources,”;

23 (B) in paragraph (2), in the matter pre-
24 ceding subparagraph (A), by striking “(2) MAT-
25 TERS TO BE STUDIED.—A study” and inserting
26 the following:

1 “(2) AUTHORIZED ACTIVITIES.—Any activity”;

2 and

3 (C) by adding at the end the following:

4 “(3) FEASIBILITY STUDY AND REPORTS.—

5 “(A) IN GENERAL.—On the request of an
6 Indian tribe, the Secretary shall conduct a
7 study, and provide to the Indian tribe a report
8 describing the feasibility of a water resources
9 development project or project for the preserva-
10 tion of cultural and natural resources described
11 in paragraph (1).

12 “(B) RECOMMENDATION.—A report under
13 subparagraph (A) may, but shall not be re-
14 quired to, contain a recommendation on a spe-
15 cific water resources development project.

16 “(C) FUNDING.—The first \$100,000 of a
17 study under this paragraph shall be at full Fed-
18 eral expense.

19 “(4) DESIGN AND CONSTRUCTION.—

20 “(A) IN GENERAL.—The Secretary may
21 carry out the design and construction of a
22 water resources development project or project
23 for the preservation of cultural and natural re-
24 sources described in paragraph (1) that the
25 Secretary determines is feasible if the Federal

1 share of the cost of the project is not more than
2 \$10,000,000.

3 “(B) SPECIFIC AUTHORIZATION.—If the
4 Federal share of the cost of a project described
5 in subparagraph (A) is more than \$10,000,000,
6 the Secretary may only carry out the project if
7 Congress enacts a law authorizing the Secretary
8 to carry out the project.”;

9 (2) in subsection (c)—

10 (A) in paragraph (1), by striking “studies”
11 and inserting “any activity”; and

12 (B) in paragraph (2)(B), by striking “car-
13 rying out projects studied” and inserting “any
14 activity conducted”;

15 (3) in subsection (d)—

16 (A) in paragraph (1)(A), by striking “a
17 study” and inserting “any activity conducted”;
18 and

19 (B) by striking paragraph (2) and insert-
20 ing the following:

21 “(2) CREDIT.—The Secretary may credit to-
22 ward the non-Federal share of the costs of any activ-
23 ity conducted under subsection (b) the cost of serv-
24 ices, studies, supplies, or other in-kind contributions
25 provided by the non-Federal interest.

1 “(3) SOVEREIGN IMMUNITY.—The Secretary
2 shall not require an Indian tribe to waive the sov-
3 ereign immunity of the Indian tribe as a condition
4 to entering into a cost-sharing agreement under this
5 subsection.

6 “(4) WATER RESOURCES DEVELOPMENT
7 PROJECTS.—

8 “(A) IN GENERAL.—The non-Federal
9 share of costs for the study of a water resources
10 development project described in subsection
11 (b)(1) shall be 50 percent.

12 “(B) OTHER COSTS.—The non-Federal
13 share of costs of design and construction of a
14 project described in subparagraph (A) shall be
15 assigned to the appropriate project purposes de-
16 scribed in sections 101 and 103 of the Water
17 Resources Development Act of 1986 (33 U.S.C.
18 2211, 2213) and shared in the same percent-
19 ages as the purposes to which the costs are as-
20 signed.

21 “(5) PROJECTS FOR THE PRESERVATION OF
22 CULTURAL AND NATURAL RESOURCES.—

23 “(A) IN GENERAL.—The non-Federal
24 share of costs for the study of a project for the
25 preservation of cultural and natural resources

1 described in subsection (b)(1) shall be 50 per-
2 cent.

3 “(B) OTHER COSTS.—The non-Federal
4 share of costs of design and construction of a
5 project described in subparagraph (A) shall be
6 65 percent.

7 “(6) WATER-RELATED PLANNING ACTIVITIES.—

8 “(A) IN GENERAL.—The non-Federal
9 share of costs of a watershed and river basin
10 assessment shall be 25 percent.

11 “(B) OTHER COSTS.—The non-Federal
12 share of costs of other water-related planning
13 activities described in subsection (b)(1) shall be
14 65 percent.”; and

15 (4) by striking subsection (e).

16 **SEC. 1041. COST SHARING FOR TERRITORIES AND INDIAN**
17 **TRIBES.**

18 Section 1156 of the Water Resources Development
19 Act of 1986 (33 U.S.C. 2310) is amended—

20 (1) in the section heading, by striking “**TERRI-**
21 **TORIES**” and inserting “**TERRITORIES AND IN-**
22 **DIAN TRIBES**”; and

23 (2) by striking subsection (a) and inserting the
24 following:

1 “(a) IN GENERAL.—The Secretary shall waive local
2 cost-sharing requirements up to \$200,000 for all studies,
3 projects, and assistance under section 22(a) of the Water
4 Resources Development Act of 1974 (42 U.S.C. 1962d-
5 16(a))—

6 “(1) in American Samoa, Guam, the Northern
7 Mariana Islands, the Virgin Islands, Puerto Rico,
8 and the Trust Territory of the Pacific Islands; and

9 “(2) for any Indian tribe (as defined in section
10 102 of the Federally Recognized Indian Tribe List
11 Act of 1994 (25 U.S.C. 479a)).”.

12 **SEC. 1042. LOCAL GOVERNMENT WATER MANAGEMENT**
13 **PLANS.**

14 The Secretary, with the consent of the non-Federal
15 sponsor of a feasibility study for a water resources devel-
16 opment project, may enter into a feasibility study cost-
17 sharing agreement under section 221(a) of the Flood Con-
18 trol Act of 1970 (42 U.S.C. 1962d-5b(a)), to allow a unit
19 of local government in a watershed that has adopted a
20 local or regional water management plan to participate in
21 the feasibility study to determine if there is an opportunity
22 to include additional feasible elements in the project being
23 studied to help achieve the purposes identified in the local
24 or regional water management plan.

1 **SEC. 1043. CREDIT IN LIEU OF REIMBURSEMENT.**

2 Section 1022 of the Water Resources Reform and De-
3 velopment Act of 2014 (33 U.S.C. 2225) is amended—

4 (1) in subsection (a), by striking “that has been
5 constructed by a non-Federal interest under section
6 211 of the Water Resources Development Act of
7 1996 (33 U.S.C. 701b–13) before the date of enact-
8 ment of this Act” and inserting “for which a written
9 agreement with the Corps of Engineers for construc-
10 tion was finalized on or before December 31, 2014,
11 under section 211 of the Water Resources Develop-
12 ment Act of 1996 (33 U.S.C. 701b–13) (as it ex-
13 isted before the repeal made by section
14 1014(c)(3))”; and

15 (2) in subsection (b), by striking “share of the
16 cost of the non-Federal interest of carrying out
17 other flood damage reduction projects or studies”
18 and inserting “non-Federal share of the cost of car-
19 rying out other water resources development projects
20 or studies of the non-Federal interest”.

21 **SEC. 1044. RETROACTIVE CHANGES TO COST-SHARING**
22 **AGREEMENTS.**

23 Study costs incurred before the date of execution of
24 a feasibility cost-sharing agreement for a project to be car-
25 ried out under section 206 of the Water Resources Devel-

1 opment Act of 1996 (33 U.S.C. 2330) shall be Federal
2 costs, if—

3 (1) the study was initiated before October 1,
4 2006; and

5 (2) the feasibility cost-sharing agreement was
6 not executed before January 1, 2014.

7 **SEC. 1045. EASEMENTS FOR ELECTRIC, TELEPHONE, OR**
8 **BROADBAND SERVICE FACILITIES ELIGIBLE**
9 **FOR FINANCING UNDER THE RURAL ELEC-**
10 **TRIFICATION ACT OF 1936.**

11 (a) DEFINITION OF WATER RESOURCES DEVELOP-
12 MENT PROJECT.—In this section, the term “water re-
13 sources development project” means a project under the
14 administrative jurisdiction of the Corps of Engineers that
15 is subject to part 327 of title 36, Code of Federal Regula-
16 tions (or successor regulations).

17 (b) NO CONSIDERATION FOR EASEMENTS.—The Sec-
18 retary may not collect consideration for an easement
19 across water resources development project land for the
20 electric, telephone, or broadband service facilities of non-
21 profit organizations eligible for financing under the Rural
22 Electrification Act of 1936 (7 U.S.C. 901 et seq.).

23 (c) ADMINISTRATIVE EXPENSES.—Nothing in this
24 section affects the authority of the Secretary under section
25 2695 of title 10, United States Code, or under section

1 9701 of title 31, United State Code, to collect funds to
2 cover reasonable administrative expenses incurred by the
3 Secretary.

4 **SEC. 1046. STUDY ON THE PERFORMANCE OF INNOVATIVE**
5 **MATERIALS.**

6 (a) DEFINITION OF INNOVATIVE MATERIAL.—In this
7 section, the term “innovative material”, with respect to
8 a water resources development project, includes high per-
9 formance concrete formulations, geosynthetic materials,
10 advanced alloys and metals, reinforced polymer compos-
11 ites, and any other material, as determined by the Sec-
12 retary.

13 (b) STUDY.—

14 (1) IN GENERAL.—The Secretary shall offer to
15 enter into a contract with the Transportation Re-
16 search Board of the National Academy of Sciences—

17 (A) to develop a proposal to study the use
18 and performance of innovative materials in
19 water resources development projects carried
20 out by the Corps of Engineers; and

21 (B) after the opportunity for public com-
22 ment provided in accordance with subsection
23 (c), to carry out the study proposed under sub-
24 paragraph (A).

- 1 (2) CONTENTS.—The study under paragraph
2 (1) shall identify—
- 3 (A) the conditions that result in degrada-
4 tion of water resources infrastructure;
- 5 (B) the capabilities of the innovative mate-
6 rials in reducing degradation;
- 7 (C) barriers to the expanded successful use
8 of innovative materials;
- 9 (D) recommendations on including per-
10 formance-based requirements for the incorpora-
11 tion of innovative materials into the Unified Fa-
12 cilities Guide Specifications;
- 13 (E) recommendations on how greater use
14 of innovative materials could increase perform-
15 ance of an asset of the Corps of Engineers in
16 relation to extended service life;
- 17 (F) additional ways in which greater use of
18 innovative materials could empower the Corps
19 of Engineers to accomplish the goals of the
20 Strategic Plan for Civil Works of the Corps of
21 Engineers; and
- 22 (G) recommendations on any further re-
23 search needed to improve the capabilities of in-
24 novative materials in achieving extended service

1 life and reduced maintenance costs in water re-
2 sources development infrastructure.

3 (c) PUBLIC COMMENT.—After developing the study
4 proposal under subsection (b)(1)(A) and before carrying
5 out the study under subsection (b)(1)(B), the Secretary
6 shall provide an opportunity for public comment on the
7 study proposal.

8 (d) CONSULTATION.—In carrying out the study
9 under subsection (b)(1), the Secretary, at a minimum,
10 shall consult with relevant experts on engineering, environ-
11 mental, and industry considerations.

12 (e) REPORT TO CONGRESS.—Not later than 3 years
13 after the date of enactment of this Act, the Secretary shall
14 submit to Congress a report describing the results of the
15 study required under subsection (b)(1).

16 **TITLE II—NAVIGATION**

17 **SEC. 2001. PROJECTS FUNDED BY THE INLAND WATERWAYS** 18 **TRUST FUND.**

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

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

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

6 “(3) CREDIT OR REIMBURSEMENT.—The Fed-
7 eral share of operation and maintenance carried out
8 by a non-Federal interest under this subsection after
9 the date of enactment of the Water Resources Re-
10 form and Development Act of 2014 shall be eligible
11 for reimbursement or for credit toward—

12 “(A) the non-Federal share of future oper-
13 ation and maintenance under this subsection; or

14 “(B) any measure carried out by the Sec-
15 retary under section 3017(a) of the Water Re-
16 sources Reform and Development Act of 2014
17 (33 U.S.C. 3303a note; Public Law 113–
18 121).”.

19 **SEC. 2003. FUNDING FOR HARBOR MAINTENANCE PRO-**
20 **GRAMS.**

21 Section 2101 of the Water Resources Reform and De-
22 velopment Act of 2014 (33 U.S.C. 2238b) is amended—

23 (1) in subsection (b)(1), in the matter pre-
24 ceding subparagraph (A), by striking “The target
25 total” and inserting “Except as provided in sub-
26 section (c), the target total”;

1 (2) by redesignating subsection (c) as sub-
2 section (d); and

3 (3) by inserting after subsection (b) the fol-
4 lowing:

5 “(c) EXCEPTION.—If the target total budget re-
6 sources for a fiscal year described in subparagraphs (A)
7 through (J) of subsection (b)(1) is lower than the target
8 total budget resources for the previous fiscal year, then
9 the target total budget resources shall be adjusted to be
10 equal to the lesser of—

11 “(1) 103 percent of the total budget resources
12 appropriated for the previous fiscal year; or

13 “(2) 100 percent of the total amount of harbor
14 maintenance taxes received in the previous fiscal
15 year.”.

16 **SEC. 2004. DREDGED MATERIAL DISPOSAL.**

17 Disposal of dredged material shall not be considered
18 environmentally acceptable for the purposes of identifying
19 the Federal standard (as defined in section 335.7 of title
20 33, Code of Federal Regulations (or successor regula-
21 tions)) if the disposal violates applicable State water qual-
22 ity standards approved by the Administrator of the Envi-
23 ronmental Protection Agency under section 303 of the
24 Federal Water Pollution Control Act (33 U.S.C. 1313).

1 **SEC. 2005. CAPE ARUNDEL DISPOSAL SITE, MAINE.**

2 (a) DEADLINE.—The Cape Arundel Disposal Site se-
3 lected by the Department of the Army as an alternative
4 dredged material disposal site under section 103(b) of the
5 Marine Protection, Research, and Sanctuaries Act of 1972
6 (33 U.S.C. 1413(b)) and reopened pursuant to section 113
7 of the Energy and Water Development and Related Agen-
8 cies Appropriations Act, 2014 (Public Law 113–76; 128
9 Stat. 158) (referred to in this section as the “Site”) may
10 remain open until the earlier of—

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

13 (2) the date on which an environmental impact
14 statement designating an alternative dredged mate-
15 rial disposal site for southern Maine has been com-
16 pleted; or

17 (3) the date that is 5 years after the date of en-
18 actment of this Act.

19 (b) LIMITATIONS.—The use of the Site as a dredged
20 material disposal site under subsection (a) shall be subject
21 to the conditions that—

22 (1) conditions at the Site remain suitable for
23 the continued use of the Site as a dredged material
24 disposal site; and

1 (2) the Site not be used for the disposal of
2 more than 80,000 cubic yards from any single
3 dredging project.

4 **SEC. 2006. MAINTENANCE OF HARBORS OF REFUGE.**

5 The Secretary is authorized to maintain federally au-
6 thorized harbors of refuge to restore and maintain the au-
7 thorized dimensions of the harbors.

8 **SEC. 2007. AIDS TO NAVIGATION.**

9 (a) IN GENERAL.—The Secretary shall—

10 (1) consult with the Commandant of the Coast
11 Guard regarding navigation on the Ouachita-Black
12 Rivers; and

13 (2) share information regarding the assistance
14 that the Secretary can provide regarding the place-
15 ment of any aids to navigation on the rivers referred
16 to in paragraph (1).

17 (b) REPORT.—Not later than 1 year after the date
18 of enactment of this Act, the Secretary shall submit to
19 the Committee on Environment and Public Works of the
20 Senate and the Committee on Transportation and Infra-
21 structure of the House of Representatives a report on the
22 outcome of the consultation under subsection (a).

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

2 Section 204(d) of the Water Resources Development
3 Act of 1992 (33 U.S.C. 2326(d)) is amended by adding
4 at the end the following:

5 “(3) SPECIAL RULE.—Disposal of dredged ma-
6 terial under this subsection may include a single or
7 periodic application of sediment for beneficial use
8 and shall not require operation and maintenance.

9 “(4) DISPOSAL AT NON-FEDERAL COST.—The
10 Secretary may accept funds from a non-Federal in-
11 terest to dispose of dredged material as provided
12 under section 103(d)(1) of the Water Resources De-
13 velopment Act of 1986 (33 U.S.C. 2213(d)(1)).”.

14 **SEC. 2009. OPERATION AND MAINTENANCE OF HARBOR**
15 **PROJECTS.**

16 Section 210(c)(3) of the Water Resources Develop-
17 ment Act of 1986 (33 U.S.C. 2238(c)(3)) is amended by
18 striking “for each of fiscal years 2015 through 2022” and
19 inserting “for each fiscal year”.

20 **SEC. 2010. ADDITIONAL MEASURES AT DONOR PORTS AND**
21 **ENERGY TRANSFER PORTS.**

22 Section 2106 of the Water Resources Reform and De-
23 velopment Act of 2014 (33 U.S.C. 2238c) is amended—

24 (1) in subsection (a)—

1 (A) by redesignating paragraphs (2)
2 through (6) as paragraphs (3) through (7), re-
3 spectively;

4 (B) by inserting after paragraph (1) the
5 following:

6 “(2) DISCRETIONARY CARGO.—The term ‘dis-
7 cretionary cargo’ means maritime cargo that is des-
8 tined for inland locations and that can be economi-
9 cally shipped through multiple seaports located in
10 different countries or regions.”;

11 (C) in paragraph (3) (as redesignated)—

12 (i) by redesignating subparagraphs
13 (A) through (D) as clause (i) through (iv),
14 respectively, and indenting appropriately;

15 (ii) in the matter preceding clause (i)
16 (as redesignated), by striking “The term”
17 and inserting the following:

18 “(A) IN GENERAL.—The term”; and

19 (iii) by adding at the end the fol-
20 lowing:

21 “(B) CALCULATION.—For the purpose of
22 calculating the percentage described in subpara-
23 graph (A)(iii), payments described under sub-
24 section (c)(1) shall not be included.”;

1 (D) in paragraph (5)(A) (as redesignated),
2 by striking “Code of Federal Regulation” and
3 inserting “Code of Federal Regulations”; and

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

5 “(8) MEDIUM-SIZED DONOR PORT.—The term
6 ‘medium-sized donor port’ means a port—

7 “(A) that is subject to the harbor mainte-
8 nance fee under section 24.24 of title 19, Code
9 of Federal Regulations (or a successor regula-
10 tion);

11 “(B) at which the total amount of harbor
12 maintenance taxes collected comprise annually
13 more than \$5,000,000 but less than
14 \$15,000,000 of the total funding of the Harbor
15 Maintenance Trust Fund established under sec-
16 tion 9505 of the Internal Revenue Code of
17 1986;

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

22 “(D) that is located in a State in which
23 more than 2,000,000 cargo containers were un-
24 loaded from or loaded onto vessels in fiscal year
25 2012.”;

1 (2) in subsection (b)—

2 (A) in paragraph (1), by striking “donor
3 ports” and inserting “donor ports, medium-
4 sized donor ports,”;

5 (B) in paragraph (2)—

6 (i) in subparagraph (A), by striking
7 “and” at the end; and

8 (ii) by striking subparagraph (B) and
9 inserting the following:

10 “(B) shall be made available to a port as
11 either a donor port, medium-sized donor port,
12 or an energy transfer port, and no port may re-
13 ceive amounts from more than 1 designation;
14 and

15 “(C) for donor ports and medium-sized
16 donor ports—

17 “(i) 50 percent of the funds shall be
18 equally divided between the eligible donor
19 ports as authorized by this section; and

20 “(ii) 50 percent of the funds shall be
21 divided between the eligible donor ports
22 and eligible medium-sized donor ports
23 based on the percentage of the total Har-
24 bor Maintenance Tax revenues generated

1 at each eligible donor port and medium-
2 sized donor port.”;

3 (3) in subsection (c), in the matter preceding
4 paragraph (1), by striking “donor port” and insert-
5 ing “donor port, a medium-sized donor port,”;

6 (4) by striking subsection (d) and inserting the
7 following:

8 “(d) ADMINISTRATION OF PAYMENTS.—

9 “(1) IN GENERAL.—If a donor port, a medium-
10 sized donor port, or an energy transfer port elects
11 to provide payments to importers or shippers under
12 subsection (c), the Secretary shall transfer to the
13 Commissioner of Customs and Border Protection the
14 amount that would otherwise be provided to the port
15 under this section that is equal to those payments
16 to provide the payments to the importers or shippers
17 of the discretionary cargo that is—

18 “(A) shipped through respective eligible
19 ports; and

20 “(B) most at risk of diversion to seaports
21 outside of the United States.

22 “(2) REQUIREMENT.—The Secretary, in con-
23 sultation with the eligible port, shall limit payments
24 to top importers or shippers through an eligible port,
25 as ranked by value of discretionary cargo.”; and

1 (5) in subsection (f)—

2 (A) by striking paragraph (1) and insert-
3 ing the following:

4 “(1) IN GENERAL.—If the total amounts made
5 available from the Harbor Maintenance Trust Fund
6 exceed the total amounts made available from the
7 Harbor Maintenance Trust Fund in fiscal year
8 2012, there is authorized to be appropriated to carry
9 out this section \$50,000,000 from the Harbor Main-
10 tenance Trust Fund.”;

11 (B) by striking paragraph (2) and insert-
12 ing the following:

13 “(2) DIVISION BETWEEN DONOR PORTS, ME-
14 DIUM-SIZED DONOR PORTS, AND ENERGY TRANSFER
15 PORTS.—For each fiscal year, amounts made avail-
16 able to carry out this section shall be provided in
17 equal amounts to—

18 “(A) donor ports and medium-sized donor
19 ports; and

20 “(B) energy transfer ports.”; and

21 (C) by striking paragraph (3).

22 **SEC. 2011. HARBOR DEEPENING.**

23 (a) IN GENERAL.—Section 101(a)(1) of the Water
24 Resources Development Act of 1986 (33 U.S.C.
25 2211(a)(1)) is amended—

1 (1) in the matter preceding subparagraph (A),
2 by striking “the date of enactment of this Act” and
3 inserting “the date of enactment of the Water Re-
4 sources Reform and Development Act of 2014 (Pub-
5 lic Law 113–121; 128 Stat. 1193)”;

6 (2) in subparagraph (B), by striking “45 feet”
7 and inserting “50 feet”; and

8 (3) in subparagraph (C), by striking “45 feet”
9 and inserting “50 feet”.

10 (b) **DEFINITION OF DEEP-DRAFT HARBOR.**—Section
11 214(1) of the Water Resources Development Act of 1986
12 (33 U.S.C. 2241(1)) is amended by striking “45 feet” and
13 inserting “50 feet”.

14 **SEC. 2012. OPERATIONS AND MAINTENANCE OF INLAND**
15 **MISSISSIPPI RIVER PORTS.**

16 (a) **DEFINITIONS.**—In this section:

17 (1) **INLAND MISSISSIPPI RIVER.**—The term “in-
18 land Mississippi River” means the portion of the
19 Mississippi River that begins at the confluence of
20 the Minnesota River and ends at the confluence of
21 the Red River.

22 (2) **SHALLOW DRAFT.**—The term “shallow
23 draft” means a project that has a depth of less than
24 14 feet.

1 (b) DREDGING ACTIVITIES.—The Secretary shall
2 carry out dredging activities on shallow draft ports located
3 on the inland Mississippi River to the respective author-
4 ized widths and depths of those inland ports, as authorized
5 on the date of enactment of this Act.

6 (c) AUTHORIZATION OF APPROPRIATIONS.—For each
7 fiscal year, there is authorized to be appropriated to the
8 Secretary to carry out this section \$25,000,000.

9 **SEC. 2013. IMPLEMENTATION GUIDANCE.**

10 Section 2102 of the Water Resources Reform and De-
11 velopment Act of 2014 (Public Law 113–121; 128 Stat.
12 1273) is amended by adding at the end the following:

13 “(d) GUIDANCE.—Not later than 90 days after the
14 date of enactment of the Water Resources Development
15 Act of 2016 the Secretary shall publish on the website of
16 the Corps of Engineers guidance on the implementation
17 of this section and the amendments made by this sec-
18 tion.”.

19 **SEC. 2014. REMOTE AND SUBSISTENCE HARBORS.**

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

22 (1) in subsection (a)(3), by inserting “in which
23 the project is located or of a community that is lo-
24 cated in the region that is served by the project and

1 that will rely on the project” after “community”;
2 and

3 (2) in subsection (b)—

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

8 (B) in paragraph (4), by striking “local
9 population” and inserting “regional population
10 to be served by the project”; and

11 (C) in paragraph (5), by striking “commu-
12 nity” and inserting “local community or to a
13 community that is located in the region to be
14 served by the project and that will rely on the
15 project”.

16 **SEC. 2015. NON-FEDERAL INTEREST DREDGING AUTHOR-**
17 **ITY.**

18 (a) **IN GENERAL.**—The Secretary may permit a non-
19 Federal interest to carry out, for an authorized navigation
20 project (or a separable element of an authorized naviga-
21 tion project), such maintenance activities as are necessary
22 to ensure that the project is maintained to not less than
23 the minimum project dimensions.

24 (b) **COST LIMITATIONS.**—Except as provided in this
25 section and subject to the availability of appropriations,

1 the costs incurred by a non-Federal interest in performing
2 the maintenance activities described in subsection (a) shall
3 be eligible for reimbursement, not to exceed an amount
4 that is equal to the estimated Federal cost for the per-
5 formance of the maintenance activities.

6 (c) AGREEMENT.—Before initiating maintenance ac-
7 tivities under this section, the non-Federal interest shall
8 enter into an agreement with the Secretary that specifies,
9 for the performance of the maintenance activities, the
10 terms and conditions that are acceptable to the non-Fed-
11 eral interest and the Secretary.

12 (d) PROVISION OF EQUIPMENT.—In carrying out
13 maintenance activities under this section, a non-Federal
14 interest shall—

15 (1) provide equipment at no cost to the Federal
16 Government; and

17 (2) hold and save the United States free from
18 any and all damage that arises from the use of the
19 equipment of the non-Federal interest, except for
20 damage due to the fault or negligence of a con-
21 tractor of the Federal Government.

22 (e) REIMBURSEMENT ELIGIBILITY LIMITATIONS.—
23 Costs that are eligible for reimbursement under this sec-
24 tion are those costs directly related to the costs associated

1 with operation and maintenance of the dredge based on
2 the lesser of the period of time for which—

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

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

9 (f) **AUDIT.**—Not earlier than 5 years after the date
10 of enactment of this Act, the Secretary may conduct an
11 audit on any maintenance activities for an authorized
12 navigation project (or a separable element of an author-
13 ized navigation project) carried out under this section to
14 determine if permitting a non-Federal interest to carry out
15 maintenance activities under this section has resulted in—

16 (1) improved reliability and safety for naviga-
17 tion; and

18 (2) cost savings to the Federal Government.

19 (g) **TERMINATION OF AUTHORITY.**—The authority of
20 the Secretary under this section terminates on the date
21 that is 10 years after the date of enactment of this Act.

22 **SEC. 2016. TRANSPORTATION COST SAVINGS.**

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

1 (1) by redesignating subparagraph (B) as sub-
2 paragraph (C); and

3 (2) by inserting after subparagraph (A) the fol-
4 lowing:

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

15 **SEC. 2017. DREDGED MATERIAL.**

16 (a) **IN GENERAL.**—Notwithstanding part 335 of title
17 33, Code of Federal Regulations, the Secretary may place
18 dredged material from the operation and maintenance of
19 an authorized Federal water resources project at another
20 authorized water resource project if the Secretary deter-
21 mines that—

22 (1) the placement of the dredged material
23 would—

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

1 (ii) significantly contribute to shoreline re-
2 siliency, including the resilience and restoration
3 of wetland; and

4 (B) be in the public interest; and

5 (2) the cost associated with the placement of
6 the dredged material is reasonable in relation to the
7 associated environmental, flood protection, and resil-
8 iency benefits.

9 (b) **ADDITIONAL COSTS.**—If the cost of placing the
10 dredged material at another authorized water resource
11 project exceeds the cost of depositing the dredged material
12 in accordance with the Federal standard (as defined in
13 section 335.7 of title 33, Code of Federal Regulations (as
14 in effect on the date of enactment of this Act)), the Sec-
15 retary shall not require a non-Federal entity to bear any
16 of the increased costs associated with the placement of the
17 dredged material.

18 **TITLE III—SAFETY**

19 **IMPROVEMENTS**

20 **SEC. 3001. REHABILITATION ASSISTANCE FOR NON-FED-** 21 **ERAL FLOOD CONTROL PROJECTS.**

22 (a) **IN GENERAL.**—Section 5 of the Act of August
23 18, 1941 (33 U.S.C. 701n), is amended—

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

1 “(3) DEFINITION OF NONSTRUCTURAL ALTER-
2 NATIVES.—In this subsection, ‘nonstructural alter-
3 natives’ includes efforts to restore or protect natural
4 resources including streams, rivers, floodplains, wet-
5 lands, or coasts, if those efforts will reduce flood
6 risk.”; and

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

8 “(d) INCREASED LEVEL OF PROTECTION.—In con-
9 ducting repair or restoration work under subsection (a),
10 at the request of the non-Federal sponsor, the Secretary
11 may increase the level of protection above the level to
12 which the system was designed, or, if the repair and reha-
13 bilitation includes repair or rehabilitation of a pumping
14 station, will increase the capacity of a pump, if—

15 “(1) the Chief of Engineers determines the im-
16 provements are in the public interest, including con-
17 sideration of whether—

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

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

23 “(C) there is an opportunity to decrease
24 total life cycle rehabilitation costs for the
25 project; and

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

7 “(e) NOTICE.—The Secretary shall notify the non-
8 Federal sponsor of the opportunity to request implementa-
9 tion of nonstructural alternatives to the repair or restora-
10 tion of the flood control work under subsection (a).”.

11 (b) PROJECTS IN COORDINATION WITH CERTAIN RE-
12 HABILITATION REQUIREMENTS.—

13 (1) IN GENERAL.—In any case in which the
14 Secretary has completed a study determining a
15 project for flood damage reduction is feasible and
16 such project is designed to protect the same geo-
17 graphic area as work to be performed under section
18 5(c) of the Act of August 18, 1941 (33 U.S.C.
19 701n(e)), the Secretary may, if the Secretary deter-
20 mines that the action is in the public interest, carry
21 out such project with the work being performed
22 under section 5(c) of that Act, subject to the limita-
23 tions in paragraph (2).

24 (2) COST-SHARING.—The cost to carry out a
25 project under paragraph (1) shall be shared in ac-

1 cordance with section 103 of the Water Resources
2 Development Act of 1986 (33 U.S.C. 2213).

3 **SEC. 3002. REHABILITATION OF EXISTING LEVEES.**

4 Section 3017 of the Water Resources Reform and De-
5 velopment Act of 2014 (33 U.S.C. 3303a note; Public Law
6 113–121) is amended—

7 (1) in subsection (a), by striking “if the Sec-
8 retary determines the necessary work is technically
9 feasible, environmentally acceptable, and economi-
10 cally justified”;

11 (2) in subsection (b)—

12 (A) by striking “This section” and insert-
13 ing the following:

14 “(1) IN GENERAL.—This section”; and

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

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

21 (3) in subsection (c)(1), by striking “The non-
22 Federal” and inserting “Notwithstanding subsection
23 (b)(2), the non-Federal”; and

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

1 “(f) AUTHORIZATION OF APPROPRIATIONS.—There
2 is authorized to be appropriated to the Secretary to carry
3 out this section \$125,000,000.”.

4 **SEC. 3003. MAINTENANCE OF HIGH RISK FLOOD CONTROL**
5 **PROJECTS.**

6 In any case in which the Secretary is responsible, as
7 of the date of enactment of this Act, for the maintenance
8 of a project classified as class III under the Dam Safety
9 Action Classification of the Corps of Engineers, the Sec-
10 retary shall continue to be responsible for the maintenance
11 until the earlier of the date that—

12 (1) the project is modified to reduce that risk
13 and the Secretary determines that the project is no
14 longer classified as class III under the Dam Safety
15 Action Classification of the Corps of Engineers; or

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

18 **SEC. 3004. REHABILITATION OF HIGH HAZARD POTENTIAL**
19 **DAMS.**

20 (a) DEFINITIONS.—Section 2 of the National Dam
21 Safety Program Act (33 U.S.C. 467) is amended—

22 (1) by redesignating paragraphs (4), (5), (6),
23 (7), (8), (9), (10), (11), (12), and (13) as para-
24 graphs (5), (6), (7), (8), (9), (11), (13), (14), (15),
25 and (16), respectively;

1 (2) by inserting after paragraph (3) the fol-
2 lowing:

3 “(4) ELIGIBLE HIGH HAZARD POTENTIAL
4 DAM.—

5 “(A) IN GENERAL.—The term ‘eligible
6 high hazard potential dam’ means a non-Fed-
7 eral dam that—

8 “(i) is located in a State with a State
9 dam safety program;

10 “(ii) is classified as ‘high hazard po-
11 tential’ by the State dam safety agency in
12 the State in which the dam is located;

13 “(iii) has an emergency action plan
14 approved by the relevant State dam safety
15 agency; and

16 “(iv) the State in which the dam is lo-
17 cated determines—

18 “(I) fails to meet minimum dam
19 safety standards of the State; and

20 “(II) poses an unacceptable risk
21 to the public.

22 “(B) EXCLUSION.—The term ‘eligible high
23 hazard potential dam’ does not include—

24 “(i) a licensed hydroelectric dam; or

1 “(ii) a dam built under the authority
2 of the Secretary of Agriculture.”;

3 (3) by inserting after paragraph (9) (as redesignated by paragraph (1)) the following:

5 “(10) NON-FEDERAL SPONSOR.—The term
6 ‘non-Federal sponsor’, in the case of a project receiving assistance under section 8A, includes—

8 “(A) a governmental organization; and

9 “(B) a nonprofit organization.” and

10 (4) by inserting after paragraph (11) (as redesignated by paragraph (1)) the following:

12 “(12) REHABILITATION.—The term ‘rehabilitation’ means the repair, replacement, reconstruction, or removal of a dam that is carried out to meet applicable State dam safety and security standards.”.

16 (b) PROGRAM FOR REHABILITATION OF HIGH HAZARD POTENTIAL DAMS.—The National Dam Safety Program Act is amended by inserting after section 8 (33 U.S.C. 467f) the following:

20 **“SEC. 8A. REHABILITATION OF HIGH HAZARD POTENTIAL DAMS.**

22 “(a) ESTABLISHMENT OF PROGRAM.—The Administrator shall establish, within FEMA, a program to provide
23 technical, planning, design, and construction assistance in
24 technical, planning, design, and construction assistance in

1 the form of grants to non-Federal sponsors for rehabilita-
2 tion of eligible high hazard potential dams.

3 “(b) ELIGIBLE ACTIVITIES.—A grant awarded under
4 this section for a project may be used for—

5 “(1) repair;

6 “(2) removal; or

7 “(3) any other structural or nonstructural
8 measures to rehabilitate a high hazard potential
9 dam.

10 “(c) AWARD OF GRANTS.—

11 “(1) APPLICATION.—

12 “(A) IN GENERAL.—A non-Federal spon-
13 sor interested in receiving a grant under this
14 section may submit to the Administrator an ap-
15 plication for the grant.

16 “(B) REQUIREMENTS.—An application
17 submitted to the Administrator under this sec-
18 tion shall be submitted at such time, be in such
19 form, and contain such information as the Ad-
20 ministrator may prescribe by regulation pursu-
21 ant to section 3004(c) of the Water Resources
22 Development Act of 2016.

23 “(2) GRANT.—

24 “(A) IN GENERAL.—The Administrator
25 may make a grant in accordance with this sec-

1 tion for rehabilitation of a high hazard potential
2 dam to a non-Federal sponsor that submits an
3 application for the grant in accordance with the
4 regulations prescribed by the Administrator.

5 “(B) PROJECT GRANT AGREEMENT.—The
6 Administrator shall enter into a project grant
7 agreement with the non-Federal sponsor to es-
8 tablish the terms of the grant and the project,
9 including the amount of the grant.

10 “(C) GRANT ASSURANCE.—As part of a
11 project grant agreement under subparagraph
12 (B), the Administrator shall require the non-
13 Federal sponsor to provide an assurance, with
14 respect to the dam to be rehabilitated under the
15 project, that the owner of the dam has devel-
16 oped and will carry out a plan for maintenance
17 of the dam during the expected life of the dam.

18 “(D) LIMITATION.—A grant provided
19 under this section shall not exceed the lesser
20 of—

21 “(i) 12.5 percent of the total amount
22 of funds made available to carry out this
23 section; or

24 “(ii) \$7,500,000.

25 “(d) REQUIREMENTS.—

1 “(1) APPROVAL.—A grant awarded under this
2 section for a project shall be approved by the rel-
3 evant State dam safety agency.

4 “(2) NON-FEDERAL SPONSOR REQUIRE-
5 MENTS.—To receive a grant under this section, the
6 non-Federal sponsor shall—

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

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

11 “(i) includes all dam risks; and

12 “(ii) complies with the Disaster Miti-
13 gation Act of 2000 (Public Law 106–390;
14 114 Stat. 1552);

15 “(C) commit to provide operation and
16 maintenance of the project for the 50-year pe-
17 riod following completion of rehabilitation;

18 “(D) comply with such minimum eligibility
19 requirements as the Administrator may estab-
20 lish to ensure that each owner and operator of
21 a dam under a participating State dam safety
22 program—

23 “(i) acts in accordance with the State
24 dam safety program; and

1 “(ii) carries out activities relating to
2 the public in the area around the dam in
3 accordance with the hazard mitigation plan
4 described in subparagraph (B); and

5 “(E) comply with section 611(j)(9) of the
6 Robert T. Stafford Disaster Relief and Emer-
7 gency Assistance Act (42 U.S.C. 5196(j)(9))
8 (as in effect on the date of enactment of this
9 section) with respect to projects receiving as-
10 sistance under this section in the same manner
11 as recipients are required to comply in order to
12 receive financial contributions from the Admin-
13 istrator for emergency preparedness purposes.

14 “(e) FLOODPLAIN MANAGEMENT PLANS.—

15 “(1) IN GENERAL.—As a condition of receipt of
16 assistance under this section, the non-Federal entity
17 shall demonstrate that a floodplain management
18 plan to reduce the impacts of future flood events in
19 the area protected by the project—

20 “(A) is in place; or

21 “(B) will be—

22 “(i) developed not later than 1 year
23 after the date of execution of a project
24 agreement for assistance under this sec-
25 tion; and

1 “(ii) implemented not later than 1
2 year after the date of completion of con-
3 struction of the project.

4 “(2) INCLUSIONS.—A plan under paragraph (1)
5 shall address—

6 “(A) potential measures, practices, and
7 policies to reduce loss of life, injuries, damage
8 to property and facilities, public expenditures,
9 and other adverse impacts of flooding in the
10 area protected by the project;

11 “(B) plans for flood fighting and evacu-
12 ation; and

13 “(C) public education and awareness of
14 flood risks.

15 “(3) TECHNICAL SUPPORT.—The Administrator
16 may provide technical support for the development
17 and implementation of floodplain management plans
18 prepared under this subsection.

19 “(f) PRIORITY SYSTEM.—The Administrator, in con-
20 sultation with the Board, shall develop a risk-based pri-
21 ority system for use in identifying high hazard potential
22 dams for which grants may be made under this section.

23 “(g) FUNDING.—

24 “(1) COST SHARING.—

1 “(A) IN GENERAL.—Any assistance pro-
2 vided under this section for a project shall be
3 subject to a non-Federal cost-sharing require-
4 ment of not less than 35 percent.

5 “(B) IN-KIND CONTRIBUTIONS.—The non-
6 Federal share under subparagraph (A) may be
7 provided in the form of in-kind contributions.

8 “(2) ALLOCATION OF FUNDS.—The total
9 amount of funds made available to carry out this
10 section for each fiscal year shall be distributed as
11 follows:

12 “(A) EQUAL DISTRIBUTION.— $\frac{1}{3}$ shall be
13 distributed equally among the States in which
14 the projects for which applications are sub-
15 mitted under subsection (c)(1) are located.

16 “(B) NEED-BASED.— $\frac{2}{3}$ shall be distrib-
17 uted among the States in which the projects for
18 which applications are submitted under sub-
19 section (c)(1) are located based on the propor-
20 tion that—

21 “(i) the number of eligible high haz-
22 ard potential dams in the State; bears to

23 “(ii) the number of eligible high haz-
24 ard potential dams in all States in which

1 projects for which applications are sub-
2 mitted under subsection (c)(1).

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

6 “(1) to rehabilitate a Federal dam;

7 “(2) to perform routine operation or mainte-
8 nance of a dam;

9 “(3) to modify a dam to produce hydroelectric
10 power;

11 “(4) to increase water supply storage capacity;
12 or

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

15 “(i) CONTRACTUAL REQUIREMENTS.—

16 “(1) IN GENERAL.—Subject to paragraph (2),
17 as a condition on the receipt of a grant under this
18 section of an amount greater than \$1,000,000, a
19 non-Federal sponsor that receives the grant shall re-
20 quire that each contract and subcontract for pro-
21 gram management, construction management, plan-
22 ning studies, feasibility studies, architectural serv-
23 ices, preliminary engineering, design, engineering,
24 surveying, mapping, and related services entered
25 into using funds from the grant be awarded in the

1 same manner as a contract for architectural and en-
2 gineering services is awarded under—

3 “(A) chapter 11 of title 40, United States
4 Code; or

5 “(B) an equivalent qualifications-based re-
6 quirement prescribed by the relevant State.

7 “(2) NO PROPRIETARY INTEREST.—A contract
8 awarded in accordance with paragraph (1) shall not
9 be considered to confer a proprietary interest upon
10 the United States.

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

14 “(1) \$10,000,000 for fiscal years 2017 and
15 2018;

16 “(2) \$25,000,000 for fiscal year 2019;

17 “(3) \$40,000,000 for fiscal year 2020; and

18 “(4) \$60,000,000 for each of fiscal years 2021
19 through 2026.”.

20 (c) RULEMAKING.—

21 (1) PROPOSED RULEMAKING.—Not later than
22 90 days after the date of enactment of this Act, the
23 Administrator of the Federal Emergency Manage-
24 ment Agency shall issue a notice of proposed rule-
25 making regarding applications for grants of assist-

1 ance under the amendments made by subsection (b)
2 to the National Dam Safety Program Act (33
3 U.S.C. 467 et seq.).

4 (2) FINAL RULE.—Not later than 180 days
5 after the date of enactment of this Act, the Adminis-
6 trator of the Federal Emergency Management Agen-
7 cy shall promulgate a final rule regarding the
8 amendments described in paragraph (1).

9 **SEC. 3005. EXPEDITED COMPLETION OF AUTHORIZED**
10 **PROJECTS FOR FLOOD DAMAGE REDUCTION.**

11 The Secretary shall expedite the completion of the
12 following projects for flood damage reduction and flood
13 risk management:

14 (1) Chicagoland Underflow Plan, Illinois, phase
15 2, as authorized by section 3(a)(5) of the Water Re-
16 sources Development Act of 1988 (Public Law 100–
17 676; 102 Stat. 4013) and modified by section 319
18 of the Water Resources Development Act of 1996
19 (Public Law 104–303; 110 Stat. 3715) and section
20 501 of the Water Resources Development Act of
21 1999 (Public Law 106–53; 113 Stat. 334).

22 (2) Cedar River, Cedar Rapids, Iowa, as au-
23 thorized by section 7002(2)(3) of the Water Re-
24 sources Development Act of 2014 (Public Law 113–
25 121; 128 Stat. 1366).

1 (3) Comite River, Louisiana, authorized as part
2 of the project for flood control, Amite River and
3 Tributaries, Louisiana, by section 101(11) of the
4 Water Resources Development Act of 1992 (Public
5 Law 102–580; 106 Stat. 4802) and modified by sec-
6 tion 301(b)(5) of the Water Resources Development
7 Act of 1996 (Public Law 104–03; 110 Stat. 3709)
8 and section 371 of the Water Resources Develop-
9 ment Act of 1999 (Public Law 106–53; 113 Stat.
10 321).

11 (4) Amite River and Tributaries, Louisiana,
12 East Baton Rouge Parish Watershed, as authorized
13 by section 101(a)(21) of the Water Resources Devel-
14 opment Act of 1999 (Public Law 106–53; 113 Stat.
15 277) and modified by section 116 of division D of
16 Public Law 108–7 (117 Stat. 140) and section 3074
17 of the Water Resources Development Act of 2007
18 (Public Law 110–114; 121 Stat. 1124).

19 **SEC. 3006. CUMBERLAND RIVER BASIN DAM REPAIRS.**

20 All costs incurred in carrying out any repair to cor-
21 rect a seepage problem at any dam in the Cumberland
22 River Basin shall be—

23 (1) treated as costs for a dam safety project;
24 and

1 (2) subject to cost-sharing requirements in ac-
2 cordance with section 1203 of the Water Resources
3 Development Act of 1986 (33 U.S.C. 467n).

4 **SEC. 3007. INDIAN DAM SAFETY.**

5 (a) DEFINITIONS.—In this section:

6 (1) DAM.—

7 (A) IN GENERAL.—The term “dam” has
8 the meaning given the term in section 2 of the
9 National Dam Safety Program Act (33 U.S.C.
10 467).

11 (B) INCLUSIONS.—The term “dam” in-
12 cludes any structure, facility, equipment, or ve-
13 hicle used in connection with the operation of a
14 dam.

15 (2) FUND.—The term “Fund” means, as appli-
16 cable—

17 (A) the High-Hazard Indian Dam Safety
18 Deferred Maintenance Fund established by sub-
19 section (b)(1)(A); or

20 (B) the Low-Hazard Indian Dam Safety
21 Deferred Maintenance Fund established by sub-
22 section (b)(2)(A).

23 (3) HIGH HAZARD POTENTIAL DAM.—The term
24 “high hazard potential dam” means a dam assigned
25 to the significant or high hazard potential classifica-

1 tion under the guidelines published by the Federal
2 Emergency Management Agency entitled “Federal
3 Guidelines for Dam Safety: Hazard Potential Classi-
4 fication System for Dams” (FEMA Publication
5 Number 333).

6 (4) INDIAN TRIBE.—The term “Indian tribe”
7 has the meaning given the term in section 4 of the
8 Indian Self-Determination and Education Assistance
9 Act (25 U.S.C. 450b).

10 (5) LOW HAZARD POTENTIAL DAM.—The term
11 “low hazard potential dam” means a dam assigned
12 to the low hazard potential classification under the
13 guidelines published by the Federal Emergency
14 Management Agency entitled “Federal Guidelines
15 for Dam Safety: Hazard Potential Classification
16 System for Dams” (FEMA Publication Number
17 333).

18 (6) SECRETARY.—The term “Secretary” means
19 the Secretary of the Interior, acting through the As-
20 sistant Secretary for Indian Affairs, in consultation
21 with the Secretary of the Army.

22 (b) INDIAN DAM SAFETY DEFERRED MAINTENANCE
23 FUNDS.—

24 (1) HIGH-HAZARD FUND.—

1 (A) ESTABLISHMENT.—There is estab-
2 lished in the Treasury of the United States a
3 fund, to be known as the “High-Hazard Indian
4 Dam Safety Deferred Maintenance Fund”, con-
5 sisting of—

6 (i) such amounts as are deposited in
7 the Fund under subparagraph (B); and

8 (ii) any interest earned on investment
9 of amounts in the Fund under subpara-
10 graph (D).

11 (B) DEPOSITS TO FUND.—

12 (i) IN GENERAL.—For each of fiscal
13 years 2017 through 2037, the Secretary of
14 the Treasury shall deposit in the Fund
15 \$22,750,000 of the revenues that would
16 otherwise be deposited for the fiscal year
17 in the reclamation fund established by the
18 first section of the Act of June 17, 1902
19 (32 Stat. 388, chapter 1093).

20 (ii) AVAILABILITY OF AMOUNTS.—
21 Amounts deposited in the Fund under
22 clause (i) shall be used, subject to appro-
23 priation, to carry out this section.

24 (C) EXPENDITURES FROM FUND.—

1 (i) IN GENERAL.—Subject to clause
2 (ii), for each of fiscal years 2017 through
3 2037, the Secretary may, to the extent
4 provided in advance in appropriations Acts,
5 expend from the Fund, in accordance with
6 this section, not more than the sum of—

7 (I) \$22,750,000; and

8 (II) the amount of interest ac-
9 crued in the Fund.

10 (ii) ADDITIONAL EXPENDITURES.—
11 The Secretary may expend more than
12 \$22,750,000 for any fiscal year referred to
13 in clause (i) if the additional amounts are
14 available in the Fund as a result of a fail-
15 ure of the Secretary to expend all of the
16 amounts available under clause (i) in 1 or
17 more prior fiscal years.

18 (D) INVESTMENTS OF AMOUNTS.—

19 (i) IN GENERAL.—The Secretary of
20 the Treasury shall invest such portion of
21 the Fund as is not, in the judgment of the
22 Secretary, required to meet current with-
23 drawals.

24 (ii) CREDITS TO FUND.—The interest
25 on, and the proceeds from the sale or re-

1 demption of, any obligations held in the
2 Fund shall be credited to, and form a part
3 of, the Fund.

4 (E) TRANSFERS OF AMOUNTS.—

5 (i) IN GENERAL.—The amounts re-
6 quired to be transferred to the Fund under
7 this paragraph shall be transferred at least
8 monthly from the revenues that would oth-
9 erwise be deposited for the fiscal year in
10 the reclamation fund established by the
11 first section of the Act of June 17, 1902
12 (32 Stat. 388, chapter 1093), to the Fund
13 on the basis of estimates made by the Sec-
14 retary of the Treasury.

15 (ii) ADJUSTMENTS.—Proper adjust-
16 ment shall be made in amounts subse-
17 quently transferred to the extent prior esti-
18 mates are in excess of or less than the
19 amounts required to be transferred.

20 (F) TERMINATION.—On September 30,
21 2037—

22 (i) the Fund shall terminate; and

23 (ii) the unexpended and unobligated
24 balance of the Fund shall be transferred to
25 the reclamation fund established by the

1 first section of the Act of June 17, 1902
2 (32 Stat. 388, chapter 1093).

3 (2) LOW-HAZARD FUND.—

4 (A) ESTABLISHMENT.—There is estab-
5 lished in the Treasury of the United States a
6 fund, to be known as the “Low-Hazard Indian
7 Dam Safety Deferred Maintenance Fund”, con-
8 sisting of—

9 (i) such amounts as are deposited in
10 the Fund under subparagraph (B); and

11 (ii) any interest earned on investment
12 of amounts in the Fund under subpara-
13 graph (D).

14 (B) DEPOSITS TO FUND.—

15 (i) IN GENERAL.—For each of fiscal
16 years 2017 through 2037, the Secretary of
17 the Treasury shall deposit in the Fund
18 \$10,000,000 of the revenues that would
19 otherwise be deposited for the fiscal year
20 in the reclamation fund established by the
21 first section of the Act of June 17, 1902
22 (32 Stat. 388, chapter 1093).

23 (ii) AVAILABILITY OF AMOUNTS.—
24 Amounts deposited in the Fund under

1 clause (i) shall be used, subject to appro-
2 priation, to carry out this section.

3 (C) EXPENDITURES FROM FUND.—

4 (i) IN GENERAL.—Subject to clause
5 (ii), for each of fiscal years 2017 through
6 2037, the Secretary may, to the extent
7 provided in advance in appropriations Acts,
8 expend from the Fund, in accordance with
9 this section, not more than the sum of—

10 (I) \$10,000,000; and

11 (II) the amount of interest ac-
12 crued in the Fund.

13 (ii) ADDITIONAL EXPENDITURES.—

14 The Secretary may expend more than
15 \$10,000,000 for any fiscal year referred to
16 in clause (i) if the additional amounts are
17 available in the Fund as a result of a fail-
18 ure of the Secretary to expend all of the
19 amounts available under clause (i) in 1 or
20 more prior fiscal years.

21 (D) INVESTMENTS OF AMOUNTS.—

22 (i) IN GENERAL.—The Secretary of
23 the Treasury shall invest such portion of
24 the Fund as is not, in the judgment of the

1 Secretary, required to meet current with-
2 drawals.

3 (ii) CREDITS TO FUND.—The interest
4 on, and the proceeds from the sale or re-
5 demption of, any obligations held in the
6 Fund shall be credited to, and form a part
7 of, the Fund.

8 (E) TRANSFERS OF AMOUNTS.—

9 (i) IN GENERAL.—The amounts re-
10 quired to be transferred to the Fund under
11 this paragraph shall be transferred at least
12 monthly from the revenues that would oth-
13 erwise be deposited for the fiscal year in
14 the reclamation fund established by the
15 first section of the Act of June 17, 1902
16 (32 Stat. 388, chapter 1093), to the Fund
17 on the basis of estimates made by the Sec-
18 retary of the Treasury.

19 (ii) ADJUSTMENTS.—Proper adjust-
20 ment shall be made in amounts subse-
21 quently transferred to the extent prior esti-
22 mates are in excess of or less than the
23 amounts required to be transferred.

24 (F) TERMINATION.—On September 30,

25 2037—

- 1 (i) the Fund shall terminate; and
2 (ii) the unexpended and unobligated
3 balance of the Fund shall be transferred to
4 the reclamation fund established by the
5 first section of the Act of June 17, 1902
6 (32 Stat. 388, chapter 1093).

7 (c) REPAIR, REPLACEMENT, AND MAINTENANCE OF
8 CERTAIN INDIAN DAMS.—

9 (1) PROGRAM ESTABLISHMENT.—

10 (A) IN GENERAL.—The Secretary shall es-
11 tablish a program to address the deferred main-
12 tenance needs of Indian dams that—

13 (i) create flood risks or other risks to
14 public or employee safety or natural or cul-
15 tural resources; and

16 (ii) unduly impede the management
17 and efficiency of Indian dams.

18 (B) FUNDING.—

19 (i) HIGH-HAZARD FUND.—Consistent
20 with subsection (b)(1)(B), the Secretary
21 shall use or transfer to the Bureau of In-
22 dian Affairs not less than \$22,750,000 of
23 amounts in the High-Hazard Indian Dam
24 Safety Deferred Maintenance Fund, plus
25 accrued interest, for each of fiscal years

1 2017 through 2037 to carry out mainte-
2 nance, repair, and replacement activities
3 for 1 or more of the Indian dams described
4 in paragraph (2)(A).

5 (ii) LOW-HAZARD FUND.—Consistent
6 with subsection (b)(2)(B), the Secretary
7 shall use or transfer to the Bureau of In-
8 dian Affairs not less than \$10,000,000 of
9 amounts in the Low-Hazard Indian Dam
10 Safety Deferred Maintenance Fund, plus
11 accrued interest, for each of fiscal years
12 2017 through 2037 to carry out mainte-
13 nance, repair, and replacement activities
14 for 1 or more of the Indian dams described
15 in paragraph (2)(B).

16 (C) COMPLIANCE WITH DAM SAFETY POLI-
17 CIES.—Maintenance, repair, and replacement
18 activities for Indian dams under this section
19 shall be carried out in accordance with the dam
20 safety policies of the Director of the Bureau of
21 Indian Affairs established to carry out the In-
22 dian Dams Safety Act of 1994 (25 U.S.C. 3801
23 et seq.).

24 (2) ELIGIBLE DAMS.—

1 (A) HIGH HAZARD POTENTIAL DAMS.—

2 The dams eligible for funding under paragraph
3 (1)(B)(i) are Indian high hazard potential dams
4 in the United States that—

5 (i) are included in the safety of dams
6 program established pursuant to the In-
7 dian Dams Safety Act of 1994 (25 U.S.C.
8 3801 et seq.); and

9 (ii)(I)(aa) are owned by the Federal
10 Government, as listed in the Federal inven-
11 tory required by Executive Order 13327
12 (40 U.S.C. 121 note; relating to Federal
13 real property asset management); and

14 (bb) are managed by the Bureau
15 of Indian Affairs (including dams
16 managed under contracts or compacts
17 pursuant to the Indian Self-Deter-
18 mination and Education Assistance
19 Act (25 U.S.C. 450 et seq.)); or

20 (II) have deferred maintenance docu-
21 mented by the Bureau of Indian Affairs.

22 (B) LOW HAZARD POTENTIAL DAMS.—The
23 dams eligible for funding under paragraph
24 (1)(B)(ii) are Indian low hazard potential dams

1 in the United States that, on the date of enact-
2 ment of this Act—

3 (i) are covered under the Indian
4 Dams Safety Act of 1994 (25 U.S.C. 3801
5 et seq.); and

6 (ii)(I)(aa) are owned by the Federal
7 Government, as listed in the Federal inven-
8 tory required by Executive Order 13327
9 (40 U.S.C. 121 note; relating to Federal
10 real property asset management); and

11 (bb) are managed by the Bureau
12 of Indian Affairs (including dams
13 managed under contracts or compacts
14 pursuant to the Indian Self-Deter-
15 mination and Education Assistance
16 Act (25 U.S.C. 450 et seq.)); or

17 (II) have deferred maintenance docu-
18 mented by the Bureau of Indian Affairs.

19 (3) REQUIREMENTS AND CONDITIONS.—Not
20 later than 120 days after the date of enactment of
21 this Act and as a precondition to amounts being ex-
22 pended from the Fund to carry out this subsection,
23 the Secretary, in consultation with representatives of
24 affected Indian tribes, shall develop and submit to
25 Congress—

1 (A) programmatic goals to carry out this
2 subsection that—

3 (i) would enable the completion of re-
4 pairing, replacing, improving, or per-
5 forming maintenance on Indian dams as
6 expeditiously as practicable, subject to the
7 dam safety policies of the Director of the
8 Bureau of Indian Affairs established to
9 carry out the Indian Dams Safety Act of
10 1994 (25 U.S.C. 3801 et seq.);

11 (ii) facilitate or improve the ability of
12 the Bureau of Indian Affairs to carry out
13 the mission of the Bureau of Indian Af-
14 fairs in operating an Indian dam; and

15 (iii) ensure that the results of govern-
16 ment-to-government consultation required
17 under paragraph (4) be addressed; and

18 (B) funding prioritization criteria to serve
19 as a methodology for distributing funds under
20 this subsection that take into account—

21 (i) the extent to which deferred main-
22 tenance of Indian dams poses a threat
23 to—

24 (I) public or employee safety or
25 health;

1 (II) natural or cultural resources;

2 or

3 (III) the ability of the Bureau of
4 Indian Affairs to carry out the mis-
5 sion of the Bureau of Indian Affairs
6 in operating an Indian dam;

7 (ii) the extent to which repairing, re-
8 placing, improving, or performing mainte-
9 nance on an Indian dam will—

10 (I) improve public or employee
11 safety, health, or accessibility;

12 (II) assist in compliance with
13 codes, standards, laws, or other re-
14 quirements;

15 (III) address unmet needs; or

16 (IV) assist in protecting natural
17 or cultural resources;

18 (iii) the methodology of the rehabilita-
19 tion priority index of the Secretary, as in
20 effect on the date of enactment of this Act;

21 (iv) the potential economic benefits of
22 the expenditures on job creation and gen-
23 eral economic development in the affected
24 tribal communities;

1 (v) the ability of an Indian dam to ad-
2 dress tribal, regional, and watershed level
3 flood prevention needs;

4 (vi) the need to comply with the dam
5 safety policies of the Director of the Bu-
6 reau of Indian Affairs established to carry
7 out the Indian Dams Safety Act of 1994
8 (25 U.S.C. 3801 et seq.);

9 (vii) the ability of the water storage
10 capacity of an Indian dam to be increased
11 to prevent flooding in downstream tribal
12 and nontribal communities; and

13 (viii) such other factors as the Sec-
14 retary determines to be appropriate to
15 prioritize the use of available funds that
16 are, to the fullest extent practicable, con-
17 sistent with tribal and user recommenda-
18 tions received pursuant to the consultation
19 and input process under paragraph (4).

20 (4) TRIBAL CONSULTATION AND USER
21 INPUT.—

22 (A) IN GENERAL.—Except as provided in
23 subparagraph (B), before expending funds on
24 an Indian dam pursuant to paragraph (1) and

1 not later than 60 days after the date of enact-
2 ment of this Act, the Secretary shall—

3 (i) consult with the Director of the
4 Bureau of Indian Affairs on the expendi-
5 ture of funds;

6 (ii) ensure that the Director of the
7 Bureau of Indian Affairs advises the In-
8 dian tribe that has jurisdiction over the
9 land on which a dam eligible to receive
10 funding under paragraph (2) is located on
11 the expenditure of funds; and

12 (iii) solicit and consider the input,
13 comments, and recommendations of the
14 landowners served by the Indian dam.

15 (B) EMERGENCIES.—If the Secretary de-
16 termines that an emergency circumstance exists
17 with respect to an Indian dam, subparagraph
18 (A) shall not apply with respect to that Indian
19 dam.

20 (5) ALLOCATION AMONG DAMS.—

21 (A) IN GENERAL.—Subject to subpara-
22 graph (B), to the maximum extent practicable,
23 the Secretary shall ensure that, for each of fis-
24 cal years 2017 through 2037, each Indian dam
25 eligible for funding under paragraph (2) that

1 has critical maintenance needs receives part of
2 the funding under paragraph (1) to address
3 critical maintenance needs.

4 (B) PRIORITY.—In allocating amounts
5 under paragraph (1)(B), in addition to consid-
6 ering the funding priorities described in para-
7 graph (3), the Secretary shall give priority to
8 Indian dams eligible for funding under para-
9 graph (2) that serve—

10 (i) more than 1 Indian tribe within an
11 Indian reservation; or

12 (ii) highly populated Indian commu-
13 nities, as determined by the Secretary.

14 (C) CAP ON FUNDING.—

15 (i) IN GENERAL.—Subject to clause
16 (ii), in allocating amounts under paragraph
17 (1)(B), the Secretary shall allocate not
18 more than \$10,000,000 to any individual
19 dam described in paragraph (2) during any
20 consecutive 3-year period.

21 (ii) EXCEPTION.—Notwithstanding
22 the cap described in clause (i), if the full
23 amount under paragraph (1)(B) cannot be
24 fully allocated to eligible Indian dams be-
25 cause the costs of the remaining activities

1 authorized in paragraph (1)(B) of an In-
2 dian dam would exceed the cap described
3 in clause (i), the Secretary may allocate
4 the remaining funds to eligible Indian
5 dams in accordance with this subsection.

6 (D) BASIS OF FUNDING.—Any amounts
7 made available under this paragraph shall be
8 nonreimbursable.

9 (E) APPLICABILITY OF ISDEAA.—The In-
10 dian Self-Determination and Education Assist-
11 ance Act (25 U.S.C. 450 et seq.) shall apply to
12 activities carried out under this paragraph.

13 (d) TRIBAL SAFETY OF DAMS COMMITTEE.—

14 (1) ESTABLISHMENT OF COMMITTEE.—

15 (A) ESTABLISHMENT.—The Secretary of
16 the Interior shall establish within the Bureau of
17 Indian Affairs the Tribal Safety of Dams Com-
18 mittee (referred to in this paragraph as the
19 “Committee”).

20 (B) MEMBERSHIP.—

21 (i) COMPOSITION.—The Committee
22 shall be composed of 15 members, of
23 whom—

24 (I) 11 shall be appointed by the
25 Secretary of the Interior from among

1 individuals who, to the maximum ex-
2 tent practicable, have knowledge and
3 expertise in dam safety issues and
4 flood prevention and mitigation, of
5 whom not less than 1 shall be a mem-
6 ber of an Indian tribe in each of the
7 Bureau of Indian Affairs regions of—

- 8 (aa) the Northwest Region;
9 (bb) the Pacific Region;
10 (cc) the Western Region;
11 (dd) the Navajo Region;
12 (ee) the Southwest Region;
13 (ff) the Rocky Mountain Re-
14 gion;
15 (gg) the Great Plans Re-
16 gion; and
17 (hh) the Midwest Region;

18 (II) 2 shall be appointed by the
19 Secretary of the Interior from among
20 employees of the Bureau of Indian Af-
21 fairs who have knowledge and exper-
22 tise in dam safety issues and flood
23 prevention and mitigation;

24 (III) 1 shall be appointed by the
25 Secretary of the Interior from among

1 employees of the Bureau of Reclama-
2 tion who have knowledge and exper-
3 tise in dam safety issues and flood
4 prevention and mitigation; and

5 (IV) 1 shall be appointed by the
6 Secretary of the Army from among
7 employees of the Corps of Engineers
8 who have knowledge and expertise in
9 dam safety issues and flood preven-
10 tion and mitigation.

11 (ii) NONVOTING MEMBERS.—The
12 members of the Committee appointed
13 under subclauses (II) and (III) of clause
14 (i) shall be nonvoting members.

15 (iii) DATE.—The appointments of the
16 members of the Committee shall be made
17 as soon as practicable after the date of en-
18 actment of this Act.

19 (C) PERIOD OF APPOINTMENT.—Members
20 shall be appointed for the life of the Committee.

21 (D) VACANCIES.—Any vacancy in the
22 Committee shall not affect the powers of the
23 Committee, but shall be filled in the same man-
24 ner as the original appointment.

1 (E) INITIAL MEETING.—Not later than 30
2 days after the date on which all members of the
3 Committee have been appointed, the Committee
4 shall hold the first meeting.

5 (F) MEETINGS.—The Committee shall
6 meet at the call of the Chairperson.

7 (G) QUORUM.—A majority of the members
8 of the Committee shall constitute a quorum, but
9 a lesser number of members may hold hearings.

10 (H) CHAIRPERSON AND VICE CHAIR-
11 PERSON.—The Committee shall select a Chair-
12 person and Vice Chairperson from among the
13 members.

14 (2) DUTIES OF THE COMMITTEE.—

15 (A) STUDY.—The Committee shall conduct
16 a thorough study of all matters relating to the
17 modernization of the Indian Dams Safety Act
18 of 1994 (25 U.S.C. 3801 et seq.).

19 (B) RECOMMENDATIONS.—The Committee
20 shall develop recommendations for legislation to
21 improve the Indian Dams Safety Act of 1994
22 (25 U.S.C. 3801 et seq.).

23 (C) REPORT.—Not later than 1 year after
24 the date on which the Committee holds the first
25 meeting, the Committee shall submit a report

1 containing a detailed statement of the findings
2 and conclusions of the Committee, together
3 with recommendations for legislation that the
4 Committee considers appropriate, to—

5 (i) the Committee on Indian Affairs of
6 the Senate; and

7 (ii) the Committee on Natural Re-
8 sources of the House of Representatives.

9 (3) POWERS OF THE COMMITTEE.—

10 (A) HEARINGS.—The Committee may hold
11 such hearings, sit and act at such times and
12 places, take such testimony, and receive such
13 evidence as the Committee considers appro-
14 priate to carry out this paragraph.

15 (B) INFORMATION FROM FEDERAL AGEN-
16 CIES.—

17 (i) IN GENERAL.—The Committee
18 may secure directly from any Federal de-
19 partment or agency such information as
20 the Committee considers necessary to carry
21 out this paragraph.

22 (ii) REQUEST.—On request of the
23 Chairperson of the Committee, the head of
24 any Federal department or agency shall

1 furnish information described in clause (i)
2 to the Committee.

3 (C) POSTAL SERVICES.—The Committee
4 may use the United States mails in the same
5 manner and under the same conditions as other
6 departments and agencies of the Federal Gov-
7 ernment.

8 (D) GIFTS.—The Committee may accept,
9 use, and dispose of gifts or donations of serv-
10 ices or property.

11 (4) COMMITTEE PERSONNEL MATTERS.—

12 (A) COMPENSATION OF MEMBERS.—

13 (i) NON-FEDERAL MEMBERS.—Each
14 member of the Committee who is not an
15 officer or employee of the Federal Govern-
16 ment shall be compensated at a rate equal
17 to the daily equivalent of the annual rate
18 of basic pay prescribed for level IV of the
19 Executive Schedule under section 5315 of
20 title 5, United States Code, for each day
21 (including travel time) during which the
22 member is engaged in the performance of
23 the duties of the Committee.

24 (ii) FEDERAL MEMBERS.—Each mem-
25 ber of the Committee who is an officer or

1 employee of the Federal Government shall
2 serve without compensation in addition to
3 that received for services as an officer or
4 employee of the Federal Government.

5 (B) TRAVEL EXPENSES.—The members of
6 the Committee shall be allowed travel expenses,
7 including per diem in lieu of subsistence, at
8 rates authorized for employees of agencies
9 under subchapter I of chapter 57 of title 5,
10 United States Code, while away from their
11 homes or regular places of business in the per-
12 formance of services for the Committee.

13 (C) STAFF.—

14 (i) IN GENERAL.—

15 (I) APPOINTMENT.—The Chair-
16 person of the Committee may, without
17 regard to the civil service laws and
18 regulations, appoint and terminate an
19 executive director and such other ad-
20 ditional personnel as may be nec-
21 essary to enable the Committee to
22 perform the duties of the Committee.

23 (II) CONFIRMATION.—The em-
24 ployment of an executive director shall

1 be subject to confirmation by the
2 Committee.

3 (ii) COMPENSATION.—The Chair-
4 person of the Committee may fix the com-
5 pensation of the executive director and
6 other personnel without regard to chapter
7 51 and subchapter III of chapter 53 of
8 title 5, United States Code, relating to
9 classification of positions and General
10 Schedule pay rates, except that the rate of
11 pay for the executive director and other
12 personnel may not exceed the rate payable
13 for level V of the Executive Schedule under
14 section 5316 of that title.

15 (D) DETAIL OF GOVERNMENT EMPLOY-
16 EES.—Any Federal Government employee may
17 be detailed to the Committee without reim-
18 bursement, and such detail shall be without
19 interruption or loss of civil service status or
20 privilege.

21 (E) PROCUREMENT OF TEMPORARY AND
22 INTERMITTENT SERVICES.—The Chairperson of
23 the Committee may procure temporary and
24 intermittent services under section 3109(b) of
25 title 5, United States Code, at rates for individ-

1 uals that do not exceed the daily equivalent of
2 the annual rate of basic pay prescribed for level
3 V of the Executive Schedule under section 5316
4 of that title.

5 (5) TERMINATION OF THE COMMITTEE.—The
6 Committee shall terminate 90 days after the date on
7 which the Committee submits the report under para-
8 graph (2)(C).

9 (6) FUNDING.—Of the amounts authorized to
10 be expended from either Fund, \$1,000,000 shall be
11 made available from either Fund during fiscal year
12 2017 to carry out this subsection, to remain avail-
13 able until expended.

14 (e) INDIAN DAM SURVEYS.—

15 (1) TRIBAL REPORTS.—The Secretary shall re-
16 quest that, not less frequently than once every 180
17 days, each Indian tribe submit to the Secretary a re-
18 port providing an inventory of the dams located on
19 the land of the Indian tribe.

20 (2) BIA REPORTS.—Not less frequently than
21 once each year, the Secretary shall submit to Con-
22 gress a report describing the condition of each dam
23 under the partial or total jurisdiction of the Sec-
24 retary.

25 (f) FLOOD PLAIN MANAGEMENT PILOT PROGRAM.—

1 (1) ESTABLISHMENT.—The Secretary shall es-
2 tablish, within the Bureau of Indian Affairs, a flood
3 plain management pilot program (referred to in this
4 subsection as the “program”) to provide, at the re-
5 quest of an Indian tribe, guidance to the Indian
6 tribe relating to best practices for the mitigation and
7 prevention of floods, including consultation with the
8 Indian tribe on—

9 (A) flood plain mapping; or

10 (B) new construction planning.

11 (2) TERMINATION.—The program shall termi-
12 nate on the date that is 4 years after the date of en-
13 actment of this Act.

14 (3) FUNDING.—Of the amounts authorized to
15 be expended from either Fund, \$250,000 shall be
16 made available from either Fund during each of fis-
17 cal years 2017, 2018, and 2019 to carry out this
18 subsection, to remain available until expended.

19 **TITLE IV—RIVER BASINS, WA-**
20 **TERSHEDES, AND COASTAL**
21 **AREAS**

22 **SEC. 4001. GULF COAST OYSTER BED RECOVERY PLAN.**

23 (a) DEFINITION OF GULF STATES.—In this section,
24 the term “Gulf States” means each of the States of Ala-
25 bama, 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.

1 **SEC. 4002. COLUMBIA RIVER, SOUTH PLATTE RIVER, AND**
2 **ARKANSAS RIVER.**

3 (a) ECOSYSTEM RESTORATION.—Section 536(g) of
4 the Water Resources Development Act of 2000 (Public
5 Law 106–541; 114 Stat. 2662; 128 Stat. 1314) is amend-
6 ed by striking “\$50,000,000” and inserting
7 “\$75,000,000”.

8 (b) WATERCRAFT INSPECTION STATIONS.—Section
9 104 of the River and Harbor Act of 1958 (33 U.S.C. 610)
10 is amended—

11 (1) by striking subsection (b) and inserting the
12 following:

13 “(b) AUTHORIZATION OF APPROPRIATIONS.—

14 “(1) IN GENERAL.—There are authorized to be
15 appropriated such sums as are necessary, but not
16 more than \$65,000,000, to carry out this section for
17 each fiscal year, of which—

18 “(A) \$20,000,000 shall be made available
19 to carry out subsection (d)(1)(A)(i); and

20 “(B) \$25,000,000 shall be made available
21 to carry out clauses (ii) and (iii) of subsection
22 (d)(1)(A).

23 “(2) ALLOCATION.—Any funds made available
24 under paragraph (1) that are employed for control
25 operations shall be allocated by the Chief of Engi-
26 neers on a priority basis, based on—

1 “(A) the urgency and need of each area;
2 and

3 “(B) the availability of local funds.”; and
4 (2) in subsection (d)—

5 (A) by striking paragraph (1) and insert-
6 ing the following:

7 “(1) ESTABLISHMENT, OPERATION, AND MAIN-
8 TENANCE.—

9 “(A) IN GENERAL.—In carrying out this
10 section, the Secretary may establish, operate,
11 and maintain watercraft inspection stations to
12 protect—

13 “(i) the Columbia River Basin;

14 “(ii) the South Platte River Basin lo-
15 cated in the States of Colorado, Nebraska,
16 and Wyoming; and

17 “(iii) the Arkansas River Basin lo-
18 cated in the States of Arkansas, Colorado,
19 Kansas, and Oklahoma.

20 “(B) LOCATION.—The watercraft inspec-
21 tion stations under subparagraph (A) shall be
22 located in areas, as determined by the Sec-
23 retary, with the highest likelihood of preventing
24 the spread of aquatic invasive species at res-

1 ervoirs operated and maintained by the Sec-
2 retary.”; and

3 (B) in paragraph (3), by striking subpara-
4 graph (A) and inserting the following:

5 “(A) the Governor of each State in which
6 a station is established under paragraph (1);”.

7 (c) TRIBAL HOUSING.—

8 (1) DEFINITION OF REPORT.—In this sub-
9 section, the term “report” means the final report for
10 the Portland District, Corps of Engineers, entitled
11 “Columbia River Treaty Fishing Access Sites, Or-
12 egon and Washington: Fact-finding Review on Trib-
13 al Housing” and dated November 19, 2013.

14 (2) ASSISTANCE AUTHORIZED.—As replacement
15 housing for Indian families displaced due to the con-
16 struction of the Bonneville Dam, on the request of
17 the Secretary of the Interior, the Secretary may pro-
18 vide assistance on land transferred by the Depart-
19 ment of the Army to the Department of the Interior
20 pursuant to title IV of Public Law 100–581 (102
21 Stat. 2944; 110 Stat. 766; 110 Stat. 3762; 114
22 Stat. 2679; 118 Stat. 544) for the number of fami-
23 lies estimated in the report as having received no re-
24 location assistance.

25 (3) STUDY.—The Secretary shall—

1 (A) conduct a study to determine the num-
2 ber of Indian people displaced by the construc-
3 tion of the John Day Dam; and

4 (B) identify a plan for suitable housing to
5 replace housing lost to the construction of the
6 John Day Dam.

7 (d) COLUMBIA AND LOWER WILLAMETTE RIVERS
8 BELOW VANCOUVER, WASHINGTON AND OREGON.—The
9 Secretary shall conduct a study to determine the feasibility
10 of modifying the project for navigation, Columbia and
11 Lower Willamette Rivers below Vancouver, Washington
12 and Portland, Oregon, authorized by section 101 of the
13 River and Harbor Act of 1962 (Public Law 87–874; 76
14 Stat. 1177) to address safety risks.

15 **SEC. 4003. MISSOURI RIVER.**

16 (a) RESERVOIR SEDIMENT MANAGEMENT.—

17 (1) DEFINITION OF SEDIMENT MANAGEMENT
18 PLAN.—In this subsection, the term “sediment man-
19 agement plan” means a plan for preventing sedi-
20 ment from reducing water storage capacity at a res-
21 ervoir and increasing water storage capacity through
22 sediment removal at a reservoir.

23 (2) UPPER MISSOURI RIVER BASIN PILOT PRO-
24 GRAM.—The Secretary shall carry out a pilot pro-
25 gram for the development and implementation of

1 sediment management plans for reservoirs owned
2 and operated by the Secretary in the Upper Missouri
3 River Basin, on request by project beneficiaries.

4 (3) PLAN ELEMENTS.—A sediment manage-
5 ment plan under paragraph (2) shall—

6 (A) provide opportunities for project bene-
7 ficiaries and other stakeholders to participate in
8 sediment management decisions;

9 (B) evaluate the volume of sediment in a
10 reservoir and impacts on storage capacity;

11 (C) identify preliminary sediment manage-
12 ment options, including sediment dikes and
13 dredging;

14 (D) identify constraints;

15 (E) assess technical feasibility, economic
16 justification, and environmental impacts;

17 (F) identify beneficial uses for sediment;
18 and

19 (G) to the maximum extent practicable,
20 use, develop, and demonstrate innovative, cost-
21 saving technologies, including structural and
22 nonstructural technologies and designs, to man-
23 age sediment.

24 (4) COST SHARE.—The beneficiaries requesting
25 the plan shall share in the cost of development and

1 implementation of a sediment management plan allo-
2 cated in accordance with the benefits to be received.

3 (5) CONTRIBUTED FUNDS.—The Secretary may
4 accept funds from non-Federal interests and other
5 Federal agencies to develop and implement a sedi-
6 ment management plan under this subsection.

7 (6) GUIDANCE.—The Secretary shall use the
8 knowledge gained through the development and im-
9 plementation of sediment management plans under
10 paragraph (2) to develop guidance for sediment
11 management at other reservoirs.

12 (7) PARTNERSHIP WITH SECRETARY OF THE
13 INTERIOR.—

14 (A) IN GENERAL.—The Secretary shall
15 carry out the pilot program established under
16 this subsection in partnership with the Sec-
17 retary of the Interior, and the program may
18 apply to reservoirs managed or owned by the
19 Bureau of Reclamation on execution of a
20 memorandum of agreement between the Sec-
21 retary and the Secretary of the Interior estab-
22 lishing the framework for a partnership and the
23 terms and conditions for sharing expertise and
24 resources.

1 (B) LEAD AGENCY.—The Secretary that
2 has primary jurisdiction over the reservoir shall
3 take the lead in developing and implementing a
4 sediment management plan for that reservoir.

5 (8) OTHER AUTHORITIES NOT AFFECTED.—
6 Nothing in this subsection affects sediment manage-
7 ment or the share of costs paid by Federal and non-
8 Federal interests relating to sediment management
9 under any other provision of law (including regula-
10 tions).

11 (b) SNOWPACK AND DROUGHT MONITORING.—Sec-
12 tion 4003(a) of the Water Resources Reform and Develop-
13 ment Act of 2014 (Public Law 113–121; 128 Stat. 1311)
14 is amended by adding at the end the following:

15 “(5) LEAD AGENCY.—The Corps of Engineers
16 shall be the lead agency for carrying out and coordi-
17 nating the activities described in paragraph (1).”.

18 **SEC. 4004. PUGET SOUND NEARSHORE ECOSYSTEM RES-**
19 **TORATION.**

20 Section 544(f) of the Water Resources Development
21 Act of 2000 (Public Law 106–541; 114 Stat. 2675) is
22 amended by striking “\$5,000,000” and inserting
23 “\$10,000,000”.

1 **SEC. 4005. ICE JAM PREVENTION AND MITIGATION.**

2 (a) IN GENERAL.—The Secretary may carry out
3 projects under section 205 of the Flood Control Act of
4 1948 (33 U.S.C. 701s), including planning, design, con-
5 struction, and monitoring of structural and nonstructural
6 technologies and measures for preventing and mitigating
7 flood damages associated with ice jams.

8 (b) INCLUSION.—The projects described in sub-
9 section (a) may include the development and demonstra-
10 tion of cost-effective technologies and designs developed in
11 consultation with—

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

14 (2) universities;

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

16 (4) private organizations.

17 (c) PILOT PROGRAM.—

18 (1) AUTHORIZATION.—In addition to the fund-
19 ing authorized under section 205 of the Flood Con-
20 trol Act of 1948 (33 U.S.C. 701s), the Secretary is
21 authorized to expend \$30,000,000 to carry out pilot
22 projects to demonstrate technologies and designs de-
23 veloped in accordance with this section.

24 (2) PRIORITY.—In carrying out pilot projects
25 under paragraph (1), the Secretary shall give pri-
26 ority to projects in the Upper Missouri River Basin.

1 (3) SUNSET.—The pilot program under this
2 subsection shall terminate on December 31, 2026.

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

4 Section 704(b)(1) of the Water Resources Develop-
5 ment Act of 1986 (33 U.S.C. 2263(b)(1)) is amended by
6 striking “\$60,000,000” and inserting “\$100,000,000”.

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

8 Section 4009 of the Water Resources Reform and De-
9 velopment Act of 2014 (Public Law 113–121; 128 Stat.
10 1316) is amended—

11 (1) in subsection (a), by striking “conduct a
12 study to determine the feasibility of carrying out
13 projects” and inserting “develop a comprehensive as-
14 sessment and management plan at Federal ex-
15 pense”;

16 (2) in subsection (b), by striking the subsection
17 designation and heading and all that follows through
18 “In carrying out the study” and inserting the fol-
19 lowing:

20 “(b) ASSESSMENT AND MANAGEMENT PLAN.—In de-
21 veloping the comprehensive assessment and management
22 plan”; and

23 (3) in subsection (c)(1), in the matter preceding
24 subparagraph (A), by striking “identified in the
25 study pursuant to subsection (a)” and inserting

1 “identified in the comprehensive assessment and
2 management plan under this section”.

3 **SEC. 4008. RIO GRANDE.**

4 Section 5056(f) of the Water Resources Development
5 Act of 2007 (Public Law 110–114; 121 Stat. 1214; 128
6 Stat. 1315) is amended by striking “2019” and inserting
7 “2024”.

8 **SEC. 4009. TEXAS COASTAL AREA.**

9 In carrying out the Coastal Texas ecosystem protec-
10 tion and restoration study authorized by section 4091 of
11 the Water Resources Development Act of 2007 (Public
12 Law 110–114; 121 Stat. 1187), the Secretary shall con-
13 sider studies, data, or information developed by the Gulf
14 Coast Community Protection and Recovery District to ex-
15 pedite completion of the study.

16 **SEC. 4010. UPPER MISSISSIPPI AND ILLINOIS RIVERS**
17 **FLOOD RISK MANAGEMENT.**

18 (a) IN GENERAL.—The Secretary shall conduct a
19 study at Federal expense to determine the feasibility of
20 carrying out projects to address systemic flood damage re-
21 duction in the upper Mississippi and Illinois River basins.

22 (b) PURPOSE.—The purposes of the study under sub-
23 section (a) are—

24 (1) to develop an integrated, comprehensive,
25 and systems-based approach to minimize the threat

1 to health and safety resulting from flooding by using
2 structural and nonstructural flood risk management
3 measures;

4 (2) to reduce damages and costs associated with
5 flooding;

6 (3) to identify opportunities to support environ-
7 mental sustainability and restoration goals of the
8 Upper Mississippi River and Illinois River floodplain
9 as part of any systemic flood risk management plan;
10 and

11 (4) to seek opportunities to address, in concert
12 with flood risk management measures, other flood-
13 plain specific problems, needs, and opportunities.

14 (c) STUDY COMPONENTS.—In carrying out the study
15 under subsection (a), the Secretary shall—

16 (1) as appropriate, coordinate with the heads of
17 other appropriate Federal agencies, the Governors of
18 the States within the Upper Mississippi and Illinois
19 River basins, the appropriate levee and drainage dis-
20 tricts, nonprofit organizations, and other interested
21 parties;

22 (2) recommend projects for reconstruction of
23 existing levee systems so as to develop and maintain
24 a comprehensive system for flood risk reduction and
25 floodplain management;

1 (I) in clause (i), in the matter
2 preceding subclause (I), by striking
3 “the pilot”;

4 (II) in subclause (I), by inserting
5 “, Salton Sea Authority, or other non-
6 Federal interest” before the semicolon
7 at the end; and

8 (III) in subclause (II), by strik-
9 ing “pilot”;

10 (C) in paragraph (2), in the matter pre-
11 ceding subparagraph (A), by striking “pilot”;
12 and

13 (D) in paragraph (3)—

14 (i) by striking “pilot” each place it
15 appears; and

16 (ii) by inserting “, Salton Sea Author-
17 ity, or other non-Federal interest” after
18 “State”; and

19 (2) in subsection (c), by striking “pilot”.

20 **SEC. 4012. ADJUSTMENT.**

21 Section 219(f)(25) of the Water Resources Develop-
22 ment Act of 1992 (Public Law 102–580; 113 Stat. 336)
23 is amended—

24 (1) by inserting “Berkeley” before “Calhoun”;

25 and

1 (2) by striking “Orangeberg, and Sumter” and
2 inserting “and Orangeberg”.

3 **SEC. 4013. COASTAL RESILIENCY.**

4 (a) IN GENERAL.—Section 4014(b) of the Water Re-
5 sources Reform and Development Act of 2014 (33 U.S.C.
6 2803a(b)) is amended—

7 (1) in paragraph (1), by inserting “Indian
8 tribes,” after “nonprofit organizations,”;

9 (2) by redesignating paragraphs (3) and (4) as
10 paragraphs (4) and (5), respectively; and

11 (3) by inserting after paragraph (2) the fol-
12 lowing:

13 “(3) give priority to projects in communities the
14 existence of which is threatened by rising sea level,
15 including projects relating to shoreline restoration,
16 tidal marsh restoration, dunal habitats to protect
17 coastal infrastructure, reduction of future and exist-
18 ing emergency repair costs, and projects that use
19 dredged materials;”.

20 (b) INTERAGENCY COORDINATION ON COASTAL RE-
21 SILIENCE.—

22 (1) IN GENERAL.—The Secretary shall convene
23 an interagency working group on resilience to ex-
24 treme weather, which will coordinate research, data,
25 and Federal investments related to sea level rise, re-

1 siliency, and vulnerability to extreme weather, in-
2 cluding coastal resilience.

3 (2) CONSULTATION.—The interagency working
4 group convened under paragraph (1) shall—

5 (A) participate in any activity carried out
6 by an organization authorized by a State to
7 study and issue recommendations on how to ad-
8 dress the impacts on Federal assets of recur-
9 rent flooding and sea level rise, including pro-
10 viding consultation regarding policies, pro-
11 grams, studies, plans, and best practices relat-
12 ing to recurrent flooding and sea level rise in
13 areas with significant Federal assets; and

14 (B) share physical, biological, and socio-
15 economic data among such State organizations,
16 as appropriate.

17 **SEC. 4014. REGIONAL INTERGOVERNMENTAL COLLABORA-**
18 **TION ON COASTAL RESILIENCE.**

19 (a) REGIONAL ASSESSMENTS.—

20 (1) IN GENERAL.—The Secretary may conduct
21 regional assessments of coastal and back bay protec-
22 tion and of Federal and State policies and programs
23 related to coastal water resources, including—

1 (A) an assessment of the probability and
2 the extent of coastal flooding and erosion, in-
3 cluding back bay and estuarine flooding;

4 (B) recommendations for policies and other
5 measures related to regional Federal, State,
6 local, and private participation in shoreline and
7 back-bay protection projects;

8 (C) an evaluation of the performance of ex-
9 isting Federal coastal storm damage reduction,
10 ecosystem restoration, and navigation projects,
11 including recommendations for the improvement
12 of those projects;

13 (D) an assessment of the value and im-
14 pacts of implementation of regional, systems-
15 based, watershed-based, and interstate ap-
16 proaches if practicable;

17 (E) recommendations for the demonstra-
18 tion of methodologies for resilience through the
19 use of natural and nature-based infrastructure
20 approaches, as appropriate; and

21 (F) recommendations regarding alternative
22 sources of funding for new and existing
23 projects.

24 (2) COOPERATION.—In carrying out paragraph
25 (1), the Secretary shall cooperate with—

1 (A) heads of appropriate Federal agencies;

2 (B) States that have approved coastal
3 management programs and appropriate agen-
4 cies of those States;

5 (C) local governments; and

6 (D) the private sector.

7 (b) STREAMLINING.—In carrying out this section, the
8 Secretary shall—

9 (1) to the maximum extent practicable, use ex-
10 isting research done by Federal, State, regional,
11 local, and private entities to eliminate redundancies
12 and related costs;

13 (2) receive from any of the entities described in
14 subsection (a)(2)—

15 (A) contributed funds; or

16 (B) research that may be eligible for credit
17 as work-in-kind under applicable Federal law;
18 and

19 (3) enable each District or combination of Dis-
20 tricts of the Corps of Engineers that jointly partici-
21 pate in carrying out an assessment under this sec-
22 tion to consider regionally appropriate engineering,
23 biological, ecological, social, economic, and other fac-
24 tors in carrying out the assessment.

1 (c) REPORTS.—The Secretary shall submit to the
2 Committee on Environment and Public Works of the Sen-
3 ate and the Committee on Transportation and Infrastruc-
4 ture of the House of Representatives all reports and rec-
5 ommendations prepared under this section, together with
6 any necessary supporting documentation.

7 **SEC. 4015. SOUTH ATLANTIC COASTAL STUDY.**

8 (a) IN GENERAL.—The Secretary shall conduct a
9 study of the coastal areas located within the geographical
10 boundaries of the South Atlantic Division of the Corps of
11 Engineers to identify the risks and vulnerabilities of those
12 areas to increased hurricane and storm damage as a result
13 of sea level rise.

14 (b) REQUIREMENTS.—In carrying out the study
15 under subsection (a), the Secretary shall—

16 (1) conduct a comprehensive analysis of current
17 hurricane and storm damage reduction measures
18 with an emphasis on regional sediment management
19 practices to sustainably maintain or enhance current
20 levels of storm protection;

21 (2) identify risks and coastal vulnerabilities in
22 the areas affected by sea level rise;

23 (3) recommend measures to address the
24 vulnerabilities described in paragraph (2); and

25 (4) develop a long-term strategy for—

1 (A) addressing increased hurricane and
2 storm damages that result from rising sea lev-
3 els; and

4 (B) identifying opportunities to enhance
5 resiliency, increase sustainability, and lower
6 risks in—

7 (i) populated areas;

8 (ii) areas of concentrated economic
9 development; and

10 (iii) areas with vulnerable environ-
11 mental resources.

12 (c) CONSULTATION.—The Secretary shall coordinate,
13 as appropriate, with the heads of other Federal depart-
14 ments and agencies, the Governors of the affected States,
15 regional governmental agencies, and units of local govern-
16 ment to address coastal impacts resulting from sea level
17 rise.

18 (d) REPORT.—Not later than 4 years after the date
19 of enactment of this Act, the Secretary shall submit to
20 the Committee on Environment and Public Works of the
21 Senate and the Committee on Transportation and Infra-
22 structure of the House of Representatives a report recom-
23 mending specific and detailed actions to address risks and
24 vulnerabilities of the areas described in subsection (a) to

1 increased hurricane and storm damage as a result of sea
2 level rise.

3 **SEC. 4016. KANAWHA RIVER BASIN.**

4 The Secretary shall conduct studies to determine the
5 feasibility of implementing projects for flood risk manage-
6 ment, ecosystem restoration, navigation, water supply,
7 recreation, and other water resource related purposes
8 within the Kanawha River Basin, West Virginia, Virginia,
9 and North Carolina.

10 **SEC. 4017. CONSIDERATION OF FULL ARRAY OF MEASURES**
11 **FOR COASTAL RISK REDUCTION.**

12 (a) DEFINITIONS.—In this section:

13 (1) NATURAL FEATURE.—The term “natural
14 feature” means a feature that is created through the
15 action of physical, geological, biological, and chem-
16 ical processes over time.

17 (2) NATURE-BASED FEATURE.—The term “na-
18 ture-based feature” means a feature that is created
19 by human design, engineering, and construction to
20 protect, and in concert with, natural processes to
21 provide risk reduction in coastal areas.

22 (b) REQUIREMENT.—In developing projects for coast-
23 al risk reduction, the Secretary shall consider, as appro-
24 priate—

25 (1) natural features;

- 1 (2) nature-based features;
- 2 (3) nonstructural measures; and
- 3 (4) structural measures.

4 (c) REPORT TO CONGRESS.—

5 (1) IN GENERAL.—Not later than February 1,
6 2020, the Secretary shall submit to the Committee
7 on Environment and Public Works of the Senate
8 and the Committee on Transportation and Infra-
9 structure of the House of Representatives a report
10 on the implementation of subsection (b).

11 (2) CONTENTS.—The report under paragraph
12 (1) shall include, at a minimum, the following:

13 (A) A description of guidance or instruc-
14 tions issued, and other measures taken, by the
15 Secretary and the Chief of Engineers to imple-
16 ment subsection (b).

17 (B) An assessment of the costs, benefits,
18 impacts, and trade-offs associated with meas-
19 ures recommended by the Secretary for coastal
20 risk reduction and the effectiveness of those
21 measures.

22 (C) A description of any statutory, fiscal,
23 or regulatory barriers to the appropriate consid-
24 eration and use of a full array of measures for
25 coastal risk reduction.

1 **SEC. 4018. WATERFRONT COMMUNITY REVITALIZATION**
2 **AND RESILIENCY.**

3 (a) FINDINGS.—Congress finds that—

4 (1) many communities in the United States
5 were developed along waterfronts;

6 (2) water proximity and access is a recognized
7 economic driver;

8 (3) water shortages faced by parts of the
9 United States underscore the need to manage water
10 sustainably and restore water quality;

11 (4) interest in waterfront revitalization and de-
12 velopment has grown, while the circumstances driv-
13 ing waterfront development have changed;

14 (5) waterfront communities face challenges to
15 revitalizing and leveraging water resources, such as
16 outdated development patterns, deteriorated water
17 infrastructure, industrial contamination of soil and
18 sediment, and lack of public access to the water-
19 front, which are often compounded by overarching
20 economic distress in the community;

21 (6) public investment in waterfront community
22 development and infrastructure should reflect chang-
23 ing ecosystem conditions and extreme weather pro-
24 jections to ensure strategic, resilient investments;

1 (7) individual communities have unique prior-
2 ities, concerns, and opportunities related to water-
3 front restoration and community revitalization; and

4 (8) the Secretary of Commerce has unique ex-
5 pertise in Great Lakes and ocean coastal resiliency
6 and economic development.

7 (b) DEFINITIONS.—In this section:

8 (1) INDIAN TRIBE.—The term “Indian tribe”
9 has the meaning given the term in section 4 of the
10 Indian Self-Determination and Education Assistance
11 Act (25 U.S.C. 450b).

12 (2) RESILIENT WATERFRONT COMMUNITY.—
13 The term “resilient waterfront community” means a
14 unit of local government or Indian tribe that is—

15 (A)(i) bound in part by—

16 (I) a Great Lake; or

17 (II) an ocean; or

18 (ii) bordered or traversed by a riverfront or
19 an inland lake;

20 (B) self-nominated as a resilient water-
21 front community; and

22 (C) designated by the Secretary as a resil-
23 ient waterfront community on the basis of the
24 development by the community of an eligible re-
25 siliant waterfront community plan, with eligi-

1 bility determined by the Secretary after consid-
2 ering the requirements of paragraphs (2) and
3 (3) of subsection (c).

4 (3) SECRETARY.—The term “Secretary” means
5 the Secretary of Commerce.

6 (c) RESILIENT WATERFRONT COMMUNITIES DES-
7 IGNATION.—

8 (1) DESIGNATION.—

9 (A) IN GENERAL.—Subject to subpara-
10 graph (B), the Secretary shall designate resil-
11 ient waterfront communities based on the ex-
12 tent to which a community meets the criteria
13 described in paragraph (2).

14 (B) COLLABORATION.—For inland lake
15 and riverfront communities, in making the des-
16 ignation described in subparagraph (A), the
17 Secretary shall work with the Administrator of
18 the Environmental Protection Agency and the
19 heads of other Federal agencies, as the Sec-
20 retary determines to be necessary.

21 (2) RESILIENT WATERFRONT COMMUNITY
22 PLAN.—A resilient waterfront community plan is a
23 community-driven vision and plan that is devel-
24 oped—

1 (A) voluntarily at the discretion of the
2 community—

3 (i) to respond to local needs; or

4 (ii) to take advantage of new water-
5 oriented opportunities;

6 (B) with the leadership of the relevant gov-
7 ernmental entity or Indian tribe with the active
8 participation of—

9 (i) community residents;

10 (ii) utilities; and

11 (iii) interested business and non-
12 governmental stakeholders;

13 (C) as a new document or by amending or
14 compiling community planning documents, as
15 necessary, at the discretion of the Secretary;

16 (D) in consideration of all applicable Fed-
17 eral and State coastal zone management plan-
18 ning requirements;

19 (E) to address economic competitive
20 strengths; and

21 (F) to complement and incorporate the ob-
22 jectives and recommendations of applicable re-
23 gional economic plans.

1 (3) COMPONENTS OF A RESILIENT WATER-
2 FRONT COMMUNITY PLAN.—A resilient waterfront
3 community plan shall—

4 (A) consider all, or a portion of, the water-
5 front area and adjacent land and water to
6 which the waterfront is connected ecologically,
7 economically, or through local governmental or
8 tribal boundaries;

9 (B) describe a vision and plan for the com-
10 munity to develop as a vital and resilient water-
11 front community, integrating consideration of—

12 (i) the economic opportunities result-
13 ing from water proximity and access, in-
14 cluding—

15 (I) water-dependent industries;

16 (II) water-oriented commerce;

17 and

18 (III) recreation and tourism;

19 (ii) the community relationship to the
20 water, including—

21 (I) quality of life;

22 (II) public health;

23 (III) community heritage; and

1 (IV) public access, particularly in
2 areas in which publicly funded eco-
3 system restoration is underway;

4 (iii) ecosystem challenges and projec-
5 tions, including unresolved and emerging
6 impacts to the health and safety of the wa-
7 terfront and projections for extreme weath-
8 er and water conditions;

9 (iv) infrastructure needs and opportu-
10 nities, to facilitate strategic and sustain-
11 able capital investments in—

12 (I) docks, piers, and harbor fa-
13 cilities;

14 (II) protection against storm
15 surges, waves, and flooding;

16 (III) stormwater, sanitary sewer,
17 and drinking water systems, including
18 green infrastructure and opportunities
19 to control nonpoint source runoff; and

20 (IV) other community facilities
21 and private development; and

22 (v) such other factors as are deter-
23 mined by the Secretary to align with
24 metrics or indicators for resiliency, consid-
25 ering environmental and economic changes.

1 (4) DURATION.—After the designation of a
2 community as a resilient waterfront community
3 under paragraph (1), a resilient waterfront commu-
4 nity plan developed in accordance with paragraphs
5 (2) and (3) may be—

6 (A) effective for the 10-year period begin-
7 ning on the date on which the Secretary ap-
8 proves the resilient waterfront community plan;
9 and

10 (B) updated by the resilient waterfront
11 community and submitted to the Secretary for
12 the approval of the Secretary before the expira-
13 tion of the 10-year period.

14 (d) RESILIENT WATERFRONT COMMUNITIES NET-
15 WORK.—

16 (1) IN GENERAL.—The Secretary shall develop
17 and maintain a resilient waterfront communities net-
18 work to facilitate the sharing of best practices
19 among waterfront communities.

20 (2) PUBLIC RECOGNITION.—In consultation
21 with designated resilient waterfront communities,
22 the Secretary shall provide formal public recognition
23 of the designated resilient waterfront communities to
24 promote tourism, investment, or other benefits.

1 (e) WATERFRONT COMMUNITY REVITALIZATION AC-
2 TIVITIES.—

3 (1) IN GENERAL.—To support a community in
4 leveraging other sources of public and private invest-
5 ment, the Secretary may use existing authority to
6 support—

7 (A) the development of a resilient water-
8 front community plan, including planning and
9 feasibility analysis; and

10 (B) the implementation of strategic compo-
11 nents of a resilient waterfront community plan
12 after the resilient waterfront community plan
13 has been approved by the Secretary.

14 (2) NON-FEDERAL PARTNERS.—

15 (A) LEAD NON-FEDERAL PARTNERS.—A
16 unit of local government or an Indian tribe
17 shall be eligible to be considered as a lead non-
18 Federal partner if the unit of local government
19 or Indian tribe is—

20 (i) bound in part by—

21 (I) a Great Lake; or

22 (II) an ocean; or

23 (ii) bordered or traversed by a river-
24 front or an inland lake.

1 (B) NON-FEDERAL IMPLEMENTATION
2 PARTNERS.—Subject to paragraph (4)(C), a
3 lead non-Federal partner may contract with an
4 eligible non-Federal implementation partner for
5 implementation activities described in para-
6 graph (4)(B).

7 (3) PLANNING ACTIVITIES.—

8 (A) IN GENERAL.—Technical assistance
9 may be provided for the development of a resil-
10 ient waterfront community plan.

11 (B) ELIGIBLE PLANNING ACTIVITIES.—In
12 developing a resilient waterfront community
13 plan, a resilient waterfront community may—

14 (i) conduct community visioning and
15 outreach;

16 (ii) identify challenges and opportuni-
17 ties;

18 (iii) develop strategies and solutions;

19 (iv) prepare plan materials, including
20 text, maps, design, and preliminary engi-
21 neering;

22 (v) collaborate across local agencies
23 and work with regional, State, and Federal
24 agencies to identify, understand, and de-

1 velop responses to changing ecosystem and
2 economic circumstances; and

3 (vi) conduct other planning activities
4 that the Secretary considers necessary for
5 the development of a resilient waterfront
6 community plan that responds to revital-
7 ization and resiliency issues confronted by
8 the resilient waterfront community.

9 (4) IMPLEMENTATION ACTIVITIES.—

10 (A) IN GENERAL.—Implementation assist-
11 ance may be provided—

12 (i) to initiate implementation of a re-
13 siliant waterfront community plan and fa-
14 cilitate high-quality development, including
15 leveraging local and private sector invest-
16 ment; and

17 (ii) to address strategic community
18 priorities that are identified in the resilient
19 waterfront community plan.

20 (B) ASSISTANCE.—Assistance may be pro-
21 vided to advance implementation activities, such
22 as—

23 (i) site preparation;

24 (ii) environmental review;

25 (iii) engineering and design;

- 1 (iv) acquiring easements or land for
2 uses such as green infrastructure, public
3 amenities, or assembling development sites;
4 (v) updates to zoning codes;
5 (vi) construction of—
6 (I) public waterfront or boating
7 amenities; and
8 (II) public spaces;
9 (vii) infrastructure upgrades to im-
10 prove coastal resiliency;
11 (viii) economic and community devel-
12 opment marketing and outreach; and
13 (ix) other activities at the discretion
14 of the Secretary.

15 (C) IMPLEMENTATION PARTNERS.—

- 16 (i) IN GENERAL.—To assist in the
17 completion of implementation activities, a
18 lead non-Federal partner may contract or
19 otherwise collaborate with a non-Federal
20 implementation partner, including—
21 (I) a nonprofit organization;
22 (II) a public utility;
23 (III) a private entity;
24 (IV) an institution of higher edu-
25 cation;

1 (V) a State government; or

2 (VI) a regional organization.

3 (ii) LEAD NON-FEDERAL PARTNER
4 RESPONSIBILITY.—The lead non-Federal
5 partner shall ensure that assistance and
6 resources received by the lead non-Federal
7 partner to advance the resilient waterfront
8 community plan of the lead non-Federal
9 partner and for related activities are used
10 for the purposes of, and in a manner con-
11 sistent with, any initiative advanced by the
12 Secretary for the purpose of promoting wa-
13 terfront community revitalization and resil-
14 iency.

15 (5) USE OF NON-FEDERAL RESOURCES.—

16 (A) IN GENERAL.—A resilient waterfront
17 community receiving assistance under this sub-
18 section shall provide non-Federal funds toward
19 completion of planning or implementation ac-
20 tivities.

21 (B) NON-FEDERAL RESOURCES.—Non-
22 Federal funds may be provided by—

23 (i) 1 or more units of local or tribal
24 government;

25 (ii) a State government;

- 1 (iii) a nonprofit organization;
- 2 (iv) a private entity;
- 3 (v) a foundation;
- 4 (vi) a public utility; or
- 5 (vii) a regional organization.

6 (f) INTERAGENCY AWARENESS.—At regular inter-
7 vals, the Secretary shall provide a list of resilient water-
8 front communities to the applicable States and the heads
9 of national and regional offices of interested Federal agen-
10 cies, including at a minimum—

- 11 (1) the Secretary of Transportation;
- 12 (2) the Secretary of Agriculture;
- 13 (3) the Administrator of the Environmental
14 Protection Agency;
- 15 (4) the Administrator of the Federal Emer-
16 gency Management Agency;
- 17 (5) the Assistant Secretary of the Army for
18 Civil Works;
- 19 (6) the Secretary of the Interior; and
- 20 (7) the Secretary of Housing and Urban Devel-
21 opment.

22 (g) NO NEW REGULATORY AUTHORITY.—Nothing in
23 this section may be construed as establishing new author-
24 ity for any Federal agency.

1 **TITLE V—DEAUTHORIZATIONS**

2 **SEC. 5001. DEAUTHORIZATIONS.**

3 (a) VALDEZ, ALASKA.—

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

9 (2) ENTRY BY FEDERAL GOVERNMENT.—The
10 Federal Government may enter on the property re-
11 ferred to in paragraph (1) to carry out any required
12 operation and maintenance of the general navigation
13 features of the project described in paragraph (1).

14 (b) RED RIVER BELOW DENISON DAM, ARKANSAS,
15 LOUISIANA, AND TEXAS.—The portion of the project for
16 flood protection on Red River Below Denison Dam, Ar-
17 kansas, Louisiana and Texas, authorized by section 10 of
18 the Flood Control Act of 1946 (60 Stat. 647, chapter
19 596), consisting of the portion of the West Agurs Levee
20 that begins at lat. 32°32'50.86" N ., by long.
21 93°46'16.82" W., and ends at lat. 32° 31'22.79" N., by
22 long. 93° 45' 2.47" W., is no longer authorized beginning
23 on the date of enactment of this Act.

24 (c) SUTTER BASIN, CALIFORNIA.—

1 (1) IN GENERAL.—The separable element con-
2 stituting the locally preferred plan increment re-
3 flected in the report of the Chief of Engineers dated
4 March 12, 2014, and authorized for construction
5 under section 7002(2)(8) of the Water Resources
6 Reform and Development Act of 2014 (Public Law
7 113–121; 128 Stat. 1366) is no longer authorized
8 beginning on the date of enactment of this Act.

9 (2) SAVINGS PROVISIONS.—The deauthorization
10 under paragraph (1) does not affect—

11 (A) the national economic development
12 plan separable element reflected in the report of
13 the Chief of Engineers dated March 12, 2014,
14 and authorized for construction under section
15 7002(2)(8) of the Water Resources Reform and
16 Development Act of 2014 (Public Law 113–
17 121; 128 Stat. 1366); or

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

21 (i) section 2 of the Act of March 1,
22 1917 (39 Stat. 949; chapter 144);

23 (ii) section 12 of the Act of December
24 22, 1944 (58 Stat. 900; chapter 665);

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

4 (iv) any other Acts relating to the au-
5 thorization for the Sacramento River and
6 major and minor tributaries project along
7 the Feather River right bank between levee
8 stationing 1483+33 and levee stationing
9 2368+00.

10 (d) STONINGTON HARBOR, CONNECTICUT.—The por-
11 tion of the project for navigation, Stonington Harbor,
12 Connecticut, authorized by the Act of May 23, 1828 (4
13 Stat. 288; chapter 73) that consists of the inner stone
14 breakwater that begins at coordinates N. 682,146.42, E.
15 1231,378.69, running north 83.587 degrees west 166.79'
16 to a point N. 682,165.05, E. 1,231,212.94, running north
17 69.209 degrees west 380.89' to a point N. 682,300.25,
18 E. 1,230,856.86, is no longer authorized as a Federal
19 project beginning on the date of enactment of this Act.

20 (e) GREEN RIVER AND BARREN RIVER, KEN-
21 TUCKY.—

22 (1) IN GENERAL.—Beginning on the date of en-
23 actment of this Act, commercial navigation at the
24 locks and dams identified in the report of the Chief
25 of Engineers entitled “Green River Locks and Dams

1 3, 4, 5, and 6 and Barren River Lock and Dam 1,
2 Kentucky” and dated April 30, 2015, shall no longer
3 be authorized, and the land and improvements asso-
4 ciated with the locks and dams shall be—

5 (A) disposed of consistent with paragraph
6 (2); and

7 (B) subject to such terms and conditions
8 as the Secretary determines to be necessary and
9 appropriate in the public interest.

10 (2) DISPOSITION.—

11 (A) GREEN RIVER LOCK AND DAM 3.—The
12 Secretary shall convey to the Rochester Dam
13 Regional Water Commission all right, title, and
14 interest of the United States in and to Green
15 River Lock and Dam 3, located in Ohio County
16 and Muhlenberg County, Kentucky, together
17 with any improvements on the land.

18 (B) GREEN RIVER LOCK AND DAM 4.—The
19 Secretary shall convey to Butler County, Ken-
20 tucky, all right, title, and interest of the United
21 States in and to Green River Lock and Dam 4,
22 located in Butler County, Kentucky, together
23 with any improvements on the land.

24 (C) GREEN RIVER LOCK AND DAM 5.—The
25 Secretary shall convey to the State of Ken-

1 tucky, a political subdivision of the State of
2 Kentucky, or a nonprofit, nongovernmental or-
3 ganization all right, title, and interest of the
4 United States in and to Green River Lock and
5 Dam 5 for the express purposes of—

6 (i) removing the structure from the
7 river at the earliest feasible time; and

8 (ii) making the land available for con-
9 servation and public recreation, including
10 river access.

11 (D) GREEN RIVER LOCK AND DAM 6.—

12 (i) IN GENERAL.—The Secretary shall
13 transfer to the Secretary of the Interior
14 administrative jurisdiction over the portion
15 of Green River Lock and Dam 6,
16 Edmonson County, Kentucky, that is lo-
17 cated on the left descending bank of the
18 Green River, together with any improve-
19 ments on the land, for inclusion in Mam-
20 moth Cave National Park.

21 (ii) TRANSFER TO THE STATE OF
22 KENTUCKY.—The Secretary shall transfer
23 to the State of Kentucky all right, title,
24 and interest of the United States in and to
25 the portion of Green River Lock and Dam

1 (ii) making the land available for con-
2 servation and public recreation, including
3 river access.

4 (3) CONDITIONS.—

5 (A) IN GENERAL.—The exact acreage and
6 legal description of any land to be disposed of,
7 transferred, or conveyed under this subsection
8 shall be determined by a survey satisfactory to
9 the Secretary.

10 (B) QUITCLAIM DEED.—A conveyance
11 under subparagraph (A), (B), (D), or (E) of
12 paragraph (2) shall be accomplished by quit-
13 claim deed and without consideration.

14 (C) ADMINISTRATIVE COSTS.—The Sec-
15 retary shall be responsible for all administrative
16 costs associated with a transfer or conveyance
17 under this subsection, including the costs of a
18 survey carried out under subparagraph (A).

19 (D) REVERSION.—If the Secretary deter-
20 mines that the land transferred or conveyed
21 under this subsection is not used by a non-Fed-
22 eral entity for a purpose that is consistent with
23 the purpose of the transfer or conveyance, all
24 right, title, and interest in and to the land, in-
25 cluding any improvements on the land, shall re-

1 vert, at the discretion of the Secretary, to the
2 United States, and the United States shall have
3 the right of immediate entry onto the land.

4 (f) PORT OF CASCADE LOCKS, OREGON.—

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

7 (A) DEFINITION OF FLOWAGE EASE-
8 MENT.—In this paragraph, the term “flowage
9 easement” means the flowage easements identi-
10 fied as tracts 302E-1 and 304E-1 on the ease-
11 ment deeds recorded as instruments in Hood
12 River County, Oregon, as follows:

13 (i) A flowage easement dated October
14 3, 1936, recorded December 1, 1936, book
15 25 at page 531 (records of Hood River
16 County, Oregon), in favor of United States
17 (302E-1-Perpetual Flowage Easement
18 from October 5, 1937, October 5, 1936,
19 and October 3, 1936) (previously acquired
20 as tracts OH-36 and OH-41 and a portion
21 of tract OH-47).

22 (ii) A flowage easement recorded Oc-
23 tober 17, 1936, book 25 at page 476
24 (records of Hood River County, Oregon),
25 in favor of the United States, that affects

1 that portion below the 94-foot contour line
2 above main sea level (304 E-1-Perpetual
3 Flowage Easement from August 10, 1937
4 and October 3, 1936) (previously acquired
5 as tract OH-42 and a portion of tract OH-
6 47).

7 (B) TERMINATION.—With respect to the
8 properties described in paragraph (2), begin-
9 ning on the date of enactment of this Act, the
10 flowage easements are terminated above ele-
11 vation 82.4 feet (NGVD29), the ordinary high
12 water mark.

13 (2) AFFECTED PROPERTIES.—The properties
14 described in this paragraph, as recorded in Hood
15 River, County, Oregon, are as follows:

16 (A) Lots 3, 4, 5, and 7 of the “Port of
17 Cascade Locks Business Park” subdivision, in-
18 strument #2014-00436.

19 (B) Parcels 1, 2, and 3 of Hood River
20 County Partition plat No. 2008-25P.

21 (3) FEDERAL LIABILITIES; CULTURAL, ENVI-
22 RONMENTAL, OTHER REGULATORY REVIEWS.—

23 (A) FEDERAL LIABILITY.—The United
24 States shall not be liable for any injury caused

1 by the termination of the easement under this
2 subsection.

3 (B) CULTURAL AND ENVIRONMENTAL
4 REGULATORY ACTIONS.—Nothing in this sub-
5 section establishes any cultural or environ-
6 mental regulation relating to the properties de-
7 scribed in paragraph (2).

8 (4) EFFECT ON OTHER RIGHTS.—Nothing in
9 this subsection affects any remaining right or inter-
10 est of the Corps of Engineers in the properties de-
11 scribed in paragraph (2).

12 (g) DECLARATIONS OF NON-NAVIGABILITY FOR POR-
13 TIONS OF THE DELAWARE RIVER, PHILADELPHIA, PENN-
14 SYLVANIA.—

15 (1) IN GENERAL.—Subject to paragraphs (2)
16 and (3), unless the Secretary determines, after con-
17 sultation with local and regional public officials (in-
18 cluding local and regional project planning organiza-
19 tions), that there are substantive objections, the fol-
20 lowing portions of the Delaware River, bounded by
21 the former bulkhead and pierhead lines established
22 by the Secretary of War and successors, are declared
23 to be non-navigable waters of the United States:

24 (A) Piers 70 South through 38 South, en-
25 compassing an area bounded by the southern

1 line of Moore Street extended to the northern
2 line of Catherine Street extended, including the
3 following piers: Piers 70, 68, 67, 64, 61-63, 60,
4 57, 55, 46, 48, 40, and 38.

5 (B) Piers 24 North through 72 North, en-
6 compassing an area bounded by the southern
7 line of Callowhill Street extended to the north-
8 ern line of East Fletcher Street extended, in-
9 cluding the following piers: 24, 25, 27-35, 35.5,
10 36, 37, 38, 39, 49, 51-52, 53-57, 58-65, 66, 67,
11 69, 70-72, and Rivercenter.

12 (2) DETERMINATION.—The Secretary shall
13 make the determination under paragraph (1) sepa-
14 rately for each portion of the Delaware River de-
15 scribed in subparagraphs (A) and (B) of paragraph
16 (1), using reasonable discretion, by not later than
17 150 days after the date of submission of appropriate
18 plans for that portion.

19 (3) LIMITS ON APPLICABILITY.—

20 (A) IN GENERAL.—Paragraph (1) applies
21 only to those parts of the areas described in
22 that paragraph that are or will be bulkheaded
23 and filled or otherwise occupied by permanent
24 structures, including marina and recreation fa-
25 cilities.

1 (B) OTHER FEDERAL LAWS.—Any work
2 described in subparagraph (A) shall be subject
3 to all applicable Federal law (including regula-
4 tions), including—

5 (i) sections 9 and 10 of the Act of
6 March 3, 1899 (commonly known as the
7 “River and Harbors Appropriation Act of
8 1899”) (33 U.S.C. 401, 403);

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

12 (iii) the National Environmental Pol-
13 icy Act of 1969 (42 U.S.C. 4321 et seq.).

14 (h) SALT CREEK, GRAHAM, TEXAS.—

15 (1) IN GENERAL.—The project for flood con-
16 trol, environmental restoration, and recreation, Salt
17 Creek, Graham, Texas, authorized by section
18 101(a)(30) of the Water Resources Development Act
19 of 1999 (Public Law 106–53; 113 Stat. 278-279), is
20 no longer authorized as a Federal project beginning
21 on the date of enactment of this Act.

22 (2) CERTAIN PROJECT-RELATED CLAIMS.—The
23 non-Federal sponsor for the project described in
24 paragraph (1) shall hold and save the United States

1 harmless from any claim that has arisen, or that
2 may arise, in connection with the project.

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

9 (4) REVERSION.—If the Secretary determines
10 that the land that is integral to the project described
11 in paragraph (1) ceases to be owned by the public,
12 all right, title, and interest in and to the land and
13 improvements shall revert, at the discretion of the
14 Secretary, to the United States.

15 **SEC. 5002. CONVEYANCES.**

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

17 (1) IN GENERAL.—The project for navigation,
18 Pearl River, Mississippi and Louisiana, authorized
19 by the first section of the Act of August 30, 1935
20 (49 Stat. 1033, chapter 831) and section 101 of the
21 River and Harbor Act of 1966 (Public Law 89–789;
22 80 Stat. 1405), is no longer authorized as a Federal
23 project beginning on the date of enactment of this
24 Act.

25 (2) TRANSFER.—

1 (A) IN GENERAL.—Subject to subpara-
2 graphs (B) and (C), the Secretary is authorized
3 to convey to a State or local interest, without
4 consideration, all right, title, and interest of the
5 United States in and to—

6 (i) any land in which the Federal Gov-
7 ernment has a property interest for the
8 project described in paragraph (1); and

9 (ii) improvements to the land de-
10 scribed in clause (i).

11 (B) RESPONSIBILITY FOR COSTS.—The
12 transferee shall be responsible for the payment
13 of all costs and administrative expenses associ-
14 ated with any transfer carried out pursuant to
15 subparagraph (A), including costs associated
16 with any land survey required to determine the
17 exact acreage and legal description of the land
18 and improvements to be transferred.

19 (C) OTHER TERMS AND CONDITIONS.—A
20 transfer under subparagraph (A) shall be sub-
21 ject to such other terms and conditions as the
22 Secretary determines to be necessary and ap-
23 propriate to protect the interests of the United
24 States.

1 (3) REVERSION.—If the Secretary determines
2 that the land and improvements conveyed under
3 paragraph (2) ceases to be owned by the public, all
4 right, title, and interest in and to the land and im-
5 provements shall revert, at the discretion of the Sec-
6 retary, to the United States.

7 (b) SARDIS LAKE, MISSISSIPPI.—

8 (1) IN GENERAL.—The Secretary is authorized
9 to convey to the lessee, at full fair market value, all
10 right, title and interest of the United States in and
11 to the property identified in the leases numbered
12 DACW38-1-15-7, DACW38-1-15-33, DACW38-1-
13 15-34, and DACW38-1-15-38, subject to such terms
14 and conditions as the Secretary determines to be
15 necessary and appropriate to protect the interests of
16 the United States.

17 (2) EASEMENT AND RESTRICTIVE COVENANT.—

18 The conveyance under paragraph (1) shall include—

19 (A) a restrictive covenant to require the
20 approval of the Secretary for any substantial
21 change in the use of the property; and

22 (B) a flowage easement.

23 (c) PENSACOLA DAM AND RESERVOIR, GRAND
24 RIVER, OKLAHOMA.—

1 (1) IN GENERAL.—Notwithstanding the Act of
2 June 28, 1938 (52 Stat. 1215, chapter 795), as
3 amended by section 3 of the Act of August 18, 1941
4 (55 Stat. 645, chapter 377), and notwithstanding
5 section 3 of the Act of July 31, 1946 (60 Stat. 744,
6 chapter 710), the Secretary shall convey, by quit-
7 claim deed and without consideration, to the Grand
8 River Dam Authority, an agency of the State of
9 Oklahoma, for flood control purposes, all right, title,
10 and interest of the United States in and to real
11 property under the administrative jurisdiction of the
12 Secretary acquired in connection with the Pensacola
13 Dam project, together with any improvements on the
14 property.

15 (2) FLOOD CONTROL PURPOSES.—If any inter-
16 est in the real property described in paragraph (1)
17 ceases to be managed for flood control or other pub-
18 lic purposes and is conveyed to a non-public entity,
19 the transferee, as part of the conveyance, shall pay
20 to the United States the fair market value for the
21 interest.

22 (3) NO EFFECT.—Nothing in this subsection—
23 (A) amends, modifies, or repeals any exist-
24 ing authority vested in the Federal Energy Reg-
25 ulatory Commission; or

1 (B) amends, modifies, or repeals any au-
2 thority of the Secretary or the Chief of Engi-
3 neers pursuant to section 7 of the Act of De-
4 cember 22, 1944 (33 U.S.C. 709).

5 (d) JOE POOL LAKE, TEXAS.—The Secretary shall
6 accept from the Trinity River Authority of Texas, if re-
7 ceived by September 30, 2016, \$31,233,401 as payment
8 in full of amounts owed to the United States, including
9 any accrued interest, for the approximately 61,747.1 acre-
10 feet of water supply storage space in Joe Pool Lake, Texas
11 (previously known as Lakeview Lake), for which payment
12 has not commenced under Article 5.a (relating to project
13 investment costs) of contract number DACW63–76–C–
14 0106 as of the date of enactment of this Act.

15 **TITLE VI—WATER RESOURCES**
16 **INFRASTRUCTURE**

17 **SEC. 6001. AUTHORIZATION OF FINAL FEASIBILITY STUD-**
18 **IES.**

19 The following final feasibility studies for water re-
20 sources development and conservation and other purposes
21 are authorized to be carried out by the Secretary substan-
22 tially in accordance with the plan, and subject to the con-
23 ditions, described in the respective reports designated in
24 this section:

25 (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
6. AK	Little Diomedes	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

A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Costs
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 26, 2016	Federal: \$776,517,000 Non-Federal: \$414,011,000 Total: \$1,190,528,000
7. CA	American River Watershed Common Features	April 26, 2016	Federal: \$876,478,000 Non-Federal: \$689,272,000 Total: \$1,565,750,000
8. TN	Mill Creek, Nashville	October 15, 2015	Federal: \$17,759,000 Non-Federal: \$10,745,000 Total: \$28,504,000

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 Pro- tection 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
5. LA	West Shore Lake Pontchartrain	June 12, 2015	Federal: \$466,760,000 Non-Federal: \$251,330,000 Total: \$718,090,000

A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Initial Costs and Estimated Renourishment Costs
6. CA	Encinitas-Solana Beach Coastal Storm Damage Reduction	April 29, 2016	Initial Federal: \$20,166,000 Initial Non-Federal: \$10,858,000 Initial Total: \$31,024,000 Renourishment Federal: \$68,215,000 Renourishment Non-Federal: \$68,215,000 Renourishment Total: \$136,430,000
7. LA	Southwest Coastal Louisiana	July 29, 2016	Federal: \$2,011,279,000 Non-Federal: \$1,082,997,000 Total: \$3,094,276,000

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

1 (6) SPECIAL RULE.—The portion of the Mill
2 Creek Flood Risk Management project authorized by
3 paragraph (2) that consists of measures within the
4 Mill Creek Basin shall be carried out pursuant to
5 section 205 of the Flood Control Act of 1948 (33
6 U.S.C. 701s).

7 **SEC. 6002. AUTHORIZATION OF PROJECT MODIFICATIONS**
8 **RECOMMENDED BY THE SECRETARY.**

9 The following project modifications for water re-
10 sources development and conservation and other purposes
11 are authorized to be carried out by the Secretary substan-
12 tially in accordance with the recommendations of the Di-

1 rector of Civil Works, as specified in the reports referred
 2 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: \$97,067,750 Estimated Non-Federal: \$55,465,250 Total: \$152,533,000
2. MO	Blue River Basin	November 6, 2015	Estimated Federal: \$34,860,000 Estimated Non-Federal: \$11,620,000 Total: \$46,480,000
3. FL	Picayune Strand	March 9, 2016	Estimated Federal: \$308,983,000 Estimated Non-Federal: \$308,983,000 Total: \$617,967,000
4. KY	Ohio River Shoreline	March 11, 2016	Estimated Federal: \$20,309,900 Estimated Non-Federal: \$10,936,100 Total: \$31,246,000
5. TX	Houston Ship Channel	May 13, 2016	Estimated Federal: \$381,032,000 Estimated Non-Federal: \$127,178,000 Total: \$508,210,000
6. AZ	Rio de Flag, Flagstaff	June 22, 2016	Estimated Federal: \$65,514,650 Estimated Non-Federal: \$127,178,000 Total: \$100,837,000
7. MO	Swope Park Industrial Area, Blue River	April 21, 2016	Estimated Federal: \$20,205,250 Estimated Non-Federal: \$10,879,750 Total: \$31,085,000

1 **SEC. 6003. AUTHORIZATION OF STUDY AND MODIFICATION**
2 **PROPOSALS SUBMITTED TO CONGRESS BY**
3 **THE SECRETARY.**

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

8 (1) by striking “(25 U.S.C. 450b))” each place
9 it appears and inserting “(25 U.S.C. 250b)) and a
10 Native village, Regional Corporation, or Village Cor-
11 poration (as those terms are defined in section 3 of
12 the Alaska Native Claims Settlement Act (43 U.S.C.
13 1602))”; and

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

15 “(e) CONSIDERATION OF NATIONAL SECURITY IN-
16 TERESTS.—In carrying out a study of the feasibility of
17 an Arctic deep draft port, the Secretary—

18 “(1) shall consult with the Secretary of Home-
19 land Security and the Secretary of Defense to iden-
20 tify national security benefits associated with an
21 Arctic deep draft port; and

22 “(2) if appropriate, as determined by the Sec-
23 retary, may determine a port described in paragraph
24 (1) is feasible based on the benefits described in that
25 paragraph.”.

1 (b) OUACHITA-BLACK RIVERS, ARKANSAS AND LOU-
2 ISIANA.—The Secretary shall conduct a study to deter-
3 mine the feasibility of modifying the project for naviga-
4 tion, Ouachita-Black Rivers, authorized by section 101 of
5 the River and Harbor Act of 1960 (Public Law 86–645;
6 74 Stat. 481) to include bank stabilization and water sup-
7 ply as project purposes.

8 (c) CACHE CREEK BASIN, CALIFORNIA.—

9 (1) IN GENERAL.—The Secretary shall prepare
10 a general reevaluation report on the project for flood
11 control, Cache Creek Basin, California, authorized
12 by section 401(a) of the Water Resources Develop-
13 ment Act of 1986 (Public Law 99–662; 100 Stat.
14 4112).

15 (2) REQUIREMENTS.—In preparing the report
16 under paragraph (1), the Secretary shall identify
17 specific needed modifications to existing project au-
18 thorities—

19 (A) to increase basin capacity;

20 (B) to decrease the long-term maintenance;

21 and

22 (C) to provide opportunities for ecosystem
23 benefits for the Sacramento River flood control
24 project.

1 (d) COYOTE VALLEY DAM, CALIFORNIA.—The Sec-
2 retary shall conduct a study to determine the feasibility
3 of carrying out a project for flood damage reduction, envi-
4 ronmental restoration, and water supply by modifying the
5 Coyote Valley Dam, California.

6 (e) DEL ROSA DRAINAGE AREA, CALIFORNIA.—The
7 Secretary shall conduct a study to determine the feasibility
8 of carrying out projects for flood control and ecosystem
9 restoration in the cities of San Bernardino and Highland,
10 San Bernardino County, California.

11 (f) MERCED COUNTY, CALIFORNIA.—The Secretary
12 shall prepare a general reevaluation report on the project
13 for flood control, Merced County streams project, Cali-
14 fornia, authorized by section 10 of the Act of December
15 22, 1944 (58 Stat. 900; chapter 665), to investigate the
16 flood risk management opportunities and improve levee
17 performance along Black Rascal Creek and Bear Creek.

18 (g) MISSION-ZANJA DRAINAGE AREA, CALI-
19 FORNIA.—The Secretary shall conduct a study to deter-
20 mine the feasibility of carrying out projects for flood con-
21 trol and ecosystem restoration in the cities of Redlands,
22 Loma Linda, and San Bernardino, California, and unin-
23 corporated counties of San Bernardino County, California.

24 (h) SANTA ANA RIVER BASIN, CALIFORNIA.—The
25 Secretary shall conduct a study to determine the feasibility

1 of modifying the project for flood damage reduction by
2 modifying the San Jacinto and Bautista Creek Improve-
3 ment Project, part of the Santa Ana River Basin Project
4 in Riverside County, California.

5 (i) DELAWARE BAY COASTLINE, DELAWARE AND
6 NEW JERSEY-ROOSEVELT INLET-LEWES BEACH, DELA-
7 WARE.—The Secretary shall conduct a study to determine
8 the feasibility of modifying the project for shoreline pro-
9 tection and ecosystem restoration, Delaware Bay Coast-
10 line, Delaware and New Jersey-Roosevelt Inlet-Lewes
11 Beach, Delaware, authorized by section 101(a)(13) of the
12 Water Resources Development Act of 1999 (Public Law
13 106–53; 113 Stat. 276), to extend the authorized project
14 limit from the current eastward terminus to a distance of
15 8,000 feet east of the Roosevelt Inlet east jetty.

16 (j) MISPELLION INLET, CONCH BAR, DELAWARE.—
17 The Secretary shall conduct a study to determine the fea-
18 sibility of carrying out a project for navigation and shore-
19 line protection at Mispillion Inlet and Conch Bar, Sussex
20 County, Delaware.

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

1 (l) BRUNSWICK HARBOR, GEORGIA.—The Secretary
2 shall conduct a study to determine the feasibility of modi-
3 fying the project for navigation, Brunswick Harbor, Geor-
4 gia, authorized by section 101(a)(19) of the Water Re-
5 sources and Development Act of 1999 (Public Law 106–
6 53; 113 Stat. 277)—

7 (1) to widen the existing bend in the Federal
8 navigation channel at the intersection of Cedar
9 Hammock and Brunswick Point Cut Ranges; and

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

12 (m) SAVANNAH RIVER BELOW AUGUSTA, GEOR-
13 GIA.—The Secretary shall conduct a study to determine
14 the feasibility of modifying the project for navigation, Sa-
15 vannah River below Augusta, Georgia, authorized by the
16 first section of the Act of July 3, 1930 (46 Stat. 924,
17 chapter 847), to include aquatic ecosystem restoration,
18 water supply, recreation, sediment management, and flood
19 control as project purposes.

20 (n) DUBUQUE, IOWA.—The Secretary shall conduct
21 a study to determine the feasibility of modifying the
22 project for flood protection, Dubuque, Iowa, authorized by
23 section 208 of the Flood Control Act of 1965 (Public Law
24 89–298; 79 Stat. 1086), to increase the level of flood pro-
25 tection and reduce flood damages.

1 (o) MISSISSIPPI RIVER SHIP CHANNEL, GULF TO
2 BATON ROUGE, LOUISIANA.—The Secretary shall conduct
3 a study to determine the feasibility of modifying the
4 project for navigation, Mississippi River Ship Channel,
5 Gulf to Baton Rouge, Louisiana, authorized by section
6 201(a) of the Harbor Development and Navigation Im-
7 provement Act of 1986 (Public Law 99–662; 100 Stat.
8 4090), to deepen the channel approaches and the associ-
9 ated area on the left descending bank of the Mississippi
10 River between mile 98.3 and mile 100.6 Above Head of
11 Passes (AHP) to a depth equal to the Channel.

12 (p) ST. TAMMANY PARISH GOVERNMENT COM-
13 PREHENSIVE COASTAL MASTER PLAN, LOUISIANA.—The
14 Secretary shall conduct a study to determine the feasibility
15 of carrying out projects described in the St. Tammany
16 Parish Comprehensive Coastal Master Plan for flood con-
17 trol, shoreline protection, and ecosystem restoration in St.
18 Tammany Parish, Louisiana.

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

1 (r) CHAUTAUQUA COUNTY, NEW YORK.—

2 (1) IN GENERAL.—The Secretary shall conduct
3 a study to determine the feasibility of carrying out
4 projects for flood risk management, navigation, envi-
5 ronmental dredging, and ecosystem restoration on
6 the Cattaraugus, Silver Creek, and Chautauqua
7 Lake tributaries in Chautauqua County, New York.

8 (2) EVALUATION OF POTENTIAL SOLUTIONS.—

9 In conducting the study under paragraph (1), the
10 Secretary shall evaluate potential solutions to flood-
11 ing from all sources, including flooding that results
12 from ice jams.

13 (s) DELAWARE RIVER BASIN, NEW YORK, NEW JER-
14 SEY, PENNSYLVANIA, DELAWARE.—The Secretary shall
15 conduct a study to determine the feasibility of modifying
16 the operations of the projects for flood control, Delaware
17 River Basin, New York, New Jersey, Pennsylvania, and
18 Delaware, authorized by section 10 of the Flood Control
19 Act of 1946 (60 Stat. 644, chapter 596), and section 203
20 of the Flood Control Act of 1962 (Public Law 87–874;
21 76 Stat. 1182), to enhance opportunities for ecosystem
22 restoration and water supply.

23 (t) CINCINNATI, OHIO.—

24 (1) REVIEW.—The Secretary shall review the
25 Central Riverfront Park Master Plan, dated Decem-

1 ber 1999, and the Ohio Riverfront Study, Cin-
2 cinnati, Ohio, dated August 2002, to determine the
3 feasibility of carrying out flood risk reduction, eco-
4 system restoration, and recreation components be-
5 yond the ecosystem restoration and recreation com-
6 ponents that were undertaken pursuant to section
7 5116 of the Water Resources Development Act of
8 2007 (Public Law 110–114; 121 Stat. 1238) as a
9 second phase of that project.

10 (2) AUTHORIZATION.—The project authorized
11 under section 5116 of the Water Resources Develop-
12 ment Act of 2007 (Public Law 110–114; 121 Stat.
13 1238) is modified to authorize the Secretary to un-
14 dertake the additional flood risk reduction and eco-
15 system restoration components described in para-
16 graph (1), at a total cost of \$30,000,000, if the Sec-
17 retary determines that the additional flood risk re-
18 duction, ecosystem restoration, and recreation com-
19 ponents, considered together, are feasible.

20 (ii) TULSA AND WEST TULSA, ARKANSAS RIVER,
21 OKLAHOMA.—

22 (1) IN GENERAL.—The Secretary shall conduct
23 a study to determine the feasibility of modifying the
24 projects for flood risk management, Tulsa and West

1 Tulsa, Oklahoma, authorized by section 3 of the Act
2 of August 18, 1941 (55 Stat. 645; chapter 377).

3 (2) REQUIREMENTS.—

4 (A) IN GENERAL.—In carrying out the
5 study under paragraph (1), the Secretary shall
6 address project deficiencies, uncertainties, and
7 significant data gaps, including material, con-
8 struction, and subsurface, which render the
9 project at risk of overtopping, breaching, or sys-
10 tem failure.

11 (B) ADDRESSING DEFICIENCIES.—In ad-
12 dressing deficiencies under subparagraph (A),
13 the Secretary shall incorporate current design
14 standards and efficiency improvements, includ-
15 ing the replacement of mechanical and electrical
16 components at pumping stations, if the incorpo-
17 ration does not significantly change the scope,
18 function, or purpose of the project.

19 (3) PRIORITIZATION TO ADDRESS SIGNIFICANT
20 RISKS.—In any case in which a levee or levee system
21 (as defined in section 9002 of the Water Resources
22 Reform and Development Act of 2007 (33 U.S.C.
23 3301)) is classified as a Class I or II under the levee
24 safety action classification tool developed by the

1 Corps of Engineers, the Secretary shall expedite the
2 project for budget consideration.

3 (v) 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 (w) 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 (x) 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 (y) 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 (z) 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 (1) assessing the current and future function of
2 the barrier island, inlet, and coastal bay system sur-
3 rounding Chincoteague Island;

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

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

8 (aa) BURLEY CREEK WATERSHED, WASHINGTON.—
9 The Secretary shall conduct a study to determine the fea-
10 sibility of carrying out projects for flood control and
11 aquatic ecosystem restoration in the Burley Creek Water-
12 shed, Washington.

13 **SEC. 6004. EXPEDITED COMPLETION OF REPORTS.**

14 The Secretary shall expedite completion of the re-
15 ports for the following projects and, if the Secretary deter-
16 mines that a project is justified in the completed report,
17 proceed directly to project preconstruction, engineering,
18 and design in accordance with section 910 of the Water
19 Resources Development Act of 1986 (33 U.S.C. 2287):

20 (1) The project for navigation, St. George Har-
21 bor, Alaska.

22 (2) The project for flood risk management,
23 Rahway River Basin, New Jersey.

1 **SEC. 6005. EXTENSION OF EXPEDITED CONSIDERATION IN**
2 **SENATE.**

3 Section 7004(b)(4) of the Water Resources Reform
4 and Development Act of 2014 (Public Law 113–121; 128
5 Stat. 1374) is amended by striking “2018” and inserting
6 “2020”.

7 **TITLE VII—SAFE DRINKING**
8 **WATER AND CLEAN WATER**
9 **INFRASTRUCTURE**

10 **SEC. 7001. DEFINITION OF ADMINISTRATOR.**

11 In this title, the term “Administrator” means the Ad-
12 ministrator of the Environmental Protection Agency.

13 **SEC. 7002. SENSE OF THE SENATE ON APPROPRIATIONS**
14 **LEVELS AND FINDINGS ON ECONOMIC IM-**
15 **PACTS.**

16 (a) SENSE OF THE SENATE.—It is the sense of the
17 Senate that Congress should provide robust funding for
18 the State drinking water treatment revolving loan funds
19 established under section 1452 of the Safe Drinking
20 Water Act (42 U.S.C. 300j–12) and the State water pollu-
21 tion control revolving funds established under title VI of
22 the Federal Water Pollution Control Act (33 U.S.C. 1381
23 et seq.).

24 (b) FINDINGS.—Congress finds, based on an analysis
25 sponsored by the Water Environment Federation and the
26 WateReuse Association of the nationwide impact of State

1 revolving loan fund spending using the IMPLAN economic
2 model developed by the Federal Government, that, in addi-
3 tion to the public health and environmental benefits, the
4 Federal investment in safe drinking water and clean water
5 provides the following benefits:

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

8 (A) Every dollar of a Federal capitalization
9 grant returns \$0.21 to the general fund of the
10 Treasury in the form of Federal taxes and,
11 when additional spending from the State revolv-
12 ing loan funds is considered to be the result of
13 leveraging the Federal investment, every dollar
14 of a Federal capitalization grant returns \$0.93
15 in Federal tax revenue.

16 (B) A combined \$34,700,000,000 in cap-
17 italization grants for the clean water and state
18 drinking water state revolving loan funds de-
19 scribed in subsection (a) over a period of 5
20 years would generate \$7,430,000,000 in Fed-
21 eral tax revenue and, when additional spending
22 from the State revolving loan funds is consid-
23 ered to be the result of leveraging the Federal
24 investment, the Federal investment will result

1 in \$32,300,000,000 in Federal tax revenue dur-
2 ing that 5-year period.

3 (2) An increase in employment, as evidenced by
4 the following:

5 (A) Every \$1,000,000 in State revolving
6 loan fund spending generates 16 ½ jobs.

7 (B) \$34,700,000,000 in Federal capitaliza-
8 tion grants for State revolving loan funds over
9 a period of 5 years would result in 506,000
10 jobs.

11 (3) An increase in economic output:

12 (A) Every \$1,000,000 in State revolving
13 loan fund spending results in \$2,950,000 in
14 output for the economy of the United States.

15 (B) \$34,700,000,000 in Federal capitaliza-
16 tion grants for State revolving loan funds over
17 a period of 5 years will generate
18 \$102,700,000,000 in total economic output.

19 **Subtitle A—Drinking Water**

20 **SEC. 7101. PRECONSTRUCTION WORK.**

21 Section 1452(a)(2) of the Safe Drinking Water Act
22 (42 U.S.C. 300j-12(a)(2)) is amended—

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

1 (2) in subparagraph (B) (as designated by
2 paragraph (1)) by striking “(not” and inserting
3 “(including expenditures for planning, design, and
4 associated preconstruction activities, including activi-
5 ties relating to the siting of the facility, but not”;
6 and

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

9 “(C) SALE OF BONDS.—Funds may also
10 be used by a public water system as a source
11 of revenue (restricted solely to interest earnings
12 of the applicable State loan fund) or security
13 for payment of the principal and interest on
14 revenue or general obligation bonds issued by
15 the State to provide matching funds under sub-
16 section (e), if the proceeds of the sale of the
17 bonds will be deposited in the State loan
18 fund.”.

19 **SEC. 7102. PRIORITY SYSTEM REQUIREMENTS.**

20 Section 1452(b)(3) of the Safe Drinking Water Act
21 (42 U.S.C. 300j–12(b)(3)) is amended—

22 (1) by redesignating subparagraph (B) as sub-
23 paragraph (D);

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

1 “(A) DEFINITION OF RESTRUCTURING.—

2 In this paragraph, the term ‘restructuring’
3 means changes in operations (including owner-
4 ship, cooperative partnerships, asset manage-
5 ment, consolidation, and alternative water sup-
6 ply).

7 “(B) PRIORITY SYSTEM.—An intended use
8 plan shall provide, to the maximum extent prac-
9 ticable, that priority for the use of funds be
10 given to projects that—

11 “(i) address the most serious risk to
12 human health;

13 “(ii) are necessary to ensure compli-
14 ance with this title (including requirements
15 for filtration);

16 “(iii) assist systems most in need on
17 a per-household basis according to State
18 affordability criteria; and

19 “(iv) improve the sustainability of sys-
20 tems.

21 “(C) WEIGHT GIVEN TO APPLICATIONS.—

22 After determining project priorities under sub-
23 paragraph (B), an intended use plan shall pro-
24 vide that the State shall give greater weight to
25 an application for assistance by a community

1 water system if the application includes such in-
2 formation as the State determines to be nec-
3 essary and contains—

4 “(i) a description of utility manage-
5 ment best practices undertaken by a treat-
6 ment works applying for assistance, includ-
7 ing—

8 “(I) an inventory of assets, in-
9 cluding any lead service lines, and a
10 description of the condition of the as-
11 sets;

12 “(II) a schedule for replacement
13 of assets;

14 “(III) a financing plan that fac-
15 tors in all lifecycle costs indicating
16 sources of revenue from ratepayers,
17 grants, bonds, other loans, and other
18 sources to meet the costs; and

19 “(IV) a review of options for re-
20 structuring the public water system;

21 “(ii) demonstration of consistency
22 with State, regional, and municipal water-
23 shed plans;

24 “(iii) a water conservation plan con-
25 sistent with guidelines developed for those

1 plans by the Administrator under section
2 1455(a); and

3 “(iv) approaches to improve the sus-
4 tainability of the system, including—

5 “(I) water efficiency or conserva-
6 tion, including the rehabilitation or re-
7 placement of existing leaking pipes;

8 “(II) use of reclaimed water;

9 “(III) actions to increase energy
10 efficiency; and

11 “(IV) implementation of plans to
12 protect source water identified in a
13 source water assessment under section
14 1453.”; and

15 (3) in subparagraph (D) (as redesignated by
16 paragraph (1)), by striking “periodically” and in-
17 serting “at least biennially”.

18 **SEC. 7103. ADMINISTRATION OF STATE LOAN FUNDS.**

19 Section 1452(g)(2) of the Safe Drinking Water Act
20 (42 U.S.C. 300j-12(g)(2)) is amended—

21 (1) in the first sentence, by striking “up to 4
22 percent of the funds allotted to the State under this
23 section” and inserting “, for each fiscal year, an
24 amount that does not exceed the sum of the amount
25 of any fees collected by the State for use in covering

1 reasonable costs of administration of programs
2 under this section, regardless of the source, and an
3 amount equal to the greatest of \$400,000, $\frac{1}{5}$ per-
4 cent of the current valuation of the fund, or 4 per-
5 cent of all grant awards to the fund under this sec-
6 tion for the fiscal year,”; and

7 (2) by striking “1419,” and all that follows
8 through “1993.” and inserting “1419.”.

9 **SEC. 7104. OTHER AUTHORIZED ACTIVITIES.**

10 Section 1452(k) of the Safe Drinking Water Act (42
11 U.S.C. 300j-12(k)) is amended—

12 (1) in paragraph (1)(D), by inserting before the
13 period at the end the following: “and the implemen-
14 tation of plans to protect source water identified in
15 a source water assessment under section 1453”; and

16 (2) in paragraph (2)(E), by inserting after
17 “wellhead protection programs” the following: “and
18 implement plans to protect source water identified in
19 a source water assessment under section 1453”.

20 **SEC. 7105. NEGOTIATION OF CONTRACTS.**

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

24 “(s) NEGOTIATION OF CONTRACTS.—For commu-
25 nities with populations of more than 10,000 individuals,

1 a contract to be carried out using funds directly made
 2 available by a capitalization grant under this section for
 3 program management, construction management, feasi-
 4 bility studies, preliminary engineering, design, engineer-
 5 ing, surveying, mapping, or architectural or related serv-
 6 ices shall be negotiated in the same manner as—

7 “(1) a contract for architectural and engineer-
 8 ing services is negotiated under chapter 11 of title
 9 40, United States Code; or

10 “(2) an equivalent State qualifications-based re-
 11 quirement (as determined by the Governor of the
 12 State).”.

13 **SEC. 7106. ASSISTANCE FOR SMALL AND DISADVANTAGED**
 14 **COMMUNITIES.**

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

18 **“SEC. 1459A. ASSISTANCE FOR SMALL AND DISADVAN-**
 19 **TAGED COMMUNITIES.**

20 “(a) DEFINITION OF UNDERSERVED COMMUNITY.—
 21 In this section:

22 “(1) IN GENERAL.—The term ‘underserved
 23 community’ means a local political subdivision that,
 24 as determined by the Administrator, has an inad-
 25 equate drinking water or wastewater system.

1 “(2) INCLUSIONS.—The term ‘underserved
2 community’ includes a local political subdivision
3 that, as determined by the Administrator—

4 “(A) does not have household drinking
5 water or wastewater services; and

6 “(B) has a drinking water system that
7 fails to meet health-based standards under this
8 Act, including—

9 “(i) a maximum contaminant level for
10 a primary drinking water contaminant;

11 “(ii) a treatment technique violation;
12 and

13 “(iii) an action level exceedance.

14 “(b) ESTABLISHMENT.—

15 “(1) IN GENERAL.—The Administrator shall es-
16 tablish a program under which grants are provided
17 to eligible entities for use in carrying out projects
18 and activities the primary purposes of which are to
19 assist public water systems in meeting the require-
20 ments of this Act.

21 “(2) INCLUSIONS.—Projects and activities
22 under paragraph (1) include—

23 “(A) infrastructure investments necessary
24 to comply with the requirements of this Act,

1 “(B) assistance that directly and primarily
2 benefits the disadvantaged community on a per-
3 household basis, and

4 “(C) programs to provide household water
5 quality testing.

6 “(c) ELIGIBLE ENTITIES.—An entity eligible to re-
7 ceive a grant under this section—

8 “(1) is—

9 “(A) a public water system as defined in
10 section 1401;

11 “(B) a system that is located in an area
12 governed by an Indian Tribe (as defined in sec-
13 tion 1401); or

14 “(C) a State, on behalf of an underserved
15 community; and

16 “(2) serves a community that, under afford-
17 ability criteria established by the State under section
18 1452(d)(3), is determined by the State—

19 “(A) to be a disadvantaged community;

20 “(B) to be a community that may become
21 a disadvantaged community as a result of car-
22 rying out an eligible activity; or

23 “(C) to serve a community with a popu-
24 lation of less than 10,000 individuals that the
25 Administrator determines does not have the ca-

1 capacity to incur debt sufficient to finance the
2 project under subsection (b).

3 “(d) PRIORITY.—In prioritizing projects for imple-
4 mentation under this section, the Administrator shall give
5 priority to systems that serve underserved communities.

6 “(e) LOCAL PARTICIPATION.—In prioritizing projects
7 for implementation under this section, the Administrator
8 shall consult with, and consider the priorities of, affected
9 States, Indian Tribes, and local governments.

10 “(f) TECHNICAL, MANAGERIAL, AND FINANCIAL CA-
11 PABILITY.—The Administrator may provide assistance to
12 increase the technical, managerial, and financial capability
13 of an eligible entity receiving a grant under this section
14 if the Administrator determines that the eligible entity
15 lacks appropriate technical, managerial, and financial ca-
16 pability.

17 “(g) COST SHARING.—Before carrying out any
18 project under this section, the Administrator shall enter
19 into a binding agreement with 1 or more non-Federal in-
20 terests that shall require the non-Federal interests—

21 “(1) to pay not less than 45 percent of the total
22 costs of the project, which may include services, ma-
23 terials, supplies, or other in-kind contributions;

1 “(2) to provide any land, easements, rights-of-
2 way, and relocations necessary to carry out the
3 project; and

4 “(3) to pay 100 percent of any operation, main-
5 tenance, repair, replacement, and rehabilitation costs
6 associated with the project.

7 “(h) WAIVER.—The Administrator may waive the re-
8 quirement to pay the non-Federal share of the cost of car-
9 rying out an eligible activity using funds from a grant pro-
10 vided under this section if the Administrator determines
11 that an eligible entity is unable to pay, or would experience
12 significant financial hardship if required to pay, the non-
13 Federal share.

14 “(i) AUTHORIZATION OF APPROPRIATIONS.—There
15 are authorized to be appropriated to carry out this sec-
16 tion—

17 “(1) \$230,000,000 for fiscal year 2017; and

18 “(2) \$300,000,000 for each of fiscal years 2018
19 through 2021.”.

20 (b) FUNDING.—Out of any funds in the Treasury not
21 otherwise appropriated, the Secretary of the Treasury
22 shall transfer to the Administrator to provide grants to
23 eligible entities under section 1459A of the Safe Drinking
24 Water Act (as added by subsection (a)), \$20,000,000, to
25 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 administrator, 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) the Administrator determines, based
5 on affordability criteria established by the State
6 under section 1452(d)(3), to be a disadvantaged
7 community; and

8 “(B) proposes to—

9 “(i) carry out a lead reduction project
10 at a public water system or nontransient
11 noncommunity water system that has ex-
12 ceeded the lead action level established by
13 the Administrator at any time during the
14 3-year period preceding the date of submis-
15 sion of the application of the eligible enti-
16 ty;

17 “(ii) address lead levels in water for
18 human consumption at a school, daycare,
19 or other facility that primarily serves chil-
20 dren or other vulnerable human subpopula-
21 tion; or

22 “(iii) address such priority criteria as
23 the Administrator may establish, consistent
24 with the goal of reducing lead levels of con-
25 cern.

1 “(4) COST SHARING.—

2 “(A) IN GENERAL.—Subject to subpara-
3 graph (B), the non-Federal share of the total
4 cost of a project funded by a grant under this
5 subsection shall be not less than 20 percent.

6 “(B) WAIVER.—The Administrator may
7 reduce or eliminate the non-Federal share
8 under subparagraph (A) for reasons of afford-
9 ability, as the Administrator determines to be
10 appropriate.

11 “(5) LOW-INCOME ASSISTANCE.—

12 “(A) IN GENERAL.—Subject to subpara-
13 graph (B), an eligible entity may use a grant
14 provided under this subsection to provide assist-
15 ance to low-income homeowners to carry out
16 lead reduction projects.

17 “(B) LIMITATION.—The amount of a
18 grant provided to a low-income homeowner
19 under this paragraph shall not exceed the cost
20 of replacement of the privately owned portion of
21 the service line.

22 “(6) SPECIAL CONSIDERATION FOR LEAD SERV-
23 ICE LINE REPLACEMENT.—In carrying out lead serv-
24 ice line replacement using a grant under this sub-
25 section, an eligible entity shall—

1 “(A) notify customers of the replacement
2 of any publicly owned portion of the lead service
3 line;

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

8 “(C) in the case of a low-income home-
9 owner, offer to replace the privately owned por-
10 tion of the lead service line and any pipes, fit-
11 ting, and fixtures that contain lead at a cost
12 that is equal to the difference between—

13 “(i) the cost of replacement; and

14 “(ii) the amount of low-income assist-
15 ance available to the homeowner under
16 paragraph (5);

17 “(D) notify each customer that a planned
18 replacement of any publicly owned portion of a
19 lead service line that is funded by a grant made
20 under this subsection will not be carried out un-
21 less the customer agrees to the simultaneous re-
22 placement of the privately owned portion of the
23 lead service line; and

24 “(E) demonstrate that the eligible entity
25 has considered options for reducing lead in

1 drinking water, including an evaluation of op-
2 tions 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;

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.”; and

21 (5) by adding at the end the following:

22 “(6) STRATEGIC PLAN.—Not later than 120
23 days after the date of enactment of this paragraph,
24 the Administrator, in collaboration with States and
25 owners and operators of public water systems, shall

1 establish a strategic plan for how the Administrator,
2 a State with primary enforcement responsibility, and
3 the owners and operators of public water systems
4 shall conduct targeted outreach, education, technical
5 assistance, and risk communication to populations
6 affected by lead in a public water system.”.

7 (b) CONFORMING AMENDMENTS.—Section 1414(c)
8 of the Safe Drinking Water Act (42 U.S.C. 300g–3(e))
9 is amended—

10 (1) in paragraph (1)(C), by striking “paragraph
11 (2)(E)” and inserting “paragraph (2)(F)”;

12 (2) in paragraph (2)(B)(i)(II), by striking “sub-
13 paragraph (D)” and inserting “subparagraph (E)”;
14 and

15 (3) in paragraph (4)(B) (as redesignated by
16 subsection (a)(3)), in the first sentence, by striking
17 “(D)” and inserting “(E)”.

18 **SEC. 7110. ELECTRONIC REPORTING OF DRINKING WATER**

19 **DATA.**

20 Section 1414 of the Safe Drinking Water Act (42
21 U.S.C. 300g–3) is amended by adding at the end the fol-
22 lowing:

23 “(j) ELECTRONIC REPORTING OF COMPLIANCE MON-
24 ITORING DATA.—

1 “(C) the size of the public water system;
2 and

3 “(D) the size of the community served by
4 the public water system.”.

5 **SEC. 7111. LEAD TESTING IN SCHOOL AND CHILD CARE**
6 **DRINKING WATER.**

7 (a) IN GENERAL.—Section 1464 of the Safe Drink-
8 ing Water Act (42 U.S.C. 300j–24) is amended by striking
9 subsection (d) and inserting the following:

10 “(d) VOLUNTARY SCHOOL AND CHILD CARE LEAD
11 TESTING GRANT PROGRAM.—

12 “(1) DEFINITIONS.—In this subsection:

13 “(A) CHILD CARE PROGRAM.—The term
14 ‘child care program’ has the meaning given the
15 term ‘early childhood education program’ in
16 section 103 of the Higher Education Act of
17 1965 (20 U.S.C. 1003).

18 “(B) LOCAL EDUCATIONAL AGENCY.—The
19 term ‘local educational agency’ means—

20 “(i) a local educational agency (as de-
21 fined in section 8101 of the Elementary
22 and Secondary Education Act of 1965 (20
23 U.S.C. 7801));

24 “(ii) a tribal education agency (as de-
25 fined in section 3 of the National Environ-

1 mental Education Act (20 U.S.C. 5502));

2 and

3 “(iii) an operator of a child care pro-
4 gram facility licensed under State law.

5 “(2) ESTABLISHMENT.—

6 “(A) IN GENERAL.—Not later than 180
7 days after the date of enactment of the Water
8 Resources Development Act of 2016, the Ad-
9 ministrator shall establish a voluntary school
10 and child care lead testing grant program to
11 make grants available to States to assist local
12 educational agencies in voluntary testing for
13 lead contamination in drinking water at schools
14 and child care programs under the jurisdiction
15 of the local educational agencies.

16 “(B) GRANTS TO LOCAL EDUCATIONAL
17 AGENCIES.—The Administrator may make
18 grants directly available to local educational
19 agencies for the voluntary testing described in
20 subparagraph (A) in—

21 “(i) any State that does not partici-
22 pate in the voluntary school and child care
23 lead testing grant program established
24 under that subparagraph; and

25 “(ii) any direct implementation area.

1 “(3) APPLICATION.—To be eligible to receive a
2 grant under this subsection, a State or local edu-
3 cational agency shall submit to the Administrator an
4 application at such time, in such manner, and con-
5 taining such information as the Administrator may
6 require.

7 “(4) LIMITATION ON USE OF FUNDS.—Not
8 more than 4 percent of grant funds accepted under
9 this subsection shall be used to pay the administra-
10 tive costs of carrying out this subsection.

11 “(5) GUIDANCE; PUBLIC AVAILABILITY.—As a
12 condition of receiving a grant under this subsection,
13 the State or local educational agency shall ensure
14 that each local educational agency to which grant
15 funds are distributed shall—

16 “(A) expend grant funds in accordance
17 with—

18 “(i) the guidance of the Environ-
19 mental Protection Agency entitled ‘3Ts for
20 Reducing Lead in Drinking Water in
21 Schools: Revised Technical Guidance’ and
22 dated October 2006 (or any successor
23 guidance); or

24 “(ii) applicable State regulations or
25 guidance regarding reducing lead in drink-

1 ing water in schools and child care pro-
2 grams that is not less stringent than the
3 guidance referred to in clause (i); and

4 “(B)(i) make available in the administra-
5 tive offices, and to the maximum extent prac-
6 ticable, on the Internet website, of the local
7 educational agency for inspection by the public
8 (including teachers, other school personnel, and
9 parents) a copy of the results of any voluntary
10 testing for lead contamination in school and
11 child care program drinking water that is car-
12 ried out with grant funds under this subsection;
13 and

14 “(ii) notify parent, teacher, and employee
15 organizations of the availability of the results
16 described in clause (i).

17 “(6) MAINTENANCE OF EFFORT.—If resources
18 are available to a State or local educational agency
19 from any other Federal agency, a State, or a private
20 foundation for testing for lead contamination in
21 drinking water, the State or local educational agency
22 shall demonstrate that the funds provided under this
23 subsection will not displace those resources.

24 “(7) AUTHORIZATION OF APPROPRIATIONS.—
25 There is authorized to be appropriated to carry out

1 this subsection \$20,000,000 for each of fiscal years
2 2017 through 2021.”.

3 (b) REPEAL.—Section 1465 of the Safe Drinking
4 Water Act (42 U.S.C. 300j–25) is repealed.

5 **SEC. 7112. WATERSENSE PROGRAM.**

6 The Safe Drinking Water Act (42 U.S.C. 300j et
7 seq.) is amended by adding after Part F the following:

8 **“PART G—ADDITIONAL PROVISIONS**

9 **“SEC. 1471. WATERSENSE PROGRAM.**

10 “(a) ESTABLISHMENT OF WATERSENSE PRO-
11 GRAM.—

12 “(1) IN GENERAL.—There is established within
13 the Agency a voluntary WaterSense program to
14 identify and promote water-efficient products, build-
15 ings, landscapes, facilities, processes, and services
16 that, through voluntary labeling of, or other forms
17 of communications regarding, products, buildings,
18 landscapes, facilities, processes, and services while
19 meeting strict performance criteria, sensibly—

20 “(A) reduce water use;

21 “(B) reduce the strain on public and com-
22 munity water systems and wastewater and
23 stormwater infrastructure;

24 “(C) conserve energy used to pump, heat,
25 transport, and treat water; and

1 “(D) preserve water resources for future
2 generations.

3 “(2) INCLUSIONS.—The Administrator shall,
4 consistent with this section, identify water-efficient
5 products, buildings, landscapes, facilities, processes,
6 and services, including categories such as—

7 “(A) irrigation technologies and services;

8 “(B) point-of-use water treatment devices;

9 “(C) plumbing products;

10 “(D) reuse and recycling technologies;

11 “(E) landscaping and gardening products,
12 including moisture control or water enhancing
13 technologies;

14 “(F) xeriscaping and other landscape con-
15 versions that reduce water use;

16 “(G) whole house humidifiers; and

17 “(H) water-efficient buildings or facilities.

18 “(b) DUTIES.—The Administrator, coordinating as
19 appropriate with the Secretary of Energy, shall—

20 “(1) establish—

21 “(A) a WaterSense label to be used for
22 items meeting the certification criteria estab-
23 lished in accordance with this section; and

1 “(B) the procedure, including the methods
2 and means, and criteria by which an item may
3 be certified to display the WaterSense label;

4 “(2) enhance public awareness regarding the
5 WaterSense label through outreach, education, and
6 other means;

7 “(3) preserve the integrity of the WaterSense
8 label by—

9 “(A) establishing and maintaining feasible
10 performance criteria so that products, build-
11 ings, landscapes, facilities, processes, and serv-
12 ices labeled with the WaterSense label perform
13 as well or better than less water-efficient coun-
14 terparts;

15 “(B) overseeing WaterSense certifications
16 made by third parties;

17 “(C) as determined appropriate by the Ad-
18 ministrators, using testing protocols, from the
19 appropriate, applicable, and relevant consensus
20 standards, for the purpose of determining
21 standards compliance; and

22 “(D) auditing the use of the WaterSense
23 label in the marketplace and preventing cases of
24 misuse; and

1 “(4) not more than 6 years after adoption or
2 major revision of any WaterSense specification, re-
3 view and, if appropriate, revise the specification to
4 achieve additional water savings;

5 “(5) in revising a WaterSense specification—

6 “(A) provide reasonable notice to inter-
7 ested parties and the public of any changes, in-
8 cluding effective dates, and an explanation of
9 the changes;

10 “(B) solicit comments from interested par-
11 ties and the public prior to any changes;

12 “(C) as appropriate, respond to comments
13 submitted by interested parties and the public;
14 and

15 “(D) provide an appropriate transition
16 time prior to the applicable effective date of any
17 changes, taking into account the timing nec-
18 essary for the manufacture, marketing, train-
19 ing, and distribution of the specific water-effi-
20 cient product, building, landscape, process, or
21 service category being addressed; and

22 “(6) not later than December 31, 2018, con-
23 sider for review and revision any WaterSense speci-
24 fication adopted before January 1, 2012.

1 “(c) **TRANSPARENCY.**—The Administrator shall, to
2 the maximum extent practicable and not less than annu-
3 ally, regularly estimate and make available to the public
4 the production and relative market shares and savings of
5 water, energy, and capital costs of water, wastewater, and
6 stormwater attributable to the use of WaterSense-labeled
7 products, buildings, landscapes, facilities, processes, and
8 services.

9 “(d) **DISTINCTION OF AUTHORITIES.**—In setting or
10 maintaining specifications for Energy Star pursuant to
11 section 324A of the Energy Policy and Conservation Act
12 (42 U.S.C. 6294a), and WaterSense under this section,
13 the Secretary of Energy and Administrator shall coordi-
14 nate to prevent duplicative or conflicting requirements
15 among the respective programs.

16 “(e) **NO WARRANTY.**—A WaterSense label shall not
17 create an express or implied warranty.”.

18 **SEC. 7113. WATER SUPPLY COST SAVINGS.**

19 (a) **FINDINGS.**—Congress finds that—

20 (1) the United States is facing a drinking water
21 infrastructure funding crisis;

22 (2) the Environmental Protection Agency
23 projects a shortfall of approximately
24 \$384,000,000,000 in funding for drinking water in-
25 frastructure from 2015 to 2035 and this funding

1 challenge is particularly acute in rural communities
2 in the United States;

3 (3) there are approximately 52,000 community
4 water systems in the United States, of which nearly
5 42,000 are small community water systems;

6 (4) the Drinking Water Needs Survey con-
7 ducted by the Environmental Protection Agency in
8 2011 placed the shortfall in drinking water infra-
9 structure funding for small communities, which con-
10 sist of 3,300 or fewer persons, at \$64,500,000,000;

11 (5) small communities often cannot finance the
12 construction and maintenance of drinking water sys-
13 tems because the cost per resident for the invest-
14 ment would be prohibitively expensive;

15 (6) drought conditions have placed significant
16 strains on existing surface water supplies;

17 (7) many communities across the United States
18 are considering the use of groundwater and commu-
19 nity well systems to provide drinking water; and

20 (8) approximately 42,000,000 people in the
21 United States receive drinking water from individual
22 wells and millions more rely on community well sys-
23 tems for drinking water.

24 (b) SENSE OF THE SENATE.—It is the sense of the
25 Senate that providing rural communities with the knowl-

1 edge and resources necessary to fully use alternative
2 drinking water systems, including wells and community
3 well systems, can provide safe and affordable drinking
4 water to millions of people in the United States.

5 (c) DRINKING WATER TECHNOLOGY CLEARING-
6 HOUSE.—The Administrator and the Secretary of Agri-
7 culture shall—

8 (1) update existing programs of the Environ-
9 mental Protection Agency and the Department of
10 Agriculture designed to provide drinking water tech-
11 nical assistance to include information on cost-effec-
12 tive, innovative, and alternative drinking water deliv-
13 ery systems, including systems that are supported by
14 wells; and

15 (2) disseminate information on the cost effec-
16 tiveness of alternative drinking water delivery sys-
17 tems, including wells and well systems, to commu-
18 nities and not-for-profit organizations seeking Fed-
19 eral funding for drinking water systems serving 500
20 or fewer persons.

21 (d) WATER SYSTEM ASSESSMENT.—Notwithstanding
22 any other provision of law, in any application for a grant
23 or loan from the Federal Government or a State that is
24 using Federal assistance for a drinking water system serv-
25 ing 500 or fewer persons, a unit of local government or

1 not-for-profit organization shall self-certify that the unit
2 of local government or organization has considered, as an
3 alternative drinking water supply, drinking water delivery
4 systems sourced by publicly owned—

5 (1) individual wells;

6 (2) shared wells; and

7 (3) community wells.

8 (e) REPORT TO CONGRESS.—Not later than 3 years
9 after the date of enactment of this Act, the Administrator
10 and the Secretary of Agriculture shall submit to Congress
11 a report that describes—

12 (1) the use of innovative and alternative drink-
13 ing water systems described in this section;

14 (2) the range of cost savings for communities
15 using innovative and alternative drinking water sys-
16 tems described in this section; and

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

20 **SEC. 7114. SMALL SYSTEM TECHNICAL ASSISTANCE.**

21 Section 1452(q) of the Safe Drinking Water Act (42
22 U.S.C. 300j–12(q)) is amended by striking “appro-
23 priated” and all that follows through “2003” and insert-
24 ing “made available for each of fiscal years 2016 through
25 2021”.

1 **SEC. 7115. DEFINITION OF INDIAN TRIBE.**

2 Section 1401(14) of the Safe Drinking Water Act (42
3 U.S.C. 300(f)(14)) is amended by striking “section 1452”
4 and inserting “sections 1452, 1459A, and 1459B”.

5 **SEC. 7116. TECHNICAL ASSISTANCE FOR TRIBAL WATER**
6 **SYSTEMS.**

7 (a) **TECHNICAL ASSISTANCE.**—Section 1442(e)(7) of
8 the Safe Drinking Water Act (42 U.S.C. 300j–1(e)(7)) is
9 amended by striking “Tribes” and inserting “tribes, in-
10 cluding grants to provide training and operator certifi-
11 cation services under section 1452(i)(5)”.

12 (b) **INDIAN TRIBES.**—Section 1452(i) of the Safe
13 Drinking Water Act (42 U.S.C. 300j–12(i)) is amended—

14 (1) in paragraph (1), in the first sentence, by
15 striking “Tribes and Alaska Native villages” and in-
16 sserting “tribes, Alaska Native villages, and, for the
17 purpose of carrying out paragraph (5), intertribal
18 consortia or tribal organizations”; and

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

20 “(5) **TRAINING AND OPERATOR CERTIFI-**
21 **CATION.**—

22 “(A) **IN GENERAL.**—The Administrator
23 may use funds made available under this sub-
24 section and section 1442(e)(7) to make grants
25 to intertribal consortia or tribal organizations
26 for the purpose of providing operations and

1 maintenance training and operator certification
2 services to Indian tribes.

3 “(B) ELIGIBLE TRIBAL ORGANIZATIONS.—
4 An intertribal consortium or tribal organization
5 eligible for a grant under subparagraph (A) is
6 an intertribal consortium or tribal organization
7 that—

8 “(i) is the most qualified to provide
9 training and technical assistance to Indian
10 tribes; and

11 “(ii) Indian tribes determine to be the
12 most beneficial and effective.”.

13 **SEC. 7117. REQUIREMENT FOR THE USE OF AMERICAN MA-**
14 **TERIALS.**

15 Section 1452(a) of the Safe Drinking Water Act (42
16 U.S.C. 300j-12(a)) is amended by adding at the end the
17 following:

18 “(4) REQUIREMENT FOR THE USE OF AMER-
19 ICAN MATERIALS.—

20 “(A) DEFINITION OF IRON AND STEEL
21 PRODUCTS.—In this paragraph, the term ‘iron
22 and steel products’ means the following prod-
23 ucts made, in part, of iron or steel:

24 “(i) Lined or unlined pipe and fit-
25 tings.

1 “(ii) Manhole covers and other munic-
2 ipal castings.

3 “(iii) Hydrants.

4 “(iv) Tanks.

5 “(v) Flanges.

6 “(vi) Pipe clamps and restraints.

7 “(vii) Valves.

8 “(viii) Structural steel.

9 “(ix) Reinforced precast concrete.

10 “(x) Construction materials.

11 “(B) REQUIREMENT.—Except as provided
12 in subparagraph (C), funds made available by a
13 State loan fund authorized under this section
14 may not be used for a project for the construc-
15 tion, alteration, maintenance, or repair of a
16 public water system unless all the iron and steel
17 products used in the project are produced in the
18 United States.

19 “(C) EXCEPTION.—Subparagraph (B)
20 shall not apply in any case or category of cases
21 in which the Administrator finds that—

22 “(i) applying subparagraph (B) would
23 be inconsistent with the public interest;

24 “(ii) iron and steel products are not
25 produced in the United States in sufficient

1 and reasonably available quantities and of
2 a satisfactory quality; or

3 “(iii) inclusion of iron and steel prod-
4 ucts produced in the United States will in-
5 crease the cost of the overall product by
6 more than 25 percent.

7 “(D) PUBLIC NOTICE; WRITTEN JUS-
8 TIFICATION.—

9 “(i) PUBLIC NOTICE.—If the Adminis-
10 trator receives a request for a waiver under
11 this paragraph, the Administrator shall—

12 “(I) make available to the public
13 on an informal basis, including on the
14 public website of the Administrator—

15 “(aa) a copy of the request;
16 and

17 “(bb) any information avail-
18 able to the Administrator regard-
19 ing the request; and

20 “(II) provide notice of, and op-
21 portunity for informal public comment
22 on, the request for a period of not less
23 than 15 days before making a finding
24 under subparagraph (C).

1 “(1) make grants to States for the purpose of
2 providing grants to a municipality or municipal enti-
3 ty for planning, designing, and constructing—

4 “(A) treatment works to intercept, trans-
5 port, control, or treat municipal combined sewer
6 overflows and sanitary sewer overflows; and

7 “(B) measures to manage, reduce, treat, or
8 recapture stormwater or subsurface drainage
9 water; and

10 “(2) subject to subsection (g),”;

11 (2) in subsection (b)—

12 (A) in paragraph (1), by striking the semi-
13 colon at the end and inserting “; or”;

14 (B) by striking paragraphs (2) and (3);
15 and

16 (C) by redesignating paragraph (4) as
17 paragraph (2);

18 (3) by striking subsections (e) through (g) and
19 inserting the following:

20 “(e) ADMINISTRATIVE REQUIREMENTS.—

21 “(1) IN GENERAL.—Subject to paragraph (2), a
22 project that receives grant assistance under sub-
23 section (a) shall be carried out subject to the same
24 requirements as a project that receives assistance

1 from a State water pollution control revolving fund
2 established pursuant to title VI.

3 “(2) DETERMINATION OF GOVERNOR.—The re-
4 quirement described in paragraph (1) shall not apply
5 to a project that receives grant assistance under
6 subsection (a) to the extent that the Governor of the
7 State in which the project is located determines that
8 a requirement described in title VI is inconsistent
9 with the purposes of this section.

10 “(f) AUTHORIZATION OF APPROPRIATIONS.—There
11 are authorized to be appropriated to carry out this section,
12 to remain available until expended—

13 “(1) \$250,000,000 for fiscal year 2017;

14 “(2) \$300,000,000 for fiscal year 2018;

15 “(3) \$350,000,000 for fiscal year 2019;

16 “(4) \$400,000,000 for fiscal year 2020; and

17 “(5) \$500,000,000 for fiscal year 2021.

18 “(g) ALLOCATION OF FUNDS.—

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

1 “(A) in accordance with the priority cri-
2 teria described in subsection (b); and

3 “(B) with additional priority given to pro-
4 posed projects that involve the use of—

5 “(i) nonstructural, low-impact devel-
6 opment;

7 “(ii) water conservation, efficiency, or
8 reuse; or

9 “(iii) other decentralized stormwater
10 or wastewater approaches to minimize
11 flows into the sewer systems.

12 “(2) FISCAL YEAR 2019 AND THEREAFTER.—
13 For fiscal year 2019 and each fiscal year thereafter,
14 subject to subsection (h), the Administrator shall
15 use the amounts made available to carry out this
16 section to provide grants to States under subsection
17 (a)(1) in accordance with a formula that—

18 “(A) shall be established by the Adminis-
19 trator, after providing notice and an oppor-
20 tunity for public comment; and

21 “(B) allocates to each State a proportional
22 share of the amounts based on the total needs
23 of the State for municipal combined sewer over-
24 flow controls and sanitary sewer overflow con-
25 trols, as identified in the most recent survey—

1 “(i) conducted under section 210; and

2 “(ii) included in a report required

3 under section 516(b)(1)(B).”; and

4 (4) by striking subsection (i).

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

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

9 **“SEC. 222. TECHNICAL ASSISTANCE FOR SMALL AND ME-
10 DIUM TREATMENT WORKS.**

11 “(a) DEFINITIONS.—In this section:

12 “(1) MEDIUM TREATMENT WORKS.—The term
13 ‘medium treatment works’ means a publicly owned
14 treatment works serving not fewer than 10,001 and
15 not more than 100,000 individuals.

16 “(2) QUALIFIED NONPROFIT MEDIUM TREAT-
17 MENT WORKS TECHNICAL ASSISTANCE PROVIDER.—
18 The term ‘qualified nonprofit medium treatment
19 works technical assistance provider’ means a quali-
20 fied nonprofit technical assistance provider of water
21 and wastewater services to medium-sized commu-
22 nities that provides technical assistance (including
23 circuit rider technical assistance programs, multi-
24 State, regional assistance programs, and training
25 and preliminary engineering evaluations) to owners

1 and operators of medium treatment works, which
2 may include State agencies.

3 “(3) QUALIFIED NONPROFIT SMALL TREAT-
4 MENT WORKS TECHNICAL ASSISTANCE PROVIDER.—

5 The term ‘qualified nonprofit small treatment works
6 technical assistance provider’ means a nonprofit or-
7 ganization that, as determined by the Adminis-
8 trator—

9 “(A) is the most qualified and experienced
10 in providing training and technical assistance to
11 small treatment works; and

12 “(B) the small treatment works in the
13 State finds to be the most beneficial and effec-
14 tive.

15 “(4) SMALL TREATMENT WORKS.—The term
16 ‘small treatment works’ means a publicly owned
17 treatment works serving not more than 10,000 indi-
18 viduals.

19 “(b) TECHNICAL ASSISTANCE.—The Administrator
20 may use amounts made available to carry out this section
21 to provide grants or cooperative agreements to qualified
22 nonprofit small treatment works technical assistance pro-
23 viders and grants or cooperative agreements to qualified
24 nonprofit medium treatment works technical assistance
25 providers to provide to owners and operators of small and

1 medium treatment works onsite technical assistance, cir-
2 cuit-rider technical assistance programs, multi-State, re-
3 gional technical assistance programs, and onsite and re-
4 gional training, to assist the treatment works in achieving
5 compliance with this Act or obtaining financing under this
6 Act for eligible projects.

7 “(c) AUTHORIZATION OF APPROPRIATIONS.—There
8 are authorized to be appropriated to carry out this sec-
9 tion—

10 “(1) for grants for small treatment works tech-
11 nical assistance, \$15,000,000 for each of fiscal years
12 2017 through 2021; and

13 “(2) for grants for medium treatment works
14 technical assistance, \$10,000,000 for each of fiscal
15 years 2017 through 2021.”.

16 (b) WATER POLLUTION CONTROL REVOLVING LOAN
17 FUNDS.—

18 (1) IN GENERAL.—Section 603 of the Federal
19 Water Pollution Control Act (33 U.S.C. 1383) is
20 amended—

21 (A) in subsection (d)—

22 (i) in the matter preceding paragraph
23 (1), by inserting “and as provided in sub-
24 section (e)” after “State law”;

1 (ii) by redesignating subsections (e)
2 through (i) as subsections (f) through (j),
3 respectively; and

4 (iii) by inserting after subsection (d)
5 the following:

6 “(e) **ADDITIONAL USE OF FUNDS.**—A State may use
7 an additional 2 percent of the funds annually allotted to
8 the State under this section for qualified nonprofit small
9 treatment works technical assistance providers and quali-
10 fied nonprofit medium treatment works technical assist-
11 ance providers (as those terms are defined in section 222)
12 to provide technical assistance to small treatment works
13 and medium treatment works (as those terms are defined
14 in section 222) in the State.”.

15 (2) **CONFORMING AMENDMENT.**—Section
16 221(d) of the Federal Water Pollution Control Act
17 (33 U.S.C. 1301(d)) is amended by striking “section
18 603(h)” and inserting “section 603(i)”.

19 **SEC. 7203. INTEGRATED PLANS.**

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

23 “(s) **INTEGRATED PLAN PERMITS.**—

24 “(1) **DEFINITIONS.**—In this subsection:

1 “(A) GREEN INFRASTRUCTURE.—The
2 term ‘green infrastructure’ means the range of
3 measures that use plant or soil systems, per-
4 meable pavement or other permeable surfaces
5 or substrates, stormwater harvest and reuse, or
6 landscaping to store, infiltrate, or
7 evapotranspire stormwater and reduce flows
8 to sewer systems or to surface waters.

9 “(B) INTEGRATED PLAN.—The term ‘inte-
10 grated plan’ has the meaning given in Part III
11 of the Integrated Municipal Stormwater and
12 Wastewater Planning Approach Framework,
13 issued by the Environmental Protection Agency
14 and dated June 5, 2012.

15 “(C) MUNICIPAL DISCHARGE.—

16 “(i) IN GENERAL.—The term ‘munic-
17 ipal discharge’ means a discharge from a
18 treatment works (as defined in section
19 212) or a discharge from a municipal
20 storm sewer under subsection(p).

21 “(ii) INCLUSION.—The term ‘munic-
22 ipal discharge’ includes a discharge of
23 wastewater or storm water collected from
24 multiple municipalities if the discharge is

1 covered by the same permit issued under
2 this section.

3 “(2) INTEGRATED PLAN.—

4 “(A) IN GENERAL.—The Administrator (or
5 a State, in the case of a permit program ap-
6 proved under subsection (b)) shall inform a mu-
7 nicipal permittee or multiple municipal permit-
8 tees of the opportunity to develop an integrated
9 plan.

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

16 “(i) a combined sewer overflow;

17 “(ii) a capacity, management, oper-
18 ation, and maintenance program for sani-
19 tary sewer collection systems;

20 “(iii) a municipal stormwater dis-
21 charge;

22 “(iv) a municipal wastewater dis-
23 charge; and

24 “(v) a water quality-based effluent
25 limitation to implement an applicable

1 wasteload allocation in a total maximum
2 daily load.

3 “(3) COMPLIANCE SCHEDULES.—

4 “(A) IN GENERAL.—A permit for a munic-
5 ipal discharge by a municipality that incor-
6 porates an integrated plan may include a sched-
7 ule of compliance, under which actions taken to
8 meet any applicable water quality-based effluent
9 limitation may be implemented over more than
10 1 permit term if the compliance schedules are
11 authorized by State water quality standards.

12 “(B) INCLUSION.—Actions subject to a
13 compliance schedule under subparagraph (A)
14 may include green infrastructure if imple-
15 mented as part of a water quality-based effluent
16 limitation.

17 “(C) REVIEW.—A schedule of compliance
18 may be reviewed each time the permit is re-
19 newed.

20 “(4) EXISTING AUTHORITIES RETAINED.—

21 “(A) APPLICABLE STANDARDS.—Nothing
22 in this subsection modifies any obligation to
23 comply with applicable technology and water
24 quality-based effluent limitations under this
25 Act.

1 “(B) FLEXIBILITY.—Nothing in this sub-
2 section reduces or eliminates any flexibility
3 available under this Act, including the authority
4 of—

5 “(i) a State to revise a water quality
6 standard after a use attainability analysis
7 under section 131.10(g) of title 40, Code
8 of Federal Regulations (as in effect on the
9 date of enactment of this subsection), sub-
10 ject to the approval of the Administrator
11 under section 303(c); and

12 “(ii) the Administrator or a State to
13 authorize a schedule of compliance that ex-
14 tends beyond the date of expiration of a
15 permit term if the schedule of compliance
16 meets the requirements of section 122.47
17 of title 40, Code of Federal Regulations
18 (as in effect on the date of enactment of
19 this subsection).

20 “(5) CLARIFICATION OF STATE AUTHORITY.—

21 “(A) IN GENERAL.—Nothing in section
22 301(b)(1)(C) precludes a State from author-
23 izing in the water quality standards of the
24 State the issuance of a schedule of compliance
25 to meet water quality-based effluent limitations

1 in permits that incorporate provisions of an in-
2 tegrated plan.

3 “(B) TRANSITION RULE.—In any case in
4 which a discharge is subject to a judicial order
5 or consent decree as of the date of enactment
6 of the Water Resources Development Act of
7 2016 resolving an enforcement action under
8 this Act, any schedule of compliance issued pur-
9 suant to an authorization in a State water qual-
10 ity standard shall not revise or otherwise affect
11 a schedule of compliance in that order or decree
12 unless the order or decree is modified by agree-
13 ment of the parties and the court.”.

14 (b) MUNICIPAL OMBUDSMAN.—

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

18 (2) GENERAL DUTIES.—The duties of the mu-
19 nicipal ombudsman shall include the provision of—

20 (A) technical assistance to municipalities
21 seeking to comply with the Federal Water Pol-
22 lution Control Act (33 U.S.C. 1251 et seq.) and
23 the Safe Drinking Water Act (42 U.S.C. 300f
24 et seq.); and

1 (B) information to the Administrator to
2 help the Administrator ensure that agency poli-
3 cies are implemented by all offices of the Envi-
4 ronmental Protection Agency, including regional
5 offices.

6 (3) ACTIONS REQUIRED.—The municipal om-
7 budsman shall work with appropriate offices at the
8 headquarters and regional offices of the Environ-
9 mental Protection Agency to ensure that the municipi-
10 pality seeking assistance is provided information—

11 (A) about available Federal financial as-
12 sistance for which the municipality is eligible;

13 (B) about flexibility available under the
14 Federal Water Pollution Control Act (33 U.S.C.
15 1251 et seq.) and, if applicable, the Safe Drink-
16 ing Water Act (42 U.S.C. 300f et seq.); and

17 (C) regarding the opportunity to develop
18 an integrated plan, as defined in section
19 402(s)(1)(B) of the Federal Water Pollution
20 Control Act (as added by subsection (a)).

21 (4) PRIORITY.—In carrying out paragraph (3),
22 the municipal ombudsman shall give priority to any
23 municipality that demonstrates affordability con-
24 cerns relating to compliance with the Federal Water
25 Pollution Control Act (33 U.S.C. 1251 et seq.) or

1 the Safe Drinking Water Act (42 U.S.C. 300f et
2 seq.).

3 (5) INFORMATION SHARING.—The municipal
4 ombudsman shall publish on the website of the Envi-
5 ronmental Protection Agency—

6 (A) general information relating to—

7 (i) the technical assistance referred to
8 in paragraph (2)(A);

9 (ii) the financial assistance referred to
10 in paragraph (3)(A);

11 (iii) the flexibility referred to in para-
12 graph 3(B); and

13 (iv) any resources related to inte-
14 grated plans developed by the Adminis-
15 trator; and

16 (B) a copy of each permit, order, or judi-
17 cial consent decree that implements or incor-
18 porates an integrated plan.

19 (c) MUNICIPAL ENFORCEMENT.—Section 309 of the
20 Federal Water Pollution Control Act (33 U.S.C. 1319) is
21 amended by adding at the end the following:

22 “(h) IMPLEMENTATION OF INTEGRATED PLANS
23 THROUGH ENFORCEMENT TOOLS.—

24 “(1) IN GENERAL.—In conjunction with an en-
25 forcement action under subsection (a) or (b) relating

1 to municipal discharges, the Administrator shall in-
2 form a municipality of the opportunity to develop an
3 integrated plan, as defined in section 402(s).

4 “(2) MODIFICATION.—Any municipality under
5 an administrative order under subsection (a) or set-
6 tlement agreement (including a judicial consent de-
7 cree) under subsection (b) that has developed an in-
8 tegrated plan consistent with section 402(s) may re-
9 quest a modification of the administrative order or
10 settlement agreement based on that integrated
11 plan.”.

12 (d) REPORT TO CONGRESS.—Not later than 2 years
13 after the date of enactment of this Act, the Administrator
14 shall submit to the Committee on Environment and Public
15 Works of the Senate and the Committee on Transpor-
16 tation and Infrastructure of the House of Representatives
17 and make publicly available a report on each integrated
18 plan developed and implemented through a permit, order,
19 or judicial consent decree since the date of publication of
20 the “Integrated Municipal Stormwater and Wastewater
21 Planning Approach Framework” issued by the Environ-
22 mental Protection Agency and dated June 5, 2012, includ-
23 ing a description of the control measures, levels of control,
24 estimated costs, and compliance schedules for the require-
25 ments implemented through an integrated plan.

1 **SEC. 7204. GREEN INFRASTRUCTURE PROMOTION.**

2 Title V of the Federal Water Pollution Control Act
3 (33 U.S.C. 1361 et seq.) is amended—

4 (1) by redesignating section 519 (33 U.S.C.
5 1251 note) as section 520; and

6 (2) by inserting after section 518 (33 U.S.C.
7 1377) the following:

8 **“SEC. 519. ENVIRONMENTAL PROTECTION AGENCY GREEN**
9 **INFRASTRUCTURE PROMOTION.**

10 “(a) IN GENERAL.—The Administrator shall ensure
11 that the Office of Water, the Office of Enforcement and
12 Compliance Assurance, the Office of Research and Devel-
13 opment, and the Office of Policy of the Environmental
14 Protection Agency promote the use of green infrastructure
15 in and coordinate the integration of green infrastructure
16 into, permitting programs, planning efforts, research,
17 technical assistance, and funding guidance.

18 “(b) DUTIES.—The Administrator shall ensure that
19 the Office of Water—

20 “(1) promotes the use of green infrastructure in
21 the programs of the Environmental Protection Agen-
22 cy; and

23 “(2) coordinates efforts to increase the use of
24 green infrastructure with—

25 “(A) other Federal departments and agen-
26 cies;

1 “(B) State, tribal, and local governments;

2 and

3 “(C) the private sector.

4 “(c) REGIONAL GREEN INFRASTRUCTURE PRO-
5 MOTION.—The Administrator shall direct each regional of-
6 fice of the Environmental Protection Agency, as appro-
7 priate based on local factors, and consistent with the re-
8 quirements of this Act, to promote and integrate the use
9 of green infrastructure within the region that includes—

10 “(1) outreach and training regarding green in-
11 frastructure implementation for State, tribal, and
12 local governments, tribal communities, and the pri-
13 vate sector; and

14 “(2) the incorporation of green infrastructure
15 into permitting and other regulatory programs,
16 codes, and ordinance development, including the re-
17 quirements under consent decrees and settlement
18 agreements in enforcement actions.

19 “(d) GREEN INFRASTRUCTURE INFORMATION-SHAR-
20 ING.—The Administrator shall promote green infrastruc-
21 ture information-sharing, including through an Internet
22 website, to share information with, and provide technical
23 assistance to, State, tribal, and local governments, tribal
24 communities, the private sector, and the public regarding
25 green infrastructure approaches for—

- 1 “(1) reducing water pollution;
- 2 “(2) protecting water resources;
- 3 “(3) complying with regulatory requirements;
- 4 and
- 5 “(4) achieving other environmental, public
- 6 health, and community goals.”.

7 **SEC. 7205. FINANCIAL CAPABILITY GUIDANCE.**

8 (a) DEFINITIONS.—In this section:

9 (1) AFFORDABILITY.—The term “affordability”

10 means, with respect to payment of a utility bill, a

11 measure of whether an individual customer or house-

12 hold can pay the bill without undue hardship or un-

13 reasonable sacrifice in the essential lifestyle or

14 spending patterns of the individual or household, as

15 determined by the Administrator.

16 (2) FINANCIAL CAPABILITY.—The term “finan-

17 cial capability” means the financial capability of a

18 community to make investments necessary to make

19 water quality or drinking water improvements.

20 (3) GUIDANCE.—The term “guidance” means

21 the guidance published by the Administrator entitled

22 “Combined Sewer Overflows—Guidance for Finan-

23 cial Capability Assessment and Schedule Develop-

24 ment” and dated February 1997, as applicable to

25 the combined sewer overflows and sanitary sewer

1 overflows guidance published by the Administrator
2 entitled “Financial Capability Assessment Frame-
3 work” and dated November 24, 2014.

4 (b) USE OF MEDIAN HOUSEHOLD INCOME.—The
5 Administrator shall not use median household income as
6 the sole indicator of affordability for a residential house-
7 hold.

8 (c) REVISED GUIDANCE.—

9 (1) IN GENERAL.—Not later than 1 year after
10 the date of completion of the National Academy of
11 Public Administration study to establish a definition
12 and framework for community affordability required
13 by Senate Report 114–70, accompanying S. 1645
14 (114th Congress), the Administrator shall revise the
15 guidance described in subsection (a)(3).

16 (2) USE OF GUIDANCE.—Beginning on the date
17 on which the revised guidance referred to in para-
18 graph (1) is finalized, the Administrator shall use
19 the revised guidance in lieu of the guidance de-
20 scribed in subsection (a)(3).

21 (d) CONSIDERATION AND CONSULTATION.—

22 (1) CONSIDERATION.—In revising the guidance,
23 the Administrator shall consider—

24 (A) the recommendations of the study re-
25 ferred to in subsection (c) and any other rel-

1 evant study, as determined by the Adminis-
2 trator;

3 (B) local economic conditions, including
4 site-specific local conditions that should be
5 taken into consideration in analyzing financial
6 capability;

7 (C) other essential community investments;

8 (D) potential adverse impacts on distressed
9 populations, including the percentage of low-in-
10 come ratepayers within the service area of a
11 utility and impacts in communities with dis-
12 parate economic conditions throughout the en-
13 tire service area of a utility;

14 (E) the degree to which rates of low-in-
15 come consumers would be affected by water in-
16 frastructure investments and the use of rate
17 structures to address the rates of low-income
18 consumers;

19 (F) an evaluation of an array of factors,
20 the relative importance of which may vary
21 across regions and localities; and

22 (G) the appropriate weight for economic,
23 public health, and environmental benefits asso-
24 ciated with improved water quality.

1 (2) CONSULTATION.—Any revised guidance
2 issued to replace the guidance shall be developed in
3 consultation with stakeholders.

4 (e) PUBLICATION AND SUBMISSION.—

5 (1) IN GENERAL.—On completion of the revi-
6 sion of the guidance, the Administrator shall publish
7 in the Federal Register and submit to the Com-
8 mittee on Environment and Public Works of the
9 Senate and the Committee on Transportation and
10 Infrastructure of the House of Representatives the
11 revised guidance.

12 (2) EXPLANATION.—If the Administrator
13 makes a determination not to follow 1 or more rec-
14 ommendations of the study referred to in subsection
15 (c)(1), the Administrator shall include in the publi-
16 cation and submission under paragraph (1) an ex-
17 planation of that decision.

18 (f) EFFECT.—Nothing in this section preempts or
19 interferes with any obligation to comply with any Federal
20 law, including the Federal Water Pollution Control Act
21 (33 U.S.C. 1251 et seq.).

1 **Subtitle C—Innovative Financing**
2 **and Promotion of Innovative**
3 **Technologies**

4 **SEC. 7301. WATER INFRASTRUCTURE PUBLIC-PRIVATE**
5 **PARTNERSHIP PILOT PROGRAM.**

6 Section 5014(c) of the Water Resources Reform and
7 Development Act of 2014 (33 U.S.C. 2201 note; Public
8 Law 113–121) is amended by striking “Any activity un-
9 dertaken under this section is authorized only to the ex-
10 tent” and inserting “Nothing in this section obligates the
11 Secretary to expend funds unless”.

12 **SEC. 7302. WATER INFRASTRUCTURE FINANCE AND INNO-**
13 **VATION.**

14 (a) **AUTHORITY TO PROVIDE ASSISTANCE.**—Section
15 5023(b)(2) of the Water Infrastructure Finance and Inno-
16 vation Act of 2014 (33 U.S.C. 3902(b)(2)) is amended
17 by striking “carry out” and inserting “provide financial
18 assistance to carry out”.

19 (b) **PROJECTS ELIGIBLE FOR ASSISTANCE.**—

20 (1) **IN GENERAL.**—Section 5026 of the Water
21 Infrastructure Finance and Innovation Act of 2014
22 (33 U.S.C. 3905) is amended—

23 (A) in paragraph (6)—

1 (i) by striking “desalination project”
2 and inserting “desalination project, includ-
3 ing chloride control”; and

4 (ii) by striking “or a water recycling
5 project” and inserting “a water recycling
6 project, or a project to provide alternative
7 water supplies to reduce aquifer deple-
8 tion”;

9 (B) by redesignating paragraphs (7), (8),
10 and (9) as paragraphs (8), (9), and (10), re-
11 spectively;

12 (C) by inserting after paragraph (6) the
13 following:

14 “(7) A project to prevent, reduce, or mitigate
15 the effects of drought, including projects that en-
16 hance the resilience of drought-stricken water-
17 sheds.”; and

18 (D) in paragraph (10) (as redesignated by
19 subparagraph (B)), by striking “or (7)” and in-
20 serting “(7), or (8)”.

21 (2) CONFORMING AMENDMENTS.—

22 (A) Section 5023(b) of the Water Infra-
23 structure Finance and Innovation Act of 2014
24 (33 U.S.C. 3902(b)) is amended—

1 (i) in paragraph (2), by striking “and
2 (8)” and inserting “(7), and (9)”; and

3 (ii) in paragraph (3), by striking
4 “paragraph (7) or (9)” and inserting
5 “paragraph (8) or (10)”.

6 (B) Section 5024(b) of the Water Infra-
7 structure Finance and Innovation Act of 2014
8 (33 U.S.C. 3903(b)) is amended by striking
9 “paragraph (8) or (9)” and inserting “para-
10 graph (9) or (10)”.

11 (C) Section 5027(3) of the Water Infra-
12 structure Finance and Innovation Act of 2014
13 (33 U.S.C. 3906(3)) is amended by striking
14 “section 5026(7)” and inserting “section
15 5026(8)”.

16 (D) Section 5028 of the Water Infrastruc-
17 ture Finance and Innovation Act of 2014 (33
18 U.S.C. 3907) is amended—

19 (i) in subsection (a)(1)(E)—

20 (I) by striking “section 5026(9)”
21 and inserting “section 5026(10)”; and

22 (II) by striking “section
23 5026(8)” and inserting “section
24 5026(9)”; and

1 (ii) in subsection (b)(3), by striking
2 “section 5026(8)” and inserting “section
3 5026(9)”.

4 (c) TERMS AND CONDITIONS.—Section 5029(b) of
5 the Water Infrastructure Finance and Innovation Act of
6 2014 (33 U.S.C. 3908(b)) is amended—

7 (1) in paragraph (7)—

8 (A) by striking “The Secretary” and in-
9 serting the following:

10 “(A) IN GENERAL.—Except as provided in
11 subparagraph (B), the Secretary”; and

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

13 “(B) FINANCING FEES.—On request of an
14 eligible entity, the Secretary or the Adminis-
15 trator, as applicable, shall allow the fees under
16 subparagraph (A) to be financed as part of the
17 loan.”; and

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

19 “(10) CREDIT.—Any eligible project costs in-
20 curred and the value of any integral in-kind con-
21 tributions made before receipt of assistance under
22 this subtitle shall be credited toward the 51 percent
23 of project costs to be provided by sources of funding
24 other than a secured loan under this subtitle (as de-
25 scribed in paragraph (2)(A)).”.

1 (d) REMOVAL OF PILOT DESIGNATION.—

2 (1) Subtitle C of title V of the Water Resources
3 Reform and Development Act of 2014 (33 U.S.C.
4 3901 et seq.) is amended by striking the subtitle
5 designation and heading and inserting the following:

6 **“Subtitle C—Innovative Financing**
7 **Projects”.**

8 (2) Section 5023 of the Water Infrastructure
9 Finance and Innovation Act of 2014 (33 U.S.C.
10 3092) is amended by striking “pilot” each place it
11 appears.

12 (3) Section 5034 of the Water Infrastructure
13 Finance and Innovation Act of 2014 (33 U.S.C.
14 3913) is amended by striking the section designation
15 and heading and inserting the following:

16 **“SEC. 5034. REPORTS ON PROGRAM IMPLEMENTATION.”.**

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

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

“Subtitle C—Innovative Financing Projects”.; and

22 (B) by striking the item relating to section
23 5034 and inserting the following:

“Sec. 5034. Reports on program implementation.”.

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

3 (1) appropriations made available to carry out
4 the Water Infrastructure Finance and Innovation
5 Act of 2014 (33 U.S.C. 3901 et seq.) should be in
6 addition to robust funding for the State water pollu-
7 tion control revolving funds established under title
8 VI of the Federal Water Pollution Control Act (33
9 U.S.C. 1381 et seq.) and State drinking water treat-
10 ment revolving loan funds established under section
11 1452 of the Safe Drinking Water Act (42 U.S.C.
12 300j-12); and

13 (2) the appropriations made available for the
14 funds referred to in paragraph (1) should not de-
15 crease for any fiscal year.

16 **SEC. 7303. WATER INFRASTRUCTURE INVESTMENT TRUST**
17 **FUND.**

18 (a) CREATION OF TRUST FUND.—There is estab-
19 lished in the Treasury of the United States a trust fund
20 to be known as the “Water Infrastructure Investment
21 Trust Fund” (referred to in this section as the “Fund”),
22 consisting of such amounts as may be appropriated to or
23 deposited in such fund as provided in this section.

24 (b) TRANSFERS TO TRUST FUND.—The Secretary of
25 the Treasury (referred to in this section as the “Sec-

1 retary”) shall deposit in the Fund amounts equal to the
2 fees received before January 1, 2022, under subsection
3 (f)(2).

4 (c) EXPENDITURES.—Amounts in the Fund, includ-
5 ing interest earned and advances to the Fund and pro-
6 ceeds from investment under subsection (d), shall be avail-
7 able for expenditure, without further appropriation, as fol-
8 lows:

9 (1) 50 percent of the amounts shall be available
10 to the Administrator for making capitalization
11 grants under section 601 of the Federal Water Pol-
12 lution Control Act (33 U.S.C. 1381).

13 (2) 50 percent of the amounts shall be available
14 to the Administrator for making capitalization
15 grants under section 1452 of the Safe Drinking
16 Water Act (42 U.S.C. 300j–12).

17 (d) INVESTMENT.—Amounts in the Fund shall be in-
18 vested in accordance with section 9702 of title 31, United
19 States Code, and any interest on, and proceeds from, any
20 such investment shall be available for expenditure in ac-
21 cordance with this section.

22 (e) LIMITATION ON EXPENDITURES.—Amounts in
23 the Fund may not be made available for a fiscal year
24 under subsection (c) unless the sum of the funds appro-
25 priated to the Clean Water State Revolving Fund and the

1 Safe Drinking Water State Revolving Fund through an-
2 nual capitalization grants is not less than the average of
3 the sum of the annual amounts provided in capitalization
4 grants under section 601 of the Federal Water Pollution
5 Control Act (33 U.S.C. 1381) and section 1452 of the
6 Safe Drinking Water Act (42 U.S.C. 300j-12) for the 5-
7 fiscal-year period immediately preceding such fiscal year.

8 (f) VOLUNTARY LABELING SYSTEM.—

9 (1) IN GENERAL.—The Administrator, in con-
10 sultation with the Administrator of the Food and
11 Drug Administration, manufacturers, producers, and
12 importers, shall develop and implement a program
13 under which the Administrator provides a label de-
14 signed in consultation with manufacturers, pro-
15 ducers, and importers suitable for placement on
16 products to inform consumers that the manufac-
17 turer, producer, or importer of the product, and
18 other stakeholders, participates in the Fund.

19 (2) FEE.—The Administrator shall provide a
20 label for a fee of 3 cents per unit.

21 (g) EPA STUDY ON WATER PRICING.—

22 (1) STUDY.—The Administrator, with participa-
23 tion by the States, shall conduct a study to—

24 (A) assess the affordability gap faced by
25 low-income populations located in urban and

1 rural areas in obtaining services from clean
2 water and drinking water systems; and

3 (B) analyze options for programs to pro-
4 vide incentives for rate adjustments at the local
5 level to achieve “full cost” or “true value” prie-
6 ing for such services, while protecting low-in-
7 come ratepayers from undue burden.

8 (2) REPORT.—Not later than 180 days after
9 the date of enactment of this Act, the Administrator
10 shall submit to the Committee on the Environment
11 and Public Works of the Senate and the Committee
12 on Transportation and Infrastructure and the Com-
13 mittee on Energy and Commerce of the House of
14 Representatives a report on the results of the study.

15 **SEC. 7304. INNOVATIVE WATER TECHNOLOGY GRANT PRO-**
16 **GRAM.**

17 (a) DEFINITION OF ELIGIBLE ENTITY.—In this sec-
18 tion, the term “eligible entity” means—

19 (1) a public utility, including publicly owned
20 treatment works and clean water systems;

21 (2) a unit of local government, including a mu-
22 nicipality or a joint powers authority;

23 (3) a private entity, including a farmer or man-
24 ufacturer;

25 (4) an institution of higher education;

- 1 (5) a research institution or foundation;
- 2 (6) a State;
- 3 (7) a regional organization; or
- 4 (8) a nonprofit organization.

5 (b) GRANT PROGRAM AUTHORIZED.—The Adminis-
6 trator shall carry out a grant program for purposes de-
7 scribed in subsection (c) to accelerate the development of
8 innovative water technologies that address pressing water
9 challenges.

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

13 (1) finance projects to develop, deploy, test, and
14 improve emerging water technologies;

15 (2) fund entities that provide technical assist-
16 ance to deploy innovative water technologies more
17 broadly, especially—

18 (A) to increase adoption of innovative
19 water technologies in—

20 (i) municipal drinking water and
21 wastewater treatment systems;

22 (ii) areas served by private wells; or

23 (iii) water supply systems in arid
24 areas that are experiencing, or have re-

1 cently experienced, prolonged drought con-
2 ditions; and

3 (B) in a manner that reduces ratepayer or
4 community costs over time, including the cost
5 of future capital investments; or

6 (3) support technologies that, as determined by
7 the Administrator—

8 (A) improve water quality of a water
9 source;

10 (B) improve the safety and security of a
11 drinking water delivery system;

12 (C) minimize contamination of drinking
13 water and drinking water sources, including
14 contamination by lead, bacteria, chlorides, and
15 nitrates;

16 (D) improve the quality and timeliness and
17 decrease the cost of drinking water quality
18 tests, especially technologies that can be de-
19 ployed within water systems and at individual
20 faucets to provide accurate real-time tests of
21 water quality, especially with respect to lead,
22 bacteria, and nitrate content;

23 (E) increase water supplies in arid areas
24 that are experiencing, or have recently experi-
25 enced, prolonged drought conditions;

1 (F) treat edge-of-field runoff to improve
2 water quality;

3 (G) treat agricultural, municipal, and in-
4 dustrial wastewater;

5 (H) recycle or reuse water;

6 (I) manage urban storm water runoff;

7 (J) reduce sewer or stormwater overflows;

8 (K) conserve water;

9 (L) improve water quality by reducing sa-
10 linity;

11 (M) mitigate air quality impacts associated
12 with declining water resources; or

13 (N) address urgent water quality and
14 human health needs.

15 (d) PRIORITY FUNDING.—In making grants under
16 this section, the Administrator shall give priority to
17 projects that have the potential—

18 (1) to provide substantial cost savings across a
19 sector;

20 (2) to significantly improve human health or
21 the environment; or

22 (3) to provide additional water supplies with
23 minimal environmental impact.

1 (e) COST-SHARING.—The Federal share of the cost
2 of activities carried out using a grant made under this sec-
3 tion shall be not more than 65 percent.

4 (f) LIMITATION.—The maximum amount of a grant
5 provided to a project under this section shall be
6 \$5,000,000.

7 (g) REPORT.—Each year, the Administrator shall
8 submit to Congress and make publicly available on the
9 website of the Administrator a report that describes any
10 advancements during the previous year in development of
11 innovative water technologies made as a result of funding
12 provided under this section.

13 (h) AUTHORIZATION OF APPROPRIATIONS.—There is
14 authorized to be appropriated to carry out this section
15 \$50,000,000 for each fiscal year.

16 (i) FUNDING.—Out of any funds in the Treasury not
17 otherwise appropriated, the Secretary of the Treasury
18 shall transfer to the Administrator to provide grants to
19 eligible entities under this section \$10,000,000, to remain
20 available until expended.

21 **SEC. 7305. WATER RESOURCES RESEARCH ACT AMEND-**
22 **MENTS.**

23 (a) CONGRESSIONAL FINDINGS AND DECLARA-
24 TIONS.—Section 102 of the Water Resources Research
25 Act of 1984 (42 U.S.C. 10301) is amended—

1 (1) by redesignating paragraphs (7) through
2 (9) as paragraphs (8) through (10), respectively;

3 (2) in paragraph (8) (as so redesignated), by
4 striking “and” at the end; and

5 (3) by inserting after paragraph (6) the fol-
6 lowing:

7 “(7) additional research is required to increase
8 the effectiveness and efficiency of new and existing
9 treatment works through alternative approaches, in-
10 cluding—

11 “(A) nonstructural alternatives;

12 “(B) decentralized approaches;

13 “(C) water use efficiency and conservation;

14 and

15 “(D) actions to reduce energy consumption
16 or extract energy from wastewater;”.

17 (b) WATER RESOURCES RESEARCH AND TECH-
18 NOLOGY INSTITUTES.—Section 104 of the Water Re-
19 sources Research Act of 1984 (42 U.S.C. 10303) is
20 amended—

21 (1) in subsection (b)(1)—

22 (A) in subparagraph (B)(ii), by striking

23 “water-related phenomena” and inserting

24 “water resources”; and

1 (B) in subparagraph (D), by striking the
2 period at the end and inserting “; and”;

3 (2) in subsection (c)—

4 (A) by striking “From the” and inserting
5 the following:

6 “(1) IN GENERAL.—From the”; and

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

8 “(2) REPORT.—Not later than December 31 of
9 each fiscal year, the Secretary shall submit to the
10 Committee on Environment and Public Works of the
11 Senate, the Committee on the Budget of the Senate,
12 the Committee on Transportation and Infrastructure
13 of the House of Representatives, and the Committee
14 on the Budget of the House of Representatives a re-
15 port regarding the compliance of each funding re-
16 cipient with this subsection for the immediately pre-
17 ceding fiscal year.”;

18 (3) by striking subsection (e) and inserting the
19 following:

20 “(e) EVALUATION OF WATER RESOURCES RESEARCH
21 PROGRAM.—

22 “(1) IN GENERAL.—The Secretary shall con-
23 duct a careful and detailed evaluation of each insti-
24 tute at least once every 3 years to determine—

1 “(A) the quality and relevance of the water
2 resources research of the institute;

3 “(B) the effectiveness of the institute at
4 producing measured results and applied water
5 supply research; and

6 “(C) whether the effectiveness of the insti-
7 tute as an institution for planning, conducting,
8 and arranging for research warrants continued
9 support under this section.

10 “(2) PROHIBITION ON FURTHER SUPPORT.—If,
11 as a result of an evaluation under paragraph (1), the
12 Secretary determines that an institute does not qual-
13 ify for further support under this section, no further
14 grants to the institute may be provided until the
15 qualifications of the institute are reestablished to the
16 satisfaction of the Secretary.”;

17 (4) in subsection (f)(1), by striking
18 “\$12,000,000 for each of fiscal years 2007 through
19 2011” and inserting “\$7,500,000 for each of fiscal
20 years 2017 through 2021”; and

21 (5) in subsection (g)(1), in the first sentence,
22 by striking “\$6,000,000 for each of fiscal years
23 2007 through 2011” and inserting “\$1,500,000 for
24 each of fiscal years 2017 through 2021”.

1 **SEC. 7306. REAUTHORIZATION OF WATER DESALINATION**
2 **ACT OF 1996.**

3 (a) AUTHORIZATION OF RESEARCH AND STUDIES.—
4 Section 3 of the Water Desalination Act of 1996 (42
5 U.S.C. 10301 note; Public Law 104–298) is amended—

6 (1) in subsection (a)—

7 (A) in paragraph (6), by striking “and” at
8 the end;

9 (B) in paragraph (7), by striking the pe-
10 riod at the end and inserting a semicolon; and

11 (C) by adding at the end the following:

12 “(8) development of metrics to analyze the
13 costs and benefits of desalination relative to other
14 sources of water (including costs and benefits related
15 to associated infrastructure, energy use, environ-
16 mental impacts, and diversification of water sup-
17 plies); and

18 “(9) development of design and siting specifica-
19 tions that avoid, minimize, or offset adverse social,
20 economic, and environmental impacts.”; and

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

22 “(e) PRIORITIZATION.—In carrying out this section,
23 the Secretary shall prioritize funding for research—

24 “(1) to reduce energy consumption and lower
25 the cost of desalination, including chloride control;

1 “(2) to reduce the environmental impacts of
2 seawater desalination and develop technology and
3 strategies to minimize those impacts;

4 “(3) to improve existing reverse osmosis and
5 membrane technology;

6 “(4) to carry out basic and applied research on
7 next generation desalination technologies, including
8 improved energy recovery systems and renewable en-
9 ergy-powered desalination systems that could signifi-
10 cantly reduce desalination costs;

11 “(5) to develop portable or modular desalina-
12 tion units capable of providing temporary emergency
13 water supplies for domestic or military deployment
14 purposes; and

15 “(6) to develop and promote innovative desali-
16 nation technologies, including chloride control, iden-
17 tified by the Secretary.”.

18 (b) DESALINATION DEMONSTRATION AND DEVELOP-
19 MENT.—Section 4 of the Water Desalination Act of 1996
20 (42 U.S.C. 10301 note; Public Law 104–298) is amended
21 by adding at the end the following:

22 “(c) PRIORITIZATION.—In carrying out demonstra-
23 tion and development activities under this section, the Sec-
24 retary shall prioritize projects—

1 “(1) in drought-stricken States and commu-
2 nities;

3 “(2) in States that have authorized funding for
4 research and development of desalination tech-
5 nologies and projects;

6 “(3) that can reduce reliance on imported water
7 supplies that have an impact on species listed under
8 the Endangered Species Act of 1973 (16 U.S.C.
9 1531 et seq.); and

10 “(4) that demonstrably leverage the experience
11 of international partners with considerable expertise
12 in desalination, such as the State of Israel.”.

13 (c) AUTHORIZATION OF APPROPRIATIONS.—Section
14 8 of the Water Desalination Act of 1996 (42 U.S.C. 10301
15 note; Public Law 104–298) is amended—

16 (1) in the first sentence of subsection (a)—

17 (A) by striking “\$5,000,000” and inserting
18 “\$8,000,000”; and

19 (B) by striking “2013” and inserting
20 “2021”; and

21 (2) in subsection (b), by striking “for each of
22 fiscal years 2012 through 2013” and inserting “for
23 each of fiscal years 2017 through 2021”.

1 (d) CONSULTATION.—Section 9 of the Water Desali-
2 nation Act of 1996 (42 U.S.C. 10301 note; Public Law
3 104–298) is amended—

4 (1) by striking the section designation and
5 heading and all that follows through “In carrying
6 out” in the first sentence and inserting the fol-
7 lowing:

8 **“SEC. 9. CONSULTATION AND COORDINATION.**

9 “(a) CONSULTATION.—In carrying out”;

10 (2) in the second sentence, by striking “The au-
11 thorization” and inserting the following:

12 “(c) OTHER DESALINATION PROGRAMS.—The au-
13 thorization”; and

14 (3) by inserting after subsection (a) (as des-
15 ignated by paragraph (1)) the following:

16 “(b) COORDINATION OF FEDERAL DESALINATION
17 RESEARCH AND DEVELOPMENT.—The White House Of-
18 fice of Science and Technology Policy shall develop a co-
19 ordinated strategic plan that—

20 “(1) establishes priorities for future Federal in-
21 vestments in desalination;

22 “(2) coordinates the activities of Federal agen-
23 cies involved in desalination, including the Bureau of
24 Reclamation, the Corps of Engineers, the United
25 States Army Tank Automotive Research, Develop-

1 ment and Engineering Center, the National Science
2 Foundation, the Office of Naval Research of the De-
3 partment of Defense, the National Laboratories of
4 the Department of Energy, the United States Geo-
5 logical Survey, the Environmental Protection Agen-
6 cy, and the National Oceanic and Atmospheric Ad-
7 ministration;

8 “(3) strengthens research and development co-
9 operation with international partners, such as the
10 State of Israel, in the area of desalination tech-
11 nology; and

12 “(4) promotes public-private partnerships to de-
13 velop a framework for assessing needs for, and to
14 optimize siting and design of, future ocean desalina-
15 tion projects.”.

16 **SEC. 7307. NATIONAL DROUGHT RESILIENCE GUIDELINES.**

17 (a) IN GENERAL.—The Administrator, in conjunction
18 with the Secretary of the Interior, the Secretary of Agri-
19 culture, the Director of the National Oceanic and Atmos-
20 pheric Administration, and other appropriate Federal
21 agency heads along with State and local governments,
22 shall develop nonregulatory national drought resilience
23 guidelines relating to drought preparedness planning and
24 investments for communities, water utilities, and other
25 water users and providers.

1 (b) CONSULTATION.—In developing the national
2 drought resilience guidelines, the Administrator and other
3 Federal agency heads referred to in subsection (a) shall
4 consult with—

- 5 (1) State and local governments;
- 6 (2) water utilities;
- 7 (3) scientists;
- 8 (4) institutions of higher education;
- 9 (5) relevant private entities; and
- 10 (6) other stakeholders.

11 (c) CONTENTS.—The national drought resilience
12 guidelines developed under this section shall, to the max-
13 imum extent practicable, provide recommendations for a
14 period of 10 years that—

15 (1) address a broad range of potential actions,
16 including—

17 (A) analysis of the impacts of the changing
18 frequency and duration of drought on the fu-
19 ture effectiveness of water management tools;

20 (B) the identification of drought-related
21 water management challenges in a broad range
22 of fields, including—

23 (i) public health and safety;

24 (ii) municipal and industrial water
25 supply;

1 (iii) agricultural water supply;

2 (iv) water quality;

3 (v) ecosystem health; and

4 (vi) water supply planning;

5 (C) water management tools to reduce
6 drought-related impacts, including—

7 (i) water use efficiency through gal-
8 lons per capita reduction goals, appliance
9 efficiency standards, water pricing incen-
10 tives, and other measures;

11 (ii) water recycling;

12 (iii) groundwater clean-up and stor-
13 age;

14 (iv) new technologies, such as behav-
15 ioral water efficiency; and

16 (v) stormwater capture and reuse;

17 (D) water-related energy and greenhouse
18 gas reduction strategies; and

19 (E) public education and engagement; and

20 (2) include recommendations relating to the
21 processes that Federal, State, and local governments
22 and water utilities should consider when developing
23 drought resilience preparedness and plans, includ-
24 ing—

25 (A) the establishment of planning goals;

1 (B) the evaluation of institutional capacity;

2 (C) the assessment of drought-related risks
3 and vulnerabilities, including the integration of
4 climate-related impacts;

5 (D) the establishment of a development
6 process, including an evaluation of the cost-ef-
7 fectiveness of potential strategies;

8 (E) the inclusion of private entities, tech-
9 nical advisors, and other stakeholders in the de-
10 velopment process;

11 (F) implementation and financing issues;
12 and

13 (G) evaluation of the plan, including any
14 updates to the plan.

15 **SEC. 7308. INNOVATION IN STATE WATER POLLUTION CON-**
16 **TROL REVOLVING LOAN FUNDS.**

17 (a) IN GENERAL.—Subsection (j)(1)(B) (as redesign-
18 nated by section 7202(b)(1)(A)(ii)) of section 603 of the
19 Federal Water Pollution Control Act (33 U.S.C. 1383) is
20 amended—

21 (1) in clause (iii), by striking “or” at the end;

22 (2) in clause (iv), by striking the period at the
23 end and inserting “; or”; and

24 (3) by adding at the end the following:

1 “(v) to encourage the use of innova-
2 tive water technologies related to any of
3 the issues identified in clauses (i) through
4 (iv) or, as determined by the State, any
5 other eligible project and activity eligible
6 for assistance under subsection (c)”.

7 (b) INNOVATIVE WATER TECHNOLOGIES.—Section
8 603 of the Federal Water Pollution Control Act (33
9 U.S.C. 1383) (as amended by section 7202(b)(1)) is
10 amended by adding at the end the following:

11 “(k) TECHNICAL ASSISTANCE.—The Administrator
12 may provide technical assistance to facilitate and encour-
13 age the provision of financial assistance for innovative
14 water technologies.

15 “(l) REPORT.—Not later than 1 year after the date
16 of enactment of the Water Resources Development Act of
17 2016, and not less frequently than every 5 years there-
18 after, the Administrator shall submit to Congress a report
19 that describes—

20 “(1) the amount of financial assistance pro-
21 vided by State water pollution control revolving
22 funds to deploy innovative water technologies;

23 “(2) the barriers impacting greater use of inno-
24 vative water technologies; and

1 “(3) the cost-saving potential to cities and fu-
2 ture infrastructure investments from emerging tech-
3 nologies.”.

4 **SEC. 7309. INNOVATION IN DRINKING WATER STATE RE-**
5 **VOLVING LOAN FUNDS.**

6 Section 1452 of the Safe Drinking Water Act (42
7 U.S.C. 300j-12) (as amended by section 7105) is amend-
8 ed—

9 (1) in subsection (d)—

10 (A) by striking the heading and inserting
11 “ADDITIONAL ASSISTANCE.—”;

12 (B) in paragraph (1)—

13 (i) by striking “Notwithstanding” and
14 inserting the following:

15 “(A) IN GENERAL.—Notwithstanding”;

16 and

17 (ii) by adding at the end the fol-
18 lowing:

19 “(B) INNOVATIVE WATER TECHNOLOGY.—

20 Notwithstanding any other provision of this sec-
21 tion, in the case of a State that makes a loan
22 under subsection (a)(2) to carry out an eligible
23 activity through the use of an innovative water
24 technology (including technologies to improve
25 water treatment to ensure compliance with this

1 title and technologies to identify and mitigate
2 sources of drinking water contamination, in-
3 cluding lead contamination), the State may pro-
4 vide additional subsidization, including forgive-
5 ness of principal that is not more than 50 per-
6 cent of the cost of the portion of the project as-
7 sociated with the innovative technology.”;

8 (C) in paragraph (2)—

9 (i) by striking “For each fiscal year”
10 and inserting the following:

11 “(A) IN GENERAL.—For each fiscal year”;

12 and

13 (ii) by adding at the end the fol-
14 lowing:

15 “(B) INNOVATIVE WATER TECHNOLOGY.—

16 For each fiscal year, not more than 20 percent
17 of the loan subsidies that may be made by a
18 State under paragraph (1) may be used to pro-
19 vide additional subsidization under subpara-
20 graph (B) of that paragraph.”; and

21 (D) in paragraph (3), in the first sentence,
22 by inserting “, or portion of a service area,”
23 after “service area”; and

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

1 “(t) TECHNICAL ASSISTANCE.—The Administrator
2 may provide technical assistance to facilitate and encour-
3 age the provision of financial assistance for the deploy-
4 ment of innovative water technologies.

5 “(u) REPORT.—Not later than 1 year after the date
6 of enactment of the Water Resources Development Act of
7 2016, and not less frequently than every 5 years there-
8 after, the Administrator shall submit to Congress a report
9 that describes—

10 “(1) the amount of financial assistance pro-
11 vided by State loan funds to deploy innovative water
12 technologies;

13 “(2) the barriers impacting greater use of inno-
14 vative water technologies; and

15 “(3) the cost-saving potential to cities and fu-
16 ture infrastructure investments from emerging tech-
17 nologies.”.

18 **Subtitle D—Drinking Water Dis-**
19 **aster Relief and Infrastructure**
20 **Investments**

21 **SEC. 7401. DRINKING WATER INFRASTRUCTURE.**

22 (a) DEFINITIONS.—In this section:

23 (1) ELIGIBLE STATE.—The term “eligible
24 State” means a State for which the President has
25 declared an emergency under the Robert T. Stafford

1 Disaster Relief and Emergency Assistance Act (42
2 U.S.C. 5121 et seq.) relating to the public health
3 threats associated with the presence of lead or other
4 contaminants in a public drinking water supply sys-
5 tem.

6 (2) ELIGIBLE SYSTEM.—The term “eligible sys-
7 tem” means a public drinking water supply system
8 that has been the subject of an emergency declara-
9 tion referred to in paragraph (1).

10 (b) STATE REVOLVING LOAN FUND ASSISTANCE.—

11 (1) IN GENERAL.—An eligible system shall be—

12 (A) considered to be a disadvantaged com-
13 munity under section 1452(d) of the Safe
14 Drinking Water Act (42 U.S.C. 300j–12(d));
15 and

16 (B) eligible to receive loans with additional
17 subsidization under that Act (42 U.S.C. 300f et
18 seq.), including forgiveness of principal under
19 section 1452(d)(1) of that Act (42 U.S.C.
20 300j–12(d)(1)).

21 (2) AUTHORIZATION.—

22 (A) IN GENERAL.—Using funds provided
23 under subsection (e)(1)(A), an eligible State
24 may provide assistance to an eligible system
25 within the eligible State, for the purpose of ad-

1 dressing lead or other contaminants in drinking
2 water, including repair and replacement of pub-
3 lic and private drinking water infrastructure.

4 (B) INCLUSION.—Assistance provided
5 under subparagraph (A) may include additional
6 subsidization under the Safe Drinking Water
7 Act (42 U.S.C. 300f et seq.), as described in
8 paragraph (1)(B).

9 (C) EXCLUSION.—Assistance provided
10 under subparagraph (A) shall not include as-
11 sistance for a project that is financed (directly
12 or indirectly), in whole or in part, with proceeds
13 of any obligation issued after the date of enact-
14 ment of this Act—

15 (i) the interest of which is exempt
16 from the tax imposed under chapter 1 of
17 the Internal Revenue Code of 1986; or

18 (ii) with respect to which credit is al-
19 lowable under subpart I or J of part IV of
20 subchapter A of chapter 1 of such Code.

21 (3) LIMITATION.—Section 1452(d)(2) of the
22 Safe Drinking Water Act (42 U.S.C. 300j-12(d)(2))
23 shall not apply to—

24 (A) any funds provided under subsection
25 (e)(1)(A); or

1 (B) any other loan provided to an eligible
2 system.

3 (c) WATER INFRASTRUCTURE FINANCING.—

4 (1) SECURED LOANS.—

5 (A) IN GENERAL.—Using funds provided
6 under subsection (e)(2)(A), the Administrator
7 may make a secured loan under the Water In-
8 frastructure Finance and Innovation Act of
9 2014 (33 U.S.C. 3901 et seq.) to—

10 (i) an eligible State to carry out a
11 project eligible under paragraphs (2)
12 through (9) of section 5026 of that Act
13 (33 U.S.C. 3905) to address lead or other
14 contaminants in drinking water in an eligi-
15 ble system, including repair and replace-
16 ment of public and private drinking water
17 infrastructure; and

18 (ii) any eligible entity under section
19 5025 of that Act (33 U.S.C. 3904) for a
20 project eligible under paragraphs (2)
21 through (9) of section 5026 of that Act
22 (33 U.S.C. 3905).

23 (B) AMOUNT.—Notwithstanding section
24 5029(b)(2) of the Water Infrastructure Finance
25 and Innovation Act of 2014 (33 U.S.C.

1 3908(b)(2)), the amount of a secured loan pro-
2 vided under subparagraph (A)(i) may be equal
3 to not more than 80 percent of the reasonably
4 anticipated costs of the projects.

5 (2) FEDERAL INVOLVEMENT.—Notwithstanding
6 section 5029(b)(9) of the Water Infrastructure Fi-
7 nance and Innovation Act of 2014 (33 U.S.C.
8 3908(b)(9)), any costs for a project to address lead
9 or other contaminants in drinking water in an eligi-
10 ble system that are not covered by a secured loan
11 under paragraph (1) may be covered using amounts
12 in the State revolving loan fund under section 1452
13 of the Safe Drinking Water Act (42 U.S.C. 300j-
14 12).

15 (d) NONDUPLICATION OF WORK.—An activity car-
16 ried out pursuant to this section shall not duplicate the
17 work or activity of any other Federal or State department
18 or agency.

19 (e) FUNDING.—

20 (1) ADDITIONAL DRINKING WATER STATE RE-
21 VOLVING FUND CAPITALIZATION GRANTS.—

22 (A) IN GENERAL.—The Secretary of the
23 Treasury shall make available to the Adminis-
24 trator a total of \$100,000,000 to provide addi-
25 tional grants to eligible States pursuant to sec-

1 tion 1452 of the Safe Drinking Water Act (42
2 U.S.C. 300j–12), to be available for a period of
3 18 months beginning on the date on which the
4 funds are made available, for the purposes de-
5 scribed in subsection (b)(2), and after the end
6 of the 18-month period, until expended for the
7 purposes described in subparagraph (C).

8 (B) SUPPLEMENTED INTENDED USE
9 PLANS.—From funds made available under sub-
10 paragraph (A), the Administrator shall obligate
11 to an eligible State such amounts as are nec-
12 essary to meet the needs identified in a supple-
13 mented intended use plan by not later than 30
14 days after the date on which the eligible State
15 submits to the Administrator a supplemented
16 intended use plan under section 1452(b) of the
17 Safe Drinking Water Act (42 U.S.C. 300j–
18 12(b)) that includes preapplication information
19 regarding projects to be funded using the addi-
20 tional assistance, including, with respect to each
21 such project—

22 (i) a description of the project;

23 (ii) an explanation of the means by
24 which the project will address a situation

1 causing a declared emergency in the eligi-
2 ble State;

3 (iii) the estimated cost of the project;

4 and

5 (iv) the projected start date for con-
6 struction of the project.

7 (C) UNOBLIGATED AMOUNTS.—Of any
8 amounts made available to the Administrator
9 under subparagraph (A) that are unobligated
10 on the date that is 18 months after the date on
11 which the amounts are made available—

12 (i) 50 percent shall be available to
13 provide additional grants under section
14 1459A of the Safe Drinking Water Act (as
15 added by section 7106); and

16 (ii) 50 percent shall be available to
17 provide additional grants under section
18 1459B of the Safe Drinking Water Act (as
19 added by section 7107).

20 (D) APPLICABILITY.—Section 1452(b)(1)
21 of the Safe Drinking Water Act (42 U.S.C.
22 300j–12(b)(1)) shall not apply to a supplement
23 to an intended use plan under subparagraph
24 (B).

25 (2) WIFIA FUNDING.—

1 (A) IN GENERAL.—As soon as practicable
2 after the date of enactment of this Act, the Sec-
3 retary of the Treasury shall make available to
4 the Administrator \$70,000,000 to provide cred-
5 it subsidies, in consultation with the Director of
6 the Office of Management and Budget, for se-
7 cured loans under subsection (c)(1)(A) with a
8 goal of providing secured loans totaling at least
9 \$700,000,000.

10 (B) USE.—Secured loans provided pursu-
11 ant to subparagraph (A) shall be available to
12 carry out activities described in subsection
13 (c)(1)(A).

14 (C) EXCLUSION.—Of the amounts made
15 available under subparagraph (A), \$20,000,000
16 shall not be used to provide assistance for a
17 project that is financed (directly or indirectly),
18 in whole or in part, with proceeds of any obliga-
19 tion issued after the date of enactment of this
20 Act—

21 (i) the interest of which is exempt
22 from the tax imposed under chapter 1 of
23 the Internal Revenue Code of 1986; or

1 (ii) with respect to which credit is al-
2 lowable under subpart I or J of part IV of
3 subchapter A of chapter 1 of such Code.

4 (3) APPLICABILITY.—Unless explicitly waived,
5 all requirements under the Safe Drinking Water Act
6 (42 U.S.C. 300f et seq.) and the Water Infrastruc-
7 ture Finance and Innovation Act of 2014 (33 U.S.C.
8 3901 et seq.) shall apply to funding provided under
9 this subsection.

10 (f) HEALTH EFFECTS EVALUATION.—

11 (1) IN GENERAL.—Pursuant to section
12 104(i)(1)(E) of the Comprehensive Environmental
13 Response, Compensation, and Liability Act (42
14 U.S.C. 9604(i)(1)(E)), and on receipt of a request
15 of an appropriate State or local health official of an
16 eligible State, the Director of the Agency for Toxic
17 Substances and Disease Registry of the National
18 Center for Environmental Health shall in coordina-
19 tion with other agencies, as appropriate, conduct vol-
20 untary surveillance activities to evaluate any adverse
21 health effects on individuals exposed to lead from
22 drinking water in the affected communities.

23 (2) CONSULTATIONS.—Pursuant to section
24 104(i)(4) of the Comprehensive Environmental Re-
25 sponse, Compensation, and Liability Act (42 U.S.C.

1 9604(i)(4)), and on receipt of a request of an appro-
2 priate State or local health official of an eligible
3 State, the Director of the Agency for Toxic Sub-
4 stances and Disease Registry of the National Center
5 for Environmental Health shall provide consultations
6 regarding health issues described in paragraph (1).

7 **SEC. 7402. LOAN FORGIVENESS.**

8 The matter under the heading “STATE AND TRIBAL
9 ASSISTANCE GRANTS” under the heading “ENVIRON-
10 MENTAL PROTECTION AGENCY” in title II of divi-
11 sion G of the Consolidated Appropriations Act, 2016
12 (Public Law 114–113), is amended in paragraph (1), by
13 striking the semicolon at the end and inserting the fol-
14 lowing: “or, if a Federal or State emergency declaration
15 has been issued due to a threat to public health from
16 heightened exposure to lead in a municipal drinking water
17 supply, before the date of enactment of this Act: *Provided*
18 *further*, That in a State in which such an emergency dec-
19 laration has been issued, the State may use more than
20 20 percent of the funds made available under this title
21 to the State for Drinking Water State Revolving Fund
22 capitalization grants to provide additional subsidy to eligi-
23 ble recipients;”.

1 **SEC. 7403. REGISTRY FOR LEAD EXPOSURE AND ADVISORY**
2 **COMMITTEE.**

3 (a) DEFINITIONS.—In this section:

4 (1) CITY.—The term “City” means a city ex-
5 posed to lead contamination in the local drinking
6 water system.

7 (2) COMMITTEE.—The term “Committee”
8 means the Advisory Committee established under
9 subsection (c).

10 (3) SECRETARY.—The term “Secretary” means
11 the Secretary of Health and Human Services.

12 (b) LEAD EXPOSURE REGISTRY.—The Secretary
13 shall establish within the Agency for Toxic Substances and
14 Disease Registry or another relevant agency at the discre-
15 tion of the Secretary, or establish through a grant award
16 or contract, a lead exposure registry to collect data on the
17 lead exposure of residents of a City on a voluntary basis.

18 (c) ADVISORY COMMITTEE.—

19 (1) MEMBERSHIP.—

20 (A) IN GENERAL.—The Secretary shall es-
21 tablish an Advisory Committee in coordination
22 with the Director of the Centers for Disease
23 Control and Prevention and other relevant
24 agencies as determined by the Secretary con-
25 sisting of Federal members and non-Federal
26 members, and which shall include—

- 1 (i) an epidemiologist;
- 2 (ii) a toxicologist;
- 3 (iii) a mental health professional;
- 4 (iv) a pediatrician;
- 5 (v) an early childhood education ex-
- 6 pert;
- 7 (vi) a special education expert;
- 8 (vii) a dietician; and
- 9 (viii) an environmental health expert.

10 (B) REQUIREMENTS.—Membership in the
11 Committee shall not exceed 15 members and
12 not less than $\frac{1}{2}$ of the members shall be Fed-
13 eral members.

14 (2) CHAIR.—The Secretary shall designate a
15 chair from among the Federal members appointed to
16 the Committee.

17 (3) TERMS.—Members of the Committee shall
18 serve for a term of not more than 3 years and the
19 Secretary may reappoint members for consecutive
20 terms.

21 (4) APPLICATION OF FACA.—The Committee
22 shall be subject to the Federal Advisory Committee
23 Act (5 U.S.C. App.).

24 (5) RESPONSIBILITIES.—The Committee shall,
25 at a minimum—

1 (A) review the Federal programs and serv-
2 ices available to individuals and communities
3 exposed to lead;

4 (B) review current research on lead poi-
5 soning to identify additional research needs;

6 (C) review and identify best practices, or
7 the need for best practices, regarding lead
8 screening and the prevention of lead poisoning;

9 (D) identify effective services, including
10 services relating to healthcare, education, and
11 nutrition for individuals and communities af-
12 fected by lead exposure and lead poisoning, in-
13 cluding in consultation with, as appropriate, the
14 lead exposure registry as established in sub-
15 section (b); and

16 (E) undertake any other review or activi-
17 ties that the Secretary determines to be appro-
18 priate.

19 (6) REPORT.—Annually for 5 years and there-
20 after as determined necessary by the Secretary or as
21 required by Congress, the Committee shall submit to
22 the Secretary, the Committees on Finance, Health,
23 Education, Labor, and Pensions, and Agriculture,
24 Nutrition, and Forestry of the Senate and the Com-
25 mittees on Education and the Workforce, Energy

1 and Commerce, and Agriculture of the House of
2 Representatives a report that includes—

3 (A) an evaluation of the effectiveness of
4 the Federal programs and services available to
5 individuals and communities exposed to lead;

6 (B) an evaluation of additional lead poi-
7 soning research needs;

8 (C) an assessment of any effective screen-
9 ing methods or best practices used or developed
10 to prevent or screen for lead poisoning;

11 (D) input and recommendations for im-
12 proved access to effective services relating to
13 healthcare, education, or nutrition for individ-
14 uals and communities impacted by lead expo-
15 sure; and

16 (E) any other recommendations for com-
17 munities affected by lead exposure, as appro-
18 priate.

19 (d) MANDATORY FUNDING.—

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 Secretary, to be available during
24 the period of fiscal years 2016 through 2020—

1 (A) \$17,500,000 to carry out subsection
2 (b); and

3 (B) \$2,500,000 to carry out subsection (c).

4 (2) RECEIPT AND ACCEPTANCE.—The Sec-
5 retary shall be entitled to receive, shall accept, and
6 shall use to carry out subsections (b) and (c) the
7 funds transferred under subparagraphs (A) and (B)
8 of paragraph (1), respectively, without further ap-
9 propriation.

10 **SEC. 7404. ADDITIONAL FUNDING FOR CERTAIN CHILD-**
11 **HOOD HEALTH PROGRAMS.**

12 (a) CHILDHOOD LEAD POISONING PREVENTION
13 PROGRAM.—

14 (1) IN GENERAL.—On the date of enactment of
15 this Act, out of any funds in the Treasury not other-
16 wise appropriated, the Secretary of the Treasury
17 shall transfer to the Director of the Centers for Dis-
18 ease Control and Prevention, to be available during
19 the period of fiscal years 2017 and 2018,
20 \$10,000,000 for the childhood lead poisoning pre-
21 vention program authorized under section 317A of
22 the Public Health Service Act (42 U.S.C. 247b–1).

23 (2) RECEIPT AND ACCEPTANCE.—The Director
24 of the Centers for Disease Control and Prevention
25 shall be entitled to receive, shall accept, and shall

1 use to carry out the childhood lead poisoning preven-
2 tion program authorized under section 317A of the
3 Public Health Service Act (42 U.S.C. 247b-1) the
4 funds transferred under paragraph (1), without fur-
5 ther appropriation.

6 (b) HEALTHY HOMES PROGRAM.—

7 (1) IN GENERAL.—On the date of enactment of
8 this Act, out of any funds in the Treasury not other-
9 wise appropriated, the Secretary of the Treasury
10 shall transfer to the Secretary of Housing and
11 Urban Development, to be available during the pe-
12 riod of fiscal years 2017 and 2018, \$10,000,000 to
13 carry out the Healthy Homes Initiative of the De-
14 partment of Housing and Urban Development.

15 (2) RECEIPT AND ACCEPTANCE.—The Sec-
16 retary of Housing and Urban Development shall be
17 entitled to receive, shall accept, and shall use to
18 carry out the Healthy Homes Initiative of the De-
19 partment of Housing and Urban Development the
20 funds transferred under paragraph (1), without fur-
21 ther appropriation.

22 (c) HEALTHY START PROGRAM.—

23 (1) IN GENERAL.—On the date of enactment of
24 this Act, out of any funds in the Treasury not other-
25 wise appropriated, the Secretary of the Treasury

1 shall transfer to the Administrator of the Health Re-
2 sources and Services Administration, to be available
3 during the period of fiscal years 2017 and 2018,
4 \$10,000,000 to carry out the Healthy Start Initia-
5 tive under section 330H of the Public Health Serv-
6 ice Act (42 U.S.C. 254c-8).

7 (2) RECEIPT AND ACCEPTANCE.—The Adminis-
8 trator of the Health Resources and Services Admin-
9 istration shall be entitled to receive, shall accept,
10 and shall use to carry out the Healthy Start Initia-
11 tive under section 330H of the Public Health Serv-
12 ice Act (42 U.S.C. 254c-8) the funds transferred
13 under paragraph (1), without further appropriation.

14 **SEC. 7405. REVIEW AND REPORT.**

15 (a) IN GENERAL.—Not later than 1 year after the
16 date of enactment of this Act, the Attorney General and
17 the Inspector General of the Environmental Protection
18 Agency shall submit to the Committees on Appropriations,
19 Environment and Public Works, and Homeland Security
20 and Governmental Affairs of the Senate and the Commit-
21 tees on Appropriations, Energy and Commerce, Transpor-
22 tation and Infrastructure, and Oversight and Government
23 Reform of the House of Representatives a report on the
24 status of any ongoing investigations into the Federal and

1 State response to the contamination of the drinking water
2 supply of the City of Flint, Michigan.

3 (b) REVIEW.—Not later than 30 days after the com-
4 pletion of the investigations described in subsection (a),
5 the Comptroller General of the United States shall com-
6 mence a review of issues that are not addressed by the
7 investigations and relating to—

8 (1) the adequacy of the response by the State
9 of Michigan and the City of Flint to the drinking
10 water crisis in Flint, Michigan, including the timeli-
11 ness and transparency of the response, as well as the
12 capacity of the State and City to manage the drink-
13 ing water system; and

14 (2) the adequacy of the response by Region 5
15 of the Environmental Protection Agency to the
16 drinking water crisis in Flint, Michigan, including
17 the timeliness and transparency of the response.

18 (c) CONTENTS OF REPORT.—Not later than 1 year
19 after commencing each review under subsection (b), the
20 Comptroller General of the United States shall submit to
21 Congress a report that includes—

22 (1) a statement of the principal findings of the
23 review; and

1 (2) recommendations for Congress and the
2 President to take any actions to prevent a similar
3 situation in the future and to protect public health.

4 **Subtitle E—Report on**
5 **Groundwater Contamination**

6 **SEC. 7501. DEFINITIONS.**

7 In this subtitle:

8 (1) **COMPREHENSIVE STRATEGY.**—The term
9 “comprehensive strategy” means a plan for—

10 (A) the remediation of the plume under the
11 Comprehensive Environmental Response, Com-
12 pensation, and Liability Act of 1980 (42 U.S.C.
13 9601 et seq.); or

14 (B) corrective action under the Solid
15 Waste Disposal Act (42 U.S.C. 6901 et seq.).

16 (2) **GROUNDWATER.**—The term “groundwater”
17 means water in a saturated zone or stratum beneath
18 the surface of land or water.

19 (3) **PLUME.**—The term “plume” means any
20 hazardous waste (as defined in section 1004 of the
21 Solid Waste Disposal Act (42 U.S.C. 6903)) or haz-
22 ardous substance (as defined in section 101 of the
23 Comprehensive Environmental Response, Compensa-
24 tion, and Liability Act of 1980 (42 U.S.C. 9601))
25 found in the groundwater supply.

1 (4) SITE.—The term “site” means the site lo-
2 cated at 830 South Oyster Bay Road, Bethpage,
3 New York, 11714 (Environmental Protection Agency
4 identification number NYD002047967).

5 **SEC. 7502. REPORT ON GROUNDWATER CONTAMINATION.**

6 Not later than 180 days after the date of enactment
7 of this Act and annually thereafter, the Secretary of the
8 Navy shall submit to Congress a report on the ground-
9 water contamination from the site that includes—

10 (1) a description of the status of the ground-
11 water contaminants that are leaving the site and mi-
12 grating to a location within a 10-mile radius of the
13 site, including—

14 (A) detailed mapping of the movement of
15 the plume over time; and

16 (B) projected migration rates of the plume;

17 (2) an analysis of the current and future im-
18 pact of the movement of the plume on drinking
19 water facilities; and

20 (3) a comprehensive strategy to prevent the
21 groundwater contaminants from the site from con-
22 taminating drinking water wells that, as of the date
23 of the submission of the report, have not been af-
24 fected by the migration of the plume.

1 **Subtitle F—Restoration**
2 **PART I—GREAT LAKES RESTORATION INITIATIVE**

3 **SEC. 7611. GREAT LAKES RESTORATION INITIATIVE.**

4 Section 118(c) of the Federal Water Pollution Con-
5 trol Act (33 U.S.C. 1268(c)) is amended by striking para-
6 graph (7) and inserting the following:

7 “(7) GREAT LAKES RESTORATION INITIA-
8 TIVE.—

9 “(A) ESTABLISHMENT.—There is estab-
10 lished in the Agency a Great Lakes Restoration
11 Initiative (referred to in this paragraph as the
12 ‘Initiative’) to carry out programs and projects
13 for Great Lakes protection and restoration.

14 “(B) FOCUS AREAS.—Each fiscal year
15 under a 5-year Initiative Action Plan, the Ini-
16 tiative shall prioritize programs and projects,
17 carried out in coordination with non-Federal
18 partners, that address priority areas, such as—

19 “(i) the remediation of toxic sub-
20 stances and areas of concern;

21 “(ii) the prevention and control of
22 invasive species and the impacts of invasive
23 species;

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;

1 “(14) at the 2011 and 2012 Lake Tahoe Fo-
2 rums, Senator Reid, Senator Feinstein, Senator
3 Heller, Senator Ensign, Governor Gibbons, Governor
4 Sandoval, and Governor Brown—

5 “(A) renewed their commitment to Lake
6 Tahoe; and

7 “(B) expressed their desire to fund the
8 Federal and State shares of the Environmental
9 Improvement Program through 2022;

10 “(15) since 1997, the Federal Government, the
11 States of California and Nevada, units of local gov-
12 ernment, and the private sector have contributed
13 more than \$1,955,500,000 to the Lake Tahoe
14 Basin, including—

15 “(A) \$635,400,000 from the Federal Gov-
16 ernment;

17 “(B) \$758,600,000 from the State of Cali-
18 fornia;

19 “(C) \$123,700,000 from the State of Ne-
20 vada;

21 “(D) \$98,900,000 from units of local gov-
22 ernment; and

23 “(E) \$338,900,000 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;

1 “(2) to ensure that Federal, State, local, re-
2 gional, tribal, and private entities continue to work
3 together to manage land in the Lake Tahoe Basin;

4 “(3) to support local governments in efforts re-
5 lated to environmental restoration, stormwater pollu-
6 tion control, fire risk reduction, and forest manage-
7 ment activities; and

8 “(4) to ensure that agency and science commu-
9 nity representatives in the Lake Tahoe Basin work
10 together—

11 “(A) to develop and implement a plan for
12 integrated monitoring, assessment, and applied
13 research to evaluate the effectiveness of the En-
14 vironmental Improvement Program; and

15 “(B) to provide objective information as a
16 basis for ongoing decisionmaking, with an em-
17 phasis on decisionmaking relating to resource
18 management in the Lake Tahoe Basin.”.

19 **SEC. 7622. DEFINITIONS.**

20 The Lake Tahoe Restoration Act (Public Law 106–
21 506; 114 Stat. 2351) is amended by striking section 3
22 and inserting the following:

23 **“SEC. 3. DEFINITIONS.**

24 “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—

1 “(A) entitled—

2 “(i) ‘LTRA USFS-CA Land Ex-
3 change/North Shore’;

4 “(ii) ‘LTRA USFS-CA Land Ex-
5 change/West Shore’; and

6 “(iii) ‘LTRA USFS-CA Land Ex-
7 change/South Shore’; and

8 “(B) dated January 4, 2016, and on file
9 and available for public inspection in the appro-
10 priate offices of—

11 “(i) the Forest Service;

12 “(ii) the California Tahoe Conser-
13 vancy; and

14 “(iii) the California Department of
15 Parks and Recreation.

16 “(11) NATIONAL WILDLAND FIRE CODE.—The
17 term ‘national wildland fire code’ means—

18 “(A) the most recent publication of the
19 National Fire Protection Association codes
20 numbered 1141, 1142, 1143, and 1144;

21 “(B) the most recent publication of the
22 International Wildland-Urban Interface Code of
23 the International Code Council; or

24 “(C) any other code that the Secretary de-
25 termines 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—

1 “(A) this Act; or

2 “(B) Public Law 96–586 (94 Stat. 3381)

3 (commonly known as the ‘Santini-Burton Act’).

4 “(e) ENVIRONMENTAL THRESHOLD CARRYING CA-
5 PACITY.—The Lake Tahoe Basin Management Unit shall
6 support the attainment of the environmental threshold
7 carrying capacities.

8 “(f) COOPERATIVE AUTHORITIES.—During the 4 fis-
9 cal years following the date of enactment of the Water
10 Resources Development Act of 2016, the Secretary, in
11 conjunction with land adjustment programs, may enter
12 into contracts and cooperative agreements with States,
13 units of local government, and other public and private
14 entities to provide for fuel reduction, erosion control, re-
15 forestation, Stream Environment Zone restoration, and
16 similar management activities on Federal land and non-
17 Federal land within the programs.”.

18 **SEC. 7624. AUTHORIZED PROGRAMS.**

19 The Lake Tahoe Restoration Act (Public Law 106–
20 506; 114 Stat. 2351) is amended by striking section 5
21 and inserting the following:

22 **“SEC. 5. AUTHORIZED PROGRAMS.**

23 “(a) IN GENERAL.—The Secretary, the Assistant
24 Secretary, the Directors, and the Administrator, in coordi-
25 nation 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 the program cat-
23 egories 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 “(c) 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 (c) 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 $\frac{2}{3}$ 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 “(1) provides information to the public on—
 2 “(A) the amount of Federal funds being
 3 provided to the program; and
 4 “(B) this Act; and
 5 “(2) displays the visual identity mark of the
 6 Environmental Improvement Program.”.

7 **SEC. 7628. LAND TRANSFERS TO IMPROVE MANAGEMENT**
 8 **EFFICIENCIES OF FEDERAL AND STATE**
 9 **LAND.**

10 Section 3(b) of Public Law 96–586 (94 Stat. 3384)
 11 (commonly known as the “Santini-Burton Act”) is amend-
 12 ed—

13 (1) by striking “(b) Lands” and inserting the
 14 following:

15 “(b) ADMINISTRATION OF ACQUIRED LAND.—

16 “(1) IN GENERAL.—Land”; and

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

18 “(2) CALIFORNIA CONVEYANCES.—

19 “(A) IN GENERAL.—If the State of Cali-
 20 fornia (acting through the California Tahoe
 21 Conservancy and the California Department of
 22 Parks and Recreation) offers to donate to the
 23 United States the non-Federal land described in
 24 subparagraph (B)(i), the Secretary—

25 “(i) may accept the offer; and

1 “(ii) convey to the State of California,
2 subject to valid existing rights and for no
3 consideration, all right, title, and interest
4 of the United States in and to the Federal
5 land.

6 “(B) DESCRIPTION OF LAND.—

7 “(i) NON-FEDERAL LAND.—The non-
8 Federal land referred to in subparagraph
9 (A) includes—

10 “(I) the approximately 1,936
11 acres of land administered by the
12 California Tahoe Conservancy and
13 identified on the Maps as ‘Tahoe Con-
14 servancy to the USFS’; and

15 “(II) the approximately 183
16 acres of land administered by Cali-
17 fornia State Parks and identified on
18 the Maps as ‘Total USFS to Cali-
19 fornia’.

20 “(ii) FEDERAL LAND.—The Federal
21 land referred to in subparagraph (A) in-
22 cludes the approximately 1,995 acres of
23 Forest Service land identified on the Maps
24 as ‘U.S. Forest Service to Conservancy
25 and State Parks’.

1 “(C) CONDITIONS.—Any land conveyed
2 under this paragraph shall—

3 “(i) be for the purpose of consoli-
4 dating Federal and State ownerships and
5 improving management efficiencies;

6 “(ii) not result in any significant
7 changes in the uses of the land; and

8 “(iii) be subject to the condition that
9 the applicable deed include such terms, re-
10 strictions, covenants, conditions, and res-
11 ervations as the Secretary determines nec-
12 essary—

13 “(I) to ensure compliance with
14 this Act; and

15 “(II) to ensure that the transfer
16 of development rights associated with
17 the conveyed parcels shall not be rec-
18 ognized or available for transfer under
19 chapter 51 of the Code of Ordinances
20 for the Tahoe Regional Planning
21 Agency.

22 “(D) CONTINUATION OF SPECIAL USE
23 PERMITS.—The land conveyance under this
24 paragraph shall be subject to the condition that
25 the State of California accept all special use

1 permits applicable, as of the date of enactment
2 of the Water Resources Development Act of
3 2016, to the land described in subparagraph
4 (B)(ii) for the duration of the special use per-
5 mits, and subject to the terms and conditions of
6 the special use permits.

7 “(3) NEVADA CONVEYANCES.—

8 “(A) IN GENERAL.—In accordance with
9 this section and on request by the Governor of
10 Nevada, the Secretary may transfer the land or
11 interests in land described in subparagraph (B)
12 to the State of Nevada without consideration,
13 subject to appropriate deed restrictions to pro-
14 tect the environmental quality and public rec-
15 reational use of the land transferred.

16 “(B) DESCRIPTION OF LAND.—The land
17 referred to in subparagraph (A) includes—

18 “(i) the approximately 38.68 acres of
19 Forest Service land identified on the map
20 entitled ‘State of Nevada Conveyances’ as
21 ‘Van Sickle Unit USFS Inholding’; and

22 “(ii) the approximately 92.28 acres of
23 Forest Service land identified on the map
24 entitled ‘State of Nevada Conveyances’ as

1 ‘Lake Tahoe Nevada State Park USFS
2 Inholding’.

3 “(C) CONDITIONS.—Any land conveyed
4 under this paragraph shall—

5 “(i) be for the purpose of consoli-
6 dating Federal and State ownerships and
7 improving management efficiencies;

8 “(ii) not result in any significant
9 changes in the uses of the land; and

10 “(iii) be subject to the condition that
11 the applicable deed include such terms, re-
12 strictions, covenants, conditions, and res-
13 ervations as the Secretary determines nec-
14 essary—

15 “(I) to ensure compliance with
16 this Act; and

17 “(II) to ensure that the develop-
18 ment rights associated with the con-
19 veyed parcels shall not be recognized
20 or available for transfer under section
21 90.2 of the Code of Ordinances for
22 the Tahoe Regional Planning Agency.

23 “(D) CONTINUATION OF SPECIAL USE
24 PERMITS.—The land conveyance under this
25 paragraph shall be subject to the condition that

1 the State of Nevada accept all special use per-
2 mits applicable, as of the date of enactment of
3 the Water Resources Development Act of 2016,
4 to the land described in subparagraph (B)(ii)
5 for the duration of the special use permits, and
6 subject to the terms and conditions of the spe-
7 cial use permits.

8 “(4) AUTHORIZATION FOR CONVEYANCE OF
9 FOREST SERVICE URBAN LOTS.—

10 “(A) CONVEYANCE AUTHORITY.—Except
11 in the case of land described in paragraphs (2)
12 and (3), the Secretary of Agriculture may con-
13 vey any urban lot within the Lake Tahoe Basin
14 under the administrative jurisdiction of the
15 Forest Service.

16 “(B) CONSIDERATION.—A conveyance
17 under subparagraph (A) shall require consider-
18 ation in an amount equal to the fair market
19 value of the conveyed lot.

20 “(C) AVAILABILITY AND USE.—The pro-
21 ceeds from a conveyance under subparagraph
22 (A) shall be retained by the Secretary of Agri-
23 culture and used for—

24 “(i) purchasing inholdings throughout
25 the Lake Tahoe Basin; or

1 “(ii) providing additional funds to
2 carry out the Lake Tahoe Restoration Act
3 (Public Law 106–506; 114 Stat. 2351) in
4 excess of amounts made available under
5 section 10 of that Act.

6 “(D) OBLIGATION LIMIT.—The obligation
7 and expenditure of proceeds retained under this
8 paragraph shall be subject to such fiscal year
9 limitation as may be specified in an Act making
10 appropriations for the Forest Service for a fis-
11 cal year.

12 “(5) REVERSION.—If a parcel of land trans-
13 ferred under paragraph (2) or (3) is used in a man-
14 ner that is inconsistent with the use described for
15 the parcel of land in paragraph (2) or (3), respec-
16 tively, the parcel of land, shall, at the discretion of
17 the Secretary, revert to the United States.

18 “(6) FUNDING.—

19 “(A) IN GENERAL.—Of the amounts made
20 available under section 10(a) of the Lake Tahoe
21 Restoration Act (Public Law 106–506; 114
22 Stat. 2351), \$2,000,000 shall be made available
23 to the Secretary to carry out the activities
24 under paragraphs (2), (3), and (4).

1 “(B) OTHER FUNDS.—Of the amounts
2 available to the Secretary under paragraph (1),
3 not less than 50 percent shall be provided to
4 the California Tahoe Conservancy to facilitate
5 the conveyance of land described in paragraphs
6 (2) and (3).”.

7 **PART III—LONG ISLAND SOUND RESTORATION**

8 **SEC. 7631. RESTORATION AND STEWARDSHIP PROGRAMS.**

9 (a) LONG ISLAND SOUND RESTORATION PRO-
10 GRAM.—Section 119 of the Federal Water Pollution Con-
11 trol Act (33 U.S.C. 1269) is amended—

12 (1) in subsection (b), by striking the subsection
13 designation and heading and all that follows through
14 “The Office shall” and inserting the following:

15 “(b) OFFICE.—

16 “(1) ESTABLISHMENT.—The Administrator
17 shall—

18 “(A) continue to carry out the conference
19 study; and

20 “(B) establish an office, to be located on
21 or near Long Island Sound.

22 “(2) ADMINISTRATION AND STAFFING.—The
23 Office shall”;

24 (2) in subsection (c)—

1 (A) in the matter preceding paragraph (1),
2 by striking “Management Conference of the
3 Long Island Sound Study” and inserting “con-
4 ference study”;

5 (B) in paragraph (2)—

6 (i) in each of subparagraphs (A)
7 through (G), by striking the commas at
8 the end of the subparagraphs and inserting
9 semicolons;

10 (ii) in subparagraph (H), by striking
11 “, and” and inserting a semicolon;

12 (iii) in subparagraph (I), by striking
13 the period at the end and inserting a semi-
14 colon; and

15 (iv) by adding at the end the fol-
16 lowing:

17 “(J) environmental impacts on the Long
18 Island Sound watershed, including—

19 “(i) the identification and assessment
20 of vulnerabilities in the watershed;

21 “(ii) the development and implementa-
22 tion of adaptation strategies to reduce
23 those vulnerabilities; and

24 “(iii) the identification and assess-
25 ment of the impacts of sea level rise on

1 water quality, habitat, and infrastructure;
2 and

3 “(K) planning initiatives for Long Island
4 Sound that identify the areas that are most
5 suitable for various types or classes of activities
6 in order to reduce conflicts among uses, reduce
7 adverse environmental impacts, facilitate com-
8 patible uses, or preserve critical ecosystem serv-
9 ices to meet economic, environmental, security,
10 or social objectives;”;

11 (C) by striking paragraph (4) and insert-
12 ing the following:

13 “(4) develop and implement strategies to in-
14 crease public education and awareness with respect
15 to the ecological health and water quality conditions
16 of Long Island Sound;”;

17 (D) in paragraph (5), by inserting “study”
18 after “conference”;

19 (E) in paragraph (6)—

20 (i) by inserting “(including on the
21 Internet)” after “the public”; and

22 (ii) by inserting “study” after “con-
23 ference”; and

24 (F) by striking paragraph (7) and insert-
25 ing the following:

1 “(7) monitor the progress made toward meeting
2 the identified goals, actions, and schedules of the
3 Comprehensive Conservation and Management Plan,
4 including through the implementation and support
5 of a monitoring system for the ecological health and
6 water quality conditions of Long Island Sound;
7 and”;

8 (3) in subsection (d)(3), in the second sentence,
9 by striking “50 per centum” and inserting “60 per-
10 cent”;

11 (4) by redesignating subsection (f) as sub-
12 section (i); and

13 (5) by inserting after subsection (e) the fol-
14 lowing:

15 “(f) REPORT.—

16 “(1) IN GENERAL.—Not later than 2 years
17 after the date of enactment of the Water Resources
18 Development Act of 2016, and biennially thereafter,
19 the Director of the Office, in consultation with the
20 Governor of each Long Island Sound State, shall
21 submit to Congress a report that—

22 “(A) summarizes and assesses the progress
23 made by the Office and the Long Island Sound
24 States in implementing the Long Island Sound
25 Comprehensive Conservation and Management

1 Plan, including an assessment of the progress
2 made toward meeting the performance goals
3 and milestones contained in the Plan;

4 “(B) assesses the key ecological attributes
5 that reflect the health of the ecosystem of the
6 Long Island Sound watershed;

7 “(C) describes any substantive modifica-
8 tions to the Long Island Sound Comprehensive
9 Conservation and Management Plan made dur-
10 ing the 2-year period preceding the date of sub-
11 mission of the report;

12 “(D) provides specific recommendations to
13 improve progress in restoring and protecting
14 the Long Island Sound watershed, including, as
15 appropriate, proposed modifications to the Long
16 Island Sound Comprehensive Conservation and
17 Management Plan;

18 “(E) identifies priority actions for imple-
19 mentation of the Long Island Sound Com-
20 prehensive Conservation and Management Plan
21 for the 2-year period following the date of sub-
22 mission of the report; and

23 “(F) describes the means by which Federal
24 funding and actions will be coordinated with the

1 actions of the Long Island Sound States and
2 other entities.

3 “(2) PUBLIC AVAILABILITY.—The Adminis-
4 trator shall make the report described in paragraph
5 (1) available to the public, including on the Internet.

6 “(g) ANNUAL BUDGET PLAN.—The President shall
7 submit, together with the annual budget of the United
8 States Government submitted under section 1105(a) of
9 title 31, United States Code, information regarding each
10 Federal department and agency involved in the protection
11 and restoration of the Long Island Sound watershed, in-
12 cluding—

13 “(1) an interagency crosscut budget that dis-
14 plays for each department and agency—

15 “(A) the amount obligated during the pre-
16 ceding fiscal year for protection and restoration
17 projects and studies relating to the watershed;

18 “(B) the estimated budget for the current
19 fiscal year for protection and restoration
20 projects and studies relating to the watershed;
21 and

22 “(C) the proposed budget for succeeding
23 fiscal years for protection and restoration
24 projects and studies relating to the watershed;
25 and

1 “(2) a summary of any proposed modifications
2 to the Long Island Sound Comprehensive Conserva-
3 tion and Management Plan for the following fiscal
4 year.

5 “(h) FEDERAL ENTITIES.—

6 “(1) COORDINATION.—The Administrator shall
7 coordinate the actions of all Federal departments
8 and agencies that impact water quality in the Long
9 Island Sound watershed in order to improve the
10 water quality and living resources of the watershed.

11 “(2) METHODS.—In carrying out this section,
12 the Administrator, acting through the Director of
13 the Office, may—

14 “(A) enter into interagency agreements;
15 and

16 “(B) make intergovernmental personnel
17 appointments.

18 “(3) FEDERAL PARTICIPATION IN WATERSHED
19 PLANNING.—A Federal department or agency that
20 owns or occupies real property, or carries out activi-
21 ties, within the Long Island Sound watershed shall
22 participate in regional and subwatershed planning,
23 protection, and restoration activities with respect to
24 the watershed.

1 “(4) CONSISTENCY WITH COMPREHENSIVE CON-
2 SERVATION AND MANAGEMENT PLAN.—To the max-
3 imum extent practicable, the head of each Federal
4 department and agency that owns or occupies real
5 property, or carries out activities, within the Long
6 Island Sound watershed shall ensure that the prop-
7 erty and all activities carried out by the department
8 or agency are consistent with the Long Island Sound
9 Comprehensive Conservation and Management Plan
10 (including any related subsequent agreements and
11 plans).”.

12 (b) LONG ISLAND SOUND STEWARDSHIP PRO-
13 GRAM.—

14 (1) LONG ISLAND SOUND STEWARDSHIP ADVI-
15 SORY COMMITTEE.—Section 8 of the Long Island
16 Sound Stewardship Act of 2006 (33 U.S.C. 1269
17 note; Public Law 109–359) is amended—

18 (A) in subsection (g), by striking “2011”
19 and inserting “2021”; and

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

21 “(h) NONAPPLICABILITY OF FACCA.—The Federal
22 Advisory Committee Act (5 U.S.C. App.) shall not apply
23 to—

24 “(1) the Advisory Committee; or

1 “(2) any board, committee, or other group es-
2 tablished under this Act.”.

3 (2) REPORTS.—Section 9(b)(1) of the Long Is-
4 land Sound Stewardship Act of 2006 (33 U.S.C.
5 1269 note; Public Law 109–359) is amended in the
6 matter preceding subparagraph (A) by striking
7 “2011” and inserting “2021”.

8 (3) AUTHORIZATION.—Section 11 of the Long
9 Island Sound Stewardship Act of 2006 (33 U.S.C.
10 1269 note; Public Law 109–359) is amended—

11 (A) by striking subsection (a);

12 (B) by redesignating subsections (b)
13 through (d) as subsections (a) through (c), re-
14 spectively; and

15 (C) in subsection (a) (as so redesignated),
16 by striking “under this section each” and in-
17 serting “to carry out this Act for a”.

18 (4) EFFECTIVE DATE.—The amendments made
19 by this subsection take effect on October 1, 2011.

20 **SEC. 7632. REAUTHORIZATION.**

21 (a) IN GENERAL.—There are authorized to be appro-
22 priated to the Administrator such sums as are necessary
23 for each of fiscal years 2017 through 2021 for the imple-
24 mentation of—

1 (1) section 119 of the Federal Water Pollution
2 Control Act (33 U.S.C. 1269), other than subsection
3 (d) of that section; and

4 (2) the Long Island Sound Stewardship Act of
5 2006 (33 U.S.C. 1269 note; Public Law 109–359).

6 (b) LONG ISLAND SOUND GRANTS.—There is author-
7 ized to be appropriated to the Administrator to carry out
8 section 119(d) of the Federal Water Pollution Control Act
9 (33 U.S.C. 1269(d)) \$40,000,000 for each of fiscal years
10 2017 through 2021.

11 (c) LONG ISLAND SOUND STEWARDSHIP GRANTS.—
12 There is authorized to be appropriated to the Adminis-
13 trator to carry out the Long Island Sound Stewardship
14 Act of 2006 (33 U.S.C. 1269 note; Public Law 109–359)
15 \$25,000,000 for each of fiscal years 2017 through 2021.

16 **PART IV—DELAWARE RIVER BASIN**

17 **CONSERVATION**

18 **SEC. 7641. FINDINGS.**

19 Congress finds that—

20 (1) the Delaware River Basin is a national
21 treasure of great cultural, environmental, ecological,
22 and economic importance;

23 (2) the Basin contains over 12,500 square miles
24 of land in the States of Delaware, New Jersey, New
25 York, and Pennsylvania, including nearly 800 square

1 miles of bay and more than 2,000 tributary rivers
2 and streams;

3 (3) the Basin is home to more than 8,000,000
4 people who depend on the Delaware River and the
5 Delaware Bay as an economic engine, a place of
6 recreation, and a vital habitat for fish and wildlife;

7 (4) the Basin provides clean drinking water to
8 more than 15,000,000 people, including New York
9 City, which relies on the Basin for approximately
10 half of the drinking water supply of the city, and
11 Philadelphia, whose most significant threat to the
12 drinking water supply of the city is loss of forests
13 and other natural cover in the Upper Basin, accord-
14 ing to a study conducted by the Philadelphia Water
15 Department;

16 (5) the Basin contributes \$25,000,000,000 an-
17 nually in economic activity, provides
18 \$21,000,000,000 in ecosystem goods and services
19 per year, and is directly or indirectly responsible for
20 600,000 jobs with \$10,000,000,000 in annual
21 wages;

22 (6) almost 180 species of fish and wildlife are
23 considered special status species in the Basin due to
24 habitat loss and degradation, particularly sturgeon,
25 eastern oyster, horseshoe crabs, and red knots,

1 which have been identified as unique species in need
2 of habitat improvement;

3 (7) the Basin provides habitat for over 200
4 resident and migrant fish species, includes signifi-
5 cant recreational fisheries, and is an important
6 source of eastern oyster, blue crab, and the largest
7 population of the American horseshoe crab;

8 (8) the annual dockside value of commercial
9 eastern oyster fishery landings for the Delaware Es-
10 tuary is nearly \$4,000,000, making it the fourth
11 most lucrative fishery in the Delaware River Basin
12 watershed, and proven management strategies are
13 available to increase oyster habitat, abundance, and
14 harvest;

15 (9) the Delaware Bay has the second largest
16 concentration of shorebirds in North America and is
17 designated as one of the 4 most important shorebird
18 migration sites in the world;

19 (10) the Basin, 50 percent of which is forested,
20 also has over 700,000 acres of wetland, more than
21 126,000 acres of which are recognized as inter-
22 nationally important, resulting in a landscape that
23 provides essential ecosystem services, including
24 recreation, commercial, and water quality benefits;

1 (11) much of the remaining exemplary natural
2 landscape in the Basin is vulnerable to further deg-
3 radation, as the Basin gains approximately 10
4 square miles of developed land annually, and with
5 new development, urban watersheds are increasingly
6 covered by impervious surfaces, amplifying the quan-
7 tity of polluted runoff into rivers and streams;

8 (12) the Delaware River is the longest
9 undammed river east of the Mississippi; a critical
10 component of the National Wild and Scenic Rivers
11 System in the Northeast, with more than 400 miles
12 designated; home to one of the most heavily visited
13 National Park units in the United States, the Dela-
14 ware Water Gap National Recreation Area; and the
15 location of 6 National Wildlife Refuges;

16 (13) the Delaware River supports an inter-
17 nationally renowned cold water fishery in more than
18 80 miles of its northern headwaters that attracts
19 tens of thousands of visitors each year and generates
20 over \$21,000,000 in annual revenue through tourism
21 and recreational activities;

22 (14) management of water volume in the Basin
23 is critical to flood mitigation and habitat for fish
24 and wildlife, and following 3 major floods along the
25 Delaware River since 2004, the Governors of the

1 States of Delaware, New Jersey, New York, and
2 Pennsylvania have called for natural flood damage
3 reduction measures to combat the problem, including
4 restoring the function of riparian corridors;

5 (15) the Delaware River Port Complex (includ-
6 ing docking facilities in the States of Delaware, New
7 Jersey, and Pennsylvania) is one of the largest
8 freshwater ports in the world, the Port of Philadel-
9 phia handles the largest volume of international ton-
10 nage and 70 percent of the oil shipped to the East
11 Coast, and the Port of Wilmington, a full-service
12 deepwater port and marine terminal supporting
13 more than 12,000 jobs, is the busiest terminal on
14 the Delaware River, handling more than 400 vessels
15 per year with an annual import/export cargo tonnage
16 of more than 4,000,000 tons;

17 (16) the Delaware Estuary, where freshwater
18 from the Delaware River mixes with saltwater from
19 the Atlantic Ocean, is one of the largest and most
20 complex of the 28 estuaries in the National Estuary
21 Program, and the Partnership for the Delaware Es-
22 tuary works to improve the environmental health of
23 the Delaware Estuary;

24 (17) the Delaware River Basin Commission is a
25 Federal-interstate compact government agency

1 charged with overseeing a unified approach to man-
2 aging the river system and implementing important
3 water resources management projects and activities
4 throughout the Basin that are in the national inter-
5 est;

6 (18) restoration activities in the Basin are sup-
7 ported through several Federal and State agency
8 programs, and funding for those important pro-
9 grams should continue and complement the estab-
10 lishment of the Delaware River Basin Restoration
11 Program, which is intended to build on and help co-
12 ordinate restoration and protection funding mecha-
13 nisms at the Federal, State, regional, and local lev-
14 els; and

15 (19) the existing and ongoing voluntary con-
16 servation efforts in the Delaware River Basin neces-
17 sitate improved efficiency and cost effectiveness, as
18 well as increased private-sector investments and co-
19 ordination of Federal and non-Federal resources.

20 **SEC. 7642. DEFINITIONS.**

21 In this part:

22 (1) **BASIN.**—The term “Basin” means the 4-
23 State Delaware Basin region, including all of Dela-
24 ware Bay and portions of the States of Delaware,

1 New Jersey, New York, and Pennsylvania located in
2 the Delaware River watershed.

3 (2) BASIN STATE.—The term “Basin State”
4 means each of the States of Delaware, New Jersey,
5 New York, and Pennsylvania.

6 (3) DIRECTOR.—The term “Director” means
7 the Director of the United States Fish and Wildlife
8 Service.

9 (4) FOUNDATION.—The term “Foundation”
10 means the National Fish and Wildlife Foundation, a
11 congressionally chartered foundation established by
12 section 2 of the National Fish and Wildlife Founda-
13 tion Establishment Act (16 U.S.C. 3701).

14 (5) GRANT PROGRAM.—The term “grant pro-
15 gram” means the voluntary Delaware River Basin
16 Restoration Grant Program established under sec-
17 tion 7644.

18 (6) PROGRAM.—The term “program” means
19 the nonregulatory Delaware River Basin restoration
20 program established under section 7643.

21 (7) RESTORATION AND PROTECTION.—The
22 term “restoration and protection” means the con-
23 servation, stewardship, and enhancement of habitat
24 for fish and wildlife to preserve and improve eco-

1 systems and ecological processes on which they de-
2 pend, and for use and enjoyment by the public.

3 (8) SECRETARY.—The term “Secretary” means
4 the Secretary of the Interior, acting through the Di-
5 rector.

6 (9) SERVICE.—The term “Service” means the
7 United States Fish and Wildlife Service.

8 **SEC. 7643. PROGRAM ESTABLISHMENT.**

9 (a) ESTABLISHMENT.—Not later than 180 days after
10 the date of enactment of this Act, the Secretary shall es-
11 tablish a nonregulatory program to be known as the
12 “Delaware River Basin restoration program”.

13 (b) DUTIES.—In carrying out the program, the Sec-
14 retary shall—

15 (1) draw on existing and new management
16 plans for the Basin, or portions of the Basin, and
17 work in consultation with applicable management
18 entities, including representatives of the Partnership
19 for the Delaware Estuary, the Delaware River Basin
20 Commission, the Federal Government, and other
21 State and local governments, and regional and non-
22 profit organizations, as appropriate, to identify,
23 prioritize, and implement restoration and protection
24 activities within the Basin;

25 (2) adopt a Basinwide strategy that—

1 (A) supports the implementation of a
2 shared set of science-based restoration and pro-
3 tection activities developed in accordance with
4 paragraph (1);

5 (B) targets cost-effective projects with
6 measurable results; and

7 (C) maximizes conservation outcomes with
8 no net gain of Federal full-time equivalent em-
9 ployees; and

10 (3) establish the voluntary grant and technical
11 assistance programs in accordance with section
12 7644.

13 (c) COORDINATION.—In establishing the program,
14 the Secretary shall consult, as appropriate, with—

15 (1) the heads of Federal agencies, including—

16 (A) the Administrator;

17 (B) the Administrator of the National Oce-
18 anic and Atmospheric Administration;

19 (C) the Chief of the Natural Resources
20 Conservation Service;

21 (D) the Chief of Engineers; and

22 (E) the head of any other applicable agen-
23 cy;

24 (2) the Governors of the Basin States;

25 (3) the Partnership for the Delaware Estuary;

1 (4) the Delaware River Basin Commission;

2 (5) fish and wildlife joint venture partnerships;

3 and

4 (6) other public agencies and organizations with
5 authority for the planning and implementation of
6 conservation strategies in the Basin.

7 (d) PURPOSES.—The purposes of the program in-
8 clude—

9 (1) coordinating restoration and protection ac-
10 tivities among Federal, State, local, and regional en-
11 tities and conservation partners throughout the
12 Basin; and

13 (2) carrying out coordinated restoration and
14 protection activities, and providing for technical as-
15 sistance throughout the Basin and Basin States—

16 (A) to sustain and enhance fish and wild-
17 life habitat restoration and protection activities;

18 (B) to improve and maintain water quality
19 to support fish and wildlife, as well as the habi-
20 tats of fish and wildlife, and drinking water for
21 people;

22 (C) to sustain and enhance water manage-
23 ment for volume and flood damage mitigation
24 improvements to benefit fish and wildlife habi-
25 tat;

1 (D) to improve opportunities for public ac-
2 cess and recreation in the Basin consistent with
3 the ecological needs of fish and wildlife habitat;

4 (E) to facilitate strategic planning to maxi-
5 mize the resilience of natural systems and habi-
6 tats under changing watershed conditions;

7 (F) to engage the public through outreach,
8 education, and citizen involvement, to increase
9 capacity and support for coordinated restora-
10 tion and protection activities in the Basin;

11 (G) to increase scientific capacity to sup-
12 port the planning, monitoring, and research ac-
13 tivities necessary to carry out coordinated res-
14 toration and protection activities; and

15 (H) to provide technical assistance to carry
16 out restoration and protection activities in the
17 Basin.

18 **SEC. 7644. GRANTS AND ASSISTANCE.**

19 (a) DELAWARE RIVER BASIN RESTORATION GRANT
20 PROGRAM.—To the extent that funds are available to
21 carry out this section, the Secretary shall establish a vol-
22 untary grant and technical assistance program to be
23 known as the “Delaware River Basin Restoration Grant
24 Program” to provide competitive matching grants of vary-
25 ing amounts to State and local governments, nonprofit or-

1 ganizations, institutions of higher education, and other eli-
2 gible entities to carry out activities described in section
3 7643(d).

4 (b) CRITERIA.—The Secretary, in consultation with
5 the organizations described in section 7643(c), shall de-
6 velop criteria for the grant program to help ensure that
7 activities funded under this section accomplish one or
8 more of the purposes identified in section 7643(d)(2) and
9 advance the implementation of priority actions or needs
10 identified in the Basinwide strategy adopted under section
11 7643(b)(2).

12 (c) COST SHARING.—

13 (1) FEDERAL SHARE.—The Federal share of
14 the cost of a project funded under the grant pro-
15 gram shall not exceed 50 percent of the total cost
16 of the activity, as determined by the Secretary.

17 (2) NON-FEDERAL SHARE.—The non-Federal
18 share of the cost of a project funded under the grant
19 program may be provided in cash or in the form of
20 an in-kind contribution of services or materials.

21 (d) ADMINISTRATION.—

22 (1) IN GENERAL.—The Secretary may enter
23 into an agreement to manage the grant program
24 with the National Fish and Wildlife Foundation or

1 a similar organization that offers grant management
2 services.

3 (2) FUNDING.—If the Secretary enters into an
4 agreement under paragraph (1), the organization se-
5 lected shall—

6 (A) for each fiscal year, receive amounts to
7 carry out this section in an advance payment of
8 the entire amount on October 1, or as soon as
9 practicable thereafter, of that fiscal year;

10 (B) invest and reinvest those amounts for
11 the benefit of the grant program; and

12 (C) otherwise administer the grant pro-
13 gram to support partnerships between the pub-
14 lic and private sectors in accordance with this
15 part.

16 (3) REQUIREMENTS.—If the Secretary enters
17 into an agreement with the Foundation under para-
18 graph (1), any amounts received by the Foundation
19 under this section shall be subject to the National
20 Fish and Wildlife Foundation Establishment Act (16
21 U.S.C. 3701 et seq.), excluding section 10(a) of that
22 Act (16 U.S.C. 3709(a)).

23 **SEC. 7645. ANNUAL REPORTS.**

24 Not later than 180 days after the date of enactment
25 of this Act and annually thereafter, the Secretary shall

1 submit to Congress a report on the implementation of this
2 part, including a description of each project that has re-
3 ceived funding under this part.

4 **SEC. 7646. AUTHORIZATION OF APPROPRIATIONS.**

5 (a) IN GENERAL.—There is authorized to be appro-
6 priated to the Secretary to carry out this part \$5,000,000
7 for each of fiscal years 2017 through 2022.

8 (b) USE.—Of any amount made available under this
9 section for each fiscal year, the Secretary shall use at least
10 75 percent to carry out the grant program under section
11 7644 and to provide, or provide for, technical assistance
12 under that program.

13 **Subtitle G—Offset**

14 **SEC. 7701. OFFSET.**

15 None of the funds available to the Secretary of En-
16 ergy to provide any credit subsidy under subsection (d)
17 of section 136 of the Energy Independence and Security
18 Act of 2007 (42 U.S.C. 17013) as of the date of enact-
19 ment of this Act shall be obligated for new loan commit-
20 ments under that subsection on or after October 1, 2020.

1 **TITLE VIII—MISCELLANEOUS**
2 **PROVISIONS**

3 **SEC. 8001. APPROVAL OF STATE PROGRAMS FOR CONTROL**
4 **OF COAL COMBUSTION RESIDUALS.**

5 Section 4005 of the Solid Waste Disposal Act (42
6 U.S.C. 6945) is amended by adding at the end the fol-
7 lowing:

8 “(d) STATE PROGRAMS FOR CONTROL OF COAL
9 COMBUSTION RESIDUALS.—

10 “(1) APPROVAL BY ADMINISTRATOR.—

11 “(A) IN GENERAL.—Each State may sub-
12 mit to the Administrator, in such form as the
13 Administrator may establish, evidence of a per-
14 mit program or other system of prior approval
15 and conditions under State law for regulation
16 by the State of coal combustion residual units
17 that are located in the State in lieu of a Fed-
18 eral program under this subsection.

19 “(B) REQUIREMENT.—Not later than 90
20 days after the date on which a State submits
21 the evidence described in subparagraph (A), the
22 Administrator shall approve, in whole or in
23 part, a permit program or other system of prior
24 approval and conditions submitted under sub-
25 paragraph (A) if the Administrator determines

1 that the program or other system requires each
2 coal combustion residual unit located in the
3 State to achieve compliance with—

4 “(i) the applicable criteria for coal
5 combustion residual units under part 257
6 of title 40, Code of Federal Regulations (or
7 successor regulations), promulgated pursu-
8 ant to sections 1008(a)(3) and 4004(a); or

9 “(ii) such other State criteria that the
10 Administrator, after consultation with the
11 State, determines to be at least as protec-
12 tive as the criteria described in clause (i).

13 “(C) PERMIT REQUIREMENTS.—The Ad-
14 ministrator may approve under subparagraph
15 (B)(ii) a State permit program or other system
16 of prior approval and conditions that allows a
17 State to include technical standards for indi-
18 vidual permits or conditions of approval that
19 differ from the technical standards under part
20 257 of title 40, Code of Federal Regulations (or
21 successor regulations), if, based on site-specific
22 conditions, the technical standards established
23 pursuant to an approved State program or
24 other system are at least as protective as the
25 technical standards under that part.

1 “(D) WITHDRAWAL OF APPROVAL.—

2 “(i) PROGRAM REVIEW.—The Admin-
3 istrator shall review programs or other sys-
4 tems approved under subparagraph (B)—

5 “(I) from time to time, but not
6 less frequently than once every 5
7 years; or

8 “(II) on request of any State.

9 “(ii) NOTIFICATION AND OPPOR-
10 TUNITY FOR A PUBLIC HEARING.—The Ad-
11 ministrator shall provide to the relevant
12 State notice and an opportunity for a pub-
13 lic hearing if the Administrator determines
14 that—

15 “(I) a revision or correction to
16 the permit program or other system of
17 prior approval and conditions of the
18 State is required for the State to
19 achieve compliance with the require-
20 ments of subparagraph (B);

21 “(II) the State has not adopted
22 and implemented an adequate permit
23 program or other system of prior ap-
24 proval and conditions for each coal
25 combustion residual unit located in

1 the State to ensure compliance with
2 the requirements of subparagraph
3 (B); or

4 “(III) the State has, at any time,
5 approved or failed to revoke a permit
6 under this subsection that would lead
7 to the violation of a law to protect
8 human health or the environment of
9 any other State.

10 “(iii) WITHDRAWAL.—

11 “(I) IN GENERAL.—The Admin-
12 istrator shall withdraw approval of a
13 State permit program or other system
14 of prior approval and conditions if,
15 after the Administrator provides no-
16 tice and an opportunity for a public
17 hearing to the relevant State under
18 clause (ii), the Administrator deter-
19 mines that the State has not corrected
20 the deficiency.

21 “(II) REINSTATEMENT OF STATE
22 APPROVAL.—Any withdrawal of ap-
23 proval under subclause (I) shall cease
24 to be effective on the date on which
25 the Administrator makes a determina-

1 tion that the State permit program or
2 other system of prior approval and
3 conditions complies with the require-
4 ments of subparagraph (B).

5 “(2) NONPARTICIPATING STATES.—

6 “(A) DEFINITION OF NONPARTICIPATING
7 STATE.—In this paragraph, the term ‘non-
8 participating State’ means a State—

9 “(i) for which the Administrator has
10 not approved a State permit program or
11 other system of prior approval and condi-
12 tions under paragraph (1)(B);

13 “(ii) the Governor of which has not
14 submitted to the Administrator for ap-
15 proval evidence to operate a State permit
16 program or other system of prior approval
17 and conditions under paragraph (1)(A);

18 “(iii) the Governor of which has pro-
19 vided notice to the Administrator that, not
20 fewer than 90 days after the date on which
21 the Governor provides notice to the Admin-
22 istrator, the State relinquishes an approval
23 under paragraph (1)(B) to operate a per-
24 mit program or other system of prior ap-
25 proval and conditions; or

1 “(iv) for which the Administrator has
2 withdrawn approval for a permit program
3 or other system of prior approval and con-
4 ditions under paragraph (1)(D)(iii).

5 “(B) PERMIT PROGRAM.—In the case of a
6 nonparticipating State for which the Adminis-
7 trator makes a determination that the non-
8 participating State lacks the capacity to imple-
9 ment a permit program or other system of prior
10 approval and conditions and subject to the
11 availability of appropriations, the Administrator
12 may implement a permit program to require
13 each coal combustion residual unit located in
14 the nonparticipating State to achieve compli-
15 ance with applicable criteria established by the
16 Administrator under part 257 of title 40, Code
17 of Federal Regulations (or successor regula-
18 tions).

19 “(3) APPLICABILITY OF CRITERIA.—The appli-
20 cable criteria for coal combustion residual units
21 under part 257 of title 40, Code of Federal Regula-
22 tions (or successor regulations), promulgated pursu-
23 ant to sections 1008(a)(3) and 4004(a), shall apply
24 to each coal combustion residual unit in a State un-
25 less—

1 “(A) a permit under a State permit pro-
2 gram or other system of prior approval and
3 conditions approved by the Administrator under
4 paragraph (1)(B) is in effect; or

5 “(B) a permit issued by the Administrator
6 in a State in which the Administrator is imple-
7 menting a permit program under paragraph
8 (2)(B) is in effect.

9 “(4) PROHIBITION ON OPEN DUMPING.—

10 “(A) IN GENERAL.—Except as provided in
11 subparagraph (B)(i) and subject to subpara-
12 graph (B)(ii), the Administrator may use the
13 authority provided by sections 3007 and 3008
14 to enforce the prohibition against open dumping
15 contained in subsection (a) with respect to a
16 coal combustion residual unit.

17 “(B) FEDERAL ENFORCEMENT IN AP-
18 PROVED STATE.—

19 “(i) IN GENERAL.—In the case of a
20 coal combustion residual unit located in a
21 State that is approved to operate a permit
22 program or other system of prior approval
23 and conditions under paragraph (1)(B),
24 the Administrator may commence an ad-

1 ministrative or judicial enforcement action
2 under section 3008 if—

3 “(I) the State requests that the
4 Administrator provide assistance in
5 the performance of the enforcement
6 action; or

7 “(II) after consideration of any
8 other administrative or judicial en-
9 forcement action involving the coal
10 combustion residual unit, the Admin-
11 istrator determines that an enforce-
12 ment action is likely to be necessary
13 to ensure that the coal combustion re-
14 sidual unit is operating in accordance
15 with the criteria established under the
16 permit program or other system of
17 prior approval and conditions.

18 “(ii) NOTIFICATION.—In the case of
19 an enforcement action by the Adminis-
20 trator under clause (i)(II), before issuing
21 an order or commencing a civil action, the
22 Administrator shall notify the State in
23 which the coal combustion residual unit is
24 located.

1 “(iii) ANNUAL REPORT TO CON-
2 GRESS.—Not later than December 31,
3 2017, and December 31 of each year
4 thereafter, the Administrator shall submit
5 to the Committee on Environment and
6 Public Works of the Senate and the Com-
7 mittee on Energy and Commerce of the
8 House of Representatives a report that de-
9 scribes any enforcement action commenced
10 under clause (i)(II), including a description
11 of the basis for the enforcement action.

12 “(5) INDIAN COUNTRY.—The Administrator
13 may establish and carry out a permit program, in
14 accordance with this subsection, for coal combustion
15 residual units in Indian country (as defined in sec-
16 tion 1151 of title 18, United States Code) to require
17 each coal combustion residual unit located in Indian
18 country to achieve compliance with the applicable
19 criteria established by the Administrator under part
20 257 of title 40, Code of Federal Regulations (or suc-
21 cessor regulations).

22 “(6) TREATMENT OF COAL COMBUSTION RESID-
23 UAL UNITS.—A coal combustion residual unit shall
24 be considered to be a sanitary landfill for purposes

1 of subsection (a) only if the coal combustion residual
 2 unit is operating in accordance with—

3 “(A) the requirements established pursu-
 4 ant to a program for which an approval is pro-
 5 vided by—

6 “(i) the State in accordance with a
 7 program or system approved under para-
 8 graph (1)(B); or

9 “(ii) the Administrator pursuant to
 10 paragraph (2)(B) or paragraph (5); or

11 “(B) the applicable criteria for coal com-
 12 bustion residual units under part 257 of title
 13 40, Code of Federal Regulations (or successor
 14 regulations), promulgated pursuant to sections
 15 1008(a)(3) and 4004(a).

16 “(7) EFFECT OF SUBSECTION.—Nothing in this
 17 subsection affects any authority, regulatory deter-
 18 mination, other law, or legal obligation in effect on
 19 the day before the date of enactment of the Water
 20 Resources Development Act of 2016.”.

21 **SEC. 8002. CHOCTAW NATION OF OKLAHOMA AND THE**

22 **CHICKASAW NATION WATER SETTLEMENT.**

23 (a) PURPOSES.—The purposes of this section are—

24 (1) to permanently resolve and settle those
 25 claims to Settlement Area Waters of the Choctaw

1 Nation of Oklahoma and the Chickasaw Nation as
2 set forth in the Settlement Agreement and this sec-
3 tion, including all claims or defenses in and to
4 Chickasaw Nation, Choctaw Nation v. Fallin et al.,
5 CIV 11-927 (W.D. Ok.), OWRB v. United States,
6 et al. CIV 12-275 (W.D. Ok.), or any future stream
7 adjudication;

8 (2) to approve, ratify, and confirm the Settle-
9 ment Agreement;

10 (3) to authorize and direct the Secretary of the
11 Interior to execute the Settlement Agreement and to
12 perform all obligations of the Secretary of the Inte-
13 rior under the Settlement Agreement and this sec-
14 tion;

15 (4) to approve, ratify, and confirm the amended
16 storage contract among the State, the City and the
17 Trust;

18 (5) to authorize and direct the Secretary to ap-
19 prove the amended storage contract and obligations
20 for the Corps of Engineers to perform all obligations
21 under the 1974 storage contract, the amended stor-
22 age contract, and this section; and

23 (6) to authorize all actions necessary for the
24 United States to meet its obligations under the Set-

1 tlement Agreement, the amended storage contract,
2 and this section.

3 (b) DEFINITIONS.—In this section:

4 (1) 1974 STORAGE CONTRACT.—The term
5 “1974 storage contract” means the contract entered
6 into on February 16, 1974, between the Secretary
7 and the Water Conservation Storage Commission of
8 the State of Oklahoma pursuant to section 301 of
9 the Water Supply Act of 1958 (43 U.S.C. 390b),
10 and other applicable Federal law.

11 (2) 2010 AGREEMENT.—The term “2010 agree-
12 ment” means the agreement entered into among the
13 OWRB and the Trust, dated June 15, 2010, relat-
14 ing to the assignment by the State of the 1974 stor-
15 age contract and transfer of rights, title, interests,
16 and obligations under that contract to the Trust, in-
17 cluding the interests of the State in the conservation
18 storage capacity and associated repayment obliga-
19 tions to the United States.

20 (3) ADMINISTRATIVE SET-ASIDE SUB-
21 CONTRACTS.—The term “administrative set-aside
22 subcontracts” means the subcontracts the City shall
23 issue for the use of Conservation Storage Capacity
24 in Sardis Lake as provided by the amended storage
25 contract and the Settlement Agreement.

1 (4) ALLOTMENT.—The term “allotment” means
2 the land within the Settlement Area held by an allot-
3 tee subject to a statutory restriction on alienation or
4 held by the United States in trust for the benefit of
5 an allottee.

6 (5) ALLOTTEE.—The term “allottee” means an
7 enrolled member of the Choctaw Nation or citizen of
8 the Chickasaw Nation who, or whose estate, holds
9 an interest in an allotment.

10 (6) AMENDED PERMIT APPLICATION.—The
11 term “amended permit application” means the per-
12 mit application of the City to the OWRB, No. 2007–
13 17, as amended as provided by the Settlement
14 Agreement.

15 (7) AMENDED STORAGE CONTRACT TRANSFER
16 AGREEMENT; AMENDED STORAGE CONTRACT.—The
17 terms “amended storage contract transfer agree-
18 ment” and “amended storage contract” mean the
19 2010 Agreement between the City, the Trust, and
20 the OWRB, as amended, as provided by the Settle-
21 ment Agreement and this section.

22 (8) ATOKA AND SARDIS CONSERVATION
23 PROJECTS FUND.—The term “Atoka and Sardis
24 Conservation Projects Fund” means the Atoka and
25 Sardis Conservation Projects Fund established,

1 funded, and managed in accordance with the Settle-
2 ment Agreement.

3 (9) CITY.—The term “City” means the City of
4 Oklahoma City, or the City and the Trust acting
5 jointly, as applicable.

6 (10) CITY PERMIT.—The term “City permit”
7 means any permit issued to the City by the OWRB
8 pursuant to the amended permit application and
9 consistent with the Settlement Agreement.

10 (11) CONSERVATION STORAGE CAPACITY.—The
11 term “conservation storage capacity” means the
12 total storage space as stated in the 1974 storage
13 contract in Sardis Lake between elevations 599.0
14 feet above mean sea level and 542.0 feet above mean
15 sea level, which is estimated to contain 297,200
16 acre-feet of water after adjustment for sediment de-
17 posits, and which may be used for municipal and in-
18 dustrial water supply, fish and wildlife, and recre-
19 ation.

20 (12) ENFORCEABILITY DATE .—The term “en-
21 forceability date” means the date on which the Sec-
22 retary of the Interior publishes in the Federal Reg-
23 ister a notice certifying that the conditions of sub-
24 section (i) have been satisfied.

1 (13) FUTURE USE STORAGE.—The term “fu-
2 ture use storage” means that portion of the con-
3 servation storage capacity that was designated by
4 the 1974 Contract to be utilized for future water use
5 storage and was estimated to contain 155,500 acre
6 feet of water after adjustment for sediment deposits,
7 or 52.322 percent of the conservation storage capaci-
8 ty.

9 (14) NATIONS.—The term “Nations” means
10 the Choctaw Nation and the Chickasaw Nation.

11 (15) OWRB.—The term “OWRB” means the
12 Oklahoma Water Resources Board.

13 (16) SARDIS LAKE.—The term “Sardis Lake”
14 means the reservoir, formerly known as Clayton
15 Lake, whose dam is located in Section 19, Township
16 2 North, Range 19 East of the Indian Meridian,
17 Pushmataha County, Oklahoma, the construction,
18 operation, and maintenance of which was authorized
19 by section 203 of the Flood Control Act of 1962
20 (Public Law 87–874; 76 Stat. 1187).

21 (17) SETTLEMENT AGREEMENT.—The term
22 “Settlement Agreement” means the settlement
23 agreement as approved by the Nations, the State,
24 the City, and the Trust effective August 22, 2016,

1 as revised to conform with this section, as applica-
2 ble.

3 (18) SETTLEMENT AREA.—The term “settle-
4 ment area” means—

5 (A) the area lying between—

6 (i) the South Canadian River and Ar-
7 kansas River to the north;

8 (ii) the Red River to the south;

9 (iii) the Oklahoma–Arkansas State
10 line to the east; and

11 (iv) the 98th Meridian to the west;

12 and

13 (B) the area depicted in Exhibit 1 to the
14 Settlement Agreement and generally including
15 the following counties, or portions of, in the
16 State:

17 (i) Atoka.

18 (ii) Bryan.

19 (iii) Carter.

20 (iv) Choctaw.

21 (v) Coal.

22 (vi) Garvin.

23 (vii) Grady.

24 (viii) McClain.

25 (ix) Murray.

- 1 (x) Haskell.
- 2 (xi) Hughes.
- 3 (xii) Jefferson.
- 4 (xiii) Johnston.
- 5 (xiv) Latimer.
- 6 (xv) LeFlore.
- 7 (xvi) Love.
- 8 (xvii) Marshall.
- 9 (xviii) McCurtain.
- 10 (xix) Pittsburgh.
- 11 (xx) Pontotoc.
- 12 (xxi) Pushmataha.
- 13 (xxii) Stephens.

14 (19) SETTLEMENT AREA WATERS.—The term
15 “settlement area waters” means the waters lo-
16 cated—

- 17 (A) within the settlement area; and
- 18 (B) within a basin depicted in Exhibit 10
19 to the Settlement Agreement, including any of
20 the following basins as denominated in the
21 2012 Update of the Oklahoma Comprehensive
22 Water Plan:
 - 23 (i) Beaver Creek (24, 25, and 26).
 - 24 (ii) Blue (11 and 12).
 - 25 (iii) Clear Boggy (9).

- 1 (iv) Kiamichi (5 and 6).
2 (v) Lower Arkansas (46 and 47).
3 (vi) Lower Canadian (48, 56, 57, and
4 58).
5 (vii) Lower Little (2).
6 (viii) Lower Washita (14).
7 (ix) Mountain Fork (4).
8 (x) Middle Washita (15 and 16).
9 (xi) Mud Creek (23).
10 (xii) Muddy Boggy (7 and 8).
11 (xiii) Poteau (44 and 45).
12 (xiv) Red River Mainstem (1, 10, 13,
13 and 21)
14 (xv) Upper Little (3).
15 (xvi) Walnut Bayou (22).

16 (20) STATE.—The term “State” means the
17 State of Oklahoma.

18 (21) TRUST.—The term “Trust” means the
19 Oklahoma City Water Utilities Trust, formerly
20 known as the Oklahoma City Municipal Improve-
21 ment Authority.

22 (c) APPROVAL OF THE SETTLEMENT AGREEMENT.—

23 (1) RATIFICATION.—

24 (A) IN GENERAL.—Except as modified by
25 this section, and to the extent the Settlement

1 Agreement does not conflict with this section,
2 the Settlement Agreement is authorized, rati-
3 fied, and confirmed.

4 (B) AMENDMENTS.—If an amendment is
5 executed to make the Settlement Agreement
6 consistent with this section, the amendment is
7 also authorized, ratified and confirmed to the
8 extent the amendment is consistent with this
9 section.

10 (2) EXECUTION OF SETTLEMENT AGREE-
11 MENT.—

12 (A) IN GENERAL.—To the extent the Set-
13 tlement Agreement does not conflict with this
14 section, the Secretary of the Interior shall
15 promptly execute the Settlement Agreement, in-
16 cluding all exhibits to or parts of the Settlement
17 Agreement requiring the signature of the Sec-
18 retary of the Interior and any amendments nec-
19 essary to make the Settlement Agreement con-
20 sistent with this section.

21 (B) NOT A MAJOR FEDERAL ACTION.—
22 Execution of the Settlement Agreement by the
23 Secretary of the Interior under this subsection
24 shall not constitute a major Federal action

1 under the National Environmental Policy Act of
2 1969 (42 U.S.C. 4321 et seq.).

3 (d) APPROVAL OF THE AMENDED STORAGE CON-
4 TRACT AND 1974 STORAGE CONTRACT.—

5 (1) RATIFICATION.—

6 (A) IN GENERAL.—Except to the extent
7 any provision of the amended storage contract
8 conflicts with any provision of this section, the
9 amended storage contract is authorized, rati-
10 fied, and confirmed.

11 (B) 1974 STORAGE CONTRACT.—To the
12 extent the amended storage contract, as author-
13 ized, ratified, and confirmed, modifies or
14 amends the 1974 storage contract, the modi-
15 fication or amendment to the 1974 storage con-
16 tract is authorized, ratified, and confirmed.

17 (C) AMENDMENTS.—To the extent an
18 amendment is executed to make the amended
19 storage contract consistent with this section,
20 the amendment is authorized, ratified, and con-
21 firmed.

22 (2) APPROVAL BY THE SECRETARY.—After the
23 State and the City execute the amended storage con-
24 tract, the Secretary shall approve the amended stor-
25 age contract.

1 (3) MODIFICATION OF SEPTEMBER 11, 2009,
2 ORDER IN UNITED STATES V. OKLAHOMA WATER RE-
3 SOURCES BOARD, CIV 98–00521 (N.D. OK).—The Sec-
4 retary, through counsel, shall cooperate and work
5 with the State to file any motion and proposed order
6 to modify or amend the order of the United States
7 District Court for the Northern District of Okla-
8 homa dated September 11, 2009, necessary to con-
9 form the order to the amended storage contract
10 transfer agreement, the Settlement Agreement, and
11 this section.

12 (4) CONSERVATION STORAGE CAPACITY.—The
13 allocation of the use of the conservation storage ca-
14 pacity in Sardis Lake for administrative set-aside
15 subcontracts, City water supply, and fish and wild-
16 life and recreation as provided by the amended stor-
17 age contract is authorized, ratified and approved.

18 (5) ACTIVATION; WAIVER.—

19 (A) FINDINGS.—Congress finds that—

20 (i) the earliest possible activation of
21 any increment of future use storage in
22 Sardis Lake will not occur until after
23 2050; and

24 (ii) the obligation to make annual
25 payments for the Sardis future use storage

1 operation, maintenance and replacement
2 costs, capital costs, or interest attributable
3 to Sardis future use storage only arises if,
4 and only to the extent, that an increment
5 of Sardis future use storage is activated by
6 withdrawal or release of water from the fu-
7 ture use storage that is authorized by the
8 user for a consumptive use of water.

9 (B) WAIVER OF OBLIGATIONS FOR STOR-
10 AGE THAT IS NOT ACTIVATED.—Notwith-
11 standing section 301 of the Water Supply Act
12 of 1958 (43 U.S.C. 390b), section 203 of the
13 Flood Control Act of 1962 (Public Law 87-
14 874; 76 Stat. 1187), the 1974 storage contract,
15 or any other provision of law, effective as of
16 January 1, 2050—

17 (i) the entirety of any repayment obli-
18 gations (including interest), relating to
19 that portion of conservation storage capac-
20 ity allocated by the 1974 storage contract
21 to future use storage in Sardis Lake is
22 waived and shall be considered nonreim-
23 bursable; and

24 (ii) any obligation of the State and,
25 on execution and approval of the amended

1 storage contract, of the City and the
2 Trust, under the 1974 storage contract re-
3 garding capital costs and any operation,
4 maintenance, and replacement costs and
5 interest otherwise attributable to future
6 use storage in Sardis Lake is waived and
7 shall be nonreimbursable, if the right to
8 future use storage is not exercised by Jan-
9 uary 1, 2050.

10 (6) CONSISTENT WITH AUTHORIZED PURPOSES;
11 NO MAJOR OPERATIONAL CHANGE.—

12 (A) CONSISTENT WITH AUTHORIZED PUR-
13 POSE.—

14 (i) IN GENERAL.—The amended stor-
15 age contract, the approval of the Secretary
16 of the amended storage contract, and the
17 waiver of future use storage under para-
18 graph (5)—

19 (I) are consistent with the au-
20 thorized purposes for Sardis Lake and
21 do not affect the authorized purposes
22 for the project under section 203 of
23 the Flood Control Act of 1962 (Public
24 Law 87–874; 76 Stat. 1187) and sec-

1 tion 301(e) of the Water Supply Act
2 of 1958 (43 U.S.C. 390b(e)); and

3 (II) shall not constitute a re-
4 allocation of storage.

5 (ii) CHANGES AND MODIFICATIONS.—

6 To the extent subclause (I) or (II) of
7 clause (i) could be construed otherwise,
8 any necessary changes or modifications are
9 authorized, ratified, and approved.

10 (B) NO MAJOR OPERATIONAL CHANGE.—

11 The amended storage contract, the approval of
12 the Secretary of the amended storage contract,
13 and the waiver of future use storage under
14 paragraph (5) shall not constitute a major oper-
15 ational change under section 301(e) of the
16 Water Supply Act of 1958 (43 U.S.C. 390b(e)),
17 and to the extent those documents and actions
18 could be so construed, any necessary change is
19 authorized, ratified and approved without any
20 further action by the Corps of Engineers.

21 (7) NO FURTHER AUTHORIZATION RE-
22 QUIRED.—This section shall be considered sufficient
23 and complete authorization, without further study or
24 analysis, for—

1 (A) the Secretary to approve the amended
2 storage contract; and

3 (B) after approval under subparagraph
4 (A), the Corps of Engineers to manage storage
5 in Sardis Lake pursuant to and in accordance
6 with the 1974 storage contract, the amended
7 storage contract, and the Settlement Agree-
8 ment.

9 (e) SETTLEMENT AREA WATERS.—

10 (1) FINDINGS.—Congress finds that—

11 (A) pursuant to the Atoka Agreement as
12 ratified by section 29 of the Act of June 28,
13 1898 (30 Stat. 505, chapter 517) (as modified
14 by the Act of July 1, 1902 (32 Stat. 641, chap-
15 ter 1362)), the Nations issued patents to their
16 respective tribal members and citizens and
17 thereby conveyed to individual Choctaws and
18 Chickasaws, all right, title, and interest in and
19 to land that was possessed by the Nations,
20 other than certain mineral rights; and

21 (B) when title passed from the Nations to
22 their respective tribal members and citizens, the
23 Nations did not convey and those individuals
24 did not receive any right of regulatory or sov-

1 foreign authority, including with respect to
2 water.

3 (2) PERMITTING, ALLOCATION, AND ADMINIS-
4 TRATION OF SETTLEMENT AREA WATERS PURSUANT
5 TO THE SETTLEMENT AGREEMENT.—Beginning on
6 the enforceability date, settlement area waters shall
7 be permitted, allocated, and administered by the
8 OWRB in accordance with the Settlement Agree-
9 ment and this section.

10 (3) CHOCTAW NATION AND CHICKASAW NA-
11 TION.—Beginning on the enforceability date, the
12 Nations shall have the right to use and to develop
13 the right to use settlement area waters only in ac-
14 cordance with the Settlement Agreement and this
15 section.

16 (4) WAIVER AND DELEGATION BY NATIONS.—
17 In addition to the waivers under subsection (h), the
18 Nations, on their own behalf, shall permanently dele-
19 gate to the State any regulatory authority each Na-
20 tion may possess over water rights on allotments,
21 which the State shall exercise in accordance with the
22 Settlement Agreement and this subsection.

23 (5) RIGHT TO USE WATER.—

1 (A) IN GENERAL.—An allottee may use
2 water on an allotment in accordance with the
3 Settlement Agreement and this subsection.

4 (B) SURFACE WATER USE.—

5 (i) IN GENERAL.—An allottee may di-
6 vert and use, on the allotment of the allot-
7 tee, 6 acre-feet per year of surface water
8 per 160 acres, to be used solely for domes-
9 tic uses on an allotment that constitutes ri-
10 parian land under applicable State law as
11 of the date of enactment of this Act.

12 (ii) EFFECT OF STATE LAW.—The use
13 of surface water described in clause (i)
14 shall be subject to all rights and protec-
15 tions of State law, as of the date of enact-
16 ment of this Act, including all protections
17 against loss for nonuse.

18 (iii) NO PERMIT REQUIRED.—An al-
19 lottee may divert water under this sub-
20 section without a permit or any other au-
21 thorization from the OWRB.

22 (C) GROUNDWATER USE.—

23 (i) IN GENERAL.—An allottee may
24 drill wells on the allotment of the allottee

1 to take and use for domestic uses the
2 greater of—

3 (I) 5 acre-feet per year; or

4 (II) any greater quantity allowed
5 under State law.

6 (ii) EFFECT OF STATE LAW.—The
7 groundwater use described in clause (i)
8 shall be subject to all rights and protec-
9 tions of State law, as of the date of enact-
10 ment of this Act, including all protections
11 against loss for nonuse.

12 (iii) NO PERMIT REQUIRED.—An al-
13 lottee may drill wells and use water under
14 this subsection without a permit or any
15 other authorization from the OWRB.

16 (D) FUTURE CHANGES IN STATE LAW.—

17 (i) IN GENERAL.—If State law
18 changes to limit use of water to a quantity
19 that is less than the applicable quantity
20 specified in subparagraph (B) or (C), as
21 applicable, an allottee shall retain the right
22 to use water in accord with those subpara-
23 graphs, subject to paragraphs (6)(B)(iv)
24 and (7).

1 (ii) OPPORTUNITY TO BE HEARD.—

2 Prior to taking any action to limit the use
3 of water by an individual, the OWRB shall
4 provide to the individual an opportunity to
5 demonstrate that the individual is—

6 (I) an allottee; and

7 (II) using water on the allotment
8 pursuant to and in accordance with
9 the Settlement Agreement and this
10 section.

11 (6) ALLOTTEE OPTIONS FOR ADDITIONAL
12 WATER.—

13 (A) IN GENERAL.—To use a quantity of
14 water in excess of the quantities provided under
15 paragraph (5), an allottee shall—

16 (i) file an action under subparagraph
17 (B); or

18 (ii) apply to the OWRB for a permit
19 pursuant to, and in accordance with, State
20 law.

21 (B) DETERMINATION IN FEDERAL DIS-
22 TRICT COURT.—

23 (i) IN GENERAL.—In lieu of applying
24 to the OWRB for a permit to use more
25 water than is allowed under paragraph (5),

1 an allottee may, after written notice to the
2 OWRB, file an action in the United States
3 District Court for the Western District of
4 Oklahoma for determination of the right to
5 water of the allottee.

6 (ii) JURISDICTION.—For purposes of
7 this subsection—

8 (I) the United States District
9 Court for the Western District of
10 Oklahoma shall have jurisdiction; and

11 (II) the waivers of immunity
12 under subparagraphs (A) and (B) of
13 subsection (j)(2) shall apply.

14 (iii) REQUIREMENTS.—An allottee fil-
15 ing an action pursuant to this subpara-
16 graph shall—

17 (I) join the OWRB as a party;
18 and

19 (II) publish notice in a news-
20 paper of general circulation within the
21 Settlement Area Hydrologic Basin for
22 2 consecutive weeks, with the first
23 publication appearing not later than
24 30 days after the date on which the
25 action is filed.

1 (iv) DETERMINATION FINAL.—

2 (I) IN GENERAL.—Subject to
3 subclause (II), if an allottee elects to
4 have the rights of the allottee deter-
5 mined pursuant to this subparagraph,
6 the determination shall be final as to
7 any rights under Federal law and in
8 lieu of any rights to use water on an
9 allotment as provided in paragraph
10 (5).

11 (II) RESERVATION OF RIGHTS.—
12 Subclause (I) shall not preclude an al-
13 lottee from—

14 (aa) applying to the OWRB
15 for water rights pursuant to
16 State law; or

17 (bb) using any rights al-
18 lowed by State law that do not
19 require a permit from the
20 OWRB.

21 (7) OWRB ADMINISTRATION AND ENFORCE-
22 MENT.—

23 (A) IN GENERAL.—If an allottee exercises
24 any right under paragraph (5) or has rights de-
25 termined under paragraph (6)(B), the OWRB

1 shall have jurisdiction to administer those
2 rights.

3 (B) CHALLENGES.—An allottee may chal-
4 lenge OWRB administration of rights deter-
5 mined under this paragraph, in the United
6 States District Court for the Western District
7 of Oklahoma.

8 (8) PRIOR EXISTING STATE LAW RIGHTS.—
9 Water rights held by an allottee as of the enforce-
10 ability date pursuant to a permit issued by the
11 OWRB shall be governed by the terms of that per-
12 mit and applicable State law (including regulations).

13 (f) CITY PERMIT FOR APPROPRIATION OF STREAM
14 WATER FROM THE KLAMICHI RIVER.—The City permit
15 shall be processed, evaluated, issued, and administered
16 consistent with and in accordance with the Settlement
17 Agreement and this section.

18 (g) SETTLEMENT COMMISSION.—

19 (1) ESTABLISHMENT.—There is established a
20 Settlement Commission.

21 (2) MEMBERS.—

22 (A) IN GENERAL.—The Settlement Com-
23 mission shall be comprised of 5 members, ap-
24 pointed as follows:

25 (i) 1 by the Governor of the State.

1 (ii) 1 by the Attorney General of the
2 State.

3 (iii) 1 by the Chief of the Choctaw
4 Nation.

5 (iv) 1 by the Governor of the Chicka-
6 saw Nation.

7 (v) 1 by agreement of the members
8 described in clauses (i) through (iv).

9 (B) JOINTLY APPOINTED MEMBER.—If the
10 members described in clauses (i) through (iv) of
11 subparagraph (A) do not agree on a member
12 appointed pursuant to subparagraph (A)(v)—

13 (i) the members shall submit to the
14 Chief Judge for the United States District
15 Court for the Eastern District of Okla-
16 homa, a list of not less than 3 persons;
17 and

18 (ii) from the list under clause (i), the
19 Chief Judge shall make the appointment.

20 (C) INITIAL APPOINTMENTS.—The initial
21 appointments to the Settlement Commission
22 shall be made not later than 90 days after the
23 enforceability date.

24 (3) MEMBER TERMS.—

1 (A) IN GENERAL.—Each Settlement Com-
2 mission member shall serve at the pleasure of
3 appointing authority.

4 (B) COMPENSATION.—A member of the
5 Settlement Commission shall serve without
6 compensation, but an appointing authority may
7 reimburse the member appointed by the entity
8 for costs associated with service on the Settle-
9 ment Commission.

10 (C) VACANCIES.—If a member of the Set-
11 tlement Commission is removed or resigns, the
12 appointing authority shall appoint the replace-
13 ment member.

14 (D) JOINTLY APPOINTED MEMBER.—The
15 member of the Settlement Commission de-
16 scribed in paragraph (2)(A)(v) may be removed
17 or replaced by a majority vote of the Settlement
18 Commission based on a failure of the member
19 to carry out the duties of the member.

20 (4) DUTIES.—The duties and authority of the
21 Settlement Commission shall be set forth in the Set-
22 tlement Agreement, and the Settlement Commission
23 shall not possess or exercise any duty or authority
24 not stated in the Settlement Agreement.

25 (h) WAIVERS AND RELEASES OF CLAIMS.—

1 (1) CLAIMS BY THE NATIONS AND THE UNITED
2 STATES AS TRUSTEE FOR THE NATIONS.—Subject to
3 the retention of rights and claims provided in para-
4 graph (2) and except to the extent that rights are
5 recognized in the Settlement Agreement or this sec-
6 tion, the Nations and the United States, acting as
7 a trustee for the Nations, shall execute a waiver and
8 release of—

9 (A) all claims asserted or which could have
10 been asserted in any proceeding filed or that
11 could have been filed during the period ending
12 on the enforceability date, including Chickasaw
13 Nation, Choctaw Nation v. Fallin et al., CIV
14 11–927 (W.D. Ok.), OWRB v. United States,
15 et al. CIV 12–275 (W.D. Ok.), or any general
16 stream adjudication, including—

17 (i) claims to the ownership of water in
18 the State;

19 (ii) claims to water rights and rights
20 to use water diverted or taken from a loca-
21 tion within the State;

22 (iii) claims to authority over the allo-
23 cation and management of water and ad-
24 ministration of water rights, including au-
25 thority over third-party ownership of or

1 rights to use water diverted or taken from
2 a location within the State and ownership
3 or use of water on allotments by allottees
4 or any other person using water on an al-
5 lotment with the permission of an allottee;

6 (iv) claims that the State lacks au-
7 thority over the allocation and manage-
8 ment of water and administration of water
9 rights, including authority over the owner-
10 ship of or rights to use water diverted or
11 taken from a location within the State;

12 (v) any other claim relating to the
13 ownership of water, regulation of water, or
14 authorized diversion, storage, or use of
15 water diverted or taken from a location
16 within the State, if the claim is based on
17 the status of the Chickasaw Nation or the
18 Choctaw Nation as a federally recognized
19 Indian tribe; and

20 (vi) claims or defenses asserted in
21 Chickasaw Nation, Choctaw Nation v.
22 Fallin et al., CIV 11-927 (W.D. Ok.),
23 OWRB v. United States, et al. CIV 12-
24 275 (W.D. Ok.), or any general stream ad-
25 judication;

1 (B) all claims for damages, losses or inju-
2 ries to water rights or water, or claims of inter-
3 ference with, diversion, storage, taking, or use
4 of water (including claims for injury to land re-
5 sulting from the damages, losses, injuries, inter-
6 ference with, diversion, storage, taking, or use
7 of water) attributable to any action by the
8 State, the OWRB, or any water user authorized
9 pursuant to State law to take or use water in
10 the State, including the City, that accrued dur-
11 ing the period ending on the enforceability date;

12 (C) all claims and objections relating to
13 the amended permit application, and the City
14 permit, including—

15 (i) all claims regarding regulatory
16 control over or OWRB jurisdiction relating
17 to the permit application and permit; and

18 (ii) all claims for damages, losses or
19 injuries to water rights or rights to use
20 water, or claims of interference with, diver-
21 sion, storage, taking, or use of water (in-
22 cluding claims for injury to land resulting
23 from the damages, losses, injuries, inter-
24 ference with, diversion, storage, taking, or

1 use of water) attributable to the issuance
2 and lawful exercise of the City permit;

3 (D) all claims to regulatory control over
4 the Permit Numbers P80-48 and 54-613 of
5 the City for water rights from the Muddy
6 Boggy River for Atoka Reservoir and P73-
7 282D for water rights from the Muddy Boggy
8 River, including McGee Creek, for the McGee
9 Creek Reservoir;

10 (E) all claims that the State lacks regu-
11 latory authority over or OWRB jurisdiction re-
12 lating to Permit Numbers P80-48 and 54-613
13 for water rights from the Muddy Boggy River
14 for Atoka Reservoir and P73-282D for water
15 rights from the Muddy Boggy River, including
16 McGee Creek, for the McGee Creek Reservoir;

17 (F) all claims to damages, losses or inju-
18 ries to water rights or water, or claims of inter-
19 ference with, diversion, storage, taking, or use
20 of water (including claims for injury to land re-
21 sulting from such damages, losses, injuries, in-
22 terference with, diversion, storage, taking, or
23 use of water) attributable to the lawful exercise
24 of Permit Numbers P80-48 and 54-613 for
25 water rights from the Muddy Boggy River for

1 Atoka Reservoir and P73-282D for water
2 rights from the Muddy Boggy River, including
3 McGee Creek, for the McGee Creek Reservoir,
4 that accrued during the period ending on the
5 enforceability date; and

6 (G) all claims and objections relating to
7 the approval by the Secretary of the assignment
8 of the 1974 storage contract pursuant to the
9 amended storage contract.

10 (2) RETENTION AND RESERVATION OF
11 CLAIMS.—

12 (A) RESERVATION OF RIGHTS AND RETEN-
13 TION OF CLAIMS BY NATIONS AND THE UNITED
14 STATES.—

15 (i) IN GENERAL.—Notwithstanding
16 the waiver and releases of claims author-
17 ized under paragraph (1), the Nations and
18 the United States, acting as trustee, shall
19 retain—

20 (I) all claims for enforcement of
21 the Settlement Agreement and this
22 section;

23 (II) all rights to use and protect
24 any water right of the Nations recog-
25 nized by or established pursuant to

1 the Settlement Agreement, including
2 the right to assert claims for injuries
3 relating to the rights and the right to
4 participate in any general stream ad-
5 judication, including any inter se pro-
6 ceeding;

7 (III) all claims relating to activi-
8 ties affecting the quality of water that
9 are not waived under paragraph
10 (1)(A)(v), including any claims the
11 Nations may have under—

12 (aa) the Comprehensive En-
13 vironmental Response, Com-
14 pensation, and Liability Act of
15 1980 (42 U.S.C. 9601 et seq.),
16 including for damages to natural
17 resources;

18 (bb) the Safe Drinking
19 Water Act (42 U.S.C. 300f et
20 seq.);

21 (cc) the Federal Water Pol-
22 lution Control Act (33 U.S.C.
23 1251 et seq.); and

1 (dd) any regulations imple-
2 menting the Acts described in
3 items (aa) through (cc);

4 (IV) all claims relating to dam-
5 age, loss, or injury resulting from an
6 unauthorized diversion, use, or stor-
7 age of water, including damages,
8 losses, or injuries to land or nonwater
9 natural resources associated with any
10 hunting, fishing, gathering, or cultural
11 right; and

12 (V) all rights, remedies, privi-
13 leges, immunities, and powers not spe-
14 cifically waived and released pursuant
15 to this section or the Settlement
16 Agreement.

17 (ii) AGREEMENT.—

18 (I) IN GENERAL.—As provided in
19 the Settlement Agreement, the Chick-
20 asaw Nation shall convey an easement
21 to the City, which easement shall be
22 as described and depicted in Exhibit
23 15 to the Settlement Agreement.

24 (II) APPLICATION.—The Chicka-
25 saw Nation and the City shall cooper-

1 ate and coordinate on the submission
2 of an application for approval by the
3 Secretary of the Interior of the con-
4 veyance under subclause (I), in ac-
5 cordance with applicable Federal law.

6 (III) RECORDING.—On approval
7 by the Secretary of the Interior of the
8 conveyance of the easement under this
9 clause, the City shall record the ease-
10 ment.

11 (IV) CONSIDERATION.—In ex-
12 change for conveyance of the ease-
13 ment under clause (ii), the City shall
14 pay to the Chickasaw Nation the
15 value of past unauthorized use and
16 consideration for future use of the
17 land burdened by the easement, based
18 on an appraisal secured by the City
19 and Nations and approved by the Sec-
20 retary of the Interior.

21 (B) RESERVATION OF RIGHTS AND RETEN-
22 TION OF CLAIMS BY NATIONS AGAINST THE
23 UNITED STATES.—Notwithstanding the waivers
24 and releases of claims authorized under para-
25 graph (1), each Nation shall retain—

1 (i) all claims for enforcement of the
2 Settlement Agreement and this section;

3 (ii) all rights to use and protect any
4 water rights of the Nations recognized by
5 or established pursuant to the Settlement
6 Agreement and this section, including the
7 right to assert claims for injuries relating
8 to the rights and the right to participate in
9 any stream adjudication, including any
10 inter se proceeding;

11 (iii) all claims relating to activities af-
12 fecting the quality of water that are not
13 waived under paragraph (1), including any
14 claims the Nations may have under—

15 (I) the Comprehensive Environ-
16 mental Response, Compensation, and
17 Liability Act of 1980 (42 U.S.C. 9601
18 et seq.), including for damages to nat-
19 ural resources;

20 (II) the Safe Drinking Water Act
21 (42 U.S.C. 300f et seq.);

22 (III) the Federal Water Pollution
23 Control Act (33 U.S.C. 1251 et seq.);
24 and

1 (IV) any regulations imple-
2 menting the Acts described in sub-
3 clauses (I) through (III);

4 (iv) all claims relating to damage,
5 loss, or injury resulting from the unauthor-
6 ized diversion, use, or storage of water by
7 a person, including damages, losses, or in-
8 juries to land or nonwater natural re-
9 sources associated with any hunting, fish-
10 ing, gathering, or cultural right; and

11 (v) all rights, remedies, privileges, im-
12 munities, and powers not specifically
13 waived and released pursuant to this sec-
14 tion.

15 (3) EFFECTIVE DATE OF WAIVER AND RE-
16 LEASES.—The waivers and releases under this sub-
17 section take effect on the enforceability date.

18 (i) ENFORCEABILITY DATE.—

19 (1) IN GENERAL.—The Settlement Agreement
20 shall take effect and be enforceable on the date on
21 which the Secretary of the Interior publishes in the
22 Federal Register a certification that—

23 (A) to the extent the Settlement Agree-
24 ment conflicts with this section, the Settlement

1 Agreement has been amended to conform with
2 this section;

3 (B) the Settlement Agreement, as amend-
4 ed, has been executed by the Secretary of the
5 Interior, the Nations, the Governor of the
6 State, the OWRB, the City, and the Trust;

7 (C) to the extent the amended storage con-
8 tract conflicts with this section, the amended
9 storage contract has been amended to conform
10 with this section;

11 (D) the amended storage contract, as
12 amended to conform with this section, has
13 been—

14 (i) executed by the State, the City,
15 and the Trust; and

16 (ii) approved by the Secretary;

17 (E) an order has been entered in United
18 States v. Oklahoma Water Resources Board,
19 Civ. 98–C–521–E with any modifications to the
20 order dated September 11, 2009, as provided in
21 the Settlement Agreement;

22 (F) orders of dismissal have been entered
23 in Chickasaw Nation, Choctaw Nation v. Fallin
24 et al., Civ 11–297 (W.D. Ok.) and OWRB v.

1 United States, et al. Civ 12–275 (W.D. Ok.) as
2 provided in the Settlement Agreement;

3 (G) the OWRB has issued the City Permit;

4 (H) the final documentation of the
5 Kiamichi Basin hydrologic model is on file at
6 the Oklahoma City offices of the OWRB; and

7 (I) the Atoka and Sardis Conservation
8 Projects Fund has been funded as provided in
9 the Settlement Agreement.

10 (2) EXPIRATION DATE.—If the Secretary of the
11 Interior fails to publish a statement of findings
12 under paragraph (1) by not later than September
13 30, 2020, or such alternative later date as is agreed
14 to by the Secretary of the Interior, the Nations, the
15 State, the City, and the Trust under paragraph (4),
16 the following shall apply:

17 (A) This section, except for this subsection
18 and any provisions of this section that are nec-
19 essary to carry out this subsection (but only for
20 purposes of carrying out this subsection) are
21 not effective beginning on September 30, 2020,
22 or the alternative date.

23 (B) The waivers and release of claims, and
24 the limited waivers of sovereign immunity, shall
25 not become effective.

1 (C) The Settlement Agreement shall be
2 null and void, except for this paragraph and
3 any provisions of the Settlement Agreement
4 that are necessary to carry out this paragraph.

5 (D) Except with respect to this paragraph,
6 the State, the Nations, the City, the Trust, and
7 the United States shall not be bound by any ob-
8 ligations or benefit from any rights recognized
9 under the Settlement Agreement.

10 (E) If the City permit has been issued, the
11 permit shall be null and void, except that the
12 City may resubmit to the OWRB, and the
13 OWRB shall be considered to have accepted,
14 OWRB permit application No. 2007–017 with-
15 out having waived the original application pri-
16 ority date and appropriative quantities.

17 (F) If the amended storage contract has
18 been executed or approved, the contract shall be
19 null and void, and the 2010 agreement shall be
20 considered to be in force and effect as between
21 the State and the Trust.

22 (G) If the Atoka and Sardis Conservation
23 Projects Fund has been established and funded,
24 the funds shall be returned to the respective
25 funding parties with any accrued interest.

1 (3) NO PREJUDICE.—The occurrence of the ex-
2 piration date under paragraph (2) shall not in any
3 way prejudice—

4 (A) any argument or suit that the Nations
5 may bring to contest—

6 (i) the pursuit by the City of OWRB
7 permit application No. 2007–017, or a
8 modified version; or

9 (ii) the 2010 agreement;

10 (B) any argument, defense, or suit the
11 State may bring or assert with regard to the
12 claims of the Nations to water or over water in
13 the settlement area; or

14 (C) any argument, defense or suit the City
15 may bring or assert—

16 (i) with regard to the claims of the
17 Nations to water or over water in the set-
18 tlement area relating to OWRB permit ap-
19 plication No. 2007–017, or a modified
20 version; or

21 (ii) to contest the 2010 agreement.

22 (4) EXTENSION.—The expiration date under
23 paragraph (2) may be extended in writing if the Na-
24 tions, the State, the OWRB, the United States, and
25 the City agree that an extension is warranted.

1 (j) JURISDICTION, WAIVERS OF IMMUNITY FOR IN-
2 TERPRETATION AND ENFORCEMENT.—

3 (1) JURISDICTION.—

4 (A) IN GENERAL.—

5 (i) EXCLUSIVE JURISDICTION.—The
6 United States District Court for the West-
7 ern District of Oklahoma shall have exclu-
8 sive jurisdiction for all purposes and for all
9 causes of action relating to the interpreta-
10 tion and enforcement of the Settlement
11 Agreement, the amended storage contract,
12 or interpretation or enforcement of this
13 section, including all actions filed by an al-
14 lottee pursuant to subsection (e)(4)(B).

15 (ii) RIGHT TO BRING ACTION.—The
16 Choctaw Nation, the Chickasaw Nation,
17 the State, the City, the Trust, and the
18 United States shall each have the right to
19 bring an action pursuant to this section.

20 (iii) NO ACTION IN OTHER COURTS.—
21 No action may be brought in any other
22 Federal, Tribal, or State court or adminis-
23 trative forum for any purpose relating to
24 the Settlement Agreement, amended stor-
25 age contract, or this section.

1 (iv) NO MONETARY JUDGMENT.—
2 Nothing in this section authorizes any
3 money judgment or otherwise allows the
4 payment of funds by the United States,
5 the Nations, the State (including the
6 OWRB), the City, or the Trust.

7 (B) NOTICE AND CONFERENCE.—An enti-
8 ty seeking to interpret or enforce the Settle-
9 ment Agreement shall comply with the fol-
10 lowing:

11 (i) Any party asserting noncompliance
12 or seeking interpretation of the Settlement
13 Agreement or this section shall first serve
14 written notice on the party alleged to be in
15 breach of the Settlement Agreement or vio-
16 lation of this section.

17 (ii) The notice under clause (i) shall
18 identify the specific provision of the Settle-
19 ment Agreement or this section alleged to
20 have been violated or in dispute and shall
21 specify in detail the contention of the party
22 asserting the claim and any factual basis
23 for the claim.

24 (iii) Representatives of the party al-
25 leging a breach or violation and the party

1 alleged to be in breach or violation shall
2 meet not later than 30 days after receipt
3 of notice under clause (i) in an effort to re-
4 solve the dispute.

5 (iv) If the matter is not resolved to
6 the satisfaction of the party alleging
7 breach not later than 90 days after the
8 original notice under clause (i), the party
9 may take any appropriate enforcement ac-
10 tion consistent with the Settlement Agree-
11 ment and this subsection.

12 (2) LIMITED WAIVERS OF SOVEREIGN IMMUN-
13 NITY.—

14 (A) IN GENERAL.—The United States and
15 the Nations may be joined in an action filed in
16 the United States District Court for the West-
17 ern District of Oklahoma.

18 (B) UNITED STATES IMMUNITY.—Any
19 claim by the United States to sovereign immu-
20 nity from suit is irrevocably waived for any ac-
21 tion brought by the State, the Chickasaw Na-
22 tion, the Choctaw Nation, the City, the Trust,
23 or (solely for purposes of actions brought pur-
24 suant to subsection (e)) an allottee in the West-
25 ern District of Oklahoma relating to interpreta-

1 tion or enforcement of the Settlement Agree-
2 ment or this section, including of the appellate
3 jurisdiction of the United States Court of Ap-
4 peals for the Tenth Circuit and the Supreme
5 Court of the United States.

6 (C) CHICKASAW NATION IMMUNITY.—For
7 the exclusive benefit of the State (including the
8 OWRB), the City, the Trust, the Choctaw Na-
9 tion, and the United States, the sovereign im-
10 munity of the Chickasaw Nation from suit is
11 waived solely for any action brought in the
12 Western District of Oklahoma relating to inter-
13 pretation or enforcement of the Settlement
14 Agreement or this section, if the action is
15 brought by the State or the OWRB, the City,
16 the Trust, the Choctaw Nation, or the United
17 States, including the appellate jurisdiction of
18 the United States Court of Appeals for the
19 Tenth Circuit and the Supreme Court of the
20 United States.

21 (D) CHOCTAW NATION IMMUNITY.—For
22 the exclusive benefit of the State (including of
23 the OWRB), the City, the Trust, the Chickasaw
24 Nation, and the United States, the Choctaw
25 Nation shall expressly and irrevocably consent

1 to a suit and waive sovereign immunity from a
2 suit solely for any action brought in the West-
3 ern District of Oklahoma relating to interpreta-
4 tion or enforcement of the Settlement Agree-
5 ment or this section, if the action is brought by
6 the State, the OWRB, the City, the Trust, the
7 Chickasaw Nation, or the United States, includ-
8 ing the appellate jurisdiction of the United
9 States Court of Appeals for the Tenth Circuit
10 and the Supreme Court of the United States.

11 (k) DISCLAIMER.—

12 (1) IN GENERAL.—The Settlement Agreement
13 applies only to the claims and rights of the Nations.

14 (2) NO PRECEDENT.—Nothing in this section
15 or the Settlement Agreement shall be construed in
16 any way to quantify, establish, or serve as precedent
17 regarding the land and water rights, claims, or enti-
18 tlements to water of any American Indian Tribe
19 other than the Nations, including any other Amer-
20 ican Indian Tribe in the State.