

AMENDMENT NO. _____ Calendar No. _____

Purpose: Of a perfecting nature.

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 intended to be proposed by _____ to the amendment (No. 4979) proposed by Mr. INHOFE

Viz:

1 Strike titles I through VIII and insert the following:

2 **TITLE I—PROGRAM REFORMS**

3 **SEC. 1001. STUDY OF WATER RESOURCES DEVELOPMENT**

4 **PROJECTS BY NON-FEDERAL INTERESTS.**

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

8 “(e) TECHNICAL ASSISTANCE.—On the request of a
9 non-Federal interest, the Secretary may provide technical
10 assistance relating to any aspect of the feasibility study

1 if the non-Federal interest contracts with the Secretary
2 to pay all costs of providing the technical assistance.”.

3 **SEC. 1002. ADVANCED FUNDS FOR WATER RESOURCES DE-**
4 **VELOPMENT STUDIES AND PROJECTS.**

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

7 (1) in the first sentence—

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

10 “(a) IN GENERAL.—Whenever any”;

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

15 (C) by striking “such work” and inserting
16 “such study or project”;

17 (2) in the second sentence—

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

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

21 (B) by striking “from appropriations which
22 may be provided by Congress for flood-control
23 work” and inserting “if specific appropriations
24 are provided by Congress for such purpose”;
25 and

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

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

4 “(1) a State;

5 “(2) the District of Columbia;

6 “(3) the Commonwealth of Puerto Rico;

7 “(4) any other territory or possession of the
8 United States; and

9 “(5) a federally recognized Indian tribe or 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)).”.

14 **SEC. 1003. AUTHORITY TO ACCEPT AND USE MATERIALS**
15 **AND SERVICES.**

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

18 (1) by striking subsection (a) and inserting the
19 following:

20 “(a) IN GENERAL.—Subject to subsection (b), the
21 Secretary is authorized to accept and use materials, serv-
22 ices, or funds contributed by a non-Federal public entity,
23 a nonprofit entity, or a private entity to repair, restore,
24 replace, or maintain a water resources project in any case
25 in which the District Commander determines that—

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

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

6 (2) in subsection (c), in the matter preceding
7 paragraph (1)—

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

14 (B) by striking “a report” and inserting
15 “an annual report”.

16 **SEC. 1004. PARTNERSHIPS WITH NON-FEDERAL ENTITIES**
17 **TO PROTECT THE FEDERAL INVESTMENT.**

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

23 (b) **FORM OF PARTNERSHIP.**—Under a partnership
24 referred to in subsection (a), the Secretary is authorized

1 to accept and use funds, materials, and services contrib-
2 uted by the non-Federal interest.

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

8 **SEC. 1005. NON-FEDERAL STUDY AND CONSTRUCTION OF**
9 **PROJECTS.**

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

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

22 **SEC. 1006. MUNITIONS DISPOSAL.**

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

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

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

6 **SEC. 1007. CHALLENGE COST-SHARING PROGRAM FOR**
7 **MANAGEMENT OF RECREATION FACILITIES.**

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

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

12 (2) by inserting after subsection (b) the fol-
13 lowing:

14 “(c) USER FEES.—

15 “(1) COLLECTION OF FEES.—

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

23 “(B) USE OF VISITOR RESERVATION SERV-
24 ICES.—A public or private entity described in
25 subparagraph (A) may use to manage fee col-

1 lections and reservations under this section any
2 visitor reservation service that the Secretary
3 has provided for by contract or interagency
4 agreement, subject to such terms and condi-
5 tions as the Secretary determines to be appro-
6 priate.

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

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

12 “(B) notwithstanding section 210(b)(4) of
13 the Flood Control Act of 1968 (16 U.S.C.
14 460d–3(b)(4)), use that amount for operation,
15 maintenance, and management at the recre-
16 ation site at which the fee is collected.

17 “(3) TERMS AND CONDITIONS.—The authority
18 of a non-Federal public or private entity under this
19 subsection shall be subject to such terms and condi-
20 tions as the Secretary determines necessary to pro-
21 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, consistent with author-
23 ized project purposes, operational documents for any
24 reservoir owned and operated by the Secretary
25 (other than reservoirs in the Upper Missouri River,

1 the Apalachicola-Chattahoochee-Flint River system,
2 the Alabama-Coosa-Tallapoosa River system, and
3 the Stones River):”

4 (b) REPORT.—Section 1015 of the Water Resources
5 Reform and Development Act of 2014 is amended by
6 striking subsection (b) (33 U.S.C. 701h note; Public Law
7 113–121) and inserting the following:

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

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

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

1 **SEC. 1011. APPLICATION OF CERTAIN BENEFITS AND**
2 **COSTS INCLUDED IN FINAL FEASIBILITY**
3 **STUDIES.**

4 (a) **IN GENERAL.**—For a navigation project author-
5 ized after November 7, 2007, involving offshore oil and
6 gas fabrication ports, the recommended plan by the Chief
7 of Engineers shall be the plan that uses the value of future
8 energy exploration and production fabrication contracts
9 and the transportation savings that would result from a
10 larger navigation channel in accordance with section 6009
11 of the Emergency Supplemental Appropriations Act for
12 Defense, the Global War on Terror, and Tsunami Relief,
13 2005 (Public Law 109–13; 119 Stat. 282).

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

16 (1) a project that has undergone an economic
17 benefits update; and

18 (2) at the request of the non-Federal sponsor,
19 any ongoing feasibility study for which the benefits
20 under section 6009 of the Emergency Supplemental
21 Appropriations Act for Defense, the Global War on
22 Terror, and Tsunami Relief, 2005 (Public Law 109–
23 13; 119 Stat. 282) may apply.

1 **SEC. 1012. LEVERAGING FEDERAL INFRASTRUCTURE FOR**
2 **INCREASED WATER SUPPLY.**

3 (a) IN GENERAL.—At the request of a non-Federal
4 interest, the Secretary may review proposals to increase
5 the quantity of available supplies of water at Federal
6 water resources projects through—

- 7 (1) modification of a water resources project;
8 (2) modification of how a project is managed;
9 or
10 (3) accessing water released from a project.

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

- 13 (1) increasing the storage capacity of the
14 project;
15 (2) diversion of water released or withdrawn
16 from the project—
17 (A) to recharge groundwater;
18 (B) to aquifer storage and recovery; or
19 (C) to any other storage facility;
20 (3) construction of facilities for delivery of
21 water from pumping stations constructed by the
22 Secretary;
23 (4) construction of facilities to access water;
24 and
25 (5) a combination of the activities described in
26 paragraphs (1) through (4).

1 (c) EXCLUSIONS.—This section shall not apply to a
2 proposal that—

3 (1) reallocates existing water supply or hydro-
4 power storage; or

5 (2) reduces water available for any authorized
6 project purpose.

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

11 (e) REVIEW PROCESS.—

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

19 (2) PUBLIC PARTICIPATION.—In reviewing pro-
20 posals submitted under subsection (a), and prior to
21 making any decisions regarding a proposal, the Sec-
22 retary shall comply with all applicable public partici-
23 pation requirements under law, including consulta-
24 tion with—

25 (A) affected States;

1 (B) Power Marketing Administrations, in
2 the case of reservoirs with Federal hydropower
3 projects;

4 (C) entities responsible for operation and
5 maintenance costs;

6 (D) any entity that has a contractual right
7 from the Federal Government or a State to
8 withdraw water from, or use storage at, the
9 project;

10 (E) entities that the State determines hold
11 rights under State law to the use of water from
12 the project; and

13 (F) units of local government with flood
14 risk reduction responsibilities downstream of
15 the project.

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

19 (1) the specific authorization for the water re-
20 sources project;

21 (2) section 216 of the Flood Control Act of
22 1970 (33 U.S.C. 549a);

23 (3) section 301 of the Water Supply Act of
24 1958 (43 U.S.C. 390b); and

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

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

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

8 (2) interferes with an authorized purpose of the
9 project;

10 (3) adversely impacts contractual rights to
11 water or storage at the reservoir;

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

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

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

21 (h) COST SHARE.—

22 (1) IN GENERAL.—Except as provided in para-
23 graph (2), 100 percent of the cost of developing, re-
24 viewing, and implementing a proposal submitted

1 under subsection (a) shall be provided by an entity
2 other than the Federal Government.

3 (2) PLANNING ASSISTANCE TO STATES.—In the
4 case of a proposal from an entity authorized to re-
5 ceive assistance under section 22 of the Water Re-
6 sources Development Act of 1974 (42 U.S.C. 1962d-
7 16), the Secretary may use funds available under
8 that section to pay 50 percent of the cost of a review
9 of a proposal submitted under subsection (a).

10 (3) OPERATION AND MAINTENANCE COSTS.—

11 (A) IN GENERAL.—Except as provided in
12 subparagraphs (B) and (C), the operation and
13 maintenance costs for the non-Federal sponsor
14 of a proposal submitted under subsection (a)
15 shall be 100 percent of the separable operation
16 and maintenance costs associated with the costs
17 of implementing the proposal.

18 (B) CERTAIN WATER SUPPLY STORAGE
19 PROJECTS.—For a proposal submitted under
20 subsection (a) for constructing additional water
21 supply storage at a reservoir for use under a
22 water supply storage agreement, in addition to
23 the costs under subparagraph (A), the non-Fed-
24 eral costs shall include the proportional share of
25 any joint-use costs for operation, maintenance,

1 repair, replacement, or rehabilitation of the res-
2 ervoir project determined in accordance with
3 section 301 of the Water Supply Act of 1958
4 (43 U.S.C. 390b).

5 (C) VOLUNTARY CONTRIBUTIONS.—An en-
6 tity other than an entity described in subpara-
7 graph (A) may voluntarily contribute to the
8 costs of implementing a proposal submitted
9 under subsection (a).

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

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

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

23 (1) the Upper Missouri River;

24 (2) the Apalachicola-Chattahoochee-Flint river
25 system;

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

2 and

3 (4) the Stones River.

4 (l) EFFECT OF SECTION.—Nothing in this section af-
5 fects or modifies any authority of the Secretary to review
6 or modify reservoirs.

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

8 (a) IN GENERAL.—Subject to subsection (b), using
9 amounts available in the revolving fund established by sec-
10 tion 101 of the Civil Functions Appropriations Act, 1954
11 (33 U.S.C. 576) and not otherwise obligated, the Sec-
12 retary may—

13 (1) design, renovate, and construct additions to
14 2 buildings located on Hanscom Air Force Base in
15 Bedford, Massachusetts for the headquarters of the
16 New England District of the Army Corps of Engi-
17 neers; and

18 (2) carry out such construction and infrastruc-
19 ture improvements as are required to support the
20 headquarters of the New England District of the
21 Army Corps of Engineers, including any necessary
22 demolition of the existing infrastructure.

23 (b) REQUIREMENT.—In carrying out subsection (a),
24 the Secretary shall ensure that the revolving fund estab-
25 lished by section 101 of the Civil Functions Appropria-

1 tions Act, 1954 (33 U.S.C. 576) is appropriately reim-
2 bursed from funds appropriated for programs that receive
3 a benefit under this section.

4 **SEC. 1014. BUFFALO DISTRICT HEADQUARTERS.**

5 (a) IN GENERAL.—Subject to subsection (b), using
6 amounts available in the revolving fund established by sec-
7 tion 101 of the Civil Functions Appropriations Act, 1954
8 (33 U.S.C. 576) and not otherwise obligated, the Sec-
9 retary may—

10 (1) design and construct a new building in Buf-
11 falo, New York, for the headquarters of the Buffalo
12 District of the Army Corps of Engineers; and

13 (2) carry out such construction and infrastruc-
14 ture improvements as are required to support the
15 headquarters and related installations and facilities
16 of the Buffalo District of the Army Corps of Engi-
17 neers, including any necessary demolition or renova-
18 tion of the existing infrastructure.

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

1 **SEC. 1015. COMPLETION OF ECOSYSTEM RESTORATION**
2 **PROJECTS.**

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

6 “(d) INCLUSIONS.—A monitoring plan under sub-
7 section (b) shall include a description of—

8 “(1) the types and number of restoration activi-
9 ties to be conducted;

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

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

14 “(4) a contingency plan for taking corrective
15 actions in cases in which monitoring demonstrates
16 that restoration measures are not achieving ecologi-
17 cal success in accordance with criteria described in
18 the monitoring plan.

19 “(e) CONCLUSION OF OPERATION AND MAINTEN-
20 NANCE RESPONSIBILITY.—The responsibility of the non-
21 Federal sponsor for operation, maintenance, repair, re-
22 placement, and rehabilitation of the ecosystem restoration
23 project shall cease 10 years after the date on which the
24 Secretary makes a determination of success under sub-
25 section (b)(2).”.

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

2 Section 221(a)(4)(D)(iv) of the Flood Control Act of
3 1970 (42 U.S.C. 1962d-5b(a)(4)(D)(iv)) is amended—

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

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

7 **SEC. 1017. STRUCTURAL HEALTH MONITORING.**

8 (a) IN GENERAL.—The Secretary shall design and
9 develop a structural health monitoring program to assess
10 and improve the condition of infrastructure constructed
11 and maintained by the Corps of Engineers, including re-
12 search, design, and development of systems and frame-
13 works for—

14 (1) response to flood and earthquake events;

15 (2) pre-disaster mitigation measures;

16 (3) lengthening the useful life of the infrastruc-
17 ture; and

18 (4) identifying risks due to sea level rise.

19 (b) CONSULTATION AND CONSIDERATION.—In devel-
20 oping the program under subsection (a), the Secretary
21 shall—

22 (1) consult with academic and other experts;
23 and

24 (2) consider models for maintenance and repair
25 information, the development of degradation models
26 for real-time measurements and environmental in-

1 puts, and research on qualitative inspection data as
2 surrogate sensors.

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

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

6 (1) in subsection (h)—

7 (A) in paragraph (4)—

8 (i) by redesignating subparagraphs
9 (D) and (E) as subparagraphs (E) and
10 (F), respectively; and

11 (ii) by inserting after subparagraph
12 (C) the following:

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

15 (B) in paragraph (6)(C), by striking “im-
16 pacts” and inserting “impacts, including im-
17 pacts to habitat connectivity”; and

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

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

21 “(A) requires the Secretary to undertake
22 additional mitigation for existing projects for
23 which mitigation has already been initiated, in-
24 cluding the addition of fish passage to an exist-
25 ing water resources development project; or

1 “(B) affects the mitigation responsibilities
2 of the Secretary under any other provision of
3 law.”; and

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

5 “(j) USE OF FUNDS.—The Secretary may use funds
6 made available for preconstruction engineering and design
7 prior to authorization of project construction to satisfy
8 mitigation requirements through third-party arrange-
9 ments or to acquire interests in land necessary for meeting
10 mitigation requirements under this section.

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

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

21 Section 221(b)(1) of the Flood Control Act of 1970
22 (42 U.S.C. 1962d–5b(b)(1)) is amended by inserting “or
23 a Native village, Regional Corporation, or Village Corpora-
24 tion (as those terms are defined in section 3 of the Alaska

1 Native Claims Settlement Act (43 U.S.C. 1602))” after
2 “Indian tribe”.

3 **SEC. 1020. DISCRETE SEGMENT.**

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

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

9 (2) by striking “project, or separable element
10 thereof,” each place it appears and inserting
11 “project, separable element, or discrete segment of a
12 project”;

13 (3) in subsection (a)—

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

17 (B) by striking the subsection designation
18 and all that follows through “In this section,
19 the” and inserting the following:

20 “(a) DEFINITIONS.—In this section:

21 “(1) DISCRETE SEGMENT.—The term ‘discrete
22 segment’, with respect to a project, means a physical
23 portion of the project, as described in design docu-
24 ments, that is environmentally acceptable, is com-
25 plete, will not create a hazard, and functions inde-

1 pendently so that the non-Federal sponsor can oper-
2 ate and maintain the discrete segment in advance of
3 completion of the total project or separable element
4 of the project.

5 “(2) WATER RESOURCES DEVELOPMENT
6 PROJECT.—The”;

7 (4) in subsection (b)(1), in the matter pre-
8 ceding subparagraph (A), by striking “project, or
9 separate element thereof” and inserting “project,
10 separable element, or discrete segment of a project”;
11 and

12 (5) in subsection (d)—

13 (A) in paragraph (3)(B), in the matter
14 preceding clause (i), by striking “project” and
15 inserting “project, separable element, or dis-
16 crete segment”;

17 (B) in paragraph (4), in the matter pre-
18 ceding subparagraph (A), by striking “project,
19 or a separable element of a water resources de-
20 velopment project,” and inserting “project, sep-
21 arable element, or discrete segment of a
22 project”; and

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

24 “(5) REPAYMENT OF REIMBURSEMENT.—If the
25 non-Federal interest receives reimbursement for a

1 discrete segment of a project and fails to complete
2 the entire project or separable element of the
3 project, the non-Federal interest shall repay to the
4 Secretary the amount of the reimbursement, plus in-
5 terest.”.

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

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

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

11 “(C) RAIL CARRIER.—The term ‘rail car-
12 rier’ has the meaning given the term in section
13 10102 of title 49, United States Code.”;

14 (2) in paragraph (2), by striking “or natural
15 gas company” and inserting “, natural gas company,
16 or rail carrier”;

17 (3) in paragraph (3), by striking “or natural
18 gas company” and inserting “, natural gas company,
19 or rail carrier”; and

20 (4) in paragraph (5), by striking “and natural
21 gas companies” and inserting “, natural gas compa-
22 nies, and rail carriers, including an evaluation of the
23 compliance with all requirements of this section and,
24 with respect to a permit for those entities, the re-
25 quirements of all applicable Federal laws”.

1 **SEC. 1022. INTERNATIONAL OUTREACH PROGRAM.**

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

5 “(a) AUTHORIZATION.—

6 “(1) IN GENERAL.—The Secretary may engage
7 in activities to inform the United States of techno-
8 logical innovations abroad that could significantly
9 improve water resources development in the United
10 States.

11 “(2) INCLUSIONS.—Activities under paragraph
12 (1) may include—

13 “(A) development, monitoring, assessment,
14 and dissemination of information about foreign
15 water resources projects that could significantly
16 improve water resources development in the
17 United States;

18 “(B) research, development, training, and
19 other forms of technology transfer and ex-
20 change; and

21 “(C) offering technical services that cannot
22 be readily obtained in the private sector to be
23 incorporated into water resources projects if the
24 costs for assistance will be recovered under the
25 terms of each project.”.

1 **SEC. 1023. WETLANDS MITIGATION.**

2 Section 2036(c) of the Water Resources Development
3 Act of 2007 (33 U.S.C. 2317b) is amended by adding at
4 the end the following:

5 “(4) MITIGATION BANKS.—

6 “(A) IN GENERAL.—Not later than 180
7 days after the date of enactment of this para-
8 graph, the Secretary shall issue implementation
9 guidance that provides for the consideration in
10 water resources development feasibility studies
11 of the entire amount of potential in-kind credits
12 available at mitigation banks and in-lieu fee
13 programs with an approved service area that in-
14 cludes the projected impacts of the water re-
15 source development project.

16 “(B) REQUIREMENTS.—All potential miti-
17 gation bank and in-lieu fee credits that meet
18 the criteria under subparagraph (A) shall be
19 considered a reasonable alternative for planning
20 purposes if the applicable mitigation bank—

21 “(i) has an approved mitigation bank-
22 ing instrument; and

23 “(ii) has completed a functional anal-
24 ysis of the potential credits using the ap-
25 proved Corps of Engineers certified habitat
26 assessment model specific to the region.

1 “(C) EFFECT.—Nothing in this paragraph
2 modifies or alters any requirement for a water
3 resources project to comply with applicable laws
4 or regulations, including section 906 of the
5 Water Resources Development Act of 1986 (33
6 U.S.C. 2283).”.

7 **SEC. 1024. USE OF YOUTH SERVICE AND CONSERVATION**
8 **CORPS.**

9 Section 213 of the Water Resources Development Act
10 of 2000 (33 U.S.C. 2339) is amended by adding at the
11 end the following:

12 “(d) YOUTH SERVICE AND CONSERVATION CORPS.—
13 The Secretary shall encourage each district of the Corps
14 of Engineers to enter into cooperative agreements author-
15 ized under this section with qualified youth service and
16 conservation corps to perform appropriate projects.”.

17 **SEC. 1025. DEBRIS REMOVAL.**

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

22 (1) by striking “\$1,000,000” and inserting
23 “\$5,000,000”;

24 (2) by striking “accumulated snags and other
25 debris” and inserting “accumulated snags, obstruc-

1 tions, and other debris located in or adjacent to a
2 Federal channel”; and

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

5 **SEC. 1026. AQUACULTURE STUDY.**

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

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

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

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

18 (4) the experience of the private sector in ap-
19 plying for shellfish aquaculture permits from dif-
20 ferent jurisdictions of the Corps of Engineers and
21 different States.

22 (b) STUDY AREA.—The study area shall comprise, to
23 the maximum extent practicable, the following applicable
24 locations:

25 (1) The Chesapeake Bay.

1 (2) The Gulf Coast States.

2 (3) The State of California.

3 (4) The State of Washington.

4 (c) FINDINGS.—Not later than 225 days after the
5 date of enactment of this Act, the Comptroller General
6 shall submit to the Committees on Environment and Pub-
7 lic Works and on Energy and Natural Resources of the
8 Senate and the Committees on Transportation and Infra-
9 structure and on Natural Resources of the House of Rep-
10 resentatives a report containing the findings of the assess-
11 ment conducted under subsection (a).

12 **SEC. 1027. LEVEE VEGETATION.**

13 (a) IN GENERAL.—Section 3013(g)(1) of the Water
14 Resources Reform and Development Act of 2014 (33
15 U.S.C. 701n note; Public Law 113–121) is amended—

16 (1) by inserting “remove existing vegetation or”
17 after “the Secretary shall not”; and

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

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

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

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

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

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

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

15 (2) by striking “located within the boundaries
16 of such State”.

17 **SEC. 1029. PRIORITIZATION.**

18 Section 1011 of the Water Resources Reform and De-
19 velopment Act of 2014 (33 U.S.C. 2341a) is amended—

20 (1) in subsection (a)—

21 (A) in paragraph (1)(C), by inserting “re-
22 store or” before “prevent the loss”; and

23 (B) in paragraph (2)—

24 (i) in the matter preceding subpara-
25 graph (A), by striking “the date of enact-

1 ment of this Act” and inserting “the date
2 of enactment of the Water Resources De-
3 velopment Act of 2016”; and

4 (ii) in subparagraph (A)(ii), by strik-
5 ing “that—” and all that follows through
6 “(II)” and inserting “that”; and

7 (2) in subsection (b)—

8 (A) in paragraph (1), by redesignating
9 subparagraphs (A) through (C) as clauses (i)
10 through (iii), respectively, and indenting appro-
11 priately;

12 (B) by redesignating paragraphs (1) and
13 (2) as subparagraphs (A) and (B), respectively,
14 and indenting appropriately;

15 (C) in the matter preceding subparagraph
16 (A) (as so redesignated), by striking “For” and
17 inserting the following:

18 “(1) IN GENERAL.—For”; and

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

20 “(2) EXPEDITED CONSIDERATION OF CUR-
21 RENTLY AUTHORIZED PROGRAMMATIC AUTHORI-
22 TIES.—Not later than 180 days after the date of en-
23 actment of the Water Resources Development Act of
24 2016, the Secretary shall submit to the Committee
25 on Environment and Public Works of the Senate

1 and the Committee on Transportation and Infra-
2 structure of the House of Representatives a report
3 that contains—

4 “(A) a list of all programmatic authorities
5 for aquatic ecosystem restoration or improve-
6 ment of the environment that—

7 “(i) were authorized or modified in
8 the Water Resources Development Act of
9 2007 (Public Law 110–114; 121 Stat.
10 1041) or any subsequent Act; and

11 “(ii) that meet the criteria described
12 in paragraph (1); and

13 “(B) a plan for expeditiously completing
14 the projects under the authorities described in
15 subparagraph (A), subject to available fund-
16 ing.”.

17 **SEC. 1030. KENNEWICK MAN.**

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

19 (1) **CLAIMANT TRIBES.**—The term “claimant
20 tribes” means the Indian tribes and band referred to
21 in the letter from Secretary of the Interior Bruce
22 Babbitt to Secretary of the Army Louis Caldera, re-
23 lating to the human remains and dated September
24 21, 2000.

1 (2) DEPARTMENT.—The term “Department”
2 means the Washington State Department of Archae-
3 ology and Historic Preservation.

4 (3) HUMAN REMAINS.—The term “human re-
5 mains” means the human remains that—

6 (A) are known as Kennewick Man or the
7 Ancient One, which includes the projectile point
8 lodged in the right ilium bone, as well as any
9 residue from previous sampling and studies;
10 and

11 (B) are part of archaeological collection
12 number 45BN495.

13 (b) TRANSFER.—Notwithstanding any other provi-
14 sion of Federal law, including the Native American Graves
15 Protection and Repatriation Act (25 U.S.C. 3001 et seq.),
16 or law of the State of Washington, not later than 90 days
17 after the date of enactment of this Act, the Secretary, act-
18 ing through the Chief of Engineers, shall transfer the
19 human remains to the Department, on the condition that
20 the Department, acting through the State Historic Preser-
21 vation Officer, disposes of the remains and repatriates the
22 remains to claimant tribes.

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

25 (d) LIMITATIONS.—

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

4 (2) SECRETARY.—The Secretary shall have no
5 further responsibility for the human remains trans-
6 ferred pursuant to subsection (b) after the date of
7 the transfer.

8 **SEC. 1031. DISPOSITION STUDIES.**

9 In carrying out any disposition study for a project
10 of the Corps of Engineers (including a study under section
11 216 of the Flood Control Act of 1970 (33 U.S.C. 549a)),
12 the Secretary shall consider the extent to which the prop-
13 erty has economic or recreational significance or impacts
14 at the national, State, or local level.

15 **SEC. 1032. TRANSFER OF EXCESS CREDIT.**

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

18 (1) in subsection (a)—

19 (A) by striking the subsection designation
20 and heading and all that follows through “Sub-
21 ject to subsection (b)” and inserting the fol-
22 lowing:

23 “(a) APPLICATION OF CREDIT.—

24 “(1) IN GENERAL.—Subject to subsection (b)”;

25 and

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

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

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

10 (3) by redesignating subsection (e) as sub-
11 section (d).

12 **SEC. 1033. SURPLUS WATER STORAGE.**

13 Section 1046(c) of the Water Resources Reform and
14 Development Act of 2014 (Public Law 113–121; 128 Stat.
15 1254) is amended by adding at the end the following:

16 “(5) TIME LIMIT.—

17 “(A) IN GENERAL.—If the Secretary has
18 documented the volume of surplus water avail-
19 able, not later than 60 days after the date on
20 which the Secretary receives a request for a
21 contract and easement, the Secretary shall issue
22 a decision on the request.

23 “(B) OUTSTANDING INFORMATION.—If the
24 Secretary has not documented the volume of
25 surplus water available, not later than 30 days

1 after the date on which the Secretary receives
2 a request for a contract and easement, the Sec-
3 retary shall provide to the requester—

4 “(i) an identification of any out-
5 standing information that is needed to
6 make a final decision;

7 “(ii) the date by which the informa-
8 tion referred to in clause (i) shall be ob-
9 tained; and

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

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

13 Section 3(c)(2)(B) of the Act of August 13, 1946 (33
14 U.S.C. 426g(c)(2)(B)) is amended by striking
15 “\$5,000,000” and inserting “\$10,000,000”.

16 **SEC. 1035. FISH HATCHERIES.**

17 (a) IN GENERAL.—Notwithstanding any other provi-
18 sion of law, the Secretary may operate a fish hatchery for
19 the purpose of restoring a population of fish species lo-
20 cated in the region surrounding the fish hatchery that is
21 listed as a threatened species or an endangered species
22 under the Endangered Species Act of 1973 (16 U.S.C.
23 1531 et seq.) or a similar State law.

24 (b) COSTS.—A non-Federal entity, another Federal
25 agency, or a group of non-Federal entities or other Fed-

1 eral agencies shall be responsible for 100 percent of the
2 additional costs associated with managing a fish hatchery
3 for the purpose described in subsection (a) that are not
4 authorized as of the date of enactment of this Act for the
5 fish hatchery.

6 **SEC. 1036. FEASIBILITY STUDIES AND WATERSHED ASSESS-**
7 **MENTS.**

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

13 “(3) REPORT.—Not later than February 1 of
14 each year, the Secretary shall submit to the Com-
15 mittee on Environment and Public Works of the
16 Senate and the Committee on Transportation and
17 Infrastructure of the House of Representatives a re-
18 port that identifies any feasibility study for which
19 the Secretary in the preceding fiscal year approved
20 an increase in cost or extension in time as provided
21 under this section, including an identification of the
22 specific 1 or more factors used in making the deter-
23 mination that the project is complex.”.

1 (b) COST SHARING.—Section 105(a)(1)(A) of the
2 Water Resources Development Act of 1986 (33 U.S.C.
3 2215(a)(1)(A)) is amended—

4 (1) by striking the subparagraph designation
5 and heading and all that follows through “The Sec-
6 retary” and inserting the following:

7 “(A) REQUIREMENT.—

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

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

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

21 (c) NON-FEDERAL SHARE.—Section 729(f)(1) of the
22 Water Resources Development Act of 1986 (33 U.S.C.
23 2267a(f)(1)) is amended by inserting before the period at
24 the end “, except that the first \$100,000 of the assess-
25 ment shall be a Federal expense”.

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

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

4 (1) in subsection (b), by striking “measures”
5 and all that follows through “project” and inserting
6 “measures, including a study, shall be cost-shared in
7 the same proportion as the cost-sharing provisions
8 applicable to construction of the project”; and

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

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

18 **SEC. 1038. ENHANCING LAKE RECREATION OPPORTUNI-**
19 **TIES.**

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

23 **SEC. 1039. COST ESTIMATES.**

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

1 **SEC. 1040. TRIBAL PARTNERSHIP PROGRAM.**

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

4 (1) in subsection (b)—

5 (A) in paragraph (1), in the matter pre-
6 ceding subparagraph (A), by striking “the Sec-
7 retary” and all that follows through “projects”
8 and inserting “the Secretary may carry out
9 water-related planning activities, or activities
10 relating to the study, design, and construction
11 of water resources development projects or
12 projects for the preservation of cultural and
13 natural resources,”;

14 (B) in paragraph (2), in the matter pre-
15 ceding subparagraph (A), by striking “(2) MAT-
16 TERS TO BE STUDIED.—A study” and inserting
17 the following:

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

19 and

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

21 “(3) FEASIBILITY STUDY AND REPORTS.—

22 “(A) IN GENERAL.—On the request of an
23 Indian tribe, the Secretary shall conduct a
24 study, and provide to the Indian tribe a report
25 describing the feasibility of a water resources
26 development project or project for the preserva-

1 tion of cultural and natural resources described
2 in paragraph (1).

3 “(B) RECOMMENDATION.—A report under
4 subparagraph (A) may, but shall not be re-
5 quired to, contain a recommendation on a spe-
6 cific water resources development project.

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

10 “(4) DESIGN AND CONSTRUCTION.—

11 “(A) IN GENERAL.—The Secretary may
12 carry out the design and construction of a
13 water resources development project or project
14 for the preservation of cultural and natural re-
15 sources described in paragraph (1) that the
16 Secretary determines is feasible if the Federal
17 share of the cost of the project is not more than
18 \$10,000,000.

19 “(B) SPECIFIC AUTHORIZATION.—If the
20 Federal share of the cost of a project described
21 in subparagraph (A) is more than \$10,000,000,
22 the Secretary may only carry out the project if
23 Congress enacts a law authorizing the Secretary
24 to carry out the project.”;

25 (2) in subsection (c)—

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

3 (B) in paragraph (2)(B), by striking “car-
4 rying out projects studied” and inserting “any
5 activity conducted”;

6 (3) in subsection (d)—

7 (A) in paragraph (1)(A), by striking “a
8 study” and inserting “any activity conducted”;
9 and

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

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

17 “(3) SOVEREIGN IMMUNITY.—The Secretary
18 shall not require an Indian tribe to waive the sov-
19 ereign immunity of the Indian tribe as a condition
20 to entering into a cost-sharing agreement under this
21 subsection.

22 “(4) WATER RESOURCES DEVELOPMENT
23 PROJECTS.—

24 “(A) IN GENERAL.—The non-Federal
25 share of costs for the study of a water resources

1 development project described in subsection
2 (b)(1) shall be 50 percent.

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 assigned to the appropriate project purposes de-
7 scribed in sections 101 and 103 of the Water
8 Resources Development Act of 1986 (33 U.S.C.
9 2211, 2213) and shared in the same percent-
10 ages as the purposes to which the costs are as-
11 signed.

12 “(5) PROJECTS FOR THE PRESERVATION OF
13 CULTURAL AND NATURAL RESOURCES.—

14 “(A) IN GENERAL.—The non-Federal
15 share of costs for the study of a project for the
16 preservation of cultural and natural resources
17 described in subsection (b)(1) shall be 50 per-
18 cent.

19 “(B) OTHER COSTS.—The non-Federal
20 share of costs of design and construction of a
21 project described in subparagraph (A) shall be
22 65 percent.

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

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

4 “(B) OTHER COSTS.—The non-Federal
5 share of costs of other water-related planning
6 activities described in subsection (b)(1) shall be
7 65 percent.”; and

8 (4) by striking subsection (e).

9 **SEC. 1041. COST SHARING FOR TERRITORIES AND INDIAN**
10 **TRIBES.**

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

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

16 (2) by striking subsection (a) and inserting the
17 following:

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

23 “(1) in American Samoa, Guam, the Northern
24 Mariana Islands, the Virgin Islands, Puerto Rico,
25 and the Trust Territory of the Pacific Islands; and

1 “(2) for any Indian tribe (as defined in section
2 102 of the Federally Recognized Indian Tribe List
3 Act of 1994 (25 U.S.C. 5130)).”.

4 **SEC. 1042. LOCAL GOVERNMENT WATER MANAGEMENT**
5 **PLANS.**

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

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

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

20 (1) in subsection (a), by striking “that has been
21 constructed by a non-Federal interest under section
22 211 of the Water Resources Development Act of
23 1996 (33 U.S.C. 701b–13) before the date of enact-
24 ment of this Act” and inserting “for which a written
25 agreement with the Corps of Engineers for construc-

1 tion was finalized on or before December 31, 2014,
2 under section 211 of the Water Resources Develop-
3 ment Act of 1996 (33 U.S.C. 701b–13) (as it ex-
4 isted before the repeal made by section
5 1014(e)(3))”; and

6 (2) in subsection (b), by striking “share of the
7 cost of the non-Federal interest of carrying out
8 other flood damage reduction projects or studies”
9 and inserting “non-Federal share of the cost of car-
10 rying out other water resources development projects
11 or studies of the non-Federal interest”.

12 **SEC. 1044. RETROACTIVE CHANGES TO COST-SHARING**
13 **AGREEMENTS.**

14 Study costs incurred before the date of execution of
15 a feasibility cost-sharing agreement for a project to be car-
16 ried out under section 206 of the Water Resources Devel-
17 opment Act of 1996 (33 U.S.C. 2330) shall be Federal
18 costs, if—

19 (1) the study was initiated before October 1,
20 2006; and

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

1 **SEC. 1045. EASEMENTS FOR ELECTRIC, TELEPHONE, OR**
2 **BROADBAND SERVICE FACILITIES ELIGIBLE**
3 **FOR FINANCING UNDER THE RURAL ELEC-**
4 **TRIFICATION ACT OF 1936.**

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

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

17 (c) ADMINISTRATIVE EXPENSES.—Nothing in this
18 section affects the authority of the Secretary under section
19 2695 of title 10, United States Code, or under section
20 9701 of title 31, United State Code, to collect funds to
21 cover reasonable administrative expenses incurred by the
22 Secretary.

23 **SEC. 1046. STUDY ON THE PERFORMANCE OF INNOVATIVE**
24 **MATERIALS.**

25 (a) DEFINITION OF INNOVATIVE MATERIAL.—In this
26 section, the term “innovative material”, with respect to

1 a water resources development project, includes high per-
2 formance concrete formulations, geosynthetic materials,
3 advanced alloys and metals, reinforced polymer compos-
4 ites, and any other material, as determined by the Sec-
5 retary.

6 (b) STUDY.—

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

10 (A) to develop a proposal to study the use
11 and performance of innovative materials in
12 water resources development projects carried
13 out by the Corps of Engineers; and

14 (B) after the opportunity for public com-
15 ment provided in accordance with subsection
16 (c), to carry out the study proposed under sub-
17 paragraph (A).

18 (2) CONTENTS.—The study under paragraph
19 (1) shall identify—

20 (A) the conditions that result in degrada-
21 tion of water resources infrastructure;

22 (B) the capabilities of the innovative mate-
23 rials in reducing degradation;

24 (C) barriers to the expanded successful use
25 of innovative materials;

1 (D) recommendations on including per-
2 formance-based requirements for the incorpora-
3 tion of innovative materials into the Unified Fa-
4 cilities Guide Specifications;

5 (E) recommendations on how greater use
6 of innovative materials could increase perform-
7 ance of an asset of the Corps of Engineers in
8 relation to extended service life;

9 (F) additional ways in which greater use of
10 innovative materials could empower the Corps
11 of Engineers to accomplish the goals of the
12 Strategic Plan for Civil Works of the Corps of
13 Engineers; and

14 (G) recommendations on any further re-
15 search needed to improve the capabilities of in-
16 novative materials in achieving extended service
17 life and reduced maintenance costs in water re-
18 sources development infrastructure.

19 (c) PUBLIC COMMENT.—After developing the study
20 proposal under subsection (b)(1)(A) and before carrying
21 out the study under subsection (b)(1)(B), the Secretary
22 shall provide an opportunity for public comment on the
23 study proposal.

24 (d) CONSULTATION.—In carrying out the study
25 under subsection (b)(1), the Secretary, at a minimum,

1 shall consult with relevant experts on engineering, environ-
2 mental, and industry considerations.

3 (e) REPORT TO CONGRESS.—Not later than 2 years
4 after the date of enactment of this Act, the Secretary shall
5 submit to Congress a report describing the results of the
6 study required under subsection (b)(1).

7 **SEC. 1047. DEAUTHORIZATION OF INACTIVE PROJECTS.**

8 (a) IN GENERAL.—Section 6001(c) of the Water Re-
9 sources Reform and Development Act of 2014 (33 U.S.C.
10 579b(c)) is amended by adding at the end the following:

11 “(5) DEFINITION OF CONSTRUCTION.—In this
12 subsection, the term ‘construction’ includes the obli-
13 gation or expenditure of non-Federal funds for con-
14 struction of elements integral to the authorized
15 project, whether or not the activity takes place pur-
16 suant to any agreement with, expenditure by, or ob-
17 ligation from the Secretary.”.

18 (b) NOTICES OF CORRECTION.—Not later than 60
19 days after the date of enactment of this Act, the Secretary
20 shall publish in the Federal Register a notice of correction
21 removing from the lists under subsections (c) and (d) of
22 section 6001 of the Water Resources Reform and Develop-
23 ment Act of 2014 (33 U.S.C. 579b) any project that was
24 listed even though construction (as defined in subsection
25 (c)(5) of that section) took place.

1 **SEC. 1048. REVIEW OF RESERVOIR OPERATIONS.**

2 (a) DEFINITIONS.—In this section:

3 (1) RESERVED WORKS.—The term “reserved
4 works” means any Bureau of Reclamation project
5 facility at which the Secretary of the Interior carries
6 out the operation and maintenance of the project fa-
7 cility.

8 (2) TRANSFERRED WORKS.—The term “trans-
9 ferred works” means a Bureau of Reclamation
10 project facility, the operation and maintenance of
11 which is carried out by a non-Federal entity under
12 the provisions of a formal operation and mainte-
13 nance transfer contract.

14 (3) TRANSFERRED WORKS OPERATING ENTI-
15 TY.—The term “transferred works operating entity”
16 means the organization that is contractually respon-
17 sible for operation and maintenance of transferred
18 works.

19 (b) APPLICABILITY.—

20 (1) IN GENERAL.—This section applies to res-
21 ervoires that are subject to regulation by the Sec-
22 retary under section 7 of the Act of December 22,
23 1944 (33 U.S.C. 709) located in a State in which
24 a Bureau of Reclamation project is located.

25 (2) EXCLUSIONS.—This section shall not apply
26 to—

1 (A) any project authorized by the Boulder
2 Canyon Project Act (43 U.S.C. 617 et seq.);

3 (B) the initial units of the Colorado River
4 Storage Project, as authorized by the first sec-
5 tion of the Act of April 11, 1956 (commonly
6 known as the “Colorado River Storage Project
7 Act”) (43 U.S.C. 620);

8 (C) any dam or reservoir operated by the
9 Bureau of Reclamation as reserved works, un-
10 less all non-Federal project sponsors of the re-
11 served works jointly provide to the Secretary a
12 written request for application of this section to
13 the project;

14 (D) any dam or reservoir owned and oper-
15 ated by the Corps of Engineers; or

16 (E) any Bureau of Reclamation trans-
17 ferred works, unless the transferred works oper-
18 ating entity provides to the Secretary a written
19 request for application of this section to the
20 project.

21 (c) REVIEW.—

22 (1) IN GENERAL.—In accordance with the au-
23 thorities of the Secretary in effect on the day before
24 the date of enactment of this Act, at the reservoirs
25 described in paragraph (2), the Secretary may—

1 (A) review any flood control rule curves de-
2 veloped by the Secretary; and

3 (B) determine, based on the best available
4 science (including improved weather forecasts
5 and forecast-informed operations, new water-
6 shed data, or structural improvements) whether
7 an update to the flood control rule curves and
8 associated changes to the water operations
9 manuals is appropriate.

10 (2) DESCRIPTION OF RESERVOIRS.—The res-
11 ervoires referred to in paragraph (1) are reservoirs—

12 (A)(i) located in areas with prolonged
13 drought conditions; or

14 (ii) for which no review has occurred dur-
15 ing the 10-year period preceding the date of en-
16 actment of this Act; and

17 (B) for which individuals or entities, in-
18 cluding the individuals or entities responsible
19 for operations and maintenance costs or that
20 have storage entitlements or contracts at a res-
21 ervoir, a unit of local government, the owner of
22 a non-Federal project, or the non-Federal
23 transferred works operating entity, as applica-
24 ble, have submitted to the Secretary a written

1 request to carry out the review described in
2 paragraph (1).

3 (3) REQUIRED CONSULTATION.—In carrying
4 out a review under paragraph (1) and prior to up-
5 dating any flood control rule curves and manuals
6 under subsection (e), the Secretary shall comply with
7 all applicable public participation and agency review
8 requirements, including consultation with—

9 (A) affected States, Indian tribes, and
10 other Federal and State agencies with jurisdic-
11 tion over a portion of or all of the project or the
12 operations of the project;

13 (B) the applicable power marketing admin-
14 istration, in the case of reservoirs with Federal
15 hydropower projects;

16 (C) any non-Federal entity responsible for
17 operation and maintenance costs;

18 (D) any entity that has a contractual right
19 to withdraw water from, or use storage at, the
20 project;

21 (E) any entity that the State determines
22 holds rights under State law to the use of water
23 from the project; and

1 (F) any unit of local government with flood
2 risk reduction responsibilities downstream of
3 the project.

4 (d) AGREEMENT.—Before carrying out an activity
5 under this section, the Secretary shall enter into a cooper-
6 ative agreement, memorandum of understanding, or other
7 agreement with an affected State, any owner or operator
8 of the reservoir, and, on request, any non-Federal entities
9 responsible for operation and maintenance costs at the
10 reservoir, that describes the scope and goals of the activity
11 and the coordination among the parties.

12 (e) UPDATES.—If the Secretary determines under
13 subsection (c) that an update to a flood control rule curve
14 and associated changes to a water operations manual is
15 appropriate, the Secretary may update the flood control
16 rule curve and manual in accordance with the authorities
17 in effect on the day before the date of enactment of this
18 Act.

19 (f) FUNDING.—

20 (1) IN GENERAL.—Subject to subsection (d),
21 the Secretary may accept and expend amounts from
22 the entities described in paragraph (2) to fund all or
23 part of the cost of carrying out a review under sub-
24 section (c) or an update under subsection (e), includ-
25 ing any associated environmental documentation.

1 (2) DESCRIPTION OF ENTITIES.—The entities
2 referred to in paragraph (1) are—

3 (A) non-Federal entities responsible for op-
4 erations and maintenance costs at the affected
5 reservoir;

6 (B) individuals and non-Federal entities
7 with storage entitlements at the affected res-
8 ervoir;

9 (C) a Federal power marketing agency
10 that markets power produced by the affected
11 reservoir;

12 (D) units of local government;

13 (E) public or private entities holding con-
14 tracts with the Federal Government for water
15 storage or water supply at the affected res-
16 ervoir; and

17 (F) a nonprofit entity, with the consent of
18 the affected unit of local government.

19 (3) IN-KIND CONTRIBUTIONS.—The Secretary
20 may—

21 (A) accept and use materials and services
22 contributed by an entity described in paragraph
23 (2) under this subsection; and

24 (B) credit the value of the contributed ma-
25 terials and services toward the cost of carrying

1 out a review or revision of operational docu-
2 ments under this section.

3 (g) PROTECTION OF EXISTING RIGHTS.—The Sec-
4 retary shall not issue an updated flood control rule curve
5 or operations manual under subsection (e) that—

6 (1) interferes with an authorized purpose of the
7 project or the existing purposes of a non-Federal
8 project regulated for flood control by the Secretary;

9 (2) reduces the ability to meet contractual
10 rights to water or storage at the reservoir;

11 (3) adversely impacts legal rights to water
12 under State law;

13 (4) fails to address appropriate credit for the
14 appropriate power marketing agency, if applicable;

15 or

16 (5) if a project is subject to section 301(e) of
17 the Water Supply Act of 1958 (43 U.S.C. 390b(e)),
18 makes modifications to the project that do not meet
19 the requirements of that section, unless the modi-
20 fication is submitted to and authorized by Congress.

21 (h) EFFECT OF SECTION.—Nothing in this section—

22 (1) authorizes the Secretary to take any action
23 not otherwise authorized as of the date of enactment
24 of this Act;

1 (2) affects or modifies any obligation of the
2 Secretary under Federal or State law; or

3 (3) affects or modifies any other authority of
4 the Secretary to review or modify reservoir oper-
5 ations.

6 **SEC. 1049. WRITTEN AGREEMENT REQUIREMENT FOR**
7 **WATER RESOURCES PROJECTS.**

8 Section 221(a)(3) of the Flood Control Act of 1970
9 (42 U.S.C. 1962d-5b(a)(3)) is amended by striking
10 “State legislature, the agreement may reflect” and insert-
11 ing “State legislature, on the request of the State, body
12 politic, or entity, the agreement shall reflect”.

13 **SEC. 1050. MAXIMUM COST OF PROJECTS.**

14 Section 902 of the Water Resources Development of
15 1986 (33 U.S.C. 2280) is amended—

16 (1) in subsection (a)(2)(A), by striking “in-
17 dexes” and inserting “indexes, including actual ap-
18 preciation in relevant real estate markets”; and

19 (2) in subsection (b)—

20 (A) by striking “Notwithstanding sub-
21 section (a), in accordance with section 5 of the
22 Act of June 22, 1936 (33 U.S.C. 701h)” and
23 inserting the following:

24 “(1) IN GENERAL.—Notwithstanding subsection
25 (a)”;

1 (B) in paragraph (1) (as so designated)—

2 (i) by striking “funds” the first place
3 it appears and inserting “funds, in-kind
4 contributions, and land, easements, and
5 right-of-way, relocations, and dredged ma-
6 terial disposal areas”; and

7 (ii) by striking “such funds” each
8 place it appears and inserting “the con-
9 tributions”; and

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

11 “(2) LIMITATION.—Funds, in-kind contribu-
12 tions, and land, easements, and right-of-way, reloca-
13 tions, and dredged material disposal areas provided
14 under this subsection are not eligible for credit or
15 repayment and shall not be included in calculating
16 the total cost of the project.”.

17 **SEC. 1051. CONVERSION OF SURPLUS WATER AGREE-**
18 **MENTS.**

19 Section 6 of the Act of December 22, 1944 (33
20 U.S.C. 708), is amended—

21 (1) by striking “**SEC. 6.** That the Secretary”
22 and inserting the following:

23 **“SEC. 6. SALE OF SURPLUS WATERS FOR DOMESTIC AND**
24 **INDUSTRIAL USES.**

25 “(a) IN GENERAL.—The Secretary”; and

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

2 “(b) CONTINUATION OF CERTAIN WATER SUPPLY
3 AGREEMENTS.—In any case in which a water supply
4 agreement was predicated on water that was surplus to
5 a purpose and provided for contingent permanent storage
6 rights under section 301 of the Water Supply Act of 1958
7 (43 U.S.C. 390b) pending the need for storage for that
8 purpose, and that purpose is no longer authorized, the
9 Secretary of the Army shall continue the agreement with
10 the same payment and all other terms as in effect prior
11 to deauthorization of the purpose if the non-Federal entity
12 has met all of the conditions of the agreement.

13 “(c) PERMANENT STORAGE AGREEMENTS.—In any
14 case in which a water supply agreement with a duration
15 of 30 years or longer was predicated on water that was
16 surplus to a purpose and provided for the complete pay-
17 ment of the actual investment costs of storage to be used,
18 and that purpose is no longer authorized, the Secretary
19 of the Army shall provide to the non-Federal entity an
20 opportunity to convert the agreement to a permanent stor-
21 age agreement in accordance with section 301 of the
22 Water Supply Act of 1958 (43 U.S.C. 390b), with the
23 same payment terms incorporated in the agreement.”.

1 **SEC. 1052. AUTHORIZED FUNDING FOR INTERAGENCY AND**
2 **INTERNATIONAL SUPPORT.**

3 Section 234(d)(1) of the Water Resources Develop-
4 ment Act of 1996 (33 U.S.C. 2323a(d)(1)) is amended
5 by striking “\$1,000,000” and inserting “\$5,000,000”.

6 **TITLE II—NAVIGATION**

7 **SEC. 2001. PROJECTS FUNDED BY THE INLAND WATERWAYS**
8 **TRUST FUND.**

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

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

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

21 “(3) CREDIT OR REIMBURSEMENT.—The Fed-
22 eral share of operation and maintenance carried out
23 by a non-Federal interest under this subsection after
24 the date of enactment of the Water Resources Re-
25 form and Development Act of 2014 shall be eligible
26 for reimbursement or for credit toward—

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

3 “(B) any measure carried out by the Sec-
4 retary under section 3017(a) of the Water Re-
5 sources Reform and Development Act of 2014
6 (33 U.S.C. 3303a note; Public Law 113-
7 121).”.

8 **SEC. 2003. FUNDING FOR HARBOR MAINTENANCE PRO-**
9 **GRAMS.**

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

12 (1) in subsection (b)(1), in the matter pre-
13 ceding subparagraph (A), by striking “The target
14 total” and inserting “Except as provided in sub-
15 section (c), the target total”;

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

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

20 “(c) EXCEPTION.—If the target total budget re-
21 sources for a fiscal year described in subparagraphs (A)
22 through (J) of subsection (b)(1) is lower than the target
23 total budget resources for the previous fiscal year, then
24 the target total budget resources shall be adjusted to be
25 equal to the lesser of—

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

3 “(2) 100 percent of the total amount of harbor
4 maintenance taxes received in the previous fiscal
5 year.”.

6 **SEC. 2004. DREDGED MATERIAL DISPOSAL.**

7 Disposal of dredged material shall not be considered
8 environmentally acceptable for the purposes of identifying
9 the Federal standard (as defined in section 335.7 of title
10 33, Code of Federal Regulations (or successor regula-
11 tions)) if the disposal violates applicable State water qual-
12 ity standards approved by the Administrator of the Envi-
13 ronmental Protection Agency under section 303 of the
14 Federal Water Pollution Control Act (33 U.S.C. 1313).

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

16 (a) DEADLINE.—The Cape Arundel Disposal Site se-
17 lected by the Department of the Army as an alternative
18 dredged material disposal site under section 103(b) of the
19 Marine Protection, Research, and Sanctuaries Act of 1972
20 (33 U.S.C. 1413(b)) and reopened pursuant to section 113
21 of the Energy and Water Development and Related Agen-
22 cies Appropriations Act, 2014 (Public Law 113–76; 128
23 Stat. 158) (referred to in this section as the “Site”) may
24 remain open until the earlier of—

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

3 (2) the date on which an environmental impact
4 statement designating an alternative dredged mate-
5 rial disposal site for southern Maine has been com-
6 pleted; or

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

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

12 (1) conditions at the Site remain suitable for
13 the continued use of the Site as a dredged material
14 disposal site; and

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

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

19 The Secretary is authorized to maintain federally au-
20 thorized harbors of refuge to restore and maintain the au-
21 thorized dimensions of the harbors.

22 **SEC. 2007. AIDS TO NAVIGATION.**

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

1 (1) consult with the Commandant of the Coast
2 Guard regarding navigation on the Ouachita-Black
3 Rivers; and

4 (2) share information regarding the assistance
5 that the Secretary can provide regarding the place-
6 ment of any aids to navigation on the rivers referred
7 to in paragraph (1).

8 (b) REPORT.—Not later than 1 year after the date
9 of enactment of this Act, the Secretary shall submit to
10 the Committee on Environment and Public Works of the
11 Senate and the Committee on Transportation and Infra-
12 structure of the House of Representatives a report on the
13 outcome of the consultation under subsection (a).

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

15 Section 204 of the Water Resources Development Act
16 of 1992 (33 U.S.C. 2326) is amended by adding at the
17 end the following:

18 (1) in subsection (a)(1)—

19 (A) by striking “For sediment” and insert-
20 ing the following:

21 “(A) IN GENERAL.—For sediment”; and

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

23 “(B) SEDIMENT FROM OTHER FEDERAL
24 SOURCES AND NON-FEDERAL SOURCES.—For
25 purposes of projects carried out under this sec-

1 tion, the Secretary may include sediment from
2 other Federal sources and non-Federal sources,
3 subject to the requirement that any sediment
4 obtained from a non-Federal source shall not be
5 obtained at Federal expense.”; and

6 (2) in subsection (d), by adding at the end the
7 following:

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

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

17 **SEC. 2009. OPERATION AND MAINTENANCE OF HARBOR**
18 **PROJECTS.**

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

1 **SEC. 2010. ADDITIONAL MEASURES AT DONOR PORTS AND**
2 **ENERGY TRANSFER PORTS.**

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

5 (1) in subsection (a)—

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

9 (B) by inserting after paragraph (1) the
10 following:

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

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

17 (i) by redesignating subparagraphs
18 (A) through (D) as clause (i) through (iv),
19 respectively, and indenting appropriately;

20 (ii) in the matter preceding clause (i)
21 (as redesignated), by striking “The term”
22 and inserting the following:

23 “(A) IN GENERAL.—The term”; and

24 (iii) by adding at the end the fol-
25 lowing:

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

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

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

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

11 “(A) that is subject to the harbor mainte-
12 nance fee under section 24.24 of title 19, Code
13 of Federal Regulations (or a successor regula-
14 tion);

15 “(B) at which the total amount of harbor
16 maintenance taxes collected comprise annually
17 more than \$5,000,000 but less than
18 \$15,000,000 of the total funding of the Harbor
19 Maintenance Trust Fund established under sec-
20 tion 9505 of the Internal Revenue Code of
21 1986;

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

1 “(D) that is located in a State in which
2 more than 2,000,000 cargo containers were un-
3 loaded from or loaded onto vessels in fiscal year
4 2012.”;

5 (2) in subsection (b)—

6 (A) in paragraph (1), by striking “donor
7 ports” and inserting “donor ports, medium-
8 sized donor ports,”;

9 (B) in paragraph (2)—

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

12 (ii) by striking subparagraph (B) and
13 inserting the following:

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

19 “(C) for donor ports and medium-sized
20 donor ports—

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

24 “(ii) 50 percent of the funds shall be
25 divided between the eligible donor ports

1 and eligible medium-sized donor ports
2 based on the percentage of the total Har-
3 bor Maintenance Tax revenues generated
4 at each eligible donor port and medium-
5 sized donor port.”;

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

9 (4) by striking subsection (d) and inserting the
10 following:

11 “(d) ADMINISTRATION OF PAYMENTS.—

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

21 “(A) shipped through respective eligible
22 ports; and

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

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

5 (5) in subsection (f)—

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

8 “(1) IN GENERAL.—If the total amounts made
9 available from the Harbor Maintenance Trust Fund
10 exceed the total amounts made available from the
11 Harbor Maintenance Trust Fund in fiscal year
12 2012, there is authorized to be appropriated to carry
13 out this section \$50,000,000 from the Harbor Main-
14 tenance Trust Fund.”;

15 (B) by striking paragraph (2) and insert-
16 ing the following:

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

22 “(A) donor ports and medium-sized donor
23 ports; and

24 “(B) energy transfer ports.”; and

25 (C) by striking paragraph (3).

1 **SEC. 2011. HARBOR DEEPENING.**

2 (a) IN GENERAL.—Section 101(a)(1) of the Water
3 Resources Development Act of 1986 (33 U.S.C.
4 2211(a)(1)) is amended—

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

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

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

14 (b) DEFINITION OF DEEP-DRAFT HARBOR.—Section
15 214(1) of the Water Resources Development Act of 1986
16 (33 U.S.C. 2241(1)) is amended by striking “45 feet” and
17 inserting “50 feet”.

18 **SEC. 2012. OPERATIONS AND MAINTENANCE OF INLAND**
19 **MISSISSIPPI RIVER PORTS.**

20 (a) DEFINITIONS.—In this section:

21 (1) INLAND MISSISSIPPI RIVER.—The term “in-
22 land Mississippi River” means the portion of the
23 Mississippi River that begins at the confluence of
24 the Minnesota River and ends at the confluence of
25 the Red River.

1 (2) SHALLOW DRAFT.—The term “shallow
2 draft” means a project that has a depth of less than
3 14 feet.

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

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

12 **SEC. 2013. IMPLEMENTATION GUIDANCE.**

13 Section 2102 of the Water Resources Reform and De-
14 velopment Act of 2014 (Public Law 113–121; 128 Stat.
15 1273) is amended by adding at the end the following:

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

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

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

1 (1) in subsection (a)(3), by inserting “in which
2 the project is located or of a community that is lo-
3 cated in the region that is served by the project and
4 that will rely on the project” after “community”;
5 and

6 (2) in subsection (b)—

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

11 (B) in paragraph (4), by striking “local
12 population” and inserting “regional population
13 to be served by the project”; and

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

19 **SEC. 2015. NON-FEDERAL INTEREST DREDGING AUTHOR-**
20 **ITY.**

21 (a) **IN GENERAL.**—The Secretary may permit a non-
22 Federal interest to carry out, for an authorized navigation
23 project (or a separable element of an authorized naviga-
24 tion project), such maintenance activities as are necessary

1 to ensure that the project is maintained to not less than
2 the minimum project dimensions.

3 (b) COST LIMITATIONS.—Except as provided in this
4 section and subject to the availability of appropriations,
5 the costs incurred by a non-Federal interest in performing
6 the maintenance activities described in subsection (a) shall
7 be eligible for reimbursement, not to exceed an amount
8 that is equal to the estimated Federal cost for the per-
9 formance of the maintenance activities.

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

16 (d) PROVISION OF EQUIPMENT.—In carrying out
17 maintenance activities under this section, a non-Federal
18 interest shall—

19 (1) provide equipment at no cost to the Federal
20 Government; and

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

1 (e) REIMBURSEMENT ELIGIBILITY LIMITATIONS.—

2 Costs that are eligible for reimbursement under this sec-

3 tion are those costs directly related to the costs associated

4 with operation and maintenance of the dredge based on

5 the lesser of the period of time for which—

6 (1) the dredge is being used in the performance

7 of work for the Federal Government during a given

8 fiscal year; and

9 (2) the actual fiscal year Federal appropriations

10 identified for that portion of maintenance dredging

11 that are made available.

12 (f) AUDIT.—Not earlier than 5 years after the date

13 of enactment of this Act, the Secretary may conduct an

14 audit on any maintenance activities for an authorized

15 navigation project (or a separable element of an author-

16 ized navigation project) carried out under this section to

17 determine if permitting a non-Federal interest to carry out

18 maintenance activities under this section has resulted in—

19 (1) improved reliability and safety for naviga-

20 tion; and

21 (2) cost savings to the Federal Government.

22 (g) TERMINATION OF AUTHORITY.—The authority of

23 the Secretary under this section terminates on the date

24 that is 10 years after the date of enactment of this Act.

1 **SEC. 2016. TRANSPORTATION COST SAVINGS.**

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

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

6 (2) by inserting after subparagraph (A) the fol-
7 lowing:

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

18 **SEC. 2017. DREDGED MATERIAL.**

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

25 (1) the placement of the dredged material
26 would—

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

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

6 (B) be in the public interest; and

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

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

20 **SEC. 2018. GREAT LAKES NAVIGATION SYSTEM.**

21 Section 210(d)(1) of the Water Resources Develop-
22 ment Act of 1986 (33 U.S.C. 2238(d)(1)) is amended—

23 (1) in subparagraph (A), in the matter pre-
24 ceding clause (i), by striking “For each of fiscal

1 years 2015 through 2024” and inserting “For each
2 fiscal year”; and

3 (2) in subparagraph (B), in the matter pre-
4 ceding clause (i), by striking “For each of fiscal
5 years 2015 through 2024” and inserting “For each
6 fiscal year”.

7 **SEC. 2019. HARBOR MAINTENANCE TRUST FUND.**

8 Notwithstanding section 102 of division D of the
9 Consolidated Appropriations Act, 2016 (Public Law 114–
10 113; 129 Stat. 2402), the Secretary shall allocate funding
11 made available to the Secretary from the Harbor Mainte-
12 nance Trust Fund, established under section 9505 of the
13 Internal Revenue Code of 1986, in accordance with section
14 210 of the Water Resources Development Act of 1986 (33
15 U.S.C. 2238).

16 **TITLE III—SAFETY**
17 **IMPROVEMENTS**

18 **SEC. 3001. REHABILITATION ASSISTANCE FOR NON-FED-**
19 **ERAL FLOOD CONTROL PROJECTS.**

20 (a) IN GENERAL.—Section 5 of the Act of August
21 18, 1941 (33 U.S.C. 701n), is amended—

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

24 “(3) DEFINITION OF NONSTRUCTURAL ALTER-
25 NATIVES.—In this subsection, ‘nonstructural alter-

1 natives' includes efforts to restore or protect natural
2 resources including streams, rivers, floodplains, wet-
3 lands, or coasts, if those efforts will reduce flood
4 risk.”; and

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

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

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

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

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

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

24 “(2) the non-Federal sponsor agrees to pay the
25 difference between the cost of repair, restoration, or

1 rehabilitation to the original design level or original
2 capacity and the cost of achieving the higher level of
3 protection or capacity sought by the non-Federal
4 sponsor.

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

9 (b) PROJECTS IN COORDINATION WITH CERTAIN RE-
10 HABILITATION REQUIREMENTS.—

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

22 (2) COST-SHARING.—The cost to carry out a
23 project under paragraph (1) shall be shared in ac-
24 cordance with section 103 of the Water Resources
25 Development Act of 1986 (33 U.S.C. 2213).

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

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

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

9 (2) in subsection (b)—

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

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

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

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

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

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

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

1 **SEC. 3003. MAINTENANCE OF HIGH RISK FLOOD CONTROL**
2 **PROJECTS.**

3 In any case in which the Secretary has assumed, as
4 of the date of enactment of this Act, responsibility for the
5 maintenance of a project classified as class III under the
6 Dam Safety Action Classification of the Corps of Engi-
7 neers, the Secretary shall continue to be responsible for
8 the maintenance until the earlier of the date that—

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

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

15 **SEC. 3004. REHABILITATION OF HIGH HAZARD POTENTIAL**
16 **DAMS.**

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

19 (1) by redesignating paragraphs (4), (5), (6),
20 (7), (8), (9), (10), (11), (12), and (13) as para-
21 graphs (5), (6), (7), (8), (9), (11), (13), (14), (15),
22 and (16), respectively;

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

25 “(4) ELIGIBLE HIGH HAZARD POTENTIAL
26 DAM.—

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

4 “(i) is located in a State with a State
5 dam safety program;

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

9 “(iii) has an emergency action plan
10 approved by the relevant State dam safety
11 agency; and

12 “(iv) the State in which the dam is lo-
13 cated determines—

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

16 “(II) poses an unacceptable risk
17 to the public.

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

20 “(i) a licensed hydroelectric dam; or

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

23 (3) by inserting after paragraph (9) (as redesign-
24 nated by paragraph (1)) the following:

1 “(10) NON-FEDERAL SPONSOR.—The term
2 ‘non-Federal sponsor’, in the case of a project re-
3 ceiving assistance under section 8A, includes—

4 “(A) a governmental organization; and

5 “(B) a nonprofit organization.” and

6 (4) by inserting after paragraph (11) (as reded-
7 ignated by paragraph (1)) the following:

8 “(12) REHABILITATION.—The term ‘rehabilita-
9 tion’ means the repair, replacement, reconstruction,
10 or removal of a dam that is carried out to meet ap-
11 plicable State dam safety and security standards.”.

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

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

18 “(a) ESTABLISHMENT OF PROGRAM.—The Adminis-
19 trator shall establish, within FEMA, a program to provide
20 technical, planning, design, and construction assistance in
21 the form of grants to non-Federal sponsors for rehabilita-
22 tion of eligible high hazard potential dams.

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

25 “(1) repair;

1 “(2) removal; or

2 “(3) any other structural or nonstructural
3 measures to rehabilitate a high hazard potential
4 dam.

5 “(c) AWARD OF GRANTS.—

6 “(1) APPLICATION.—

7 “(A) IN GENERAL.—A non-Federal spon-
8 sor interested in receiving a grant under this
9 section may submit to the Administrator an ap-
10 plication for the grant.

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

18 “(2) GRANT.—

19 “(A) IN GENERAL.—The Administrator
20 may make a grant in accordance with this sec-
21 tion for rehabilitation of a high hazard potential
22 dam to a non-Federal sponsor that submits an
23 application for the grant in accordance with the
24 regulations prescribed by the Administrator.

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

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

14 “(D) LIMITATION.—A grant provided
15 under this section shall not exceed the lesser
16 of—

17 “(i) 12.5 percent of the total amount
18 of funds made available to carry out this
19 section; or

20 “(ii) \$7,500,000.

21 “(d) REQUIREMENTS.—

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

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

10 “(e) FLOODPLAIN MANAGEMENT PLANS.—

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

16 “(A) is in place; or

17 “(B) will be—

18 “(i) developed not later than 1 year
19 after the date of execution of a project
20 agreement for assistance under this sec-
21 tion; and

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

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

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

8 “(B) plans for flood fighting and evacu-
9 ation; and

10 “(C) public education and awareness of
11 flood risks.

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

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

20 “(g) FUNDING.—

21 “(1) COST SHARING.—

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

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

4 “(2) ALLOCATION OF FUNDS.—The total
5 amount of funds made available to carry out this
6 section for each fiscal year shall be distributed as
7 follows:

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

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

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

19 “(ii) the number of eligible high haz-
20 ard potential dams in all States in which
21 projects for which applications are sub-
22 mitted under subsection (c)(1).

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

1 “(1) to rehabilitate a Federal dam;

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

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

4 “(4) to increase water supply storage capacity;

5 or

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

7 “(i) CONTRACTUAL REQUIREMENTS.—

8 “(1) IN GENERAL.—Subject to paragraph (2),
9 as a condition on the receipt of a grant under this
10 section of an amount greater than \$1,000,000, a
11 non-Federal sponsor that receives the grant shall require that each contract and subcontract for program management, construction management, planning studies, feasibility studies, architectural services, preliminary engineering, design, engineering, surveying, mapping, and related services entered into using funds from the grant be awarded in the same manner as a contract for architectural and engineering services is awarded under—

12 “(A) chapter 11 of title 40, United States
13 Code; or

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

3 “(2) NO PROPRIETARY INTEREST.—A contract
4 awarded in accordance with paragraph (1) shall not
5 be considered to confer a proprietary interest upon
6 the United States.

7 “(j) AUTHORIZATION OF APPROPRIATIONS.—There
8 are authorized to be appropriated to carry out this sec-
9 tion—

10 “(1) \$10,000,000 for fiscal years 2017 and
11 2018;

12 “(2) \$25,000,000 for fiscal year 2019;

13 “(3) \$40,000,000 for fiscal year 2020; and

14 “(4) \$60,000,000 for each of fiscal years 2021
15 through 2026.”.

16 (c) RULEMAKING.—

17 (1) PROPOSED RULEMAKING.—Not later than
18 90 days after the date of enactment of this Act, the
19 Administrator of the Federal Emergency Manage-
20 ment Agency shall issue a notice of proposed rule-
21 making regarding applications for grants of assist-
22 ance under the amendments made by subsection (b)
23 to the National Dam Safety Program Act (33
24 U.S.C. 467 et seq.).

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

6 **SEC. 3005. EXPEDITED COMPLETION OF AUTHORIZED**
7 **PROJECTS FOR FLOOD DAMAGE REDUCTION.**

8 The Secretary shall expedite the completion of the
9 following projects for flood damage reduction and flood
10 risk management:

11 (1) Chicagoland Underflow Plan, Illinois, phase
12 2, as authorized by section 3(a)(5) of the Water Re-
13 sources Development Act of 1988 (Public Law 100–
14 676; 102 Stat. 4013) and modified by section 319
15 of the Water Resources Development Act of 1996
16 (Public Law 104–303; 110 Stat. 3715) and section
17 501 of the Water Resources Development Act of
18 1999 (Public Law 106–53; 113 Stat. 334).

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

23 (3) Comite River, Louisiana, authorized as part
24 of the project for flood control, Amite River and
25 Tributaries, Louisiana, by section 101(11) of the

1 Water Resources Development Act of 1992 (Public
2 Law 102–580; 106 Stat. 4802) and modified by sec-
3 tion 301(b)(5) of the Water Resources Development
4 Act of 1996 (Public Law 104–03; 110 Stat. 3709)
5 and section 371 of the Water Resources Develop-
6 ment Act of 1999 (Public Law 106–53; 113 Stat.
7 321).

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

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

17 (a) IN GENERAL.—Costs incurred in carrying out
18 any repair to correct a seepage problem at any dam in
19 the Cumberland River Basin shall be—

20 (1) treated as costs for a dam safety project;
21 and

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

1 (b) APPLICATION.—Subsection (a) shall apply only to
2 repairs for projects for which construction has not begun
3 and appropriations have not been made as of the date of
4 enactment of this Act.

5 **SEC. 3007. INDIAN DAM SAFETY.**

6 (a) DEFINITIONS.—In this section:

7 (1) DAM.—

8 (A) IN GENERAL.—The term “dam” has
9 the meaning given the term in section 2 of the
10 National Dam Safety Program Act (33 U.S.C.
11 467).

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

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

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

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

24 (3) HIGH HAZARD POTENTIAL DAM.—The term
25 “high hazard potential dam” means a dam assigned

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

7 (4) INDIAN TRIBE.—The term “Indian tribe”
8 has the meaning given the term in section 4 of the
9 Indian Self-Determination and Education Assistance
10 Act (25 U.S.C. 5304).

11 (5) LOW HAZARD POTENTIAL DAM.—The term
12 “low hazard potential dam” means a dam assigned
13 to the low hazard potential classification under the
14 guidelines published by the Federal Emergency
15 Management Agency entitled “Federal Guidelines
16 for Dam Safety: Hazard Potential Classification
17 System for Dams” (FEMA Publication Number
18 333).

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

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

25 (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 from the general fund of the
16 Treasury.

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

21 (C) EXPENDITURES FROM FUND.—

22 (i) IN GENERAL.—Subject to clause
23 (ii), for each of fiscal years 2017 through
24 2037, the Secretary may, to the extent
25 provided in advance in appropriations Acts,

1 (i) IN GENERAL.—The amounts re-
2 quired to be transferred to the Fund under
3 this paragraph shall be transferred at least
4 monthly.

5 (ii) ADJUSTMENTS.—Proper adjust-
6 ment shall be made in amounts subse-
7 quently transferred to the extent prior esti-
8 mates are in excess of or less than the
9 amounts required to be transferred.

10 (F) TERMINATION.—On September 30,
11 2037—

12 (i) the Fund shall terminate; and

13 (ii) the unexpended and unobligated
14 balance of the Fund shall be transferred to
15 the general fund of the Treasury.

16 (2) LOW-HAZARD FUND.—

17 (A) ESTABLISHMENT.—There is estab-
18 lished in the Treasury of the United States a
19 fund, to be known as the “Low-Hazard Indian
20 Dam Safety Deferred Maintenance Fund”, con-
21 sisting of—

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

1 (ii) any interest earned on investment
2 of amounts in the Fund under subpara-
3 graph (D).

4 (B) DEPOSITS TO FUND.—

5 (i) IN GENERAL.—For each of fiscal
6 years 2017 through 2037, the Secretary of
7 the Treasury shall deposit in the Fund
8 \$10,000,000 from the general fund of the
9 Treasury.

10 (ii) AVAILABILITY OF AMOUNTS.—
11 Amounts deposited in the Fund under
12 clause (i) shall be used, subject to appro-
13 priation, to carry out this section.

14 (C) EXPENDITURES FROM FUND.—

15 (i) IN GENERAL.—Subject to clause
16 (ii), for each of fiscal years 2017 through
17 2037, the Secretary may, to the extent
18 provided in advance in appropriations Acts,
19 expend from the Fund, in accordance with
20 this section, not more than the sum of—

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

22 (II) the amount of interest ac-
23 crued in the Fund.

24 (ii) ADDITIONAL EXPENDITURES.—

25 The Secretary may expend more than

1 \$10,000,000 for any fiscal year referred to
2 in clause (i) if the additional amounts are
3 available in the Fund as a result of a fail-
4 ure of the Secretary to expend all of the
5 amounts available under clause (i) in 1 or
6 more prior fiscal years.

7 (D) INVESTMENTS OF AMOUNTS.—

8 (i) IN GENERAL.—The Secretary of
9 the Treasury shall invest such portion of
10 the Fund as is not, in the judgment of the
11 Secretary, required to meet current with-
12 drawals.

13 (ii) CREDITS TO FUND.—The interest
14 on, and the proceeds from the sale or re-
15 demption of, any obligations held in the
16 Fund shall be credited to, and form a part
17 of, the Fund.

18 (E) TRANSFERS OF AMOUNTS.—

19 (i) IN GENERAL.—The amounts re-
20 quired to be transferred to the Fund under
21 this paragraph shall be transferred at least
22 monthly.

23 (ii) ADJUSTMENTS.—Proper adjust-
24 ment shall be made in amounts subse-
25 quently transferred to the extent prior esti-

1 Safety Deferred Maintenance Fund, plus
2 accrued interest, for each of fiscal years
3 2017 through 2037 to carry out mainte-
4 nance, repair, and replacement activities
5 for 1 or more of the Indian dams described
6 in paragraph (2)(A).

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

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

1 (2) ELIGIBLE DAMS.—

2 (A) HIGH HAZARD POTENTIAL DAMS.—

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

6 (i) are included in the safety of dams
7 program established pursuant to the In-
8 dian Dams Safety Act of 1994 (25 U.S.C.
9 3801 et seq.); and

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

15 (bb) are managed by the Bureau
16 of Indian Affairs (including dams
17 managed under contracts or compacts
18 pursuant to the Indian Self-Deter-
19 mination and Education Assistance
20 Act (25 U.S.C. 5301 et seq.)); or

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

23 (B) LOW HAZARD POTENTIAL DAMS.—The
24 dams eligible for funding under paragraph
25 (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. 5301 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. 5301 et seq.) shall apply
12 to 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 Plains 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 **TERSHEDS, 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, PLATTE RIVER, AND ARKAN-**
2 **SAS 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 Platte River Basin located in
15 the States of Colorado, Nebraska, and Wy-
16 oming; and

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

21 “(B) LOCATION.—The watercraft inspec-
22 tion stations under subparagraph (A) shall be
23 located in areas, as determined by the Sec-
24 retary, with the highest likelihood of preventing
25 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 (3) perform a systemic analysis of critical
2 transportation systems to determine the feasibility of
3 protecting river approaches for land-based systems,
4 highways, and railroads;

5 (4) develop a basin-wide hydrologic model for
6 the Upper Mississippi River System and update as
7 changes occur and new data is available; and

8 (5) use, to the maximum extent practicable, any
9 existing plans and data.

10 (d) BASIS FOR RECOMMENDATIONS.—In recom-
11 mending a project under subsection (c)(2), the Secretary
12 may justify the project based on system-wide benefits.

13 **SEC. 4011. SALTON SEA, CALIFORNIA.**

14 Section 3032 of the Water Resources Development
15 Act of 2007 (Public Law 110–114; 121 Stat. 1113) is
16 amended—

17 (1) in the section heading, by inserting “**PRO-**
18 **GRAM**” after “**RESTORATION**”;

19 (2) in subsection (b)—

20 (A) in the subsection heading, by striking
21 “PILOT PROJECTS” and inserting “PROGRAM”;

22 (B) in paragraph (1)—

23 (i) by redesignating subparagraphs
24 (A) and (B) as subparagraphs (B) and
25 (C), respectively;

1 (ii) by inserting before subparagraph
2 (B) (as redesignated) the following:

3 “(A) ESTABLISHMENT.—The Secretary
4 shall carry out a program to implement projects
5 to restore the Salton Sea in accordance with
6 this section.”;

7 (iii) in subparagraph (B) (as redesign-
8 ated by clause (i)), by striking “the
9 pilot”; and

10 (iv) in subparagraph (C) (as redesign-
11 ated by clause (i))—

12 (I) in clause (i), in the matter
13 preceding subclause (I), by striking
14 “the pilot projects referred to in sub-
15 paragraph (A)” and inserting “the
16 projects referred to in subparagraph
17 (B)”;

18 (II) in subclause (I), by inserting
19 “, Salton Sea Authority, or other non-
20 Federal interest” before the semicolon
21 at the end; and

22 (III) in subclause (II), by strik-
23 ing “pilot”;

1 (C) in paragraph (2), in the matter pre-
2 ceding subparagraph (A), by striking “pilot”;
3 and

4 (D) in paragraph (3)—

5 (i) by striking “pilot” each place it
6 appears; and

7 (ii) by inserting “, Salton Sea Author-
8 ity, or other non-Federal interest” after
9 “State”; and

10 (3) in subsection (c), by striking “pilot”.

11 **SEC. 4012. ADJUSTMENT.**

12 Section 219(f)(25) of the Water Resources Develop-
13 ment Act of 1992 (Public Law 102–580; 113 Stat. 336)
14 is amended—

15 (1) by inserting “Berkeley” before “Calhoun”;
16 and

17 (2) by striking “Orangeberg, and Sumter” and
18 inserting “and Orangeberg”.

19 **SEC. 4013. COASTAL RESILIENCY.**

20 (a) IN GENERAL.—Section 4014(b) of the Water Re-
21 sources Reform and Development Act of 2014 (33 U.S.C.
22 2803a(b)) is amended—

23 (1) in paragraph (1), by inserting “Indian
24 tribes,” after “nonprofit organizations,”;

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

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

5 “(3) give priority to projects in communities the
6 existence of which is threatened by rising sea level,
7 including projects relating to shoreline restoration,
8 tidal marsh restoration, dunal habitats to protect
9 coastal infrastructure, reduction of future and exist-
10 ing emergency repair costs, and projects that use
11 dredged materials;”.

12 (b) INTERAGENCY COORDINATION ON COASTAL RE-
13 SILIENCE.—

14 (1) IN GENERAL.—The Secretary shall convene
15 an interagency working group on resilience to ex-
16 treme weather, which will coordinate research, data,
17 and Federal investments related to sea level rise, re-
18 siliency, and vulnerability to extreme weather, in-
19 cluding coastal resilience.

20 (2) CONSULTATION.—The interagency working
21 group convened under paragraph (1) shall—

22 (A) participate in any activity carried out
23 by an organization authorized by a State to
24 study and issue recommendations on how to ad-
25 dress the impacts on Federal assets of recur-

1 rent flooding and sea level rise, including pro-
2 viding consultation regarding policies, pro-
3 grams, studies, plans, and best practices relat-
4 ing to recurrent flooding and sea level rise in
5 areas with significant Federal assets; and

6 (B) share physical, biological, and socio-
7 economic data among such State organizations,
8 as appropriate.

9 **SEC. 4014. REGIONAL INTERGOVERNMENTAL COLLABORA-**
10 **TION ON COASTAL RESILIENCE.**

11 (a) REGIONAL ASSESSMENTS.—

12 (1) IN GENERAL.—The Secretary may conduct
13 regional assessments of coastal and back bay protec-
14 tion and of Federal and State policies and programs
15 related to coastal water resources, including—

16 (A) an assessment of the probability and
17 the extent of coastal flooding and erosion, in-
18 cluding back bay and estuarine flooding;

19 (B) recommendations for policies and other
20 measures related to regional Federal, State,
21 local, and private participation in shoreline and
22 back-bay protection projects;

23 (C) an evaluation of the performance of ex-
24 isting Federal coastal storm damage reduction,
25 ecosystem restoration, and navigation projects,

1 including recommendations for the improvement
2 of those projects;

3 (D) an assessment of the value and im-
4 pacts of implementation of regional, systems-
5 based, watershed-based, and interstate ap-
6 proaches if practicable;

7 (E) recommendations for the demonstra-
8 tion of methodologies for resilience through the
9 use of natural and nature-based infrastructure
10 approaches, as appropriate; and

11 (F) recommendations regarding alternative
12 sources of funding for new and existing
13 projects.

14 (2) COOPERATION.—In carrying out paragraph
15 (1), the Secretary shall cooperate with—

16 (A) heads of appropriate Federal agencies;

17 (B) States that have approved coastal
18 management programs and appropriate agen-
19 cies of those States;

20 (C) local governments; and

21 (D) the private sector.

22 (b) STREAMLINING.—In carrying out this section, the
23 Secretary shall—

24 (1) to the maximum extent practicable, use ex-
25 isting research done by Federal, State, regional,

1 local, and private entities to eliminate redundancies
2 and related costs;

3 (2) receive from any of the entities described in
4 subsection (a)(2)—

5 (A) contributed funds; or

6 (B) research that may be eligible for credit
7 as work-in-kind under applicable Federal law;
8 and

9 (3) enable each District or combination of Dis-
10 tricts of the Corps of Engineers that jointly partici-
11 pate in carrying out an assessment under this sec-
12 tion to consider regionally appropriate engineering,
13 biological, ecological, social, economic, and other fac-
14 tors in carrying out the assessment.

15 (c) REPORTS.—The Secretary shall submit to the
16 Committee on Environment and Public Works of the Sen-
17 ate and the Committee on Transportation and Infrastruc-
18 ture of the House of Representatives all reports and rec-
19 ommendations prepared under this section, together with
20 any necessary supporting documentation.

21 **SEC. 4015. SOUTH ATLANTIC COASTAL STUDY.**

22 (a) IN GENERAL.—The Secretary shall conduct a
23 study of the coastal areas located within the geographical
24 boundaries of the South Atlantic Division of the Corps of
25 Engineers to identify the risks and vulnerabilities of those

1 areas to increased hurricane and storm damage as a result
2 of sea level rise.

3 (b) REQUIREMENTS.—In carrying out the study
4 under subsection (a), the Secretary shall—

5 (1) conduct a comprehensive analysis of current
6 hurricane and storm damage reduction measures
7 with an emphasis on regional sediment management
8 practices to sustainably maintain or enhance current
9 levels of storm protection;

10 (2) identify risks and coastal vulnerabilities in
11 the areas affected by sea level rise;

12 (3) recommend measures to address the
13 vulnerabilities described in paragraph (2); and

14 (4) develop a long-term strategy for—

15 (A) addressing increased hurricane and
16 storm damages that result from rising sea lev-
17 els; and

18 (B) identifying opportunities to enhance
19 resiliency, increase sustainability, and lower
20 risks in—

21 (i) populated areas;

22 (ii) areas of concentrated economic
23 development; and

24 (iii) areas with vulnerable environ-
25 mental resources.

1 (c) CONSULTATION.—The Secretary shall coordinate,
2 as appropriate, with the heads of other Federal depart-
3 ments and agencies, the Governors of the affected States,
4 regional governmental agencies, and units of local govern-
5 ment to address coastal impacts resulting from sea level
6 rise.

7 (d) REPORT.—Not later than 4 years after the date
8 of enactment of this Act, the Secretary shall submit to
9 the Committee on Environment and Public Works of the
10 Senate and the Committee on Transportation and Infra-
11 structure of the House of Representatives a report recom-
12 mending specific and detailed actions to address risks and
13 vulnerabilities of the areas described in subsection (a) to
14 increased hurricane and storm damage as a result of sea
15 level rise.

16 **SEC. 4016. KANAWHA RIVER BASIN.**

17 The Secretary shall conduct studies to determine the
18 feasibility of implementing projects for flood risk manage-
19 ment, ecosystem restoration, navigation, water supply,
20 recreation, and other water resource related purposes
21 within the Kanawha River Basin, West Virginia, Virginia,
22 and North Carolina.

23 **SEC. 4017. CONSIDERATION OF FULL ARRAY OF MEASURES**
24 **FOR COASTAL RISK REDUCTION.**

25 (a) DEFINITIONS.—In this section:

1 (1) NATURAL FEATURE.—The term “natural
2 feature” means a feature that is created through the
3 action of physical, geological, biological, and chem-
4 ical processes over time.

5 (2) NATURE-BASED FEATURE.—The term “na-
6 ture-based feature” means a feature that is created
7 by human design, engineering, and construction to
8 protect, and in concert with, natural processes to
9 provide risk reduction in coastal areas.

10 (b) REQUIREMENT.—In developing projects for coast-
11 al risk reduction, the Secretary shall consider, as appro-
12 priate—

- 13 (1) natural features;
14 (2) nature-based features;
15 (3) nonstructural measures; and
16 (4) structural measures.

17 (c) REPORT TO CONGRESS.—

18 (1) IN GENERAL.—Not later than February 1,
19 2020, the Secretary shall submit to the Committee
20 on Environment and Public Works of the Senate
21 and the Committee on Transportation and Infra-
22 structure of the House of Representatives a report
23 on the implementation of subsection (b).

24 (2) CONTENTS.—The report under paragraph
25 (1) shall include, at a minimum, the following:

1 (A) A description of guidance or instruc-
2 tions issued, and other measures taken, by the
3 Secretary and the Chief of Engineers to imple-
4 ment subsection (b).

5 (B) An assessment of the costs, benefits,
6 impacts, and trade-offs associated with meas-
7 ures recommended by the Secretary for coastal
8 risk reduction and the effectiveness of those
9 measures.

10 (C) A description of any statutory, fiscal,
11 or regulatory barriers to the appropriate consid-
12 eration and use of a full array of measures for
13 coastal risk reduction.

14 **SEC. 4018. WATERFRONT COMMUNITY REVITALIZATION**
15 **AND RESILIENCY.**

16 (a) FINDINGS.—Congress finds that—

17 (1) many communities in the United States
18 were developed along waterfronts;

19 (2) water proximity and access is a recognized
20 economic driver;

21 (3) water shortages faced by parts of the
22 United States underscore the need to manage water
23 sustainably and restore water quality;

1 (4) interest in waterfront revitalization and de-
2 velopment has grown, while the circumstances driv-
3 ing waterfront development have changed;

4 (5) waterfront communities face challenges to
5 revitalizing and leveraging water resources, such as
6 outdated development patterns, deteriorated water
7 infrastructure, industrial contamination of soil and
8 sediment, and lack of public access to the water-
9 front, which are often compounded by overarching
10 economic distress in the community;

11 (6) public investment in waterfront community
12 development and infrastructure should reflect chang-
13 ing ecosystem conditions and extreme weather pro-
14 jections to ensure strategic, resilient investments;

15 (7) individual communities have unique prior-
16 ities, concerns, and opportunities related to water-
17 front restoration and community revitalization; and

18 (8) the Secretary of Commerce has unique ex-
19 pertise in Great Lakes and ocean coastal resiliency
20 and economic development.

21 (b) DEFINITIONS.—In this section:

22 (1) INDIAN TRIBE.—The term “Indian tribe”
23 has the meaning given the term in section 4 of the
24 Indian Self-Determination and Education Assistance
25 Act (25 U.S.C. 5304).

1 (2) RESILIENT WATERFRONT COMMUNITY.—

2 The term “resilient waterfront community” means a
3 unit of local government or Indian tribe that is—

4 (A)(i) bound in part by—

5 (I) a Great Lake; or

6 (II) an ocean; or

7 (ii) bordered or traversed by a riverfront or
8 an inland lake;

9 (B) self-nominated as a resilient water-
10 front community; and

11 (C) designated by the Secretary as a resil-
12 ient waterfront community on the basis of the
13 development by the community of an eligible re-
14 silient waterfront community plan, with eligi-
15 bility determined by the Secretary after consid-
16 ering the requirements of paragraphs (2) and
17 (3) of subsection (c).

18 (3) SECRETARY.—The term “Secretary” means
19 the Secretary of Commerce.

20 (c) RESILIENT WATERFRONT COMMUNITIES DES-
21 IGNATION.—

22 (1) DESIGNATION.—

23 (A) IN GENERAL.—Subject to subpara-
24 graph (B), the Secretary shall designate resil-
25 ient waterfront communities based on the ex-

1 tent to which a community meets the criteria
2 described in paragraph (2).

3 (B) COLLABORATION.—For inland lake
4 and riverfront communities, in making the des-
5 ignation described in subparagraph (A), the
6 Secretary shall work with the Administrator of
7 the Environmental Protection Agency and the
8 heads of other Federal agencies, as the Sec-
9 retary determines to be necessary.

10 (2) RESILIENT WATERFRONT COMMUNITY
11 PLAN.—A resilient waterfront community plan is a
12 community-driven vision and plan that is devel-
13 oped—

14 (A) voluntarily at the discretion of the
15 community—

16 (i) to respond to local needs; or

17 (ii) to take advantage of new water-
18 oriented opportunities;

19 (B) with the leadership of the relevant gov-
20 ernmental entity or Indian tribe with the active
21 participation of—

22 (i) community residents;

23 (ii) utilities; and

24 (iii) interested business and non-
25 governmental stakeholders;

1 (C) as a new document or by amending or
2 compiling community planning documents, as
3 necessary, at the discretion of the Secretary;

4 (D) in consideration of all applicable Fed-
5 eral and State coastal zone management plan-
6 ning requirements;

7 (E) to address economic competitive
8 strengths; and

9 (F) to complement and incorporate the ob-
10 jectives and recommendations of applicable re-
11 gional economic plans.

12 (3) COMPONENTS OF A RESILIENT WATER-
13 FRONT COMMUNITY PLAN.—A resilient waterfront
14 community plan shall—

15 (A) consider all, or a portion of, the water-
16 front area and adjacent land and water to
17 which the waterfront is connected ecologically,
18 economically, or through local governmental or
19 tribal boundaries;

20 (B) describe a vision and plan for the com-
21 munity to develop as a vital and resilient water-
22 front community, integrating consideration of—

23 (i) the economic opportunities result-
24 ing from water proximity and access, in-
25 cluding—

- 1 (I) water-dependent industries;
- 2 (II) water-oriented commerce;
- 3 and
- 4 (III) recreation and tourism;
- 5 (ii) the community relationship to the
- 6 water, including—
- 7 (I) quality of life;
- 8 (II) public health;
- 9 (III) community heritage; and
- 10 (IV) public access, particularly in
- 11 areas in which publicly funded eco-
- 12 system restoration is underway;
- 13 (iii) ecosystem challenges and projec-
- 14 tions, including unresolved and emerging
- 15 impacts to the health and safety of the wa-
- 16 terfront and projections for extreme weath-
- 17 er and water conditions;
- 18 (iv) infrastructure needs and opportu-
- 19 nities, to facilitate strategic and sustain-
- 20 able capital investments in—
- 21 (I) docks, piers, and harbor fa-
- 22 cilities;
- 23 (II) protection against storm
- 24 surges, waves, and flooding;

1 (III) stormwater, sanitary sewer,
2 and drinking water systems, including
3 green infrastructure and opportunities
4 to control nonpoint source runoff; and
5 (IV) other community facilities
6 and private development; and
7 (v) such other factors as are deter-
8 mined by the Secretary to align with
9 metrics or indicators for resiliency, consid-
10 ering environmental and economic changes.

11 (4) DURATION.—After the designation of a
12 community as a resilient waterfront community
13 under paragraph (1), a resilient waterfront commu-
14 nity plan developed in accordance with paragraphs
15 (2) and (3) may be—

16 (A) effective for the 10-year period begin-
17 ning on the date on which the Secretary ap-
18 proves the resilient waterfront community plan;
19 and

20 (B) updated by the resilient waterfront
21 community and submitted to the Secretary for
22 the approval of the Secretary before the expira-
23 tion of the 10-year period.

24 (d) RESILIENT WATERFRONT COMMUNITIES NET-
25 WORK.—

1 (1) IN GENERAL.—The Secretary shall develop
2 and maintain a resilient waterfront communities net-
3 work to facilitate the sharing of best practices
4 among waterfront communities.

5 (2) PUBLIC RECOGNITION.—In consultation
6 with designated resilient waterfront communities,
7 the Secretary shall provide formal public recognition
8 of the designated resilient waterfront communities to
9 promote tourism, investment, or other benefits.

10 (e) WATERFRONT COMMUNITY REVITALIZATION AC-
11 TIVITIES.—

12 (1) IN GENERAL.—To support a community in
13 leveraging other sources of public and private invest-
14 ment, the Secretary may use existing authority to
15 support—

16 (A) the development of a resilient water-
17 front community plan, including planning and
18 feasibility analysis; and

19 (B) the implementation of strategic compo-
20 nents of a resilient waterfront community plan
21 after the resilient waterfront community plan
22 has been approved by the Secretary.

23 (2) NON-FEDERAL PARTNERS.—

24 (A) LEAD NON-FEDERAL PARTNERS.—A
25 unit of local government or an Indian tribe

1 shall be eligible to be considered as a lead non-
2 Federal partner if the unit of local government
3 or Indian tribe is—

4 (i) bound in part by—

5 (I) a Great Lake; or

6 (II) an ocean; or

7 (ii) bordered or traversed by a river-
8 front or an inland lake.

9 (B) NON-FEDERAL IMPLEMENTATION
10 PARTNERS.—Subject to paragraph (4)(C), a
11 lead non-Federal partner may contract with an
12 eligible non-Federal implementation partner for
13 implementation activities described in para-
14 graph (4)(B).

15 (3) PLANNING ACTIVITIES.—

16 (A) IN GENERAL.—Technical assistance
17 may be provided for the development of a resil-
18 ient waterfront community plan.

19 (B) ELIGIBLE PLANNING ACTIVITIES.—In
20 developing a resilient waterfront community
21 plan, a resilient waterfront community may—

22 (i) conduct community visioning and
23 outreach;

24 (ii) identify challenges and opportuni-
25 ties;

- 1 (iii) develop strategies and solutions;
- 2 (iv) prepare plan materials, including
- 3 text, maps, design, and preliminary engi-
- 4 neering;
- 5 (v) collaborate across local agencies
- 6 and work with regional, State, and Federal
- 7 agencies to identify, understand, and de-
- 8 velop responses to changing ecosystem and
- 9 economic circumstances; and
- 10 (vi) conduct other planning activities
- 11 that the Secretary considers necessary for
- 12 the development of a resilient waterfront
- 13 community plan that responds to revital-
- 14 ization and resiliency issues confronted by
- 15 the resilient waterfront community.

16 (4) IMPLEMENTATION ACTIVITIES.—

17 (A) IN GENERAL.—Implementation assist-

18 ance may be provided—

- 19 (i) to initiate implementation of a re-
- 20 siliant waterfront community plan and fa-
- 21 cilitate high-quality development, including
- 22 leveraging local and private sector invest-
- 23 ment; and

1 (ii) to address strategic community
2 priorities that are identified in the resilient
3 waterfront community plan.

4 (B) ASSISTANCE.—Assistance may be pro-
5 vided to advance implementation activities, such
6 as—

7 (i) site preparation;

8 (ii) environmental review;

9 (iii) engineering and design;

10 (iv) acquiring easements or land for
11 uses such as green infrastructure, public
12 amenities, or assembling development sites;

13 (v) updates to zoning codes;

14 (vi) construction of—

15 (I) public waterfront or boating
16 amenities; and

17 (II) public spaces;

18 (vii) infrastructure upgrades to im-
19 prove coastal resiliency;

20 (viii) economic and community devel-
21 opment marketing and outreach; and

22 (ix) other activities at the discretion
23 of the Secretary.

24 (C) IMPLEMENTATION PARTNERS.—

1 (i) IN GENERAL.—To assist in the
2 completion of implementation activities, a
3 lead non-Federal partner may contract or
4 otherwise collaborate with a non-Federal
5 implementation partner, including—

6 (I) a nonprofit organization;

7 (II) a public utility;

8 (III) a private entity;

9 (IV) an institution of higher edu-
10 cation;

11 (V) a State government; or

12 (VI) a regional organization.

13 (ii) LEAD NON-FEDERAL PARTNER
14 RESPONSIBILITY.—The lead non-Federal
15 partner shall ensure that assistance and
16 resources received by the lead non-Federal
17 partner to advance the resilient waterfront
18 community plan of the lead non-Federal
19 partner and for related activities are used
20 for the purposes of, and in a manner con-
21 sistent with, any initiative advanced by the
22 Secretary for the purpose of promoting wa-
23 terfront community revitalization and resil-
24 iency.

25 (5) USE OF NON-FEDERAL RESOURCES.—

1 (A) IN GENERAL.—A resilient waterfront
2 community receiving assistance under this sub-
3 section shall provide non-Federal funds toward
4 completion of planning or implementation ac-
5 tivities.

6 (B) NON-FEDERAL RESOURCES.—Non-
7 Federal funds may be provided by—

8 (i) 1 or more units of local or tribal
9 government;

10 (ii) a State government;

11 (iii) a nonprofit organization;

12 (iv) a private entity;

13 (v) a foundation;

14 (vi) a public utility; or

15 (vii) a regional organization.

16 (f) INTERAGENCY AWARENESS.—At regular inter-
17 vals, the Secretary shall provide a list of resilient water-
18 front communities to the applicable States and the heads
19 of national and regional offices of interested Federal agen-
20 cies, including at a minimum—

21 (1) the Secretary of Transportation;

22 (2) the Secretary of Agriculture;

23 (3) the Administrator of the Environmental
24 Protection Agency;

1 (4) the Administrator of the Federal Emer-
2 gency Management Agency;

3 (5) the Assistant Secretary of the Army for
4 Civil Works;

5 (6) the Secretary of the Interior; and

6 (7) the Secretary of Housing and Urban Devel-
7 opment.

8 (g) NO NEW REGULATORY AUTHORITY.—Nothing in
9 this section may be construed as establishing new author-
10 ity for any Federal agency.

11 (h) AUTHORIZATION OF APPROPRIATIONS.—There is
12 authorized to be appropriated to the Secretary to carry
13 out this section \$50,000,000 for each of fiscal years 2017
14 through 2021.

15 (i) FUNDING.—Out of any funds in the Treasury not
16 otherwise appropriated, the Secretary of the Treasury
17 shall transfer to the Secretary to carry out this section
18 \$800,000, to remain available until expended.

19 **SEC. 4019. TABLE ROCK LAKE, ARKANSAS AND MISSOURI.**

20 (a) IN GENERAL.—Notwithstanding any other provi-
21 sion of law, the Secretary—

22 (1) shall include a 60-day public comment pe-
23 riod for the Table Rock Lake Master Plan and
24 Table Rock Lake Shoreline Management Plan revi-
25 sion; and

1 (2) shall finalize the revision for the Table Rock
2 Lake Master Plan and Table Rock Lake Shoreline
3 Management Plan during the 2-year period begin-
4 ning on the date of enactment of this Act.

5 (b) SHORELINE USE PERMITS.—During the period
6 described in subsection (a)(2), the Secretary shall lift or
7 suspend the moratorium on the issuance of new, and modi-
8 fications to existing, shoreline use permits based on the
9 existing Table Rock Lake Master Plan and Table Rock
10 Lake Shoreline Management Plan.

11 (c) OVERSIGHT COMMITTEE.—

12 (1) IN GENERAL.—Not later than 120 days
13 after the date of enactment of this Act, the Sec-
14 retary shall establish an oversight committee (re-
15 ferred to in this subsection as the “Committee”).

16 (2) PURPOSES.—The purposes of the Com-
17 mittee shall be—

18 (A) to review any permit to be issued
19 under the existing Table Rock Lake Master
20 Plan at the recommendation of the District En-
21 gineer; and

22 (B) to advise the District Engineer on revi-
23 sions to the new Table Rock Lake Master Plan
24 and Table Rock Lake Shoreline Management
25 Plan.

1 (3) MEMBERSHIP.—Membership in the Com-
2 mittee shall not exceed 6 members and shall in-
3 clude—

4 (A) not more than 1 representative each
5 from the State of Missouri and the State of Ar-
6 kansas;

7 (B) not more than 1 representative each
8 from local economic development organizations
9 with jurisdiction over Table Rock Lake; and

10 (C) not more than 1 representative each
11 representing the boating and conservation inter-
12 ests of Table Rock Lake.

13 (4) STUDY.—The Secretary shall—

14 (A) carry out a study on the need to revise
15 permit fees relating to Table Rock Lake to bet-
16 ter reflect the cost of issuing those fees and
17 achieve cost savings;

18 (B) submit to Congress a report on the re-
19 sults of the study described in subparagraph
20 (A); and

21 (C) begin implementation of the new per-
22 mit fee structure based on the findings of the
23 study described in subparagraph (A).

1 **SEC. 4020. PEARL RIVER BASIN, MISSISSIPPI.**

2 The Secretary shall expedite review and decision on
3 the recommendation for the project for flood damage re-
4 duction authorized by section 401(e)(3) of the Water Re-
5 sources Development Act of 1986 (100 Stat. 4132), as
6 amended by section 3104 of the Water Resources Develop-
7 ment Act of 2007 (121 Stat. 1134), submitted to the Sec-
8 retary under section 211 of the Water Resources Develop-
9 ment Act of 1996 (33 U.S.C. 701b–13) (as in effect on
10 the day before the date of enactment of the Water Re-
11 sources Reform and Development Act of 2014).

12 **TITLE V—DEAUTHORIZATIONS**

13 **SEC. 5001. DEAUTHORIZATIONS.**

14 (a) VALDEZ, ALASKA.—

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

20 (2) ENTRY BY FEDERAL GOVERNMENT.—The
21 Federal Government may enter on the property re-
22 ferred to in paragraph (1) to carry out any required
23 operation and maintenance of the general navigation
24 features of the project described in paragraph (1).

25 (b) RED RIVER BELOW DENISON DAM, ARKANSAS,
26 LOUISIANA, AND TEXAS.—The portion of the project for

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

9 (c) SUTTER BASIN, CALIFORNIA.—

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

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

20 (A) the national economic development
21 plan separable element reflected in the report of
22 the Chief of Engineers dated March 12, 2014,
23 and authorized for construction under section
24 7002(2)(8) of the Water Resources Reform and

1 Development Act of 2014 (Public Law 113–
2 121; 128 Stat. 1366); or

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

6 (i) section 2 of the Act of March 1,
7 1917 (39 Stat. 949; chapter 144);

8 (ii) section 12 of the Act of December
9 22, 1944 (58 Stat. 900; chapter 665);

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

12 and

13 (iv) any other Acts relating to the au-
14 thorization for the Sacramento River and
15 major and minor tributaries project along
16 the Feather River right bank between levee
17 stationing 1483+33 and levee stationing
18 2368+00.

19 (d) STONINGTON HARBOR, CONNECTICUT.—The por-
20 tion of the project for navigation, Stonington Harbor,
21 Connecticut, authorized by the Act of May 23, 1828 (4
22 Stat. 288; chapter 73) that consists of the inner stone
23 breakwater that begins at coordinates N. 682,146.42, E.
24 1231,378.69, running north 83.587 degrees west 166.79'
25 to a point N. 682,165.05, E. 1,231,212.94, running north

1 69.209 degrees west 380.89' to a point N. 682,300.25,
2 E. 1,230,856.86, is no longer authorized as a Federal
3 project beginning on the date of enactment of this Act.

4 (e) GREEN RIVER AND BARREN RIVER, KEN-
5 TUCKY.—

6 (1) IN GENERAL.—Beginning on the date of en-
7 actment of this Act, commercial navigation at the
8 locks and dams identified in the report of the Chief
9 of Engineers entitled “Green River Locks and Dams
10 3, 4, 5, and 6 and Barren River Lock and Dam 1,
11 Kentucky” and dated April 30, 2015, shall no longer
12 be authorized, and the land and improvements asso-
13 ciated with the locks and dams shall be—

14 (A) disposed of consistent with paragraph
15 (2); and

16 (B) subject to such terms and conditions
17 as the Secretary determines to be necessary and
18 appropriate in the public interest.

19 (2) DISPOSITION.—

20 (A) GREEN RIVER LOCK AND DAM 3.—The
21 Secretary shall convey to the Rochester Dam
22 Regional Water Commission all right, title, and
23 interest of the United States in and to Green
24 River Lock and Dam 3, located in Ohio County

1 and Muhlenberg County, Kentucky, together
2 with any improvements on the land.

3 (B) GREEN RIVER LOCK AND DAM 4.—The
4 Secretary shall convey to Butler County, Ken-
5 tucky, all right, title, and interest of the United
6 States in and to Green River Lock and Dam 4,
7 located in Butler County, Kentucky, together
8 with any improvements on the land.

9 (C) GREEN RIVER LOCK AND DAM 5.—The
10 Secretary shall convey to the State of Ken-
11 tucky, a political subdivision of the State of
12 Kentucky, or a nonprofit, nongovernmental or-
13 ganization all right, title, and interest of the
14 United States in and to Green River Lock and
15 Dam 5 for the express purposes of—

16 (i) removing the structure from the
17 river at the earliest feasible time; and

18 (ii) making the land available for con-
19 servation and public recreation, including
20 river access.

21 (D) GREEN RIVER LOCK AND DAM 6.—

22 (i) IN GENERAL.—The Secretary shall
23 transfer to the Secretary of the Interior
24 administrative jurisdiction over the portion
25 of Green River Lock and Dam 6,

1 Edmonson County, Kentucky, that is lo-
2 cated on the left descending bank of the
3 Green River, together with any improve-
4 ments on the land, for inclusion in Mam-
5 moth Cave National Park.

6 (ii) TRANSFER TO THE STATE OF
7 KENTUCKY.—The Secretary shall transfer
8 to the State of Kentucky all right, title,
9 and interest of the United States in and to
10 the portion of Green River Lock and Dam
11 6, Edmonson County, Kentucky, that is lo-
12 cated on the right descending bank of the
13 Green River, together with any improve-
14 ments on the land, for use by the Depart-
15 ment of Fish and Wildlife Resources of the
16 State of Kentucky for the purposes of—

17 (I) removing the structure from
18 the river at the earliest feasible time;
19 and

20 (II) making the land available for
21 conservation and public recreation, in-
22 cluding river access.

23 (E) BARREN RIVER LOCK AND DAM 1.—
24 The Secretary shall convey to the State of Ken-
25 tucky, all right, title, and interest of the United

1 States in and to Barren River Lock and Dam
2 1, located in Warren County, Kentucky, to-
3 gether with any improvements on the land, for
4 use by the Department of Fish and Wildlife Re-
5 sources of the State of Kentucky for the pur-
6 poses of—

7 (i) removing the structure from the
8 river at the earliest feasible time; and

9 (ii) making the land available for con-
10 servation and public recreation, including
11 river access.

12 (3) CONDITIONS.—

13 (A) IN GENERAL.—The exact acreage and
14 legal description of any land to be disposed of,
15 transferred, or conveyed under this subsection
16 shall be determined by a survey satisfactory to
17 the Secretary.

18 (B) QUITCLAIM DEED.—A conveyance
19 under subparagraph (A), (B), (D), or (E) of
20 paragraph (2) shall be accomplished by quit-
21 claim deed and without consideration.

22 (C) ADMINISTRATIVE COSTS.—The Sec-
23 retary shall be responsible for all administrative
24 costs associated with a transfer or conveyance

1 under this subsection, including the costs of a
2 survey carried out under subparagraph (A).

3 (D) REVERSION.—If the Secretary deter-
4 mines that the land transferred or conveyed
5 under this subsection is not used by a non-Fed-
6 eral entity for a purpose that is consistent with
7 the purpose of the transfer or conveyance, all
8 right, title, and interest in and to the land, in-
9 cluding any improvements on the land, shall re-
10 vert, at the discretion of the Secretary, to the
11 United States, and the United States shall have
12 the right of immediate entry onto the land.

13 (f) ESSEX RIVER, MASSACHUSETTS.—

14 (1) IN GENERAL.—The portions of the project
15 for navigation, Essex River, Massachusetts, author-
16 ized by the first section of the Act of July 13, 1892
17 (27 Stat. 96, chapter 158), and modified by the first
18 section of the Act of March 3, 1899 (30 Stat. 1133,
19 chapter 425), and the first section of the Act of
20 March 2, 1907 (34 Stat. 1075, chapter 2509), that
21 do not lie within the areas described in paragraph
22 (2) are no longer authorized beginning on the date
23 of enactment of this Act.

24 (2) AREAS DESCRIBED.—The areas described in
25 this paragraph are—

1 (A) beginning at a point N. 3056139.82,
2 E. 851780.21;

3 (B) running southwesterly about 156.88
4 feet to a point N. 3055997.75, E. 851713.67;

5 (C) running southwesterly about 64.59 feet
6 to a point N. 3055959.37, E. 851661.72;

7 (D) running southwesterly about 145.14
8 feet to a point N. 3055887.10, E. 851535.85;

9 (E) running southwesterly about 204.91
10 feet to a point N. 3055855.12, E. 851333.45;

11 (F) running northwesterly about 423.50
12 feet to a point N. 3055976.70, E. 850927.78;

13 (G) running northwesterly about 58.77 feet
14 to a point N. 3056002.99, E. 850875.21;

15 (H) running northwesterly about 240.57
16 feet to a point N. 3056232.82, E. 850804.14;

17 (I) running northwesterly about 203.60
18 feet to a point N. 3056435.41, E. 850783.93;

19 (J) running northwesterly about 78.63 feet
20 to a point N. 3056499.63, E. 850738.56;

21 (K) running northwesterly about 60.00
22 feet to a point N. 3056526.30, E. 850684.81;

23 (L) running southwesterly about 85.56 feet
24 to a point N. 3056523.33, E. 850599.31;

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1 (M) running southwesterly about 36.20
2 feet to a point N. 3056512.37, E. 850564.81;
3 (N) running southwesterly about 80.10
4 feet to a point N. 3056467.08, E. 850498.74;
5 (O) running southwesterly about 169.05
6 feet to a point N. 3056334.36, E. 850394.03;
7 (P) running northwesterly about 48.52 feet
8 to a point N. 3056354.38, E. 850349.83;
9 (Q) running northeasterly about 83.71 feet
10 to a point N. 3056436.35, E. 850366.84;
11 (R) running northeasterly about 212.38
12 feet to a point N. 3056548.70, E. 850547.07;
13 (S) running northeasterly about 47.60 feet
14 to a point N. 3056563.12, E. 850592.43;
15 (T) running northeasterly about 101.16
16 feet to a point N. 3056566.62, E. 850693.53;
17 (U) running southeasterly about 80.22 feet
18 to a point N. 3056530.97, E. 850765.40;
19 (V) running southeasterly about 99.29 feet
20 to a point N. 3056449.88, E. 850822.69;
21 (W) running southeasterly about 210.12
22 feet to a point N. 3056240.79, E. 850843.54;
23 (X) running southeasterly about 219.46
24 feet to a point N. 3056031.13, E. 850908.38;

1 (Y) running southeasterly about 38.23 feet
2 to a point N. 3056014.02, E. 850942.57;

3 (Z) running southeasterly about 410.93
4 feet to a point N. 3055896.06, E. 851336.21;

5 (AA) running northeasterly about 188.43
6 feet to a point N. 3055925.46, E. 851522.33;

7 (BB) running northeasterly about 135.47
8 feet to a point N. 3055992.91, E. 851639.80;

9 (CC) running northeasterly about 52.15
10 feet to a point N. 3056023.90, E. 851681.75;

11 and

12 (DD) running northeasterly about 91.57
13 feet to a point N. 3056106.82, E. 851720.59.

14 (g) HANNIBAL SMALL BOAT HARBOR, HANNIBAL,
15 MISSOURI.—The project for navigation at Hannibal Small
16 Boat Harbor on the Mississippi River, Hannibal, Missouri,
17 authorized by section 101 of the River and Harbor Act
18 of 1950 (Public Law 81–516; 64 Stat. 166, chapter 188),
19 is no longer authorized beginning on the date of enactment
20 of this Act, and any maintenance requirements associated
21 with the project are terminated.

22 (h) PORT OF CASCADE LOCKS, OREGON.—

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

1 (A) DEFINITION OF FLOWAGE EASE-
2 MENT.—In this paragraph, the term “flowage
3 easement” means the flowage easements identi-
4 fied as tracts 302E-1 and 304E-1 on the ease-
5 ment deeds recorded as instruments in Hood
6 River County, Oregon, as follows:

7 (i) A flowage easement dated October
8 3, 1936, recorded December 1, 1936, book
9 25 at page 531 (records of Hood River
10 County, Oregon), in favor of United States
11 (302E-1-Perpetual Flowage Easement
12 from October 5, 1937, October 5, 1936,
13 and October 3, 1936) (previously acquired
14 as tracts OH-36 and OH-41 and a portion
15 of tract OH-47).

16 (ii) A flowage easement recorded Oc-
17 tober 17, 1936, book 25 at page 476
18 (records of Hood River County, Oregon),
19 in favor of the United States, that affects
20 that portion below the 94-foot contour line
21 above main sea level (304 E-1-Perpetual
22 Flowage Easement from August 10, 1937
23 and October 3, 1936) (previously acquired
24 as tract OH-42 and a portion of tract OH-
25 47).

1 (B) TERMINATION.—With respect to the
2 properties described in paragraph (2), begin-
3 ning on the date of enactment of this Act, the
4 flowage easements are terminated above ele-
5 vation 82.4 feet (NGVD29), the ordinary high
6 water mark.

7 (2) AFFECTED PROPERTIES.—The properties
8 described in this paragraph, as recorded in Hood
9 River, County, Oregon, are as follows:

10 (A) Lots 3, 4, 5, and 7 of the “Port of
11 Cascade Locks Business Park” subdivision, in-
12 strument #2014-00436.

13 (B) Parcels 1, 2, and 3 of Hood River
14 County Partition plat No. 2008-25P.

15 (3) FEDERAL LIABILITIES; CULTURAL, ENVI-
16 RONMENTAL, OTHER REGULATORY REVIEWS.—

17 (A) FEDERAL LIABILITY.—The United
18 States shall not be liable for any injury caused
19 by the termination of the easement under this
20 subsection.

21 (B) CULTURAL AND ENVIRONMENTAL
22 REGULATORY ACTIONS.—Nothing in this sub-
23 section establishes any cultural or environ-
24 mental regulation relating to the properties de-
25 scribed in paragraph (2).

1 (4) EFFECT ON OTHER RIGHTS.—Nothing in
2 this subsection affects any remaining right or inter-
3 est of the Corps of Engineers in the properties de-
4 scribed in paragraph (2).

5 (i) DECLARATIONS OF NON-NAVIGABILITY FOR POR-
6 TIONS OF THE DELAWARE RIVER, PHILADELPHIA, PENN-
7 SYLVANIA.—

8 (1) IN GENERAL.—Subject to paragraphs (2)
9 and (3), unless the Secretary determines, after con-
10 sultation with local and regional public officials (in-
11 cluding local and regional project planning organiza-
12 tions), that there are substantive objections, the fol-
13 lowing portions of the Delaware River, bounded by
14 the former bulkhead and pierhead lines established
15 by the Secretary of War and successors, are declared
16 to be non-navigable waters of the United States:

17 (A) Piers 70 South through 38 South, en-
18 compassing an area bounded by the southern
19 line of Moore Street extended to the northern
20 line of Catherine Street extended, including the
21 following piers: Piers 70, 68, 67, 64, 61-63, 60,
22 57, 55, 46, 48, 40, and 38.

23 (B) Piers 24 North through 72 North, en-
24 compassing an area bounded by the southern
25 line of Callowhill Street extended to the north-

1 ern line of East Fletcher Street extended, in-
2 cluding the following piers: 24, 25, 27-35, 35.5,
3 36, 37, 38, 39, 49, 51-52, 53-57, 58-65, 66, 67,
4 69, 70-72, and Rivercenter.

5 (2) DETERMINATION.—The Secretary shall
6 make the determination under paragraph (1) sepa-
7 rately for each portion of the Delaware River de-
8 scribed in subparagraphs (A) and (B) of paragraph
9 (1), using reasonable discretion, by not later than
10 150 days after the date of submission of appropriate
11 plans for that portion.

12 (3) LIMITS ON APPLICABILITY.—

13 (A) IN GENERAL.—Paragraph (1) applies
14 only to those parts of the areas described in
15 that paragraph that are or will be bulkheaded
16 and filled or otherwise occupied by permanent
17 structures, including marina and recreation fa-
18 cilities.

19 (B) OTHER FEDERAL LAWS.—Any work
20 described in subparagraph (A) shall be subject
21 to all applicable Federal law (including regula-
22 tions), including—

23 (i) sections 9 and 10 of the Act of
24 March 3, 1899 (commonly known as the

1 “River and Harbors Appropriation Act of
2 1899”) (33 U.S.C. 401, 403);

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

6 (iii) the National Environmental Pol-
7 icy Act of 1969 (42 U.S.C. 4321 et seq.).

8 (j) SALT CREEK, GRAHAM, TEXAS.—

9 (1) IN GENERAL.—The project for flood con-
10 trol, environmental restoration, and recreation, Salt
11 Creek, Graham, Texas, authorized by section
12 101(a)(30) of the Water Resources Development Act
13 of 1999 (Public Law 106–53; 113 Stat. 278-279), is
14 no longer authorized as a Federal project beginning
15 on the date of enactment of this Act.

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

21 (3) TRANSFER.—The Secretary is authorized to
22 transfer any land acquired by the Federal Govern-
23 ment for the project on behalf of the non-Federal
24 sponsor that remains in Federal ownership on or

1 after the date of enactment of this Act to the non-
2 Federal sponsor.

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

9 **SEC. 5002. CONVEYANCES.**

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

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

19 (2) TRANSFER.—

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

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

4 (ii) improvements to the land de-
5 scribed in clause (i).

6 (B) RESPONSIBILITY FOR COSTS.—The
7 transferee shall be responsible for the payment
8 of all costs and administrative expenses associ-
9 ated with any transfer carried out pursuant to
10 subparagraph (A), including costs associated
11 with any land survey required to determine the
12 exact acreage and legal description of the land
13 and improvements to be transferred.

14 (C) OTHER TERMS AND CONDITIONS.—A
15 transfer under subparagraph (A) shall be sub-
16 ject to such other terms and conditions as the
17 Secretary determines to be necessary and ap-
18 propriate to protect the interests of the United
19 States.

20 (3) REVERSION.—If the Secretary determines
21 that the land and improvements conveyed under
22 paragraph (2) ceases to be owned by the public, all
23 right, title, and interest in and to the land and im-
24 provements shall revert, at the discretion of the Sec-
25 retary, to the United States.

1 (b) SARDIS LAKE, MISSISSIPPI.—

2 (1) IN GENERAL.—The Secretary is authorized
3 to convey to the lessee, at full fair market value, all
4 right, title and interest of the United States in and
5 to the property identified in the leases numbered
6 DACW38-1-15-7, DACW38-1-15-33, DACW38-1-
7 15-34, and DACW38-1-15-38, subject to such terms
8 and conditions as the Secretary determines to be
9 necessary and appropriate to protect the interests of
10 the United States.

11 (2) EASEMENT AND RESTRICTIVE COVENANT.—

12 The conveyance under paragraph (1) shall include—

13 (A) a restrictive covenant to require the
14 approval of the Secretary for any substantial
15 change in the use of the property; and

16 (B) a flowage easement.

17 (c) PENSACOLA DAM AND RESERVOIR, GRAND
18 RIVER, OKLAHOMA.—

19 (1) IN GENERAL.—Notwithstanding the Act of
20 June 28, 1938 (52 Stat. 1215, chapter 795), as
21 amended by section 3 of the Act of August 18, 1941
22 (55 Stat. 645, chapter 377), and notwithstanding
23 section 3 of the Act of July 31, 1946 (60 Stat. 744,
24 chapter 710), the Secretary shall convey, by quit-
25 claim deed and without consideration, to the Grand

1 River Dam Authority, an agency of the State of
2 Oklahoma, for flood control purposes, all right, title,
3 and interest of the United States in and to real
4 property under the administrative jurisdiction of the
5 Secretary acquired in connection with the Pensacola
6 Dam project, together with any improvements on the
7 property.

8 (2) FLOOD CONTROL PURPOSES.—If any inter-
9 est in the real property described in paragraph (1)
10 ceases to be managed for flood control or other pub-
11 lic purposes and is conveyed to a non-public entity,
12 the transferee, as part of the conveyance, shall pay
13 to the United States the fair market value for the
14 interest.

15 (3) NO EFFECT.—Nothing in this subsection—

16 (A) amends, modifies, or repeals any exist-
17 ing authority vested in the Federal Energy Reg-
18 ulatory Commission; or

19 (B) amends, modifies, or repeals any au-
20 thority of the Secretary or the Chief of Engi-
21 neers pursuant to section 7 of the Act of De-
22 cember 22, 1944 (33 U.S.C. 709).

23 (d) JOE POOL LAKE, TEXAS.—The Secretary shall
24 accept from the Trinity River Authority of Texas, if re-
25 ceived by December 31, 2016, \$31,233,401 as payment

1 in full of amounts owed to the United States, including
2 any accrued interest, for the approximately 61,747.1 acre-
3 feet of water supply storage space in Joe Pool Lake, Texas
4 (previously known as Lakeview Lake), for which payment
5 has not commenced under Article 5.a (relating to project
6 investment costs) of contract number DACW63-76-C-
7 0106 as of the date of enactment of this Act.

8 (e) WEBER BASIN PROJECT, UTAH.—

9 (1) IN GENERAL.—The Secretary of the Inte-
10 rior shall allow for the prepayment of repayment ob-
11 ligations under the repayment contract numbered
12 14-06-400-33 between the United States and the
13 Weber Basin Water Conservancy District (referred
14 to in this subsection as the “District”), dated De-
15 cember 12, 1952, and supplemented and amended
16 on June 30, 1961, on April 15, 1966, on September
17 20, 1968, and on May 9, 1985, including any other
18 amendments and all related applicable contracts to
19 the repayment contract, providing for repayment of
20 Weber Basin Project construction costs allocated to
21 irrigation and municipal and industrial purposes for
22 which repayment is provided pursuant to the repay-
23 ment contract under terms and conditions similar to
24 the terms and conditions used in implementing the
25 prepayment provisions in section 210 of the Central

1 Utah Project Completion Act (Public Law 102–575;
2 106 Stat. 4624) for prepayment of Central Utah
3 Project, Bonneville Unit repayment obligations.

4 (2) AUTHORIZATIONS AND REQUIREMENTS.—
5 The prepayment authorized under paragraph (1) —

6 (A) shall result in the United States recov-
7 ering the net present value of all repayment
8 streams that would have been payable to the
9 United States if this section was not in effect;

10 (B) may be provided in several install-
11 ments;

12 (C) may not be adjusted on the basis of
13 the type of prepayment financing used by the
14 District; and

15 (D) shall be made in a manner that pro-
16 vides that total repayment is made not later
17 than September 30, 2026.

18 **TITLE VI—WATER RESOURCES**
19 **INFRASTRUCTURE**

20 **SEC. 6001. AUTHORIZATION OF FINAL FEASIBILITY STUD-**
21 **IES.**

22 The following final feasibility studies for water re-
23 sources development and conservation and other purposes
24 are authorized to be carried out by the Secretary substan-
25 tially in accordance with the plan, and subject to the con-

ditions, described in the respective reports designated in
this section:

(1) NAVIGATION.—

A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Costs
1. TX	Brazos Island Harbor	November 3, 2014	Federal: \$116,116,000 Non-Federal: \$135,836,000 Total: \$251,952,000
2. LA	Calcasieu Lock	December 2, 2014	Federal: \$16,700,000 Non-Federal: \$0 Total: \$16,700,000
3. NH, ME	Portsmouth Harbor and Piscataqua River	February 8, 2015	Federal: \$15,580,000 Non-Federal: \$5,190,000 Total: \$20,770,000
4. KY	Green River Locks and Dams 3, 4, 5, and 6 and Barren River Lock and Dam 1 Disposition	April 30, 2015	Federal: \$0 Non-Federal: \$0 Total: \$0
5. FL	Port Everglades	June 25, 2015	Federal: \$220,200,000 Non-Federal: \$102,500,000 Total: \$322,700,000
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
9. PA	Upper Ohio River, Allegheny and Beaver Counties	September 12, 2016	Federal: \$1,324,235,500 Non-Federal: \$1,324,235,500 Total: \$2,648,471,000

(2) FLOOD RISK MANAGEMENT.—

A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Costs
1. TX	Leon Creek Watershed, San Antonio	June 30, 2014	Federal: \$18,314,000 Non-Federal: \$9,861,000 Total: \$28,175,000
2. MO, KS	Armourdale and Central Industrial District Levee Units, Missouri River and Tributaries at Kansas City	January 27, 2015	Federal: \$207,036,000 Non-Federal: \$111,481,000 Total: \$318,517,000
3. KS	City of Manhattan	April 30, 2015	Federal: \$15,440,100 Non-Federal: \$8,313,900 Total: \$23,754,000
4. KS	Upper Turkey Creek Basin	December 22, 2015	Federal: \$24,584,000 Non-Federal: \$13,238,000 Total: \$37,822,000
5. NC	Princeville	February 23, 2016	Federal: \$14,001,000 Non-Federal: \$7,539,000 Total: \$21,540,000
6. CA	West Sacramento	April 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: \$35,322,350 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. 5304)) 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, in accordance with section
16 2045 of the Water Resources Development Act of 2007
17 (33 U.S.C. 2348), and, if the Secretary determines that
18 a project is justified in the completed report, proceed di-
19 rectly to project preconstruction, engineering, and design
20 in accordance with section 910 of the Water Resources
21 Development Act of 1986 (33 U.S.C. 2287):

22 (1) The project for navigation, St. George Har-
23 bor, Alaska.

24 (2) The project for flood risk management,
25 Rahway River Basin, New Jersey.

1 (3) The Hudson-Raritan Estuary Comprehen-
2 sive Restoration Project.

3 (4) The project for navigation, Mobile Harbor,
4 Alabama.

5 **SEC. 6005. EXTENSION OF EXPEDITED CONSIDERATION IN**
6 **SENATE.**

7 Section 7004(b)(4) of the Water Resources Reform
8 and Development Act of 2014 (Public Law 113–121; 128
9 Stat. 1374) is amended by striking “2018” and inserting
10 “2020”.

11 **SEC. 6006. GAO STUDY ON CORPS OF ENGINEERS METHOD-**
12 **ODOLOGY AND PERFORMANCE METRICS.**

13 (a) IN GENERAL.—Not later than 2 years after the
14 date of enactment of this Act, the Comptroller General
15 shall submit to the Committee on Environment and Public
16 Works of the Senate and the Committee on Transpor-
17 tation and Infrastructure of the House of Representatives
18 a study of the methodologies and performance metrics
19 used by the Corps of Engineers to calculate benefit-to-cost
20 ratios and evaluate construction projects.

21 (b) CONSIDERATIONS.—The study under subsection
22 (a) shall address—

23 (1) whether and to what extent the current
24 methodologies and performance metrics place small

1 and rural geographic areas at a competitive dis-
2 advantage;

3 (2) whether the value of property for which
4 damage would be prevented as a result of a flood
5 risk management project is the best measurement
6 for the primary input in benefit-to-cost calculations
7 for flood risk management projects;

8 (3) any recommendations for approaches to
9 modify the metrics used to improve benefit-to-cost
10 ratio results for small and rural geographic areas;
11 and

12 (4) whether a reevaluation of existing ap-
13 proaches and the primary criteria used to calculate
14 the economic benefits of a Corps of Engineers con-
15 struction project could provide greater construction
16 project completion results for small and rural geo-
17 graphic areas without putting a strain on the budget
18 of the Corps of Engineers.

19 **SEC. 6007. INVENTORY ASSESSMENT.**

20 Not later than 1 year after the date of enactment
21 of this Act, the Secretary shall complete the assessment
22 and inventory required under section 6002(a) of the Water
23 Resources Reform and Development Act of 2014 (Public
24 Law 113–121; 128 Stat. 1349).

1 **SEC. 6008. SAINT LAWRENCE SEAWAY MODERNIZATION.**

2 (a) DEFINITIONS.—In this section:

3 (1) GREAT LAKES REGION.—The term “Great
4 Lakes region” means the region comprised of the
5 Great Lakes States.

6 (2) GREAT LAKES STATES.—The term “Great
7 Lakes States” means each of the States of Illinois,
8 Indiana, Michigan, Minnesota, Ohio, Pennsylvania,
9 New York, and Wisconsin.

10 (3) SEAWAY.—The term “Seaway” means the
11 Saint Lawrence Seaway.

12 (b) STUDY.—

13 (1) IN GENERAL.—The Comptroller General, in
14 cooperation with appropriate Federal, State, and
15 local authorities, shall conduct a study to—

16 (A) assess the condition of the Seaway;
17 and

18 (B) evaluate options available in the 21st
19 century for modernizing the Seaway as a glob-
20 ally significant transportation corridor.

21 (2) SCOPE OF STUDY.—In conducting the study
22 under paragraph (1), the Comptroller General
23 shall—

24 (A) assess the condition of the Seaway and
25 the capacity of the Seaway to drive commerce

1 and other economic activity in the Great Lakes
2 region;

3 (B) detail the importance of the Seaway to
4 the functioning of the United States economy,
5 with an emphasis on the domestic manufac-
6 turing sector, including the domestic steel man-
7 ufacturing industry;

8 (C) evaluate options—

9 (i) to modernize physical navigation
10 infrastructure, facilities, and related assets
11 not operated or maintained by the Sec-
12 retary along the corridor of the Seaway,
13 including an assessment of alternative
14 means for the Great Lakes region to fi-
15 nance large-scale initiatives;

16 (ii) to increase exports of domestically
17 produced goods and study the trade bal-
18 ance and regional economic impact of the
19 possible increase in imports of agricultural
20 products, steel, aggregates, and other
21 goods commonly transported through the
22 Seaway;

23 (iii) increase economic activity and de-
24 velopment in the Great Lakes region by

1 advancing the multimodal transportation
2 and economic network in the region;

3 (iv) ensure the competitiveness of the
4 Seaway as a transportation corridor in an
5 increasingly integrated global transpor-
6 tation network; and

7 (v) attract tourists to the Great Lakes
8 region by improving attractions and remov-
9 ing barriers to tourism and travel through-
10 out the Seaway; and

11 (D) evaluate the existing and potential fi-
12 nancing authorities of the Seaway as compared
13 to other Federal agencies and instrumentalities
14 with development responsibilities.

15 (3) DEADLINE.—The Comptroller General shall
16 complete the study under paragraph (1) as soon as
17 practicable and not later than 2 years after the date
18 of enactment of this Act.

19 (4) COORDINATION.—The Comptroller General
20 shall conduct the study under paragraph (1) with
21 input from representatives of the Saint Lawrence
22 Seaway Development Corporation, the Economic De-
23 velopment Administration, the Coast Guard, the
24 Corps of Engineers, the Department of Homeland

1 Security, and State and local entities (including port
2 authorities throughout the Seaway).

3 (5) REPORT.—The Comptroller General shall
4 submit to Congress a report on the results of the
5 study under paragraph (1) not later than the earlier
6 of—

7 (A) the date that is 180 days after the
8 date on which the study is completed; or

9 (B) the date that is 30 months after the
10 date of enactment of this Act.

11 **SEC. 6009. YAZOO BASIN, MISSISSIPPI.**

12 The authority of the Secretary to carry out the
13 project for flood damage reduction, bank stabilization, and
14 sediment and erosion control known as the “Yazoo Basin,
15 Mississippi, Mississippi Delta Headwaters Project, MS”,
16 authorized by title I of Public Law 98–8 (97 Stat. 22),
17 as amended, shall not be limited by language in reports
18 accompanying appropriations bills.

19 **TITLE VII—SAFE DRINKING**
20 **WATER AND CLEAN WATER**
21 **INFRASTRUCTURE**

22 **SEC. 7001. DEFINITION OF ADMINISTRATOR.**

23 In this title, the term “Administrator” means the Ad-
24 ministrator of the Environmental Protection Agency.

1 **SEC. 7002. SENSE OF THE SENATE ON APPROPRIATIONS**
2 **LEVELS AND FINDINGS ON ECONOMIC IM-**
3 **FACTS.**

4 (a) SENSE OF THE SENATE.—It is the sense of the
5 Senate that Congress should provide robust funding for
6 the State drinking water treatment revolving loan funds
7 established under section 1452 of the Safe Drinking
8 Water Act (42 U.S.C. 300j–12) and the State water pollu-
9 tion control revolving funds established under title VI of
10 the Federal Water Pollution Control Act (33 U.S.C. 1381
11 et seq.).

12 (b) FINDINGS.—Congress finds, based on an analysis
13 sponsored by the Water Environment Federation and the
14 WaterReuse Association of the nationwide impact of State
15 revolving loan fund spending using the IMPLAN economic
16 model developed by the Federal Government, that, in addi-
17 tion to the public health and environmental benefits, the
18 Federal investment in safe drinking water and clean water
19 provides the following benefits:

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

22 (A) Every dollar of a Federal capitalization
23 grant returns \$0.21 to the general fund of the
24 Treasury in the form of Federal taxes and,
25 when additional spending from the State revolv-
26 ing loan funds is considered to be the result of

1 leveraging the Federal investment, every dollar
2 of a Federal capitalization grant returns \$0.93
3 in Federal tax revenue.

4 (B) A combined \$34,700,000,000 in cap-
5 italization grants for the clean water and state
6 drinking water state revolving loan funds de-
7 scribed in subsection (a) over a period of 5
8 years would generate \$7,430,000,000 in Fed-
9 eral tax revenue and, when additional spending
10 from the State revolving loan funds is consid-
11 ered to be the result of leveraging the Federal
12 investment, the Federal investment will result
13 in \$32,300,000,000 in Federal tax revenue dur-
14 ing that 5-year period.

15 (2) An increase in employment, as evidenced by
16 the following:

17 (A) Every \$1,000,000 in State revolving
18 loan fund spending generates 16 ½ jobs.

19 (B) \$34,700,000,000 in Federal capitaliza-
20 tion grants for State revolving loan funds over
21 a period of 5 years would result in 506,000
22 jobs.

23 (3) An increase in economic output:

1 (A) Every \$1,000,000 in State revolving
2 loan fund spending results in \$2,950,000 in
3 output for the economy of the United States.

4 (B) \$34,700,000,000 in Federal capitaliza-
5 tion grants for State revolving loan funds over
6 a period of 5 years will generate
7 \$102,700,000,000 in total economic output.

8 **Subtitle A—Drinking Water**

9 **SEC. 7101. PRECONSTRUCTION WORK.**

10 Section 1452(a)(2) of the Safe Drinking Water Act
11 (42 U.S.C. 300j–12(a)(2)) is amended—

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

15 (2) in subparagraph (B) (as designated by
16 paragraph (1)) by striking “(not” and inserting
17 “(including expenditures for planning, design, and
18 associated preconstruction activities, including activi-
19 ties relating to the siting of the facility, but not”;
20 and

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

23 “(C) SALE OF BONDS.—Funds may also
24 be used by a public water system as a source
25 of revenue (restricted solely to interest earnings

1 of the applicable State loan fund) or security
2 for payment of the principal and interest on
3 revenue or general obligation bonds issued by
4 the State to provide matching funds under sub-
5 section (e), if the proceeds of the sale of the
6 bonds will be deposited in the State loan
7 fund.”.

8 **SEC. 7102. PRIORITY SYSTEM REQUIREMENTS.**

9 Section 1452(b)(3) of the Safe Drinking Water Act
10 (42 U.S.C. 300j–12(b)(3)) is amended—

11 (1) by redesignating subparagraph (B) as sub-
12 paragraph (D);

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

15 “(A) DEFINITION OF RESTRUCTURING.—

16 In this paragraph, the term ‘restructuring’
17 means changes in operations (including owner-
18 ship, cooperative partnerships, asset manage-
19 ment, consolidation, and alternative water sup-
20 ply).

21 “(B) PRIORITY SYSTEM.—An intended use
22 plan shall provide, to the maximum extent prac-
23 ticable, that priority for the use of funds be
24 given to projects that—

1 description of the condition of the as-
2 sets;

3 “(II) a schedule for replacement
4 of assets;

5 “(III) a financing plan that fac-
6 tors in all lifecycle costs indicating
7 sources of revenue from ratepayers,
8 grants, bonds, other loans, and other
9 sources to meet the costs; and

10 “(IV) a review of options for re-
11 structuring the public water system;

12 “(ii) demonstration of consistency
13 with State, regional, and municipal water-
14 shed plans;

15 “(iii) a water conservation plan con-
16 sistent with guidelines developed for those
17 plans by the Administrator under section
18 1455(a); and

19 “(iv) approaches to improve the sus-
20 tainability of the system, including—

21 “(I) water efficiency or conserva-
22 tion, including the rehabilitation or re-
23 placement of existing leaking pipes;

24 “(II) use of reclaimed water;

1 “(III) actions to increase energy
2 efficiency; and

3 “(IV) implementation of plans to
4 protect source water identified in a
5 source water assessment under section
6 1453.”; and

7 (3) in subparagraph (D) (as redesignated by
8 paragraph (1)), by striking “periodically” and in-
9 serting “at least biennially”.

10 **SEC. 7103. ADMINISTRATION OF STATE LOAN FUNDS.**

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

13 (1) in the first sentence, by striking “up to 4
14 percent of the funds allotted to the State under this
15 section” and inserting “, for each fiscal year, an
16 amount that does not exceed the sum of the amount
17 of any fees collected by the State for use in covering
18 reasonable costs of administration of programs
19 under this section, regardless of the source, and an
20 amount equal to the greatest of \$400,000, $\frac{1}{5}$ per-
21 cent of the current valuation of the fund, or 4 per-
22 cent of all grant awards to the fund under this sec-
23 tion for the fiscal year,”; and

24 (2) by striking “1419,” and all that follows
25 through “1993.” and inserting “1419.”.

1 **SEC. 7104. OTHER AUTHORIZED ACTIVITIES.**

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

4 (1) in paragraph (1)(D), by inserting before the
5 period at the end the following: “and the implemen-
6 tation of plans to protect source water identified in
7 a source water assessment under section 1453”; and

8 (2) in paragraph (2)(E), by inserting after
9 “wellhead protection programs” the following: “and
10 implement plans to protect source water identified in
11 a source water assessment under section 1453”.

12 **SEC. 7105. NEGOTIATION OF CONTRACTS.**

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

16 “(s) NEGOTIATION OF CONTRACTS.—For commu-
17 nities with populations of more than 10,000 individuals,
18 a contract to be carried out using funds directly made
19 available by a capitalization grant under this section for
20 program management, construction management, feasi-
21 bility studies, preliminary engineering, design, engineer-
22 ing, surveying, mapping, or architectural or related serv-
23 ices shall be negotiated in the same manner as—

24 “(1) a contract for architectural and engineer-
25 ing services is negotiated under chapter 11 of title
26 40, United States Code; or

1 “(2) an equivalent State qualifications-based re-
2 quirement (as determined by the Governor of the
3 State).”.

4 **SEC. 7106. ASSISTANCE FOR SMALL AND DISADVANTAGED**
5 **COMMUNITIES.**

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

9 **“SEC. 1459A. ASSISTANCE FOR SMALL AND DISADVAN-**
10 **TAGED COMMUNITIES.**

11 “(a) DEFINITION OF UNDERSERVED COMMUNITY.—
12 In this section:

13 “(1) IN GENERAL.—The term ‘underserved
14 community’ means a local political subdivision that,
15 as determined by the Administrator, has an inad-
16 equate drinking water or wastewater system.

17 “(2) INCLUSIONS.—The term ‘underserved
18 community’ includes a local political subdivision that
19 either, as determined by the Administrator—

20 “(A) does not have household drinking
21 water or wastewater services; or

22 “(B) has a drinking water system that
23 fails to meet health-based standards under this
24 Act, including—

1 “(i) a maximum contaminant level for
2 a primary drinking water contaminant;

3 “(ii) a treatment technique violation;
4 and

5 “(iii) an action level exceedance.

6 “(b) ESTABLISHMENT.—

7 “(1) IN GENERAL.—The Administrator shall es-
8 tablish a program under which grants are provided
9 to eligible entities for use in carrying out projects
10 and activities the primary purposes of which are to
11 assist public water systems in meeting the require-
12 ments of this Act.

13 “(2) INCLUSIONS.—Projects and activities
14 under paragraph (1) include—

15 “(A) infrastructure investments necessary
16 to comply with the requirements of this Act,

17 “(B) assistance that directly and primarily
18 benefits the disadvantaged community on a per-
19 household basis, and

20 “(C) programs to provide household water
21 quality testing, including testing for unregu-
22 lated contaminants.

23 “(c) ELIGIBLE ENTITIES.—An entity eligible to re-
24 ceive a grant under this section—

25 “(1) is—

1 “(A) a public water system as defined in
2 section 1401;

3 “(B) a system that is located in an area
4 governed by an Indian Tribe (as defined in sec-
5 tion 1401); or

6 “(C) a State, on behalf of an underserved
7 community; and

8 “(2) serves a community that, under afford-
9 ability criteria established by the State under section
10 1452(d)(3), is determined by the State—

11 “(A) to be a disadvantaged community;

12 “(B) to be a community that may become
13 a disadvantaged community as a result of car-
14 rying out an eligible activity; or

15 “(C) to serve a community with a popu-
16 lation of less than 10,000 individuals that the
17 Administrator determines does not have the ca-
18 pacity to incur debt sufficient to finance the
19 project under subsection (b).

20 “(d) PRIORITY.—In prioritizing projects for imple-
21 mentation under this section, the Administrator shall give
22 priority to systems that serve underserved communities.

23 “(e) LOCAL PARTICIPATION.—In prioritizing projects
24 for implementation under this section, the Administrator

1 shall consult with, and consider the priorities of, affected
2 States, Indian Tribes, and local governments.

3 “(f) TECHNICAL, MANAGERIAL, AND FINANCIAL CA-
4 PABILITY.—The Administrator may provide assistance to
5 increase the technical, managerial, and financial capability
6 of an eligible entity receiving a grant under this section
7 if the Administrator determines that the eligible entity
8 lacks appropriate technical, managerial, and financial ca-
9 pability.

10 “(g) COST SHARING.—Before carrying out any
11 project under this section, the Administrator shall enter
12 into a binding agreement with 1 or more non-Federal in-
13 terests that shall require the non-Federal interests—

14 “(1) to pay not less than 45 percent of the total
15 costs of the project, which may include services, ma-
16 terials, supplies, or other in-kind contributions;

17 “(2) to provide any land, easements, rights-of-
18 way, and relocations necessary to carry out the
19 project; and

20 “(3) to pay 100 percent of any operation, main-
21 tenance, repair, replacement, and rehabilitation costs
22 associated with the project.

23 “(h) WAIVER.—The Administrator may waive the re-
24 quirement to pay the non-Federal share of the cost of car-
25 rying out an eligible activity using funds from a grant pro-

1 vided under this section if the Administrator determines
2 that an eligible entity is unable to pay, or would experience
3 significant financial hardship if required to pay, the non-
4 Federal share.

5 “(i) AUTHORIZATION OF APPROPRIATIONS.—There
6 are authorized to be appropriated to carry out this sec-
7 tion—

8 “(1) \$230,000,000 for fiscal year 2017; and

9 “(2) \$300,000,000 for each of fiscal years 2018
10 through 2021.”.

11 (b) FUNDING.—Out of any funds in the Treasury not
12 otherwise appropriated, the Secretary of the Treasury
13 shall transfer to the Administrator to provide grants to
14 eligible entities under section 1459A of the Safe Drinking
15 Water Act (as added by subsection (a)), \$20,000,000, to
16 remain available until expended.

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

18 (a) IN GENERAL.—Part E of the Safe Drinking
19 Water Act (42 U.S.C. 300j et seq.) (as amended by section
20 7106) is amended by adding at the end the following:

21 **“SEC. 1459B. REDUCING LEAD IN DRINKING WATER.**

22 “(a) DEFINITIONS.—In this section:

23 “(1) ELIGIBLE ENTITY.—The term ‘eligible en-
24 tity’ means—

25 “(A) a community water system;

1 “(B) a system located in an area governed
2 by an Indian Tribe;

3 “(C) a nontransient noncommunity water
4 system;

5 “(D) a qualified nonprofit organization, as
6 determined by the Administrator; and

7 “(E) a municipality or State, interstate, or
8 intermunicipal agency.

9 “(2) LEAD REDUCTION PROJECT.—

10 “(A) IN GENERAL.—The term ‘lead reduc-
11 tion project’ means a project or activity the pri-
12 mary purpose of which is to reduce the level of
13 lead in water for human consumption by—

14 “(i) replacement of publicly owned
15 lead service lines;

16 “(ii) testing, planning, or other rel-
17 evant activities, as determined by the Ad-
18 ministrator, to identify and address condi-
19 tions (including corrosion control) that
20 contribute to increased lead levels in water
21 for human consumption;

22 “(iii) assistance to low-income home-
23 owners to replace privately owned service
24 lines, pipes, fittings, or fixtures that con-
25 tain lead; and

1 “(b) GRANT PROGRAM.—

2 “(1) ESTABLISHMENT.—The Administrator
3 shall establish a grant program to provide assistance
4 to eligible entities for lead reduction projects in the
5 United States.

6 “(2) PRECONDITION.—As a condition of receipt
7 of assistance under this section, before receiving the
8 assistance the eligible entity shall take steps to iden-
9 tify—

10 “(A) the source of lead in water for human
11 consumption; and

12 “(B) the means by which the proposed lead
13 reduction project would reduce lead levels in the
14 applicable water system.

15 “(3) PRIORITY APPLICATION.—In providing
16 grants under this subsection, the Administrator shall
17 give priority to an eligible entity that—

18 “(A) the Administrator determines, based
19 on affordability criteria established by the State
20 under section 1452(d)(3), to be a disadvantaged
21 community; and

22 “(B) proposes to—

23 “(i) carry out a lead reduction project
24 at a public water system or nontransient
25 noncommunity water system that has ex-

1 ceeded the lead action level established by
2 the Administrator at any time during the
3 3-year period preceding the date of submis-
4 sion of the application of the eligible enti-
5 ty;

6 “*(ii)* address lead levels in water for
7 human consumption at a school, daycare,
8 or other facility that primarily serves chil-
9 dren or other vulnerable human subpopula-
10 tion; or

11 “*(iii)* address such priority criteria as
12 the Administrator may establish, consistent
13 with the goal of reducing lead levels of con-
14 cern.

15 “(4) COST SHARING.—

16 “(A) IN GENERAL.—Subject to subpara-
17 graph (B), the non-Federal share of the total
18 cost of a project funded by a grant under this
19 subsection shall be not less than 20 percent.

20 “(B) WAIVER.—The Administrator may
21 reduce or eliminate the non-Federal share
22 under subparagraph (A) for reasons of afford-
23 ability, as the Administrator determines to be
24 appropriate.

25 “(5) LOW-INCOME ASSISTANCE.—

1 “(A) IN GENERAL.—Subject to subpara-
2 graph (B), an eligible entity may use a grant
3 provided under this subsection to provide assist-
4 ance to low-income homeowners to carry out
5 lead reduction projects.

6 “(B) LIMITATION.—The amount of a
7 grant provided to a low-income homeowner
8 under this paragraph shall not exceed the cost
9 of replacement of the privately owned portion of
10 the service line.

11 “(6) SPECIAL CONSIDERATION FOR LEAD SERV-
12 ICE LINE REPLACEMENT.—In carrying out lead serv-
13 ice line replacement using a grant under this sub-
14 section, an eligible entity shall—

15 “(A) notify customers of the replacement
16 of any publicly owned portion of the lead service
17 line;

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

22 “(C) in the case of a low-income home-
23 owner, offer to replace the privately owned por-
24 tion of the lead service line and any pipes, fit-

1 ting, and fixtures that contain lead at a cost
2 that is equal to the difference between—

3 “(i) the cost of replacement; and

4 “(ii) the amount of low-income assist-
5 ance available to the homeowner under
6 paragraph (5);

7 “(D) notify each customer that a planned
8 replacement of any publicly owned portion of a
9 lead service line that is funded by a grant made
10 under this subsection will not be carried out un-
11 less the customer agrees to the simultaneous re-
12 placement of the privately owned portion of the
13 lead service line; and

14 “(E) demonstrate that the eligible entity
15 has considered options for reducing lead in
16 drinking water, including an evaluation of op-
17 tions for corrosion control.

18 “(c) AUTHORIZATION OF APPROPRIATIONS.—There
19 is authorized to be appropriated to carry out this section
20 \$60,000,000 for each of fiscal years 2017 through 2021.”.

21 (b) FUNDING.—Out of any funds in the Treasury not
22 otherwise appropriated, the Secretary of the Treasury
23 shall transfer to the Administrator to provide grants to
24 eligible entities under this section under section 1459B of

1 the Safe Drinking Water Act (as added by subsection (a)),
2 \$20,000,000, to remain available until expended.

3 **SEC. 7108. REGIONAL LIAISONS FOR MINORITY, TRIBAL,**
4 **AND LOW-INCOME COMMUNITIES.**

5 (a) IN GENERAL.—The Administrator shall appoint
6 not fewer than 1 employee in each regional office of the
7 Environmental Protection Agency to serve as a liaison to
8 minority, tribal, and low-income communities in the rel-
9 evant region.

10 (b) PUBLIC IDENTIFICATION.—The Administrator
11 shall identify each regional liaison selected under sub-
12 section (a) on the website of—

13 (1) the relevant regional office of the Environ-
14 mental Protection Agency; and

15 (2) the Office of Environmental Justice of the
16 Environmental Protection Agency.

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

18 (a) EXCEEDANCE OF LEAD ACTION LEVEL.—Section
19 1414(c) of the Safe Drinking Water Act (42 U.S.C. 300g-
20 3(c)) is amended—

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

23 “(D) Notice of any exceedance of a lead
24 action level or any other prescribed level of lead
25 in a regulation issued under section 1412, in-

1 including the concentrations of lead found in a
2 monitoring activity.”;

3 (2) in paragraph (2)—

4 (A) in subparagraph (C)—

5 (i) in clause (iii)—

6 (I) by striking “Administrator
7 or” and inserting “Administrator, the
8 Director of the Centers for Disease
9 Control and Prevention, and, if appli-
10 cable,”; and

11 (II) by inserting “and the appro-
12 priate State and county health agen-
13 cies” after “1413”;

14 (B) by redesignating subparagraphs (D)
15 and (E) as subparagraphs (E) and (F), respec-
16 tively; and

17 (C) by inserting after subparagraph (C)
18 the following:

19 “(D) EXCEEDANCE OF LEAD ACTION
20 LEVEL.—Regulations issued under subpara-
21 graph (A) shall specify notification procedures
22 for an exceedance of a lead action level or any
23 other prescribed level of lead in a regulation
24 issued under section 1412.”;

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

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

5 “(3) NOTIFICATION OF THE PUBLIC RELATING
6 TO LEAD.—

7 “(A) EXCEEDANCE OF LEAD ACTION
8 LEVEL.—Not later than 15 days after the date
9 of an exceedance of a lead action level or any
10 other prescribed level of lead in a regulation
11 issued under section 1412, the Administrator
12 shall notify the public of the concentrations of
13 lead found in the monitoring activity conducted
14 by the public water system if the public water
15 system or the State does not notify the public
16 of the concentrations of lead found in a moni-
17 toring activity.

18 “(B) RESULTS OF LEAD MONITORING.—

19 “(i) IN GENERAL.—The Administrator
20 may provide notice of any result of lead
21 monitoring conducted by a public water
22 system to—

23 “(I) any person that is served by
24 the public water system; or

1 “(II) the local or State health de-
2 partment of a locality or State in
3 which the public water system is lo-
4 cated.

5 “(ii) FORM OF NOTICE.—The Admin-
6 istrator may provide the notice described
7 in clause (i) by—

8 “(I) press release; or

9 “(II) other form of communica-
10 tion, including local media.

11 “(C) PRIVACY.—Notice to the public shall
12 protect the privacy of individual customer infor-
13 mation.”; and

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

15 “(6) STRATEGIC PLAN.—Not later than 120
16 days after the date of enactment of this paragraph,
17 the Administrator, in collaboration with States and
18 owners and operators of public water systems, shall
19 establish a strategic plan for how the Administrator,
20 a State with primary enforcement responsibility, and
21 the owners and operators of public water systems
22 shall conduct targeted outreach, education, technical
23 assistance, and risk communication to populations
24 affected by lead in a public water system.”.

1 (b) CONFORMING AMENDMENTS.—Section 1414(c)
2 of the Safe Drinking Water Act (42 U.S.C. 300g–3(e))
3 is amended—

4 (1) in paragraph (1)(C), by striking “paragraph
5 (2)(E)” and inserting “paragraph (2)(F)”;

6 (2) in paragraph (2)(B)(i)(II), by striking “sub-
7 paragraph (D)” and inserting “subparagraph (E)”;
8 and

9 (3) in paragraph (4)(B) (as redesignated by
10 subsection (a)(3)), in the first sentence, by striking
11 “(D)” and inserting “(E)”.

12 **SEC. 7110. ELECTRONIC REPORTING OF DRINKING WATER**
13 **DATA.**

14 Section 1414 of the Safe Drinking Water Act (42
15 U.S.C. 300g–3) is amended by adding at the end the fol-
16 lowing:

17 “(j) ELECTRONIC REPORTING OF COMPLIANCE MON-
18 ITORING DATA.—

19 “(1) IN GENERAL.—The Administrator shall re-
20 quire electronic submission of available compliance
21 monitoring data, if practicable—

22 “(A) by public water systems (or a cer-
23 tified laboratory on behalf of a public water sys-
24 tem)—

25 “(i) to the Administrator; or

1 “(ii) with respect to a public water
2 system in a State that has primary en-
3 forcement responsibility under section
4 1413, to that State; and

5 “(B) by each State that has primary en-
6 forcement responsibility under section 1413 to
7 the Administrator, as a condition on the receipt
8 of funds under this Act.

9 “(2) CONSIDERATIONS.—In determining wheth-
10 er the requirement referred to in paragraph (1) is
11 practicable, the Administrator shall consider—

12 “(A) the ability of a public water system
13 (or a certified laboratory on behalf of a public
14 water system) or a State to meet the require-
15 ments of sections 3.1 through 3.2000 of title
16 40, Code of Federal Regulations (or successor
17 regulations);

18 “(B) information system compatibility;

19 “(C) the size of the public water system;
20 and

21 “(D) the size of the community served by
22 the public water system.”.

1 **SEC. 7111. LEAD TESTING IN SCHOOL AND CHILD CARE**
2 **DRINKING WATER.**

3 (a) IN GENERAL.—Section 1464 of the Safe Drink-
4 ing Water Act (42 U.S.C. 300j–24) is amended by striking
5 subsection (d) and inserting the following:

6 “(d) VOLUNTARY SCHOOL AND CHILD CARE LEAD
7 TESTING GRANT PROGRAM.—

8 “(1) DEFINITIONS.—In this subsection:

9 “(A) CHILD CARE PROGRAM.—The term
10 ‘child care program’ has the meaning given the
11 term ‘early childhood education program’ in
12 section 103 of the Higher Education Act of
13 1965 (20 U.S.C. 1003).

14 “(B) LOCAL EDUCATIONAL AGENCY.—The
15 term ‘local educational agency’ means—

16 “(i) a local educational agency (as de-
17 fined in section 8101 of the Elementary
18 and Secondary Education Act of 1965 (20
19 U.S.C. 7801));

20 “(ii) a tribal education agency (as de-
21 fined in section 3 of the National Environ-
22 mental Education Act (20 U.S.C. 5502));
23 and

24 “(iii) an operator of a child care pro-
25 gram facility licensed under State law.

26 “(2) ESTABLISHMENT.—

1 “(A) IN GENERAL.—Not later than 180
2 days after the date of enactment of the Water
3 Resources Development Act of 2016, the Ad-
4 ministrator shall establish a voluntary school
5 and child care lead testing grant program to
6 make grants available to States to assist local
7 educational agencies in voluntary testing for
8 lead contamination in drinking water at schools
9 and child care programs under the jurisdiction
10 of the local educational agencies.

11 “(B) GRANTS TO LOCAL EDUCATIONAL
12 AGENCIES.—The Administrator may make
13 grants directly available to local educational
14 agencies for the voluntary testing described in
15 subparagraph (A) in—

16 “(i) any State that does not partici-
17 pate in the voluntary school and child care
18 lead testing grant program established
19 under that subparagraph; and

20 “(ii) any direct implementation area.

21 “(3) APPLICATION.—To be eligible to receive a
22 grant under this subsection, a State or local edu-
23 cational agency shall submit to the Administrator an
24 application at such time, in such manner, and con-

1 taining such information as the Administrator may
2 require.

3 “(4) LIMITATION ON USE OF FUNDS.—Not
4 more than 4 percent of grant funds accepted under
5 this subsection shall be used to pay the administra-
6 tive costs of carrying out this subsection.

7 “(5) GUIDANCE; PUBLIC AVAILABILITY.—As a
8 condition of receiving a grant under this subsection,
9 the State or local educational agency shall ensure
10 that each local educational agency to which grant
11 funds are distributed shall—

12 “(A) expend grant funds in accordance
13 with—

14 “(i) the guidance of the Environ-
15 mental Protection Agency entitled ‘3Ts for
16 Reducing Lead in Drinking Water in
17 Schools: Revised Technical Guidance’ and
18 dated October 2006 (or any successor
19 guidance); or

20 “(ii) applicable State regulations or
21 guidance regarding reducing lead in drink-
22 ing water in schools and child care pro-
23 grams that is not less stringent than the
24 guidance referred to in clause (i); and

1 “(B)(i) make available in the administra-
2 tive offices, and to the maximum extent prac-
3 ticable, on the Internet website, of the local
4 educational agency for inspection by the public
5 (including teachers, other school personnel, and
6 parents) a copy of the results of any voluntary
7 testing for lead contamination in school and
8 child care program drinking water that is car-
9 ried out with grant funds under this subsection;
10 and

11 “(ii) notify parent, teacher, and employee
12 organizations of the availability of the results
13 described in clause (i).

14 “(6) MAINTENANCE OF EFFORT.—If resources
15 are available to a State or local educational agency
16 from any other Federal agency, a State, or a private
17 foundation for testing for lead contamination in
18 drinking water, the State or local educational agency
19 shall demonstrate that the funds provided under this
20 subsection will not displace those resources.

21 “(7) AUTHORIZATION OF APPROPRIATIONS.—
22 There is authorized to be appropriated to carry out
23 this subsection \$20,000,000 for each of fiscal years
24 2017 through 2021.”.

1 (b) REPEAL.—Section 1465 of the Safe Drinking
2 Water Act (42 U.S.C. 300j–25) is repealed.

3 **SEC. 7112. WATERSENSE PROGRAM.**

4 The Safe Drinking Water Act (42 U.S.C. 300j et
5 seq.) is amended by adding after Part F the following:

6 **“PART G—ADDITIONAL PROVISIONS**

7 **“SEC. 1471. WATERSENSE PROGRAM.**

8 “(a) ESTABLISHMENT OF WATERSENSE PRO-
9 GRAM.—

10 “(1) IN GENERAL.—There is established within
11 the Agency a voluntary WaterSense program to
12 identify and promote water-efficient products, build-
13 ings, landscapes, facilities, processes, and services
14 that, through voluntary labeling of, or other forms
15 of communications regarding, products, buildings,
16 landscapes, facilities, processes, and services while
17 meeting strict performance criteria, sensibly—

18 “(A) reduce water use;

19 “(B) reduce the strain on public and com-
20 munity water systems and wastewater and
21 stormwater infrastructure;

22 “(C) conserve energy used to pump, heat,
23 transport, and treat water; and

24 “(D) preserve water resources for future
25 generations.

1 “(2) INCLUSIONS.—The Administrator shall,
2 consistent with this section, identify water-efficient
3 products, buildings, landscapes, facilities, processes,
4 and services, including categories such as—

5 “(A) irrigation technologies and services;

6 “(B) point-of-use water treatment devices;

7 “(C) plumbing products;

8 “(D) reuse and recycling technologies;

9 “(E) landscaping and gardening products,
10 including moisture control or water enhancing
11 technologies;

12 “(F) xeriscaping and other landscape con-
13 versions that reduce water use;

14 “(G) whole house humidifiers; and

15 “(H) water-efficient buildings or facilities.

16 “(b) DUTIES.—The Administrator, coordinating as
17 appropriate with the Secretary of Energy, shall—

18 “(1) establish—

19 “(A) a WaterSense label to be used for
20 items meeting the certification criteria estab-
21 lished in accordance with this section; and

22 “(B) the procedure, including the methods
23 and means, and criteria by which an item may
24 be certified to display the WaterSense label;

1 “(2) enhance public awareness regarding the
2 WaterSense label through outreach, education, and
3 other means;

4 “(3) preserve the integrity of the WaterSense
5 label by—

6 “(A) establishing and maintaining feasible
7 performance criteria so that products, build-
8 ings, landscapes, facilities, processes, and serv-
9 ices labeled with the WaterSense label perform
10 as well or better than less water-efficient coun-
11 terparts;

12 “(B) overseeing WaterSense certifications
13 made by third parties;

14 “(C) as determined appropriate by the Ad-
15 ministrators, using testing protocols, from the
16 appropriate, applicable, and relevant consensus
17 standards, for the purpose of determining
18 standards compliance; and

19 “(D) auditing the use of the WaterSense
20 label in the marketplace and preventing cases of
21 misuse; and

22 “(4) not more than 6 years after adoption or
23 major revision of any WaterSense specification, re-
24 view and, if appropriate, revise the specification to
25 achieve additional water savings;

1 “(5) in revising a WaterSense specification—

2 “(A) provide reasonable notice to inter-
3 ested parties and the public of any changes, in-
4 cluding effective dates, and an explanation of
5 the changes;

6 “(B) solicit comments from interested par-
7 ties and the public prior to any changes;

8 “(C) as appropriate, respond to comments
9 submitted by interested parties and the public;
10 and

11 “(D) provide an appropriate transition
12 time prior to the applicable effective date of any
13 changes, taking into account the timing nec-
14 essary for the manufacture, marketing, train-
15 ing, and distribution of the specific water-effi-
16 cient product, building, landscape, process, or
17 service category being addressed; and

18 “(6) not later than December 31, 2018, con-
19 sider for review and revision any WaterSense speci-
20 fication adopted before January 1, 2012.

21 “(c) TRANSPARENCY.—The Administrator shall, to
22 the maximum extent practicable and not less than annu-
23 ally, regularly estimate and make available to the public
24 the production and relative market shares and savings of
25 water, energy, and capital costs of water, wastewater, and

1 stormwater attributable to the use of WaterSense-labeled
2 products, buildings, landscapes, facilities, processes, and
3 services.

4 “(d) **DISTINCTION OF AUTHORITIES.**—In setting or
5 maintaining specifications for Energy Star pursuant to
6 section 324A of the Energy Policy and Conservation Act
7 (42 U.S.C. 6294a), and WaterSense under this section,
8 the Secretary of Energy and Administrator shall coordi-
9 nate to prevent duplicative or conflicting requirements
10 among the respective programs.

11 “(e) **NO WARRANTY.**—A WaterSense label shall not
12 create an express or implied warranty.”

13 **SEC. 7113. WATER SUPPLY COST SAVINGS.**

14 (a) **FINDINGS.**—Congress finds that—

15 (1) the United States is facing a drinking water
16 infrastructure funding crisis;

17 (2) the Environmental Protection Agency
18 projects a shortfall of approximately
19 \$384,000,000,000 in funding for drinking water in-
20 frastructure from 2015 to 2035 and this funding
21 challenge is particularly acute in rural communities
22 in the United States;

23 (3) there are approximately 52,000 community
24 water systems in the United States, of which nearly
25 42,000 are small community water systems;

1 (4) the Drinking Water Needs Survey con-
2 ducted by the Environmental Protection Agency in
3 2011 placed the shortfall in drinking water infra-
4 structure funding for small communities, which con-
5 sist of 3,300 or fewer persons, at \$64,500,000,000;

6 (5) small communities often cannot finance the
7 construction and maintenance of drinking water sys-
8 tems because the cost per resident for the invest-
9 ment would be prohibitively expensive;

10 (6) drought conditions have placed significant
11 strains on existing surface water supplies;

12 (7) many communities across the United States
13 are considering the use of groundwater and commu-
14 nity well systems to provide drinking water; and

15 (8) approximately 42,000,000 people in the
16 United States receive drinking water from individual
17 wells and millions more rely on community well sys-
18 tems for drinking water.

19 (b) SENSE OF THE SENATE.—It is the sense of the
20 Senate that providing rural communities with the knowl-
21 edge and resources necessary to fully use alternative
22 drinking water systems, including wells and community
23 well systems, can provide safe and affordable drinking
24 water to millions of people in the United States.

1 (c) DRINKING WATER TECHNOLOGY CLEARING-
2 HOUSE.—The Administrator and the Secretary of Agri-
3 culture shall—

4 (1) update existing programs of the Environ-
5 mental Protection Agency and the Department of
6 Agriculture designed to provide drinking water tech-
7 nical assistance to include information on cost-effec-
8 tive, innovative, and alternative drinking water deliv-
9 ery systems, including systems that are supported by
10 wells; and

11 (2) disseminate information on the cost effec-
12 tiveness of alternative drinking water delivery sys-
13 tems, including wells and well systems, to commu-
14 nities and not-for-profit organizations seeking Fed-
15 eral funding for drinking water systems serving 500
16 or fewer persons.

17 (d) WATER SYSTEM ASSESSMENT.—Notwithstanding
18 any other provision of law, in any application for a grant
19 or loan from the Federal Government or a State that is
20 using Federal assistance for a drinking water system serv-
21 ing 500 or fewer persons, a unit of local government or
22 not-for-profit organization shall self-certify that the unit
23 of local government or organization has considered, as an
24 alternative drinking water supply, drinking water delivery
25 systems sourced by publicly owned—

- 1 (1) individual wells;
- 2 (2) shared wells; and
- 3 (3) community wells.

4 (e) REPORT TO CONGRESS.—Not later than 3 years
5 after the date of enactment of this Act, the Administrator
6 and the Secretary of Agriculture shall submit to Congress
7 a report that describes—

- 8 (1) the use of innovative and alternative drink-
9 ing water systems described in this section;
- 10 (2) the range of cost savings for communities
11 using innovative and alternative drinking water sys-
12 tems described in this section; and
- 13 (3) the use of drinking water technical assist-
14 ance programs operated by the Administrator and
15 the Secretary of Agriculture.

16 **SEC. 7114. SMALL SYSTEM TECHNICAL ASSISTANCE.**

17 Section 1452(q) of the Safe Drinking Water Act (42
18 U.S.C. 300j–12(q)) is amended by striking “appro-
19 priated” and all that follows through “2003” and insert-
20 ing “made available for each of fiscal years 2016 through
21 2021”.

22 **SEC. 7115. DEFINITION OF INDIAN TRIBE.**

23 Section 1401(14) of the Safe Drinking Water Act (42
24 U.S.C. 300(f)(14)) is amended by striking “section 1452”
25 and inserting “sections 1452, 1459A, and 1459B”.

1 **SEC. 7116. TECHNICAL ASSISTANCE FOR TRIBAL WATER**
2 **SYSTEMS.**

3 (a) TECHNICAL ASSISTANCE.—Section 1442(e)(7) of
4 the Safe Drinking Water Act (42 U.S.C. 300j–1(e)(7)) is
5 amended by striking “Tribes” and inserting “tribes, in-
6 cluding grants to provide training and operator certifi-
7 cation services under section 1452(i)(5)”.

8 (b) INDIAN TRIBES.—Section 1452(i) of the Safe
9 Drinking Water Act (42 U.S.C. 300j–12(i)) is amended—

10 (1) in paragraph (1), in the first sentence, by
11 striking “Tribes and Alaska Native villages” and in-
12 serting “tribes, Alaska Native villages, and, for the
13 purpose of carrying out paragraph (5), intertribal
14 consortia or tribal organizations”; and

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

16 “(5) TRAINING AND OPERATOR CERTIFI-
17 CATION.—

18 “(A) IN GENERAL.—The Administrator
19 may use funds made available under this sub-
20 section and section 1442(e)(7) to make grants
21 to intertribal consortia or tribal organizations
22 for the purpose of providing operations and
23 maintenance training and operator certification
24 services to Indian tribes.

25 “(B) ELIGIBLE TRIBAL ORGANIZATIONS.—
26 An intertribal consortium or tribal organization

1 eligible for a grant under subparagraph (A) is
2 an intertribal consortium or tribal organization
3 that—

4 “(i) is the most qualified to provide
5 training and technical assistance to Indian
6 tribes; and

7 “(ii) Indian tribes determine to be the
8 most beneficial and effective.”.

9 **SEC. 7117. REQUIREMENT FOR THE USE OF AMERICAN MA-**
10 **TERIALS.**

11 Section 1452(a) of the Safe Drinking Water Act (42
12 U.S.C. 300j-12(a)) is amended by adding at the end the
13 following:

14 “(4) REQUIREMENT FOR THE USE OF AMER-
15 ICAN MATERIALS.—

16 “(A) DEFINITION OF IRON AND STEEL
17 PRODUCTS.—In this paragraph, the term ‘iron
18 and steel products’ means the following prod-
19 ucts made, in part, of iron or steel:

20 “(i) Lined or unlined pipe and fit-
21 tings.

22 “(ii) Manhole covers and other munic-
23 ipal castings.

24 “(iii) Hydrants.

25 “(iv) Tanks.

1 “(v) Flanges.

2 “(vi) Pipe clamps and restraints.

3 “(vii) Valves.

4 “(viii) Structural steel.

5 “(ix) Reinforced precast concrete.

6 “(x) Construction materials.

7 “(B) REQUIREMENT.—Except as provided
8 in subparagraph (C), funds made available by a
9 State loan fund authorized under this section
10 may not be used for a project for the construc-
11 tion, alteration, maintenance, or repair of a
12 public water system unless all the iron and steel
13 products used in the project are produced in the
14 United States.

15 “(C) EXCEPTION.—Subparagraph (B)
16 shall not apply in any case or category of cases
17 in which the Administrator finds that—

18 “(i) applying subparagraph (B) would
19 be inconsistent with the public interest;

20 “(ii) iron and steel products are not
21 produced in the United States in sufficient
22 and reasonably available quantities and of
23 a satisfactory quality; or

24 “(iii) inclusion of iron and steel prod-
25 ucts produced in the United States will in-

1 crease the cost of the overall product by
2 more than 25 percent.

3 “(D) PUBLIC NOTICE; WRITTEN JUS-
4 TIFICATION.—

5 “(i) PUBLIC NOTICE.—If the Adminis-
6 trator receives a request for a waiver under
7 this paragraph, the Administrator shall—

8 “(I) make available to the public
9 on an informal basis, including on the
10 public website of the Administrator—

11 “(aa) a copy of the request;
12 and

13 “(bb) any information avail-
14 able to the Administrator regard-
15 ing the request; and

16 “(II) provide notice of, and op-
17 portunity for informal public comment
18 on, the request for a period of not less
19 than 15 days before making a finding
20 under subparagraph (C).

21 “(ii) WRITTEN JUSTIFICATION.—If,
22 after the period provided under clause (i),
23 the Administrator makes a finding under
24 subparagraph (C), the Administrator shall
25 publish in the Federal Register a written

1 justification as to why subparagraph (B) is
2 being waived.

3 “(E) APPLICATION.—This paragraph shall
4 be applied in a manner consistent with United
5 States obligations under international agree-
6 ments.

7 “(F) MANAGEMENT AND OVERSIGHT.—
8 The Administrator may use not more than 0.25
9 percent of any funds made available to carry
10 out this title for management and oversight of
11 the requirements of this paragraph.”.

12 **Subtitle B—Clean Water**

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

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

16 (1) in subsection (a), by striking the subsection
17 designation and heading and all that follows through
18 “subject to subsection (g), the Administrator may”
19 in paragraph (2) and inserting the following:

20 “(a) AUTHORITY.—The Administrator may—

21 “(1) make grants to States for the purpose of
22 providing grants to a municipality or municipal enti-
23 ty for planning, designing, and constructing—

1 “(A) treatment works to intercept, trans-
2 port, control, or treat municipal combined sewer
3 overflows and sanitary sewer overflows; and

4 “(B) measures to manage, reduce, treat, or
5 recapture stormwater or subsurface drainage
6 water; and

7 “(2) subject to subsection (g),”;

8 (2) in subsection (b)—

9 (A) in paragraph (1), by striking the semi-
10 colon at the end and inserting “; or”;

11 (B) by striking paragraphs (2) and (3);
12 and

13 (C) by redesignating paragraph (4) as
14 paragraph (2);

15 (3) by striking subsections (e) through (g) and
16 inserting the following:

17 “(e) ADMINISTRATIVE REQUIREMENTS.—

18 “(1) IN GENERAL.—Subject to paragraph (2), a
19 project that receives grant assistance under sub-
20 section (a) shall be carried out subject to the same
21 requirements as a project that receives assistance
22 from a State water pollution control revolving fund
23 established pursuant to title VI.

24 “(2) DETERMINATION OF GOVERNOR.—The re-
25 quirement described in paragraph (1) shall not apply

1 to a project that receives grant assistance under
2 subsection (a) to the extent that the Governor of the
3 State in which the project is located determines that
4 a requirement described in title VI is inconsistent
5 with the purposes of this section.

6 “(f) AUTHORIZATION OF APPROPRIATIONS.—There
7 are authorized to be appropriated to carry out this section,
8 to remain available until expended—

9 “(1) \$250,000,000 for fiscal year 2017;

10 “(2) \$300,000,000 for fiscal year 2018;

11 “(3) \$350,000,000 for fiscal year 2019;

12 “(4) \$400,000,000 for fiscal year 2020; and

13 “(5) \$500,000,000 for fiscal year 2021.

14 “(g) ALLOCATION OF FUNDS.—

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

21 “(A) in accordance with the priority cri-
22 teria described in subsection (b); and

23 “(B) with additional priority given to pro-
24 posed projects that involve the use of—

1 “(i) nonstructural, low-impact devel-
2 opment;

3 “(ii) water conservation, efficiency, or
4 reuse; or

5 “(iii) other decentralized stormwater
6 or wastewater approaches to minimize
7 flows into the sewer systems.

8 “(2) FISCAL YEAR 2019 AND THEREAFTER.—
9 For fiscal year 2019 and each fiscal year thereafter,
10 subject to subsection (h), the Administrator shall
11 use the amounts made available to carry out this
12 section to provide grants to States under subsection
13 (a)(1) in accordance with a formula that—

14 “(A) shall be established by the Adminis-
15 trator, after providing notice and an oppor-
16 tunity for public comment; and

17 “(B) allocates to each State a proportional
18 share of the amounts based on the total needs
19 of the State for municipal combined sewer over-
20 flow controls and sanitary sewer overflow con-
21 trols, as identified in the most recent survey—

22 “(i) conducted under section 210; and

23 “(ii) included in a report required
24 under section 516(b)(1)(B).”; and

25 (4) by striking subsection (i).

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

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

5 **“SEC. 222. TECHNICAL ASSISTANCE FOR SMALL AND ME-
6 DIUM TREATMENT WORKS.**

7 “(a) DEFINITIONS.—In this section:

8 “(1) MEDIUM TREATMENT WORKS.—The term
9 ‘medium treatment works’ means a publicly owned
10 treatment works serving not fewer than 10,001 and
11 not more than 100,000 individuals.

12 “(2) QUALIFIED NONPROFIT MEDIUM TREAT-
13 MENT WORKS TECHNICAL ASSISTANCE PROVIDER.—
14 The term ‘qualified nonprofit medium treatment
15 works technical assistance provider’ means a quali-
16 fied nonprofit technical assistance provider of water
17 and wastewater services to medium-sized commu-
18 nities that provides technical assistance (including
19 circuit rider technical assistance programs, multi-
20 State, regional assistance programs, and training
21 and preliminary engineering evaluations) to owners
22 and operators of medium treatment works, which
23 may include State agencies.

24 “(3) QUALIFIED NONPROFIT SMALL TREAT-
25 MENT WORKS TECHNICAL ASSISTANCE PROVIDER.—
26 The term ‘qualified nonprofit small treatment works

1 technical assistance provider’ means a nonprofit or-
2 ganization that, as determined by the Adminis-
3 trator—

4 “(A) is the most qualified and experienced
5 in providing training and technical assistance to
6 small treatment works; and

7 “(B) the small treatment works in the
8 State finds to be the most beneficial and effec-
9 tive.

10 “(4) SMALL TREATMENT WORKS.—The term
11 ‘small treatment works’ means a publicly owned
12 treatment works serving not more than 10,000 indi-
13 viduals.

14 “(b) TECHNICAL ASSISTANCE.—The Administrator
15 may use amounts made available to carry out this section
16 to provide grants or cooperative agreements to qualified
17 nonprofit small treatment works technical assistance pro-
18 viders and grants or cooperative agreements to qualified
19 nonprofit medium treatment works technical assistance
20 providers to provide to owners and operators of small and
21 medium treatment works onsite technical assistance, cir-
22 cuit-rider technical assistance programs, multi-State, re-
23 gional technical assistance programs, and onsite and re-
24 gional training, to assist the treatment works in achieving

1 compliance with this Act or obtaining financing under this
2 Act for eligible projects.

3 “(c) AUTHORIZATION OF APPROPRIATIONS.—There
4 are authorized to be appropriated to carry out this sec-
5 tion—

6 “(1) for grants for small treatment works tech-
7 nical assistance, \$15,000,000 for each of fiscal years
8 2017 through 2021; and

9 “(2) for grants for medium treatment works
10 technical assistance, \$10,000,000 for each of fiscal
11 years 2017 through 2021.”.

12 (b) WATER POLLUTION CONTROL REVOLVING LOAN
13 FUNDS.—

14 (1) IN GENERAL.—Section 603 of the Federal
15 Water Pollution Control Act (33 U.S.C. 1383) is
16 amended—

17 (A) in subsection (d)—

18 (i) in the matter preceding paragraph
19 (1), by inserting “and as provided in sub-
20 section (e)” after “State law”;

21 (ii) by redesignating subsections (e)
22 through (i) as subsections (f) through (j),
23 respectively; and

24 (iii) by inserting after subsection (d)
25 the following:

1 “(e) ADDITIONAL USE OF FUNDS.—A State may use
2 an additional 2 percent of the funds annually allotted to
3 the State under this section for qualified nonprofit small
4 treatment works technical assistance providers and quali-
5 fied nonprofit medium treatment works technical assist-
6 ance providers (as those terms are defined in section 222)
7 to provide technical assistance to small treatment works
8 and medium treatment works (as those terms are defined
9 in section 222) in the State.”.

10 (2) CONFORMING AMENDMENT.—Section
11 221(d) of the Federal Water Pollution Control Act
12 (33 U.S.C. 1301(d)) is amended by striking “section
13 603(h)” and inserting “section 603(i)”.

14 **SEC. 7203. INTEGRATED PLANS.**

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

18 “(s) INTEGRATED PLAN PERMITS.—

19 “(1) DEFINITIONS.—In this subsection:

20 “(A) GREEN INFRASTRUCTURE.—The
21 term ‘green infrastructure’ means the range of
22 measures that use plant or soil systems, per-
23 meable pavement or other permeable surfaces
24 or substrates, stormwater harvest and reuse, or
25 landscaping to store, infiltrate, or

1 evapotranspire stormwater and reduce flows
2 to sewer systems or to surface waters.

3 “(B) INTEGRATED PLAN.—The term ‘inte-
4 grated plan’ has the meaning given in Part III
5 of the Integrated Municipal Stormwater and
6 Wastewater Planning Approach Framework,
7 issued by the Environmental Protection Agency
8 and dated June 5, 2012.

9 “(C) MUNICIPAL DISCHARGE.—

10 “(i) IN GENERAL.—The term ‘munic-
11 ipal discharge’ means a discharge from a
12 treatment works (as defined in section
13 212) or a discharge from a municipal
14 storm sewer under subsection(p).

15 “(ii) INCLUSION.—The term ‘munic-
16 ipal discharge’ includes a discharge of
17 wastewater or storm water collected from
18 multiple municipalities if the discharge is
19 covered by the same permit issued under
20 this section.

21 “(2) INTEGRATED PLAN.—

22 “(A) IN GENERAL.—The Administrator (or
23 a State, in the case of a permit program ap-
24 proved under subsection (b)) shall inform a mu-
25 nicipal permittee or multiple municipal permit-

1 tees of the opportunity to develop an integrated
2 plan.

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

9 “(i) a combined sewer overflow;

10 “(ii) a capacity, management, oper-
11 ation, and maintenance program for sani-
12 tary sewer collection systems;

13 “(iii) a municipal stormwater dis-
14 charge;

15 “(iv) a municipal wastewater dis-
16 charge; and

17 “(v) a water quality-based effluent
18 limitation to implement an applicable
19 wasteload allocation in a total maximum
20 daily load.

21 “(3) COMPLIANCE SCHEDULES.—

22 “(A) IN GENERAL.—A permit for a munic-
23 ipal discharge by a municipality that incor-
24 porates an integrated plan may include a sched-
25 ule of compliance, under which actions taken to

1 meet any applicable water quality-based effluent
2 limitation may be implemented over more than
3 1 permit term if the compliance schedules are
4 authorized by State water quality standards.

5 “(B) INCLUSION.—Actions subject to a
6 compliance schedule under subparagraph (A)
7 may include green infrastructure if imple-
8 mented as part of a water quality-based effluent
9 limitation.

10 “(C) REVIEW.—A schedule of compliance
11 may be reviewed each time the permit is re-
12 newed.

13 “(4) EXISTING AUTHORITIES RETAINED.—

14 “(A) APPLICABLE STANDARDS.—Nothing
15 in this subsection modifies any obligation to
16 comply with applicable technology and water
17 quality-based effluent limitations under this
18 Act.

19 “(B) FLEXIBILITY.—Nothing in this sub-
20 section reduces or eliminates any flexibility
21 available under this Act, including the authority
22 of—

23 “(i) a State to revise a water quality
24 standard after a use attainability analysis
25 under section 131.10(g) of title 40, Code

1 of Federal Regulations (as in effect on the
2 date of enactment of this subsection), sub-
3 ject to the approval of the Administrator
4 under section 303(c); and

5 “(ii) the Administrator or a State to
6 authorize a schedule of compliance that ex-
7 tends beyond the date of expiration of a
8 permit term if the schedule of compliance
9 meets the requirements of section 122.47
10 of title 40, Code of Federal Regulations
11 (as in effect on the date of enactment of
12 this subsection).

13 “(5) CLARIFICATION OF STATE AUTHORITY.—

14 “(A) IN GENERAL.—Nothing in section
15 301(b)(1)(C) precludes a State from author-
16 izing in the water quality standards of the
17 State the issuance of a schedule of compliance
18 to meet water quality-based effluent limitations
19 in permits that incorporate provisions of an in-
20 tegrated plan.

21 “(B) TRANSITION RULE.—In any case in
22 which a discharge is subject to a judicial order
23 or consent decree as of the date of enactment
24 of the Water Resources Development Act of
25 2016 resolving an enforcement action under

1 this Act, any schedule of compliance issued pur-
2 suant to an authorization in a State water qual-
3 ity standard shall not revise or otherwise affect
4 a schedule of compliance in that order or decree
5 unless the order or decree is modified by agree-
6 ment of the parties and the court.”.

7 (b) MUNICIPAL OMBUDSMAN.—

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

11 (2) GENERAL DUTIES.—The duties of the mu-
12 nicipal ombudsman shall include the provision of—

13 (A) technical assistance to municipalities
14 seeking to comply with the Federal Water Pol-
15 lution Control Act (33 U.S.C. 1251 et seq.) and
16 the Safe Drinking Water Act (42 U.S.C. 300f
17 et seq.); and

18 (B) information to the Administrator to
19 help the Administrator ensure that agency poli-
20 cies are implemented by all offices of the Envi-
21 ronmental Protection Agency, including regional
22 offices.

23 (3) ACTIONS REQUIRED.—The municipal om-
24 budsman shall work with appropriate offices at the
25 headquarters and regional offices of the Environ-

1 mental Protection Agency to ensure that the municipi-
2 pality seeking assistance is provided information—

3 (A) about available Federal financial as-
4 sistance for which the municipality is eligible;

5 (B) about flexibility available under the
6 Federal Water Pollution Control Act (33 U.S.C.
7 1251 et seq.) and, if applicable, the Safe Drink-
8 ing Water Act (42 U.S.C. 300f et seq.); and

9 (C) regarding the opportunity to develop
10 an integrated plan, as defined in section
11 402(s)(1)(B) of the Federal Water Pollution
12 Control Act (as added by subsection (a)).

13 (4) PRIORITY.—In carrying out paragraph (3),
14 the municipal ombudsman shall give priority to any
15 municipality that demonstrates affordability con-
16 cerns relating to compliance with the Federal Water
17 Pollution Control Act (33 U.S.C. 1251 et seq.) or
18 the Safe Drinking Water Act (42 U.S.C. 300f et
19 seq.).

20 (5) INFORMATION SHARING.—The municipal
21 ombudsman shall publish on the website of the Envi-
22 ronmental Protection Agency—

23 (A) general information relating to—

24 (i) the technical assistance referred to
25 in paragraph (2)(A);

1 (ii) the financial assistance referred to
2 in paragraph (3)(A);

3 (iii) the flexibility referred to in para-
4 graph 3(B); and

5 (iv) any resources related to inte-
6 grated plans developed by the Adminis-
7 trator; and

8 (B) a copy of each permit, order, or judi-
9 cial consent decree that implements or incor-
10 porates an integrated plan.

11 (c) MUNICIPAL ENFORCEMENT.—Section 309 of the
12 Federal Water Pollution Control Act (33 U.S.C. 1319) is
13 amended by adding at the end the following:

14 “(h) IMPLEMENTATION OF INTEGRATED PLANS
15 THROUGH ENFORCEMENT TOOLS.—

16 “(1) IN GENERAL.—In conjunction with an en-
17 forcement action under subsection (a) or (b) relating
18 to municipal discharges, the Administrator shall in-
19 form a municipality of the opportunity to develop an
20 integrated plan, as defined in section 402(s).

21 “(2) MODIFICATION.—Any municipality under
22 an administrative order under subsection (a) or set-
23 tlement agreement (including a judicial consent de-
24 cree) under subsection (b) that has developed an in-
25 tegrated plan consistent with section 402(s) may re-

1 quest a modification of the administrative order or
2 settlement agreement based on that integrated
3 plan.”.

4 (d) **REPORT TO CONGRESS.**—Not later than 2 years
5 after the date of enactment of this Act, the Administrator
6 shall submit to the Committee on Environment and Public
7 Works of the Senate and the Committee on Transpor-
8 tation and Infrastructure of the House of Representatives
9 and make publicly available a report on each integrated
10 plan developed and implemented through a permit, order,
11 or judicial consent decree since the date of publication of
12 the “Integrated Municipal Stormwater and Wastewater
13 Planning Approach Framework” issued by the Environ-
14 mental Protection Agency and dated June 5, 2012, includ-
15 ing a description of the control measures, levels of control,
16 estimated costs, and compliance schedules for the require-
17 ments implemented through an integrated plan.

18 **SEC. 7204. GREEN INFRASTRUCTURE PROMOTION.**

19 Title V of the Federal Water Pollution Control Act
20 (33 U.S.C. 1361 et seq.) is amended—

21 (1) by redesignating section 519 (33 U.S.C.
22 1251 note) as section 520; and

23 (2) by inserting after section 518 (33 U.S.C.
24 1377) the following:

1 **“SEC. 519. ENVIRONMENTAL PROTECTION AGENCY GREEN**
2 **INFRASTRUCTURE PROMOTION.**

3 “(a) IN GENERAL.—The Administrator shall ensure
4 that the Office of Water, the Office of Enforcement and
5 Compliance Assurance, the Office of Research and Devel-
6 opment, and the Office of Policy of the Environmental
7 Protection Agency promote the use of green infrastructure
8 in and coordinate the integration of green infrastructure
9 into, permitting programs, planning efforts, research,
10 technical assistance, and funding guidance.

11 “(b) DUTIES.—The Administrator shall ensure that
12 the Office of Water—

13 “(1) promotes the use of green infrastructure in
14 the programs of the Environmental Protection Agen-
15 cy; and

16 “(2) coordinates efforts to increase the use of
17 green infrastructure with—

18 “(A) other Federal departments and agen-
19 cies;

20 “(B) State, tribal, and local governments;
21 and

22 “(C) the private sector.

23 “(c) REGIONAL GREEN INFRASTRUCTURE PRO-
24 MOTION.—The Administrator shall direct each regional of-
25 fice of the Environmental Protection Agency, as appro-
26 priate based on local factors, and consistent with the re-

1 requirements of this Act, to promote and integrate the use
2 of green infrastructure within the region that includes—

3 “(1) outreach and training regarding green in-
4 frastructure implementation for State, tribal, and
5 local governments, tribal communities, and the pri-
6 vate sector; and

7 “(2) the incorporation of green infrastructure
8 into permitting and other regulatory programs,
9 codes, and ordinance development, including the re-
10 quirements under consent decrees and settlement
11 agreements in enforcement actions.

12 “(d) GREEN INFRASTRUCTURE INFORMATION-SHAR-
13 ING.—The Administrator shall promote green infrastruc-
14 ture information-sharing, including through an Internet
15 website, to share information with, and provide technical
16 assistance to, State, tribal, and local governments, tribal
17 communities, the private sector, and the public regarding
18 green infrastructure approaches for—

19 “(1) reducing water pollution;

20 “(2) protecting water resources;

21 “(3) complying with regulatory requirements;

22 and

23 “(4) achieving other environmental, public
24 health, and community goals.”.

1 **SEC. 7205. FINANCIAL CAPABILITY GUIDANCE.**

2 (a) DEFINITIONS.—In this section:

3 (1) AFFORDABILITY.—The term “affordability”
4 means, with respect to payment of a utility bill, a
5 measure of whether an individual customer or house-
6 hold can pay the bill without undue hardship or un-
7 reasonable sacrifice in the essential lifestyle or
8 spending patterns of the individual or household, as
9 determined by the Administrator.

10 (2) FINANCIAL CAPABILITY.—The term “finan-
11 cial capability” means the financial capability of a
12 community to make investments necessary to make
13 water quality or drinking water improvements.

14 (3) GUIDANCE.—The term “guidance” means
15 the guidance published by the Administrator entitled
16 “Combined Sewer Overflows—Guidance for Finan-
17 cial Capability Assessment and Schedule Develop-
18 ment” and dated February 1997, as applicable to
19 the combined sewer overflows and sanitary sewer
20 overflows guidance published by the Administrator
21 entitled “Financial Capability Assessment Frame-
22 work” and dated November 24, 2014.

23 (b) USE OF MEDIAN HOUSEHOLD INCOME.—The
24 Administrator shall not use median household income as
25 the sole indicator of affordability for a residential house-
26 hold.

1 (c) REVISED GUIDANCE.—

2 (1) IN GENERAL.—Not later than 1 year after
3 the date of completion of the National Academy of
4 Public Administration study to establish a definition
5 and framework for community affordability required
6 by Senate Report 114–70, accompanying S. 1645
7 (114th Congress), the Administrator shall revise the
8 guidance described in subsection (a)(3).

9 (2) USE OF GUIDANCE.—Beginning on the date
10 on which the revised guidance referred to in para-
11 graph (1) is finalized, the Administrator shall use
12 the revised guidance in lieu of the guidance de-
13 scribed in subsection (a)(3).

14 (d) CONSIDERATION AND CONSULTATION.—

15 (1) CONSIDERATION.—In revising the guidance,
16 the Administrator shall consider—

17 (A) the recommendations of the study re-
18 ferred to in subsection (c) and any other rel-
19 evant study, as determined by the Adminis-
20 trator;

21 (B) local economic conditions, including
22 site-specific local conditions that should be
23 taken into consideration in analyzing financial
24 capability;

25 (C) other essential community investments;

1 (D) potential adverse impacts on distressed
2 populations, including the percentage of low-in-
3 come ratepayers within the service area of a
4 utility and impacts in communities with dis-
5 parate economic conditions throughout the en-
6 tire service area of a utility;

7 (E) the degree to which rates of low-in-
8 come consumers would be affected by water in-
9 frastructure investments and the use of rate
10 structures to address the rates of low-income
11 consumers;

12 (F) an evaluation of an array of factors,
13 the relative importance of which may vary
14 across regions and localities; and

15 (G) the appropriate weight for economic,
16 public health, and environmental benefits asso-
17 ciated with improved water quality.

18 (2) CONSULTATION.—Any revised guidance
19 issued to replace the guidance shall be developed in
20 consultation with stakeholders.

21 (e) PUBLICATION AND SUBMISSION.—

22 (1) IN GENERAL.—On completion of the revi-
23 sion of the guidance, the Administrator shall publish
24 in the Federal Register and submit to the Com-
25 mittee on Environment and Public Works of the

1 Senate and the Committee on Transportation and
2 Infrastructure of the House of Representatives the
3 revised guidance.

4 (2) EXPLANATION.—If the Administrator
5 makes a determination not to follow 1 or more rec-
6 ommendations of the study referred to in subsection
7 (c)(1), the Administrator shall include in the publi-
8 cation and submission under paragraph (1) an ex-
9 planation of that decision.

10 (f) EFFECT.—Nothing in this section preempts or
11 interferes with any obligation to comply with any Federal
12 law, including the Federal Water Pollution Control Act
13 (33 U.S.C. 1251 et seq.).

14 **SEC. 7206. CHESAPEAKE BAY GRASS SURVEY.**

15 There is authorized to be appropriated to the Admin-
16 istrator for the Chesapeake Bay Grass Survey \$150,000
17 for fiscal year 2017 and each fiscal year thereafter.

18 **SEC. 7207. GREAT LAKES HARMFUL ALGAL BLOOM COORDI-**

19 **NATOR.**

20 The Administrator, acting as the chair of the Great
21 Lakes Interagency Task Force, shall appoint a coordi-
22 nator to work with appropriate Federal agencies and
23 State, local, tribal, and foreign governments to coordinate
24 efforts to address the issue of harmful algal blooms in the
25 Great Lakes.

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) DETERMINATION OF ELIGIBILITY AND PROJECT
5 SELECTION.—Section 5028(b)(2)(F) of the Water Infra-
6 structure Finance and Innovation Act of 2014 (33 U.S.C.
7 3907(b)(2)(F)) is amended—

8 (1) in clause (i), by striking “or” at the end;
9 and

10 (2) by striking clause (ii) and inserting the fol-
11 lowing:

12 “(ii) helps maintain or protect the en-
13 vironment;

14 “(iii) resists hazards due to a natural
15 disaster;

16 “(iv) continues to serve the primary
17 function of the water resources infrastruc-
18 ture project following a natural disaster;

19 “(v) reduces the magnitude or dura-
20 tion of a disruptive event to a water re-
21 sources infrastructure project; or

22 “(vi) has the absorptive, adaptive, and
23 recoverable capacities to withstand a po-
24 tentially disruptive event.”.

1 (d) TERMS AND CONDITIONS.—Section 5029(b) of
2 the Water Infrastructure Finance and Innovation Act of
3 2014 (33 U.S.C. 3908(b)) is amended—

4 (1) in paragraph (7)—

5 (A) by striking “The Secretary” and in-
6 serting the following:

7 “(A) IN GENERAL.—Except as provided in
8 subparagraph (B), the Secretary”; and

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

10 “(B) FINANCING FEES.—On request of an
11 eligible entity, the Secretary or the Adminis-
12 trator, as applicable, shall allow the fees under
13 subparagraph (A) to be financed as part of the
14 loan.”; and

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

16 “(10) CREDIT.—Any eligible project costs in-
17 curred and the value of any integral in-kind con-
18 tributions made before receipt of assistance under
19 this subtitle shall be credited toward the 51 percent
20 of project costs to be provided by sources of funding
21 other than a secured loan under this subtitle (as de-
22 scribed in paragraph (2)(A)).”.

23 (e) REMOVAL OF PILOT DESIGNATION.—

24 (1) Subtitle C of title V of the Water Resources
25 Reform and Development Act of 2014 (33 U.S.C.

1 3901 et seq.) is amended by striking the subtitle
2 designation and heading and inserting the following:

3 **“Subtitle C—Innovative Financing**
4 **Projects”.**

5 (2) Section 5023 of the Water Infrastructure
6 Finance and Innovation Act of 2014 (33 U.S.C.
7 3092) is amended by striking “pilot” each place it
8 appears.

9 (3) Section 5034 of the Water Infrastructure
10 Finance and Innovation Act of 2014 (33 U.S.C.
11 3913) is amended by striking the section designation
12 and heading and inserting the following:

13 **“SEC. 5034. REPORTS ON PROGRAM IMPLEMENTATION.”.**

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

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

“Subtitle C—Innovative Financing Projects”.; and

19 (B) by striking the item relating to section
20 5034 and inserting the following:

“Sec. 5034. Reports on program implementation.”.

21 (f) SENSE OF THE SENATE.—It is the sense of the
22 Senate that—

23 (1) appropriations made available to carry out
24 the Water Infrastructure Finance and Innovation

1 Act of 2014 (33 U.S.C. 3901 et seq.) should be in
2 addition to robust funding for the State water pollu-
3 tion control revolving funds established under title
4 VI of the Federal Water Pollution Control Act (33
5 U.S.C. 1381 et seq.) and State drinking water treat-
6 ment revolving loan funds established under section
7 1452 of the Safe Drinking Water Act (42 U.S.C.
8 300j-12); and

9 (2) the appropriations made available for the
10 funds referred to in paragraph (1) should not de-
11 crease for any fiscal year.

12 **SEC. 7303. WATER INFRASTRUCTURE INVESTMENT TRUST**
13 **FUND.**

14 (a) CREATION OF TRUST FUND.—There is estab-
15 lished in the Treasury of the United States a trust fund
16 to be known as the “Water Infrastructure Investment
17 Trust Fund” (referred to in this section as the “Fund”),
18 consisting of such amounts as may be appropriated to or
19 deposited in such fund as provided in this section.

20 (b) TRANSFERS TO TRUST FUND.—The Secretary of
21 the Treasury (referred to in this section as the “Sec-
22 retary”) shall deposit in the Fund amounts equal to the
23 fees received before January 1, 2022, under subsection
24 (f)(2).

1 (c) EXPENDITURES.—Amounts in the Fund, includ-
2 ing interest earned and advances to the Fund and pro-
3 ceeds from investment under subsection (d), shall be avail-
4 able for expenditure, without further appropriation, as fol-
5 lows:

6 (1) 50 percent of the amounts shall be available
7 to the Administrator for making capitalization
8 grants under section 601 of the Federal Water Pol-
9 lution Control Act (33 U.S.C. 1381).

10 (2) 50 percent of the amounts shall be available
11 to the Administrator for making capitalization
12 grants under section 1452 of the Safe Drinking
13 Water Act (42 U.S.C. 300j–12).

14 (d) INVESTMENT.—Amounts in the Fund shall be in-
15 vested in accordance with section 9702 of title 31, United
16 States Code, and any interest on, and proceeds from, any
17 such investment shall be available for expenditure in ac-
18 cordance with this section.

19 (e) LIMITATION ON EXPENDITURES.—Amounts in
20 the Fund may not be made available for a fiscal year
21 under subsection (c) unless the sum of the funds appro-
22 priated to the Clean Water State Revolving Fund and the
23 Safe Drinking Water State Revolving Fund through an-
24 nual capitalization grants is not less than the average of
25 the sum of the annual amounts provided in capitalization

1 grants under section 601 of the Federal Water Pollution
2 Control Act (33 U.S.C. 1381) and section 1452 of the
3 Safe Drinking Water Act (42 U.S.C. 300j-12) for the 5-
4 fiscal-year period immediately preceding such fiscal year.

5 (f) VOLUNTARY LABELING SYSTEM.—

6 (1) IN GENERAL.—The Administrator, in con-
7 sultation with the Administrator of the Food and
8 Drug Administration, manufacturers, producers, and
9 importers, shall develop and implement a program
10 under which the Administrator provides a label de-
11 signed in consultation with manufacturers, pro-
12 ducers, and importers suitable for placement on
13 products to inform consumers that the manufac-
14 turer, producer, or importer of the product, and
15 other stakeholders, participates in the Fund.

16 (2) FEE.—The Administrator shall provide a
17 label for a fee of 3 cents per unit.

18 (g) EPA STUDY ON WATER PRICING.—

19 (1) STUDY.—The Administrator, with participa-
20 tion by the States, shall conduct a study to—

21 (A) assess the affordability gap faced by
22 low-income populations located in urban and
23 rural areas in obtaining services from clean
24 water and drinking water systems; and

1 (B) analyze options for programs to pro-
2 vide incentives for rate adjustments at the local
3 level to achieve “full cost” or “true value” pric-
4 ing for such services, while protecting low-in-
5 come ratepayers from undue burden.

6 (2) REPORT.—Not later than 180 days after
7 the date of enactment of this Act, the Administrator
8 shall submit to the Committee on the Environment
9 and Public Works of the Senate and the Committee
10 on Transportation and Infrastructure and the Com-
11 mittee on Energy and Commerce of the House of
12 Representatives a report on the results of the study.

13 **SEC. 7304. INNOVATIVE WATER TECHNOLOGY GRANT PRO-**
14 **GRAM.**

15 (a) DEFINITION OF ELIGIBLE ENTITY.—In this sec-
16 tion, the term “eligible entity” means—

17 (1) a public utility, including publicly owned
18 treatment works and clean water systems;

19 (2) a unit of local government, including a mu-
20 nicipality or a joint powers authority;

21 (3) a private entity, including a farmer or man-
22 ufacturer;

23 (4) an institution of higher education;

24 (5) a research institution or foundation;

25 (6) a State;

1 (7) a regional organization; or

2 (8) a nonprofit organization.

3 (b) GRANT PROGRAM AUTHORIZED.—The Adminis-
4 trator shall carry out a grant program for purposes de-
5 scribed in subsection (c) to accelerate the development of
6 innovative water technologies that address pressing water
7 challenges.

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

11 (1) finance projects to develop, deploy, test, and
12 improve emerging water technologies;

13 (2) fund entities that provide technical assist-
14 ance to deploy innovative water technologies more
15 broadly, especially—

16 (A) to increase adoption of innovative
17 water technologies in—

18 (i) municipal drinking water and
19 wastewater treatment systems;

20 (ii) areas served by private wells; or

21 (iii) water supply systems in arid
22 areas that are experiencing, or have re-
23 cently experienced, prolonged drought con-
24 ditions; and

1 (B) in a manner that reduces ratepayer or
2 community costs over time, including the cost
3 of future capital investments; or

4 (3) support technologies that, as determined by
5 the Administrator—

6 (A) improve water quality of a water
7 source;

8 (B) improve the safety and security of a
9 drinking water delivery system;

10 (C) minimize contamination of drinking
11 water and drinking water sources, including
12 contamination by lead, bacteria, chlorides, and
13 nitrates;

14 (D) improve the quality and timeliness and
15 decrease the cost of drinking water quality
16 tests, especially technologies that can be de-
17 ployed within water systems and at individual
18 faucets to provide accurate real-time tests of
19 water quality, especially with respect to lead,
20 bacteria, and nitrate content;

21 (E) increase water supplies in arid areas
22 that are experiencing, or have recently experi-
23 enced, prolonged drought conditions;

24 (F) treat edge-of-field runoff to improve
25 water quality;

1 (G) treat agricultural, municipal, and in-
2 dustrial wastewater;

3 (H) recycle or reuse water;

4 (I) manage urban storm water runoff;

5 (J) reduce sewer or stormwater overflows;

6 (K) conserve water;

7 (L) improve water quality by reducing sa-
8 linity;

9 (M) mitigate air quality impacts associated
10 with declining water resources;

11 (N) address treatment byproduct and brine
12 disposal alternatives; or

13 (O) 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) for the benefit of drought-stricken States
2 and communities;

3 “(2) for the benefit of States that have author-
4 ized funding for research and development of desali-
5 nation technologies 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 Secretary of the Interior, the
18 Secretary of Agriculture, the Secretary of Commerce, the
19 Administrator, and other appropriate Federal agency
20 heads along with State, local, and tribal governments,
21 shall jointly develop nonregulatory national drought resil-
22 ience guidelines relating to drought preparedness planning
23 and investments for communities, water utilities, and
24 other water users and providers, in a manner consistent
25 with the Presidential Memorandum entitled “Building Na-

1 tional Capabilities for Long-Term Drought Resilience”
2 (81 Fed. Reg. 16053 (March 21, 2016)).

3 (b) CONSULTATION.—In developing the national
4 drought resilience guidelines, the Administrator and other
5 Federal agency heads referred to in subsection (a) shall
6 consult with—

- 7 (1) State and local governments;
- 8 (2) water utilities;
- 9 (3) scientists;
- 10 (4) institutions of higher education;
- 11 (5) relevant private entities; and
- 12 (6) other stakeholders.

13 (c) CONTENTS.—The national drought resilience
14 guidelines developed under this section shall, to the max-
15 imum extent practicable, provide recommendations for a
16 period of 10 years that—

17 (1) address a broad range of potential actions,
18 including—

19 (A) analysis of the impacts of the changing
20 frequency and duration of drought on the fu-
21 ture effectiveness of water management tools;

22 (B) the identification of drought-related
23 water management challenges in a broad range
24 of fields, including—

25 (i) public health and safety;

- 1 (ii) municipal and industrial water
2 supply;
- 3 (iii) agricultural water supply;
- 4 (iv) water quality;
- 5 (v) ecosystem health; and
- 6 (vi) water supply planning;
- 7 (C) water management tools to reduce
8 drought-related impacts, including—
- 9 (i) water use efficiency through gal-
10 lons per capita reduction goals, appliance
11 efficiency standards, water pricing incen-
12 tives, and other measures;
- 13 (ii) water recycling;
- 14 (iii) groundwater clean-up and stor-
15 age;
- 16 (iv) new technologies, such as behav-
17 ioral water efficiency; and
- 18 (v) stormwater capture and reuse;
- 19 (D) water-related energy and greenhouse
20 gas reduction strategies; and
- 21 (E) public education and engagement; and
- 22 (2) include recommendations relating to the
23 processes that Federal, State, and local governments
24 and water utilities should consider when developing

1 drought resilience preparedness and plans, includ-
2 ing—

3 (A) the establishment of planning goals;

4 (B) the evaluation of institutional capacity;

5 (C) the assessment of drought-related risks
6 and vulnerabilities, including the integration of
7 climate-related impacts;

8 (D) the establishment of a development
9 process, including an evaluation of the cost-ef-
10 fectiveness of potential strategies;

11 (E) the inclusion of private entities, tech-
12 nical advisors, and other stakeholders in the de-
13 velopment process;

14 (F) implementation and financing issues;
15 and

16 (G) evaluation of the plan, including any
17 updates to the plan.

18 **SEC. 7308. INNOVATION IN STATE WATER POLLUTION CON-**
19 **TROL REVOLVING LOAN FUNDS.**

20 (a) IN GENERAL.—Subsection (j)(1)(B) (as redesi-
21 gnated by section 7202(b)(1)(A)(ii)) of section 603 of the
22 Federal Water Pollution Control Act (33 U.S.C. 1383) is
23 amended—

24 (1) in clause (iii), by striking “or” at the end;

1 (2) in clause (iv), by striking the period at the
2 end and inserting “; or”; and

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

4 “(v) to encourage the use of innova-
5 tive water technologies related to any of
6 the issues identified in clauses (i) through
7 (iv) or, as determined by the State, any
8 other eligible project and activity eligible
9 for assistance under subsection (c)”.

10 (b) INNOVATIVE WATER TECHNOLOGIES.—Section
11 603 of the Federal Water Pollution Control Act (33
12 U.S.C. 1383) (as amended by section 7202(b)(1)) is
13 amended by adding at the end the following:

14 “(k) TECHNICAL ASSISTANCE.—The Administrator
15 may provide technical assistance to facilitate and encour-
16 age the provision of financial assistance for innovative
17 water technologies.

18 “(l) REPORT.—Not later than 1 year after the date
19 of enactment of the Water Resources Development Act of
20 2016, and not less frequently than every 5 years there-
21 after, the Administrator shall submit to Congress a report
22 that describes—

23 “(1) the amount of financial assistance pro-
24 vided by State water pollution control revolving
25 funds to deploy innovative water technologies;

1 “(2) the barriers impacting greater use of inno-
2 vative water technologies; and

3 “(3) the cost-saving potential to cities and fu-
4 ture infrastructure investments from emerging tech-
5 nologies.”.

6 **SEC. 7309. INNOVATION IN DRINKING WATER STATE RE-**
7 **VOLVING LOAN FUNDS.**

8 Section 1452 of the Safe Drinking Water Act (42
9 U.S.C. 300j-12) (as amended by section 7105) is amend-
10 ed—

11 (1) in subsection (d)—

12 (A) by striking the heading and inserting
13 “ADDITIONAL ASSISTANCE.—”;

14 (B) in paragraph (1)—

15 (i) by striking “Notwithstanding” and
16 inserting the following:

17 “(A) IN GENERAL.—Notwithstanding”;

18 and

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

21 “(B) INNOVATIVE WATER TECHNOLOGY.—

22 Notwithstanding any other provision of this sec-
23 tion, in the case of a State that makes a loan
24 under subsection (a)(2) to carry out an eligible
25 activity through the use of an innovative water

1 technology (including technologies to improve
2 water treatment to ensure compliance with this
3 title and technologies to identify and mitigate
4 sources of drinking water contamination, in-
5 cluding lead contamination), the State may pro-
6 vide additional subsidization, including forgive-
7 ness of principal that is not more than 50 per-
8 cent of the cost of the portion of the project as-
9 sociated with the innovative technology.”;

10 (C) in paragraph (2)—

11 (i) by striking “For each fiscal year”
12 and inserting the following:

13 “(A) IN GENERAL.—For each fiscal year”;
14 and

15 (ii) by adding at the end the fol-
16 lowing:

17 “(B) INNOVATIVE WATER TECHNOLOGY.—
18 For each fiscal year, not more than 20 percent
19 of the loan subsidies that may be made by a
20 State under paragraph (1) may be used to pro-
21 vide additional subsidization under subpara-
22 graph (B) of that paragraph.”; and

23 (D) in paragraph (3), in the first sentence,
24 by inserting “, or portion of a service area,”
25 after “service area”; and

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

2 “(t) TECHNICAL ASSISTANCE.—The Administrator
3 may provide technical assistance to facilitate and encour-
4 age the provision of financial assistance for the deploy-
5 ment of innovative water technologies.

6 “(u) REPORT.—Not later than 1 year after the date
7 of enactment of the Water Resources Development Act of
8 2016, and not less frequently than every 5 years there-
9 after, the Administrator shall submit to Congress a report
10 that describes—

11 “(1) the amount of financial assistance pro-
12 vided by State loan funds to deploy innovative water
13 technologies;

14 “(2) the barriers impacting greater use of inno-
15 vative water technologies; and

16 “(3) the cost-saving potential to cities and fu-
17 ture infrastructure investments from emerging tech-
18 nologies.”.

19 **Subtitle D—Drinking Water Dis-**
20 **aster Relief and Infrastructure**
21 **Investments**

22 **SEC. 7401. DRINKING WATER INFRASTRUCTURE.**

23 (a) DEFINITIONS.—In this section:

24 (1) ELIGIBLE STATE.—The term “eligible
25 State” means a State for which the President has

1 declared an emergency under the Robert T. Stafford
2 Disaster Relief and Emergency Assistance Act (42
3 U.S.C. 5121 et seq.) relating to the public health
4 threats associated with the presence of lead or other
5 contaminants in a public drinking water supply sys-
6 tem.

7 (2) ELIGIBLE SYSTEM.—The term “eligible sys-
8 tem” means a public drinking water supply system
9 that has been the subject of an emergency declara-
10 tion referred to in paragraph (1).

11 (b) STATE REVOLVING LOAN FUND ASSISTANCE.—

12 (1) IN GENERAL.—An eligible system shall be—

13 (A) considered to be a disadvantaged com-
14 munity under section 1452(d) of the Safe
15 Drinking Water Act (42 U.S.C. 300j–12(d));
16 and

17 (B) eligible to receive loans with additional
18 subsidization under that Act (42 U.S.C. 300f et
19 seq.), including forgiveness of principal under
20 section 1452(d)(1) of that Act (42 U.S.C.
21 300j–12(d)(1)).

22 (2) AUTHORIZATION.—

23 (A) IN GENERAL.—Using funds provided
24 under subsection (e)(1)(A), an eligible State
25 may provide assistance to an eligible system

1 within the eligible State, for the purpose of ad-
2 dressing lead or other contaminants in drinking
3 water, including repair and replacement of pub-
4 lic and private drinking water infrastructure.

5 (B) INCLUSION.—Assistance provided
6 under subparagraph (A) may include additional
7 subsidization under the Safe Drinking Water
8 Act (42 U.S.C. 300f et seq.), as described in
9 paragraph (1)(B).

10 (C) EXCLUSION.—Assistance provided
11 under subparagraph (A) shall not include as-
12 sistance for a project that is financed (directly
13 or indirectly), in whole or in part, with proceeds
14 of any obligation issued after the date of enact-
15 ment of this Act—

16 (i) the interest of which is exempt
17 from the tax imposed under chapter 1 of
18 the Internal Revenue Code of 1986; or

19 (ii) with respect to which credit is al-
20 lowable under subpart I or J of part IV of
21 subchapter A of chapter 1 of such Code.

22 (3) LIMITATION.—Section 1452(d)(2) of the
23 Safe Drinking Water Act (42 U.S.C. 300j–12(d)(2))
24 shall not apply to—

1 (A) any funds provided under subsection
2 (e)(1)(A); or

3 (B) any other loan provided to an eligible
4 system.

5 (c) WATER INFRASTRUCTURE FINANCING.—

6 (1) SECURED LOANS.—

7 (A) IN GENERAL.—Using funds provided
8 under subsection (e)(2)(A), the Administrator
9 may make a secured loan under the Water In-
10 frastructure Finance and Innovation Act of
11 2014 (33 U.S.C. 3901 et seq.) to—

12 (i) an eligible State to carry out a
13 project eligible under paragraphs (2)
14 through (9) of section 5026 of that Act
15 (33 U.S.C. 3905) to address lead or other
16 contaminants in drinking water in an eligi-
17 ble system, including repair and replace-
18 ment of public and private drinking water
19 infrastructure; and

20 (ii) any eligible entity under section
21 5025 of that Act (33 U.S.C. 3904) for a
22 project eligible under paragraphs (2)
23 through (9) of section 5026 of that Act
24 (33 U.S.C. 3905).

1 (B) AMOUNT.—Notwithstanding section
2 5029(b)(2) of the Water Infrastructure Finance
3 and Innovation Act of 2014 (33 U.S.C.
4 3908(b)(2)), the amount of a secured loan pro-
5 vided under subparagraph (A)(i) may be equal
6 to not more than 80 percent of the reasonably
7 anticipated costs of the projects.

8 (2) FEDERAL INVOLVEMENT.—Notwithstanding
9 section 5029(b)(9) of the Water Infrastructure Fi-
10 nance and Innovation Act of 2014 (33 U.S.C.
11 3908(b)(9)), any costs for a project to address lead
12 or other contaminants in drinking water in an eligi-
13 ble system that are not covered by a secured loan
14 under paragraph (1) may be covered using amounts
15 in the State revolving loan fund under section 1452
16 of the Safe Drinking Water Act (42 U.S.C. 300j–
17 12).

18 (d) NONDUPLICATION OF WORK.—An activity car-
19 ried out pursuant to this section shall not duplicate the
20 work or activity of any other Federal or State department
21 or agency.

22 (e) FUNDING.—

23 (1) ADDITIONAL DRINKING WATER STATE RE-
24 VOLVING FUND CAPITALIZATION GRANTS.—

1 (A) IN GENERAL.—The Secretary of the
2 Treasury shall make available to the Adminis-
3 trator a total of \$100,000,000 to provide addi-
4 tional grants to eligible States pursuant to sec-
5 tion 1452 of the Safe Drinking Water Act (42
6 U.S.C. 300j–12), to be available for a period of
7 18 months beginning on the date on which the
8 funds are made available, for the purposes de-
9 scribed in subsection (b)(2), and after the end
10 of the 18-month period, until expended for the
11 purposes described in subparagraph (C).

12 (B) SUPPLEMENTED INTENDED USE
13 PLANS.—From funds made available under sub-
14 paragraph (A), the Administrator shall obligate
15 to an eligible State such amounts as are nec-
16 essary to meet the needs identified in a supple-
17 mented intended use plan by not later than 30
18 days after the date on which the eligible State
19 submits to the Administrator a supplemented
20 intended use plan under section 1452(b) of the
21 Safe Drinking Water Act (42 U.S.C. 300j–
22 12(b)) that includes preapplication information
23 regarding projects to be funded using the addi-
24 tional assistance, including, with respect to each
25 such project—

- 1 (i) a description of the project;
- 2 (ii) an explanation of the means by
- 3 which the project will address a situation
- 4 causing a declared emergency in the eligi-
- 5 ble State;
- 6 (iii) the estimated cost of the project;
- 7 and
- 8 (iv) the projected start date for con-
- 9 struction of the project.

10 (C) UNOBLIGATED AMOUNTS.—Of any

11 amounts made available to the Administrator

12 under subparagraph (A) that are unobligated

13 on the date that is 18 months after the date on

14 which the amounts are made available—

15 (i) 50 percent shall be available to

16 provide additional grants under section

17 1459A of the Safe Drinking Water Act (as

18 added by section 7106); and

19 (ii) 50 percent shall be available to

20 provide additional grants under section

21 1459B of the Safe Drinking Water Act (as

22 added by section 7107).

23 (D) APPLICABILITY.—Section 1452(b)(1)

24 of the Safe Drinking Water Act (42 U.S.C.

25 300j–12(b)(1)) shall not apply to a supplement

1 to an intended use plan under subparagraph
2 (B).

3 (2) WIFIA FUNDING.—

4 (A) IN GENERAL.—As soon as practicable
5 after the date of enactment of this Act, the Sec-
6 retary of the Treasury shall make available to
7 the Administrator \$70,000,000 to provide cred-
8 it subsidies, in consultation with the Director of
9 the Office of Management and Budget, for se-
10 cured loans under subsection (c)(1)(A) with a
11 goal of providing secured loans totaling at least
12 \$700,000,000.

13 (B) USE.—Secured loans provided pursu-
14 ant to subparagraph (A) shall be available to
15 carry out activities described in subsection
16 (c)(1)(A).

17 (C) EXCLUSION.—Of the amounts made
18 available under subparagraph (A), \$20,000,000
19 shall not be used to provide assistance for a
20 project that is financed (directly or indirectly),
21 in whole or in part, with proceeds of any obliga-
22 tion issued after the date of enactment of this
23 Act—

1 (i) the interest of which is exempt
2 from the tax imposed under chapter 1 of
3 the Internal Revenue Code of 1986; or

4 (ii) with respect to which credit is al-
5 lowable under subpart I or J of part IV of
6 subchapter A of chapter 1 of such Code.

7 (3) APPLICABILITY.—Unless explicitly waived,
8 all requirements under the Safe Drinking Water Act
9 (42 U.S.C. 300f et seq.) and the Water Infrastruc-
10 ture Finance and Innovation Act of 2014 (33 U.S.C.
11 3901 et seq.) shall apply to funding provided under
12 this subsection.

13 (f) HEALTH EFFECTS EVALUATION.—

14 (1) IN GENERAL.—Pursuant to section
15 104(i)(1)(E) of the Comprehensive Environmental
16 Response, Compensation, and Liability Act (42
17 U.S.C. 9604(i)(1)(E)), and on receipt of a request
18 of an appropriate State or local health official of an
19 eligible State, the Director of the Agency for Toxic
20 Substances and Disease Registry of the National
21 Center for Environmental Health shall in coordina-
22 tion with other agencies, as appropriate, conduct vol-
23 untary surveillance activities to evaluate any adverse
24 health effects on individuals exposed to lead from
25 drinking water in the affected communities.

1 (2) CONSULTATIONS.—Pursuant to section
2 104(i)(4) of the Comprehensive Environmental Re-
3 sponse, Compensation, and Liability Act (42 U.S.C.
4 9604(i)(4)), and on receipt of a request of an appro-
5 priate State or local health official of an eligible
6 State, the Director of the Agency for Toxic Sub-
7 stances and Disease Registry of the National Center
8 for Environmental Health shall provide consultations
9 regarding health issues described in paragraph (1).

10 **SEC. 7402. LOAN FORGIVENESS.**

11 The matter under the heading “STATE AND TRIBAL
12 ASSISTANCE GRANTS” under the heading “ENVIRON-
13 MENTAL PROTECTION AGENCY” in title II of divi-
14 sion G of the Consolidated Appropriations Act, 2016
15 (Public Law 114–113), is amended in paragraph (1), by
16 striking the semicolon at the end and inserting the fol-
17 lowing: “or, if a Federal or State emergency declaration
18 has been issued due to a threat to public health from
19 heightened exposure to lead in a municipal drinking water
20 supply, before the date of enactment of this Act: *Provided*
21 *further*, That in a State in which such an emergency dec-
22 laration has been issued, the State may use more than
23 20 percent of the funds made available under this title
24 to the State for Drinking Water State Revolving Fund

1 capitalization grants to provide additional subsidy to eligi-
2 ble recipients;”.

3 **SEC. 7403. REGISTRY FOR LEAD EXPOSURE AND ADVISORY**
4 **COMMITTEE.**

5 (a) DEFINITIONS.—In this section:

6 (1) CITY.—The term “City” means a city ex-
7 posed to lead contamination in the local drinking
8 water system.

9 (2) COMMITTEE.—The term “Committee”
10 means the Advisory Committee established under
11 subsection (c).

12 (3) SECRETARY.—The term “Secretary” means
13 the Secretary of Health and Human Services.

14 (b) LEAD EXPOSURE REGISTRY.—The Secretary
15 shall establish within the Agency for Toxic Substances and
16 Disease Registry or another relevant agency at the discre-
17 tion of the Secretary, or establish through a grant award
18 or contract, a lead exposure registry to collect data on the
19 lead exposure of residents of a City on a voluntary basis.

20 (c) ADVISORY COMMITTEE.—

21 (1) MEMBERSHIP.—

22 (A) IN GENERAL.—The Secretary shall es-
23 tablish an Advisory Committee in coordination
24 with the Director of the Centers for Disease
25 Control and Prevention and other relevant

1 agencies as determined by the Secretary con-
2 sisting of Federal members and non-Federal
3 members, and which shall include—

4 (i) an epidemiologist;

5 (ii) a toxicologist;

6 (iii) a mental health professional;

7 (iv) a pediatrician;

8 (v) an early childhood education ex-
9 pert;

10 (vi) a special education expert;

11 (vii) a dietician; and

12 (viii) an environmental health expert.

13 (B) REQUIREMENTS.—Membership in the
14 Committee shall not exceed 15 members and
15 not less than $\frac{1}{2}$ of the members shall be Fed-
16 eral members.

17 (2) CHAIR.—The Secretary shall designate a
18 chair from among the Federal members appointed to
19 the Committee.

20 (3) TERMS.—Members of the Committee shall
21 serve for a term of not more than 3 years and the
22 Secretary may reappoint members for consecutive
23 terms.

1 (4) APPLICATION OF FACCA.—The Committee
2 shall be subject to the Federal Advisory Committee
3 Act (5 U.S.C. App.).

4 (5) RESPONSIBILITIES.—The Committee shall,
5 at a minimum—

6 (A) review the Federal programs and serv-
7 ices available to individuals and communities
8 exposed to lead;

9 (B) review current research on lead poi-
10 soning to identify additional research needs;

11 (C) review and identify best practices, or
12 the need for best practices, regarding lead
13 screening and the prevention of lead poisoning;

14 (D) identify effective services, including
15 services relating to healthcare, education, and
16 nutrition for individuals and communities af-
17 fected by lead exposure and lead poisoning, in-
18 cluding in consultation with, as appropriate, the
19 lead exposure registry as established in sub-
20 section (b); and

21 (E) undertake any other review or activi-
22 ties that the Secretary determines to be appro-
23 priate.

24 (6) REPORT.—Annually for 5 years and there-
25 after as determined necessary by the Secretary or as

1 required by Congress, the Committee shall submit to
2 the Secretary, the Committees on Finance, Health,
3 Education, Labor, and Pensions, and Agriculture,
4 Nutrition, and Forestry of the Senate and the Com-
5 mittees on Education and the Workforce, Energy
6 and Commerce, and Agriculture of the House of
7 Representatives a report that includes—

8 (A) an evaluation of the effectiveness of
9 the Federal programs and services available to
10 individuals and communities exposed to lead;

11 (B) an evaluation of additional lead poi-
12 soning research needs;

13 (C) an assessment of any effective screen-
14 ing methods or best practices used or developed
15 to prevent or screen for lead poisoning;

16 (D) input and recommendations for im-
17 proved access to effective services relating to
18 healthcare, education, or nutrition for individ-
19 uals and communities impacted by lead expo-
20 sure; and

21 (E) any other recommendations for com-
22 munities affected by lead exposure, as appro-
23 priate.

24 (d) MANDATORY FUNDING.—

1 (1) IN GENERAL.—On the date of enactment of
2 this Act, out of any funds in the Treasury not other-
3 wise appropriated, the Secretary of the Treasury
4 shall transfer to the Secretary, to be available during
5 the period of fiscal years 2016 through 2020—

6 (A) \$17,500,000 to carry out subsection
7 (b); and

8 (B) \$2,500,000 to carry out subsection (c).

9 (2) RECEIPT AND ACCEPTANCE.—The Sec-
10 retary shall be entitled to receive, shall accept, and
11 shall use to carry out subsections (b) and (c) the
12 funds transferred under subparagraphs (A) and (B)
13 of paragraph (1), respectively, without further ap-
14 propriation.

15 **SEC. 7404. ADDITIONAL FUNDING FOR CERTAIN CHILD-**
16 **HOOD HEALTH PROGRAMS.**

17 (a) CHILDHOOD LEAD POISONING PREVENTION
18 PROGRAM.—

19 (1) IN GENERAL.—On the date of enactment of
20 this Act, out of any funds in the Treasury not other-
21 wise appropriated, the Secretary of the Treasury
22 shall transfer to the Director of the Centers for Dis-
23 ease Control and Prevention, to be available during
24 the period of fiscal years 2017 and 2018,
25 \$10,000,000 for the childhood lead poisoning pre-

1 vention program authorized under section 317A of
2 the Public Health Service Act (42 U.S.C. 247b–1).

3 (2) RECEIPT AND ACCEPTANCE.—The Director
4 of the Centers for Disease Control and Prevention
5 shall be entitled to receive, shall accept, and shall
6 use to carry out the childhood lead poisoning preven-
7 tion program authorized under section 317A of the
8 Public Health Service Act (42 U.S.C. 247b–1) the
9 funds transferred under paragraph (1), without fur-
10 ther appropriation.

11 (b) HEALTHY HOMES PROGRAM.—

12 (1) IN GENERAL.—On the date of enactment of
13 this Act, out of any funds in the Treasury not other-
14 wise appropriated, the Secretary of the Treasury
15 shall transfer to the Secretary of Housing and
16 Urban Development, to be available during the pe-
17 riod of fiscal years 2017 and 2018, \$10,000,000 to
18 carry out the Healthy Homes Initiative of the De-
19 partment of Housing and Urban Development.

20 (2) RECEIPT AND ACCEPTANCE.—The Sec-
21 retary of Housing and Urban Development shall be
22 entitled to receive, shall accept, and shall use to
23 carry out the Healthy Homes Initiative of the De-
24 partment of Housing and Urban Development the

1 funds transferred under paragraph (1), without fur-
2 ther appropriation.

3 (c) HEALTHY START PROGRAM.—

4 (1) IN GENERAL.—On the date of enactment of
5 this Act, out of any funds in the Treasury not other-
6 wise appropriated, the Secretary of the Treasury
7 shall transfer to the Administrator of the Health Re-
8 sources and Services Administration, to be available
9 during the period of fiscal years 2017 and 2018,
10 \$10,000,000 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).

13 (2) RECEIPT AND ACCEPTANCE.—The Adminis-
14 trator of the Health Resources and Services Admin-
15 istration shall be entitled to receive, shall accept,
16 and shall use to carry out the Healthy Start Initia-
17 tive under section 330H of the Public Health Serv-
18 ice Act (42 U.S.C. 254c–8) the funds transferred
19 under paragraph (1), without further appropriation.

20 **SEC. 7405. REVIEW AND REPORT.**

21 (a) IN GENERAL.—Not later than 1 year after the
22 date of enactment of this Act, the Attorney General and
23 the Inspector General of the Environmental Protection
24 Agency shall submit to the Committees on Appropriations,
25 Environment and Public Works, and Homeland Security

1 and Governmental Affairs of the Senate and the Commit-
2 tees on Appropriations, Energy and Commerce, Transpor-
3 tation and Infrastructure, and Oversight and Government
4 Reform of the House of Representatives a report on the
5 status of any ongoing investigations into the Federal and
6 State response to the contamination of the drinking water
7 supply of the City of Flint, Michigan.

8 (b) REVIEW.—Not later than 30 days after the com-
9 pletion of the investigations described in subsection (a),
10 the Comptroller General of the United States shall com-
11 mence a review of issues that are not addressed by the
12 investigations and relating to—

13 (1) the adequacy of the response by the State
14 of Michigan and the City of Flint to the drinking
15 water crisis in Flint, Michigan, including the timeli-
16 ness and transparency of the response, as well as the
17 capacity of the State and City to manage the drink-
18 ing water system; and

19 (2) the adequacy of the response by Region 5
20 of the Environmental Protection Agency to the
21 drinking water crisis in Flint, Michigan, including
22 the timeliness and transparency of the response.

23 (c) CONTENTS OF REPORT.—Not later than 1 year
24 after commencing each review under subsection (b), the

1 Comptroller General of the United States shall submit to
2 Congress a report that includes—

3 (1) a statement of the principal findings of the
4 review; and

5 (2) recommendations for Congress and the
6 President to take any actions to prevent a similar
7 situation in the future and to protect public health.

8 **Subtitle E—Report on**
9 **Groundwater Contamination**

10 **SEC. 7501. DEFINITIONS.**

11 In this subtitle:

12 (1) **COMPREHENSIVE STRATEGY.**—The term
13 “comprehensive strategy” means a plan for—

14 (A) the remediation of the plume under the
15 Comprehensive Environmental Response, Com-
16 pensation, and Liability Act of 1980 (42 U.S.C.
17 9601 et seq.); or

18 (B) corrective action under the Solid
19 Waste Disposal Act (42 U.S.C. 6901 et seq.).

20 (2) **GROUNDWATER.**—The term “groundwater”
21 means water in a saturated zone or stratum beneath
22 the surface of land or water.

23 (3) **PLUME.**—The term “plume” means any
24 hazardous waste (as defined in section 1004 of the
25 Solid Waste Disposal Act (42 U.S.C. 6903)) or haz-

1 ardous substance (as defined in section 101 of the
2 Comprehensive Environmental Response, Compensa-
3 tion, and Liability Act of 1980 (42 U.S.C. 9601))
4 found in the groundwater supply.

5 (4) SITE.—The term “site” means the site lo-
6 cated at 830 South Oyster Bay Road, Bethpage,
7 New York, 11714 (Environmental Protection Agency
8 identification number NYD002047967).

9 **SEC. 7502. REPORT ON GROUNDWATER CONTAMINATION.**

10 Not later than 180 days after the date of enactment
11 of this Act and annually thereafter, the Secretary of the
12 Navy shall submit to Congress a report on the ground-
13 water contamination from the site that includes—

14 (1) a description of the status of the ground-
15 water contaminants that are leaving the site and mi-
16 grating to a location within a 10-mile radius of the
17 site, including—

18 (A) detailed mapping of the movement of
19 the plume over time; and

20 (B) projected migration rates of the plume;

21 (2) an analysis of the current and future im-
22 pact of the movement of the plume on drinking
23 water facilities; and

24 (3) a comprehensive strategy to prevent the
25 groundwater contaminants from the site from con-

1 taminating drinking water wells that, as of the date
2 of the submission of the report, have not been af-
3 fected by the migration of the plume.

4 **Subtitle F—Restoration**

5 **PART I—GREAT LAKES RESTORATION**

6 **SEC. 7611. GREAT LAKES RESTORATION INITIATIVE.**

7 Section 118(c) of the Federal Water Pollution Con-
8 trol Act (33 U.S.C. 1268(c)) is amended by striking para-
9 graph (7) and inserting the following:

10 “(7) GREAT LAKES RESTORATION INITIA-
11 TIVE.—

12 “(A) ESTABLISHMENT.—There is estab-
13 lished in the Agency a Great Lakes Restoration
14 Initiative (referred to in this paragraph as the
15 ‘Initiative’) to carry out programs and projects
16 for Great Lakes protection and restoration.

17 “(B) FOCUS AREAS.—Each fiscal year
18 under a 5-year Initiative Action Plan, the Ini-
19 tiative shall prioritize programs and projects,
20 carried out in coordination with non-Federal
21 partners, that address priority areas, such as—

22 “(i) the remediation of toxic sub-
23 stances and areas of concern;

1 “(ii) the prevention and control of
2 invasive species and the impacts of invasive
3 species;

4 “(iii) the protection and restoration of
5 nearshore health and the prevention and
6 mitigation of nonpoint source pollution;

7 “(iv) habitat and wildlife protection
8 and restoration, including wetlands res-
9 toration and preservation; and

10 “(v) accountability, monitoring, eval-
11 uation, communication, and partnership
12 activities.

13 “(C) PROJECTS.—Under the Initiative, the
14 Agency shall collaborate with Federal partners,
15 including the Great Lakes Interagency Task
16 Force, to select the best combination of pro-
17 grams and projects for Great Lakes protection
18 and restoration using appropriate principles
19 and criteria, including whether a program or
20 project provides—

21 “(i) the ability to achieve strategic
22 and measurable environmental outcomes
23 that implement the Great Lakes Action
24 Plan and the Great Lakes Water Quality
25 Agreement;

1 “(ii) the feasibility of—

2 “(I) prompt implementation;

3 “(II) timely achievement of re-
4 sults; and

5 “(III) resource leveraging; and

6 “(iii) the opportunity to improve
7 interagency and inter-organizational co-
8 ordination and collaboration to reduce du-
9 plication and streamline efforts.

10 “(D) IMPLEMENTATION OF PROJECTS.—

11 “(i) IN GENERAL.—Subject to sub-
12 paragraph (G)(ii), funds made available to
13 carry out the Initiative shall be used to
14 strategically implement—

15 “(I) Federal projects; and

16 “(II) projects carried out in co-
17 ordination with States, Indian tribes,
18 municipalities, institutions of higher
19 education, and other organizations.

20 “(ii) TRANSFER OF FUNDS.—With
21 amounts made available for the Initiative
22 each fiscal year, the Administrator may—

23 “(I) transfer not more than
24 \$300,000,000 to the head of any Fed-
25 eral department or agency, with the

1 concurrence of the department or
2 agency head, to carry out activities to
3 support the Initiative and the Great
4 Lakes Water Quality Agreement;

5 “(II) enter into an interagency
6 agreement with the head of any Fed-
7 eral department or agency to carry
8 out activities described in subclause
9 (I); and

10 “(III) make grants to govern-
11 mental entities, nonprofit organiza-
12 tions, institutions, and individuals for
13 planning, research, monitoring, out-
14 reach, and implementation of projects
15 in furtherance of the Initiative and
16 the Great Lakes Water Quality Agree-
17 ment.

18 “(E) SCOPE.—

19 “(i) IN GENERAL.—Projects shall be
20 carried out under the Initiative on multiple
21 levels, including—

22 “(I) Great Lakes-wide; and

23 “(II) Great Lakes basin-wide.

24 “(ii) LIMITATION.—No funds made
25 available to carry out the Initiative may be

1 used for any water infrastructure activity
2 (other than a green infrastructure project
3 that improves habitat and other ecosystem
4 functions in the Great Lakes) for which
5 amounts are made available from—

6 “(I) a State water pollution con-
7 trol revolving fund established under
8 title VI; or

9 “(II) a State drinking water re-
10 volving loan fund established under
11 section 1452 of the Safe Drinking
12 Water Act (42 U.S.C. 300j–12).

13 “(F) ACTIVITIES BY OTHER FEDERAL
14 AGENCIES.—Each relevant Federal department
15 or agency shall, to the maximum extent prac-
16 ticable—

17 “(i) maintain the base level of funding
18 for the Great Lakes activities of that de-
19 partment or agency without regard to
20 funding under the Initiative; and

21 “(ii) identify new activities and
22 projects to support the environmental goals
23 of the Initiative and the Great Lakes
24 Water Quality Agreement.

25 “(G) FUNDING.—

1 “(i) IN GENERAL.—There is author-
2 ized to be appropriated to carry out this
3 paragraph \$300,000,000 for each of fiscal
4 years 2017 through 2021.

5 “(ii) LIMITATION.—Nothing in this
6 paragraph creates, expands, or amends the
7 authority of the Administrator to imple-
8 ment programs or projects under—

9 “(I) this section;

10 “(II) the Initiative Action Plan;

11 or

12 “(III) the Great Lakes Water
13 Quality Agreement.”.

14 **SEC. 7612. AMENDMENTS TO THE GREAT LAKES FISH AND**
15 **WILDLIFE RESTORATION ACT OF 1990.**

16 (a) REFERENCES.—Except as otherwise expressly
17 provided, wherever in this section an amendment is ex-
18 pressed in terms of an amendment to a section or other
19 provision, the reference shall be considered to be made to
20 a section or other provision of the Great Lakes Fish and
21 Wildlife Restoration Act of 1990 (16 U.S.C. 941 et seq.).

22 (b) FINDINGS.—The Act is amended by striking sec-
23 tion 1002 and inserting the following:

24 **“SEC. 1002. FINDINGS.**

25 “Congress finds that—

1 “(1) the Great Lakes have fish and wildlife
2 communities that are structurally and functionally
3 changing;

4 “(2) successful fish and wildlife management
5 focuses on the lakes as ecosystems, and effective
6 management requires the coordination and integra-
7 tion of efforts of many partners;

8 “(3) it is in the national interest to undertake
9 activities in the Great Lakes Basin that support sus-
10 tainable fish and wildlife resources of common con-
11 cern provided under the Great Lakes Restoration
12 Initiative Action Plan based on the recommendations
13 of the Great Lakes Regional Collaboration author-
14 ized under Executive Order 13340 (69 Fed. Reg.
15 29043; relating to the Great Lakes Interagency
16 Task Force);

17 “(4) additional actions and better coordination
18 are needed to protect and effectively manage the fish
19 and wildlife resources, and the habitats on which the
20 resources depend, in the Great Lakes Basin;

21 “(5) as of the date of enactment of this Act, ac-
22 tions are not funded that are considered essential to
23 meet the goals and objectives in managing the fish
24 and wildlife resources, and the habitats on which the
25 resources depend, in the Great Lakes Basin; and

1 percent of the cost of implementing a pro-
2 posal” and inserting the following:

3 “(A) NON-FEDERAL SHARE.—Except as
4 provided in paragraphs (3) and (5) and subject
5 to paragraph (2), not less than 25 percent of
6 the cost of implementing a proposal or regional
7 project”; and

8 (ii) by adding at the end the fol-
9 lowing:

10 “(B) TIME PERIOD FOR PROVIDING
11 MATCH.—The non-Federal share of the cost of
12 implementing a proposal or regional project re-
13 quired under subparagraph (A) may be pro-
14 vided at any time during the 2-year period pre-
15 ceding January 1 of the year in which the Di-
16 rector receives the application for the proposal
17 or regional project.”;

18 (B) by redesignating paragraphs (2)
19 through (4) as paragraphs (3) through (5), re-
20 spectively; and

21 (C) by inserting before paragraph (3) (as
22 so redesignated) the following:

23 “(2) AUTHORIZED SOURCES OF NON-FEDERAL
24 SHARE.—

1 “(A) IN GENERAL.—The Director may de-
2 termine the non-Federal share under paragraph
3 (1) by taking into account—

4 “(i) the appraised value of land or a
5 conservation easement as described in sub-
6 paragraph (B); or

7 “(ii) as described in subparagraph
8 (C), the costs associated with—

9 “(I) land acquisition or securing
10 a conservation easement; and

11 “(II) restoration or enhancement
12 of that land or conservation easement.

13 “(B) APPRAISAL OF LAND OR CONSERVA-
14 TION EASEMENT.—

15 “(i) IN GENERAL.—The value of land
16 or a conservation easement may be used to
17 satisfy the non-Federal share of the cost of
18 implementing a proposal or regional
19 project required under paragraph (1)(A) if
20 the Director determines that the land or
21 conservation easement—

22 “(I) meets the requirements of
23 subsection (b)(2);

1 “(II) is acquired before the end
2 of the grant period of the proposal or
3 regional project;

4 “(III) is held in perpetuity for
5 the conservation purposes of the pro-
6 grams of the United States Fish and
7 Wildlife Service related to the Great
8 Lakes Basin, as described in section
9 1006, by an accredited land trust or
10 conservancy or a Federal, State, or
11 tribal agency;

12 “(IV) is connected either phys-
13 ically or through a conservation plan-
14 ning process to the proposal or re-
15 gional project; and

16 “(V) is appraised in accordance
17 with clause (ii).

18 “(ii) APPRAISAL.—With respect to the
19 appraisal of land or a conservation ease-
20 ment described in clause (i)—

21 “(I) the appraisal valuation date
22 shall be not later than 1 year after
23 the price of the land or conservation
24 easement was set under a contract;
25 and

1 “(II) the appraisal shall—

2 “(aa) conform to the Uni-
3 form Standards of Professional
4 Appraisal Practice (USPAP);
5 and

6 “(bb) be completed by a
7 Federal- or State-certified ap-
8 praiser.

9 “(C) COSTS OF LAND ACQUISITION OR SE-
10 CURING CONSERVATION EASEMENT.—

11 “(i) IN GENERAL.—All costs associ-
12 ated with land acquisition or securing a
13 conservation easement and restoration or
14 enhancement of that land or conservation
15 easement may be used to satisfy the non-
16 Federal share of the cost of implementing
17 a proposal or regional project required
18 under paragraph (1)(A) if the activities
19 and expenses associated with the land ac-
20 quisition or securing the conservation ease-
21 ment and restoration or enhancement of
22 that land or conservation easement meet
23 the requirements of subparagraph (B)(i).

1 “(ii) INCLUSION.—The costs referred
2 to in clause (i) may include cash, in-kind
3 contributions, and indirect costs.

4 “(iii) EXCLUSION.—The costs referred
5 to in clause (i) may not be costs associated
6 with mitigation or litigation (other than
7 costs associated with the Natural Resource
8 Damage Assessment program).”.

9 (d) ESTABLISHMENT OF OFFICES.—Section 1007
10 (16 U.S.C. 941e) is amended—

11 (1) in subsection (b)—

12 (A) in the subsection heading, by striking
13 “FISHERY RESOURCES” and inserting “FISH
14 AND WILDLIFE CONSERVATION”; and

15 (B) by striking “Fishery Resources” each
16 place it appears and inserting “Fish and Wild-
17 life Conservation”;

18 (2) in subsection (c)—

19 (A) in the subsection heading, by striking
20 “FISHERY RESOURCES” and inserting “FISH
21 AND WILDLIFE CONSERVATION”; and

22 (B) by striking “Fishery Resources” each
23 place it appears and inserting “Fish and Wild-
24 life Conservation”;

25 (3) by striking subsection (a); and

1 (4) by redesignating subsections (b) and (c) as
2 subsections (a) and (b), respectively.

3 (e) REPORTS.—Section 1008 (16 U.S.C. 941f) is
4 amended—

5 (1) in subsection (a), in the matter preceding
6 paragraph (1), by striking “2011” and inserting
7 “2021”;

8 (2) in subsection (b)—

9 (A) in the matter preceding paragraph (1),
10 by striking “2007 through 2012” and inserting
11 “2016 through 2020”; and

12 (B) in paragraph (5), by inserting “the
13 Great Lakes Restoration Initiative Action Plan
14 based on” after “in support of”; and

15 (3) by striking subsection (c) and inserting the
16 following:

17 “(c) CONTINUED MONITORING AND ASSESSMENT OF
18 STUDY FINDINGS AND RECOMMENDATIONS.—The Direc-
19 tor—

20 “(1) shall continue to monitor the status, and
21 the assessment, management, and restoration needs,
22 of the fish and wildlife resources of the Great Lakes
23 Basin; and

24 “(2) may reassess and update, as necessary, the
25 findings and recommendations of the Report.”.

1 (f) AUTHORIZATION OF APPROPRIATIONS.—Section
2 1009 (16 U.S.C. 941g) is amended—

3 (1) in the matter preceding paragraph (1), by
4 striking “2007 through 2012” and inserting “2016
5 through 2021”;

6 (2) in paragraph (1)—

7 (A) in the matter preceding subparagraph
8 (A), by striking “\$14,000,000” and inserting
9 “\$6,000,000”;

10 (B) in subparagraph (A), by striking
11 “\$4,600,000” and inserting “\$2,000,000”; and

12 (C) in subparagraph (B), by striking
13 “\$700,000” and inserting “\$300,000”; and

14 (3) in paragraph (2), by striking “the activities
15 of” and all that follows through “section 1007” and
16 inserting “the activities of the Upper Great Lakes
17 Fish and Wildlife Conservation Offices and the
18 Lower Great Lakes Fish and Wildlife Conservation
19 Office under section 1007”.

20 (g) CONFORMING AMENDMENT.—Section 8 of the
21 Great Lakes Fish and Wildlife Restoration Act of 2006
22 (16 U.S.C. 941 note; Public Law 109–326) is repealed.

1 **PART II—LAKE TAHOE RESTORATION**

2 **SEC. 7621. FINDINGS AND PURPOSES.**

3 The Lake Tahoe Restoration Act (Public Law 106–
4 506; 114 Stat. 2351) is amended by striking section 2
5 and inserting the following:

6 **“SEC. 2. FINDINGS AND PURPOSES.**

7 “(a) FINDINGS.—Congress finds that—

8 “(1) Lake Tahoe—

9 “(A) is one of the largest, deepest, and
10 clearest lakes in the world;

11 “(B) has a cobalt blue color, a biologically
12 diverse alpine setting, and remarkable water
13 clarity; and

14 “(C) is recognized nationally and world-
15 wide as a natural resource of special signifi-
16 cance;

17 “(2) in addition to being a scenic and ecological
18 treasure, the Lake Tahoe Basin is one of the out-
19 standing recreational resources of the United States,
20 which—

21 “(A) offers skiing, water sports, biking,
22 camping, and hiking to millions of visitors each
23 year; and

24 “(B) contributes significantly to the econo-
25 mies of California, Nevada, and the United
26 States;

1 “(3) the economy in the Lake Tahoe Basin is
2 dependent on the conservation and restoration of the
3 natural beauty and recreation opportunities in the
4 area;

5 “(4) the ecological health of the Lake Tahoe
6 Basin continues to be challenged by the impacts of
7 land use and transportation patterns developed in
8 the last century;

9 “(5) the alteration of wetland, wet meadows,
10 and stream zone habitat have compromised the ca-
11 pacity of the watershed to filter sediment, nutrients,
12 and pollutants before reaching Lake Tahoe;

13 “(6) forests in the Lake Tahoe Basin suffer
14 from over a century of fire damage and periodic
15 drought, which have resulted in—

16 “(A) high tree density and mortality;

17 “(B) the loss of biological diversity; and

18 “(C) a large quantity of combustible forest
19 fuels, which significantly increases the threat of
20 catastrophic fire and insect infestation;

21 “(7) the establishment of several aquatic and
22 terrestrial invasive species (including perennial
23 pepperweed, milfoil, and Asian clam) threatens the
24 ecosystem of the Lake Tahoe Basin;

1 “(8) there is an ongoing threat to the economy
2 and ecosystem of the Lake Tahoe Basin of the intro-
3 duction and establishment of other invasive species
4 (such as yellow starthistle, New Zealand mud snail,
5 Zebra mussel, and quagga mussel);

6 “(9) 78 percent of the land in the Lake Tahoe
7 Basin is administered by the Federal Government,
8 which makes it a Federal responsibility to restore ec-
9 ological health to the Lake Tahoe Basin;

10 “(10) the Federal Government has a long his-
11 tory of environmental stewardship at Lake Tahoe,
12 including—

13 “(A) congressional consent to the estab-
14 lishment of the Planning Agency with—

15 “(i) the enactment in 1969 of Public
16 Law 91–148 (83 Stat. 360); and

17 “(ii) the enactment in 1980 of Public
18 Law 96–551 (94 Stat. 3233);

19 “(B) the establishment of the Lake Tahoe
20 Basin Management Unit in 1973;

21 “(C) the enactment of Public Law 96–586
22 (94 Stat. 3381) in 1980 to provide for the ac-
23 quisition of environmentally sensitive land and
24 erosion control grants in the Lake Tahoe Basin;

1 “(D) the enactment of sections 341 and
2 342 of the Department of the Interior and Re-
3 lated Agencies Appropriations Act, 2004 (Pub-
4 lic Law 108–108; 117 Stat. 1317), which
5 amended the Southern Nevada Public Land
6 Management Act of 1998 (Public Law 105–
7 263; 112 Stat. 2346) to provide payments for
8 the environmental restoration programs under
9 this Act; and

10 “(E) the enactment of section 382 of the
11 Tax Relief and Health Care Act of 2006 (Pub-
12 lic Law 109–432; 120 Stat. 3045), which
13 amended the Southern Nevada Public Land
14 Management Act of 1998 (Public Law 105–
15 263; 112 Stat. 2346) to authorize development
16 and implementation of a comprehensive 10-year
17 hazardous fuels and fire prevention plan for the
18 Lake Tahoe Basin;

19 “(11) the Assistant Secretary was an original
20 signatory in 1997 to the Agreement of Federal De-
21 partments on Protection of the Environment and
22 Economic Health of the Lake Tahoe Basin;

23 “(12) the Chief of Engineers, under direction
24 from the Assistant Secretary, has continued to be a

1 significant contributor to Lake Tahoe Basin restora-
2 tion, including—

3 “(A) stream and wetland restoration; and

4 “(B) programmatic technical assistance;

5 “(13) at the Lake Tahoe Presidential Forum in
6 1997, the President renewed the commitment of the
7 Federal Government to Lake Tahoe by—

8 “(A) committing to increased Federal re-
9 sources for ecological restoration at Lake
10 Tahoe; and

11 “(B) establishing the Federal Interagency
12 Partnership and Federal Advisory Committee to
13 consult on natural resources issues concerning
14 the Lake Tahoe Basin;

15 “(14) at the 2011 and 2012 Lake Tahoe Fo-
16 rums, Senator Reid, Senator Feinstein, Senator
17 Heller, Senator Ensign, Governor Gibbons, Governor
18 Sandoval, and Governor Brown—

19 “(A) renewed their commitment to Lake
20 Tahoe; and

21 “(B) expressed their desire to fund the
22 Federal and State shares of the Environmental
23 Improvement Program through 2022;

24 “(15) since 1997, the Federal Government, the
25 States of California and Nevada, units of local gov-

1 ernment, and the private sector have contributed
2 more than \$1,955,500,000 to the Lake Tahoe
3 Basin, including—

4 “(A) \$635,400,000 from the Federal Gov-
5 ernment;

6 “(B) \$758,600,000 from the State of Cali-
7 fornia;

8 “(C) \$123,700,000 from the State of Ne-
9 vada;

10 “(D) \$98,900,000 from units of local gov-
11 ernment; and

12 “(E) \$338,900,000 from private interests;

13 “(16) significant additional investment from
14 Federal, State, local, and private sources is nec-
15 essary—

16 “(A) to restore and sustain the ecological
17 health of the Lake Tahoe Basin;

18 “(B) to adapt to the impacts of fluctuating
19 water temperature and precipitation; and

20 “(C) to prevent the introduction and estab-
21 lishment of invasive species in the Lake Tahoe
22 Basin; and

23 “(17) the Secretary has indicated that the Lake
24 Tahoe Basin Management Unit has the capacity for

1 at least \$10,000,000 annually for the Fire Risk Re-
2 duction and Forest Management Program.

3 “(b) PURPOSES.—The purposes of this Act are—

4 “(1) to enable the Chief of the Forest Service,
5 the Director of the United States Fish and Wildlife
6 Service, and the Administrator, in cooperation with
7 the Planning Agency and the States of California
8 and Nevada, to fund, plan, and implement signifi-
9 cant new environmental restoration activities and
10 forest management activities in the Lake Tahoe
11 Basin;

12 “(2) to ensure that Federal, State, local, re-
13 gional, tribal, and private entities continue to work
14 together to manage land in the Lake Tahoe Basin;

15 “(3) to support local governments in efforts re-
16 lated to environmental restoration, stormwater pollu-
17 tion control, fire risk reduction, and forest manage-
18 ment activities; and

19 “(4) to ensure that agency and science commu-
20 nity representatives in the Lake Tahoe Basin work
21 together—

22 “(A) to develop and implement a plan for
23 integrated monitoring, assessment, and applied
24 research to evaluate the effectiveness of the En-
25 vironmental Improvement Program; and

1 “(B) to provide objective information as a
2 basis for ongoing decisionmaking, with an em-
3 phasis on decisionmaking relating to resource
4 management in the Lake Tahoe Basin.”.

5 **SEC. 7622. DEFINITIONS.**

6 The Lake Tahoe Restoration Act (Public Law 106–
7 506; 114 Stat. 2351) is amended by striking section 3
8 and inserting the following:

9 **“SEC. 3. DEFINITIONS.**

10 “In this Act:

11 “(1) ADMINISTRATOR.—The term ‘Adminis-
12 trator’ means the Administrator of the Environ-
13 mental Protection Agency.

14 “(2) ASSISTANT SECRETARY.—The term ‘As-
15 sistant Secretary’ means the Assistant Secretary of
16 the Army for Civil Works.

17 “(3) CHAIR.—The term ‘Chair’ means the
18 Chair of the Federal Partnership.

19 “(4) COMPACT.—The term ‘Compact’ means
20 the Tahoe Regional Planning Compact included in
21 the first section of Public Law 96–551 (94 Stat.
22 3233).

23 “(5) DIRECTORS.—The term ‘Directors’
24 means—

1 “(A) the Director of the United States
2 Fish and Wildlife Service; and

3 “(B) the Director of the United States Ge-
4 ological Survey.

5 “(6) ENVIRONMENTAL IMPROVEMENT PRO-
6 GRAM.—The term ‘Environmental Improvement Pro-
7 gram’ means—

8 “(A) the Environmental Improvement Pro-
9 gram adopted by the Planning Agency; and

10 “(B) any amendments to the Program.

11 “(7) ENVIRONMENTAL THRESHOLD CARRYING
12 CAPACITY.—The term ‘environmental threshold car-
13 rying capacity’ has the meaning given the term in
14 Article II of the Compact.

15 “(8) FEDERAL PARTNERSHIP.—The term ‘Fed-
16 eral Partnership’ means the Lake Tahoe Federal
17 Interagency Partnership established by Executive
18 Order 13057 (62 Fed. Reg. 41249) (or a successor
19 Executive order).

20 “(9) FOREST MANAGEMENT ACTIVITY.—The
21 term ‘forest management activity’ includes—

22 “(A) prescribed burning for ecosystem
23 health and hazardous fuels reduction;

24 “(B) mechanical and minimum tool treat-
25 ment;

1 “(C) stream environment zone restoration
2 and other watershed and wildlife habitat en-
3 hancements;

4 “(D) nonnative invasive species manage-
5 ment; and

6 “(E) other activities consistent with Forest
7 Service practices, as the Secretary determines
8 to be appropriate.

9 “(10) MAPS.—The term ‘Maps’ means the
10 maps—

11 “(A) entitled—

12 “(i) ‘LTRA USFS-CA Land Ex-
13 change/North Shore’;

14 “(ii) ‘LTRA USFS-CA Land Ex-
15 change/West Shore’; and

16 “(iii) ‘LTRA USFS-CA Land Ex-
17 change/South Shore’; and

18 “(B) dated January 4, 2016, and on file
19 and available for public inspection in the appro-
20 priate offices of—

21 “(i) the Forest Service;

22 “(ii) the California Tahoe Conser-
23 vancy; and

24 “(iii) the California Department of
25 Parks and Recreation.

1 “(11) NATIONAL WILDLAND FIRE CODE.—The
2 term ‘national wildland fire code’ means—

3 “(A) the most recent publication of the
4 National Fire Protection Association codes
5 numbered 1141, 1142, 1143, and 1144;

6 “(B) the most recent publication of the
7 International Wildland-Urban Interface Code of
8 the International Code Council; or

9 “(C) any other code that the Secretary de-
10 termines provides the same, or better, stand-
11 ards for protection against wildland fire as a
12 code described in subparagraph (A) or (B).

13 “(12) PLANNING AGENCY.—The term ‘Planning
14 Agency’ means the Tahoe Regional Planning Agency
15 established under Public Law 91–148 (83 Stat. 360)
16 and Public Law 96–551 (94 Stat. 3233).

17 “(13) PRIORITY LIST.—The term ‘Priority List’
18 means the environmental restoration priority list de-
19 veloped under section 5(b).

20 “(14) SECRETARY.—The term ‘Secretary’
21 means the Secretary of Agriculture, acting through
22 the Chief of the Forest Service.

23 “(15) STREAM ENVIRONMENT ZONE.—The
24 term ‘Stream Environment Zone’ means an area
25 that generally owes the biological and physical char-

1 characteristics of the area to the presence of surface
2 water or groundwater.

3 “(16) TOTAL MAXIMUM DAILY LOAD.—The
4 term ‘total maximum daily load’ means the total
5 maximum daily load allocations adopted under sec-
6 tion 303(d) of the Federal Water Pollution Control
7 Act (33 U.S.C. 1313(d)).

8 “(17) WATERCRAFT.—The term ‘watercraft’
9 means motorized and non-motorized watercraft, in-
10 cluding boats, seaplanes, personal watercraft,
11 kayaks, and canoes.”.

12 **SEC. 7623. IMPROVED ADMINISTRATION OF THE LAKE**
13 **TAHOE BASIN MANAGEMENT UNIT.**

14 Section 4 of the Lake Tahoe Restoration Act (Public
15 Law 106–506; 114 Stat. 2353) is amended—

16 (1) in subsection (b)(3), by striking “basin”
17 and inserting “Basin”; and

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

19 “(c) FOREST MANAGEMENT ACTIVITIES.—

20 “(1) COORDINATION.—

21 “(A) IN GENERAL.—In conducting forest
22 management activities in the Lake Tahoe Basin
23 Management Unit, the Secretary shall, as ap-
24 propriate, coordinate with the Administrator
25 and State and local agencies and organizations,

1 including local fire departments and volunteer
2 groups.

3 “(B) GOALS.—The coordination of activi-
4 ties under subparagraph (A) should aim to in-
5 crease efficiencies and maximize the compat-
6 ibility of management practices across public
7 property boundaries.

8 “(2) MULTIPLE BENEFITS.—

9 “(A) IN GENERAL.—In conducting forest
10 management activities in the Lake Tahoe Basin
11 Management Unit, the Secretary shall conduct
12 the activities in a manner that—

13 “(i) except as provided in subpara-
14 graph (B), attains multiple ecosystem ben-
15 efits, including—

16 “(I) reducing forest fuels;

17 “(II) maintaining biological di-
18 versity;

19 “(III) improving wetland and
20 water quality, including in Stream
21 Environment Zones; and

22 “(IV) increasing resilience to
23 changing water temperature and pre-
24 cipitation; and

1 “(ii) helps achieve and maintain the
2 environmental threshold carrying capacities
3 established by the Planning Agency.

4 “(B) EXCEPTION.—Notwithstanding sub-
5 paragraph (A)(i), the attainment of multiple
6 ecosystem benefits shall not be required if the
7 Secretary determines that management for mul-
8 tiple ecosystem benefits would excessively in-
9 crease the cost of a program in relation to the
10 additional ecosystem benefits gained from the
11 management activity.

12 “(3) GROUND DISTURBANCE.—Consistent with
13 applicable Federal law and Lake Tahoe Basin Man-
14 agement Unit land and resource management plan
15 direction, the Secretary shall—

16 “(A) establish post-program ground condi-
17 tion criteria for ground disturbance caused by
18 forest management activities; and

19 “(B) provide for monitoring to ascertain
20 the attainment of the post-program conditions.

21 “(d) WITHDRAWAL OF FEDERAL LAND.—

22 “(1) IN GENERAL.—Subject to valid existing
23 rights and paragraph (2), the Federal land located
24 in the Lake Tahoe Basin Management Unit is with-
25 drawn from—

1 “(A) all forms of entry, appropriation, or
2 disposal under the public land laws;

3 “(B) location, entry, and patent under the
4 mining laws; and

5 “(C) disposition under all laws relating to
6 mineral and geothermal leasing.

7 “(2) EXCEPTIONS.—A conveyance of land shall
8 be exempt from withdrawal under this subsection if
9 carried out under—

10 “(A) this Act; or

11 “(B) Public Law 96–586 (94 Stat. 3381)
12 (commonly known as the ‘Santini-Burton Act’).

13 “(e) ENVIRONMENTAL THRESHOLD CARRYING CA-
14 PACITY.—The Lake Tahoe Basin Management Unit shall
15 support the attainment of the environmental threshold
16 carrying capacities.

17 “(f) COOPERATIVE AUTHORITIES.—During the 4 fis-
18 cal years following the date of enactment of the Water
19 Resources Development Act of 2016, the Secretary, in
20 conjunction with land adjustment programs, may enter
21 into contracts and cooperative agreements with States,
22 units of local government, and other public and private
23 entities to provide for fuel reduction, erosion control, re-
24 forestation, Stream Environment Zone restoration, and

1 similar management activities on Federal land and non-
2 Federal land within the programs.”.

3 **SEC. 7624. AUTHORIZED PROGRAMS.**

4 The Lake Tahoe Restoration Act (Public Law 106–
5 506; 114 Stat. 2351) is amended by striking section 5
6 and inserting the following:

7 **“SEC. 5. AUTHORIZED PROGRAMS.**

8 “(a) IN GENERAL.—The Secretary, the Assistant
9 Secretary, the Directors, and the Administrator, in coordi-
10 nation with the Planning Agency and the States of Cali-
11 fornia and Nevada, may carry out or provide financial as-
12 sistance to any program that—

13 “(1) is described in subsection (d);

14 “(2) is included in the Priority List under sub-
15 section (b); and

16 “(3) furthers the purposes of the Environ-
17 mental Improvement Program if the program has
18 been subject to environmental review and approval,
19 respectively, as required under Federal law, Article
20 VII of the Compact, and State law, as applicable.

21 “(b) PRIORITY LIST.—

22 “(1) DEADLINE.—Not later than March 15 of
23 the year after the date of enactment of the Water
24 Resources Development Act of 2016, the Chair, in
25 consultation with the Secretary, the Administrator,

1 the Directors, the Planning Agency, the States of
2 California and Nevada, the Federal Partnership, the
3 Washoe Tribe, the Lake Tahoe Federal Advisory
4 Committee, and the Tahoe Science Consortium (or a
5 successor organization) shall submit to Congress a
6 prioritized Environmental Improvement Program list
7 for the Lake Tahoe Basin for the program cat-
8 egories described in subsection (d).

9 “(2) CRITERIA.—The ranking of the Priority
10 List shall be based on the best available science and
11 the following criteria:

12 “(A) The 4-year threshold carrying capac-
13 ity evaluation.

14 “(B) The ability to measure progress or
15 success of the program.

16 “(C) The potential to significantly con-
17 tribute to the achievement and maintenance of
18 the environmental threshold carrying capacities
19 identified in Article II of the Compact.

20 “(D) The ability of a program to provide
21 multiple benefits.

22 “(E) The ability of a program to leverage
23 non-Federal contributions.

24 “(F) Stakeholder support for the program.

25 “(G) The justification of Federal interest.

1 “(H) Agency priority.

2 “(I) Agency capacity.

3 “(J) Cost-effectiveness.

4 “(K) Federal funding history.

5 “(3) REVISIONS.—The Priority List submitted
6 under paragraph (1) shall be revised every 2 years.

7 “(4) FUNDING.—Of the amounts made avail-
8 able under section 10(a), \$80,000,000 shall be made
9 available to the Secretary to carry out projects listed
10 on the Priority List.

11 “(c) RESTRICTION.—The Administrator shall use not
12 more than 3 percent of the funds provided under sub-
13 section (a) for administering the programs described in
14 paragraphs (1) and (2) of subsection (d).

15 “(d) DESCRIPTION OF ACTIVITIES.—

16 “(1) FIRE RISK REDUCTION AND FOREST MAN-
17 AGEMENT.—

18 “(A) IN GENERAL.—Of the amounts made
19 available under section 10(a), \$150,000,000
20 shall be made available to the Secretary to
21 carry out, including by making grants, the fol-
22 lowing programs:

23 “(i) Programs identified as part of the
24 Lake Tahoe Basin Multi-Jurisdictional

1 Fuel Reduction and Wildfire Prevention
2 Strategy 10-Year Plan.

3 “(ii) Competitive grants for fuels work
4 to be awarded by the Secretary to commu-
5 nities that have adopted national wildland
6 fire codes to implement the applicable por-
7 tion of the 10-year plan described in clause
8 (i).

9 “(iii) Biomass programs, including
10 feasibility assessments.

11 “(iv) Angora Fire Restoration under
12 the jurisdiction of the Secretary.

13 “(v) Washoe Tribe programs on tribal
14 lands within the Lake Tahoe Basin.

15 “(vi) Development of an updated
16 Lake Tahoe Basin multijurisdictional fuel
17 reduction and wildfire prevention strategy,
18 consistent with section 4(c).

19 “(vii) Development of updated com-
20 munity wildfire protection plans by local
21 fire districts.

22 “(viii) Municipal water infrastructure
23 that significantly improves the firefighting
24 capability of local government within the
25 Lake Tahoe Basin.

1 “(ix) Stewardship end result con-
2 tracting projects carried out under section
3 604 of the Healthy Forests Restoration
4 Act of 2003 (16 U.S.C. 6591e).

5 “(B) MINIMUM ALLOCATION.—Of the
6 amounts made available to the Secretary to
7 carry out subparagraph (A), at least
8 \$100,000,000 shall be used by the Secretary for
9 programs under subparagraph (A)(i).

10 “(C) PRIORITY.—Units of local govern-
11 ment that have dedicated funding for inspec-
12 tions and enforcement of defensible space regu-
13 lations shall be given priority for amounts pro-
14 vided under this paragraph.

15 “(D) COST-SHARING REQUIREMENTS.—

16 “(i) IN GENERAL.—As a condition on
17 the receipt of funds, communities or local
18 fire districts that receive funds under this
19 paragraph shall provide a 25-percent
20 match.

21 “(ii) FORM OF NON-FEDERAL
22 SHARE.—

23 “(I) IN GENERAL.—The non-
24 Federal share required under clause
25 (i) may be in the form of cash con-

1 tributions or in-kind contributions, in-
2 cluding providing labor, equipment,
3 supplies, space, and other operational
4 needs.

5 “(II) CREDIT FOR CERTAIN
6 DEDICATED FUNDING.—There shall
7 be credited toward the non-Federal
8 share required under clause (i) any
9 dedicated funding of the communities
10 or local fire districts for a fuels reduc-
11 tion management program, defensible
12 space inspections, or dooryard chip-
13 ping.

14 “(III) DOCUMENTATION.—Com-
15 munities and local fire districts
16 shall—

17 “(aa) maintain a record of
18 in-kind contributions that de-
19 scribes—

20 “(AA) the monetary
21 value of the in-kind con-
22 tributions; and

23 “(BB) the manner in
24 which the in-kind contribu-
25 tions assist in accomplishing

1 program goals and objec-
2 tives; and

3 “(bb) document in all re-
4 quests for Federal funding, and
5 include in the total program
6 budget, evidence of the commit-
7 ment to provide the non-Federal
8 share through in-kind contribu-
9 tions.

10 “(2) INVASIVE SPECIES MANAGEMENT.—

11 “(A) IN GENERAL.—Of the amounts made
12 available under section 10(a), \$45,000,000 shall
13 be made available to the Director of the United
14 States Fish and Wildlife Service for the Aquatic
15 Invasive Species Program and the watercraft
16 inspections described in subparagraph (B).

17 “(B) DESCRIPTION OF ACTIVITIES.—The
18 Director of the United States Fish and Wildlife
19 Service, in coordination with the Assistant Sec-
20 retary, the Planning Agency, the California De-
21 partment of Fish and Wildlife, and the Nevada
22 Department of Wildlife, shall deploy strategies
23 consistent with the Lake Tahoe Aquatic
24 Invasive Species Management Plan to prevent

1 the introduction or spread of aquatic invasive
2 species in the Lake Tahoe region.

3 “(C) CRITERIA.—The strategies referred
4 to in subparagraph (B) shall provide that—

5 “(i) combined inspection and decon-
6 tamination stations be established and op-
7 erated at not less than 2 locations in the
8 Lake Tahoe region; and

9 “(ii) watercraft not be allowed to
10 launch in waters of the Lake Tahoe region
11 if the watercraft has not been inspected in
12 accordance with the Lake Tahoe Aquatic
13 Invasive Species Management Plan.

14 “(D) CERTIFICATION.—The Planning
15 Agency may certify State and local agencies to
16 perform the decontamination activities de-
17 scribed in subparagraph (C)(i) at locations out-
18 side the Lake Tahoe Basin if standards at the
19 sites meet or exceed standards for similar sites
20 in the Lake Tahoe Basin established under this
21 paragraph.

22 “(E) APPLICABILITY.—The strategies and
23 criteria developed under this paragraph shall
24 apply to all watercraft to be launched on water
25 within the Lake Tahoe region.

1 “(F) FEES.—The Director of the United
2 States Fish and Wildlife Service may collect
3 and spend fees for decontamination only at a
4 level sufficient to cover the costs of operation of
5 inspection and decontamination stations under
6 this paragraph.

7 “(G) CIVIL PENALTIES.—

8 “(i) IN GENERAL.—Any person that
9 launches, attempts to launch, or facilitates
10 launching of watercraft not in compliance
11 with strategies deployed under this para-
12 graph shall be liable for a civil penalty in
13 an amount not to exceed \$1,000 per viola-
14 tion.

15 “(ii) OTHER AUTHORITIES.—Any pen-
16 alties assessed under this subparagraph
17 shall be separate from penalties assessed
18 under any other authority.

19 “(H) LIMITATION.—The strategies and
20 criteria under subparagraphs (B) and (C), re-
21 spectively, may be modified if the Secretary of
22 the Interior, in a nondelegable capacity and in
23 consultation with the Planning Agency and
24 State governments, issues a determination that
25 alternative measures will be no less effective at

1 preventing introduction of aquatic invasive spe-
2 cies into Lake Tahoe than the strategies and
3 criteria developed under subparagraphs (B) and
4 (C), respectively.

5 “(I) SUPPLEMENTAL AUTHORITY.—The
6 authority under this paragraph is supplemental
7 to all actions taken by non-Federal regulatory
8 authorities.

9 “(J) SAVINGS CLAUSE.—Nothing in this
10 title restricts, affects, or amends any other law
11 or the authority of any department, instrumen-
12 tality, or agency of the United States, or any
13 State or political subdivision thereof, respecting
14 the control of invasive species.

15 “(3) STORMWATER MANAGEMENT, EROSION
16 CONTROL, AND TOTAL WATERSHED RESTORATION.—
17 Of the amounts made available under section 10(a),
18 \$113,000,000 shall be made available—

19 “(A) to the Secretary, the Secretary of the
20 Interior, the Assistant Secretary, or the Admin-
21 istrator for the Federal share of stormwater
22 management and related programs consistent
23 with the adopted Total Maximum Daily Load
24 and near-shore water quality goals;

1 “(B) for grants by the Secretary and the
2 Administrator to carry out the programs de-
3 scribed in subparagraph (A);

4 “(C) to the Secretary or the Assistant Sec-
5 retary for the Federal share of the Upper
6 Truckee River restoration programs and other
7 watershed restoration programs identified in
8 the Priority List established under section 5(b);
9 and

10 “(D) for grants by the Administrator to
11 carry out the programs described in subpara-
12 graph (C).

13 “(4) SPECIAL STATUS SPECIES MANAGE-
14 MENT.—Of the amounts made available under sec-
15 tion 10(a), \$20,000,000 shall be made available to
16 the Director of the United States Fish and Wildlife
17 Service for the Lahontan Cutthroat Trout Recovery
18 Program.”.

19 **SEC. 7625. PROGRAM PERFORMANCE AND ACCOUNT-**
20 **ABILITY.**

21 The Lake Tahoe Restoration Act (Public Law 106–
22 506; 114 Stat. 2351) is amended by striking section 6
23 and inserting the following:

1 **“SEC. 6. PROGRAM PERFORMANCE AND ACCOUNTABILITY.**

2 “(a) PROGRAM PERFORMANCE AND ACCOUNT-
3 ABILITY.—

4 “(1) IN GENERAL.—Of the amounts made
5 available under section 10(a), not less than
6 \$5,000,000 shall be made available to the Secretary
7 to carry out this section.

8 “(2) PLANNING AGENCY.—Of the amounts de-
9 scribed in paragraph (1), not less than 50 percent
10 shall be made available to the Planning Agency to
11 carry out the program oversight and coordination
12 activities established under subsection (d).

13 “(b) CONSULTATION.—In carrying out this Act, the
14 Secretary, the Administrator, and the Directors shall, as
15 appropriate and in a timely manner, consult with the
16 heads of the Washoe Tribe, applicable Federal, State, re-
17 gional, and local governmental agencies, and the Lake
18 Tahoe Federal Advisory Committee.

19 “(c) CORPS OF ENGINEERS; INTERAGENCY AGREE-
20 MENTS.—

21 “(1) IN GENERAL.—The Assistant Secretary
22 may enter into interagency agreements with non-
23 Federal interests in the Lake Tahoe Basin to use
24 Lake Tahoe Partnership-Miscellaneous General In-
25 vestigations funds to provide programmatic technical

1 assistance for the Environmental Improvement Pro-
2 gram.

3 “(2) LOCAL COOPERATION AGREEMENTS.—

4 “(A) IN GENERAL.—Before providing tech-
5 nical assistance under this section, the Assist-
6 ant Secretary shall enter into a local coopera-
7 tion agreement with a non-Federal interest to
8 provide for the technical assistance.

9 “(B) COMPONENTS.—The agreement en-
10 tered into under subparagraph (A) shall—

11 “(i) describe the nature of the tech-
12 nical assistance;

13 “(ii) describe any legal and institu-
14 tional structures necessary to ensure the
15 effective long-term viability of the end
16 products by the non-Federal interest; and

17 “(iii) include cost-sharing provisions
18 in accordance with subparagraph (C).

19 “(C) FEDERAL SHARE.—

20 “(i) IN GENERAL.—The Federal share
21 of program costs under each local coopera-
22 tion agreement under this paragraph shall
23 be 65 percent.

1 “(ii) FORM.—The Federal share may
2 be in the form of reimbursements of pro-
3 gram costs.

4 “(iii) CREDIT.—The non-Federal in-
5 terest may receive credit toward the non-
6 Federal share for the reasonable costs of
7 related technical activities completed by
8 the non-Federal interest before entering
9 into a local cooperation agreement with the
10 Assistant Secretary under this paragraph.

11 “(d) EFFECTIVENESS EVALUATION AND MONI-
12 TORING.—In carrying out this Act, the Secretary, the Ad-
13 ministrators, and the Directors, in coordination with the
14 Planning Agency and the States of California and Nevada,
15 shall—

16 “(1) develop and implement a plan for inte-
17 grated monitoring, assessment, and applied research
18 to evaluate the effectiveness of the Environmental
19 Improvement Program;

20 “(2) include funds in each program funded
21 under this section for monitoring and assessment of
22 results at the program level; and

23 “(3) use the integrated multiagency perform-
24 ance measures established under this section.

1 “(e) REPORTING REQUIREMENTS.—Not later than
2 March 15 of each year, the Secretary, in cooperation with
3 the Chair, the Administrator, the Directors, the Planning
4 Agency, and the States of California and Nevada, con-
5 sistent with subsection (a), shall submit to Congress a re-
6 port that describes—

7 “(1) the status of all Federal, State, local, and
8 private programs authorized under this Act, includ-
9 ing to the maximum extent practicable, for programs
10 that will receive Federal funds under this Act during
11 the current or subsequent fiscal year—

12 “(A) the program scope;

13 “(B) the budget for the program; and

14 “(C) the justification for the program, con-
15 sistent with the criteria established in section
16 5(b)(2);

17 “(2) Federal, State, local, and private expendi-
18 tures in the preceding fiscal year to implement the
19 Environmental Improvement Program;

20 “(3) accomplishments in the preceding fiscal
21 year in implementing this Act in accordance with the
22 performance measures and other monitoring and as-
23 sessment activities; and

1 “(4) public education and outreach efforts un-
2 dertaken to implement programs authorized under
3 this Act.

4 “(f) ANNUAL BUDGET PLAN.—As part of the annual
5 budget of the President, the President shall submit infor-
6 mation regarding each Federal agency involved in the En-
7 vironmental Improvement Program (including the Forest
8 Service, the Environmental Protection Agency, the United
9 States Fish and Wildlife Service, the United States Geo-
10 logical Survey, and the Corps of Engineers), including—

11 “(1) an interagency crosscut budget that dis-
12 plays the proposed budget for use by each Federal
13 agency in carrying out restoration activities relating
14 to the Environmental Improvement Program for the
15 following fiscal year;

16 “(2) a detailed accounting of all amounts re-
17 ceived and obligated by Federal agencies to achieve
18 the goals of the Environmental Improvement Pro-
19 gram during the preceding fiscal year; and

20 “(3) a description of the Federal role in the
21 Environmental Improvement Program, including the
22 specific role of each agency involved in the restora-
23 tion of the Lake Tahoe Basin.”.

1 **SEC. 7626. CONFORMING AMENDMENTS; UPDATES TO RE-**
2 **LATED LAWS.**

3 (a) LAKE TAHOE RESTORATION ACT.—The Lake
4 Tahoe Restoration Act (Public Law 106–506; 114 Stat.
5 2351) is amended—

6 (1) by striking sections 8 and 9;

7 (2) by redesignating sections 10, 11, and 12 as
8 sections 8, 9, and 10, respectively; and

9 (3) in section 9 (as redesignated by paragraph
10 (2)) by inserting “, Director, or Administrator”
11 after “Secretary”.

12 (b) TAHOE REGIONAL PLANNING COMPACT.—Sub-
13 section (c) of Article V of the Tahoe Regional Planning
14 Compact (Public Law 96–551; 94 Stat. 3240) is amended
15 in the third sentence by inserting “and, in so doing, shall
16 ensure that the regional plan reflects changing economic
17 conditions and the economic effect of regulation on com-
18 merce” after “maintain the regional plan”.

19 (c) TREATMENT UNDER TITLE 49, UNITED STATES
20 CODE.—Section 5303(r)(2)(C) of title 49, United States
21 Code, is amended—

22 (1) by inserting “and 25 square miles of land
23 area” after “145,000”; and

24 (2) by inserting “and 12 square miles of land
25 area” after “65,000”.

1 **SEC. 7627. AUTHORIZATION OF APPROPRIATIONS.**

2 The Lake Tahoe Restoration Act (Public Law 106–
3 506; 114 Stat. 2351) is amended by striking section 10
4 (as redesignated by section 7626(a)(2)) and inserting the
5 following:

6 **“SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

7 “(a) AUTHORIZATION OF APPROPRIATIONS.—There
8 is authorized to be appropriated to carry out this Act
9 \$415,000,000 for a period of 10 fiscal years beginning the
10 first fiscal year after the date of enactment of the Water
11 Resources Development Act of 2016.

12 “(b) EFFECT ON OTHER FUNDS.—Amounts author-
13 ized under this section and any amendments made by this
14 Act—

15 “(1) shall be in addition to any other amounts
16 made available to the Secretary, the Administrator,
17 or the Directors for expenditure in the Lake Tahoe
18 Basin; and

19 “(2) shall not reduce allocations for other Re-
20 gions of the Forest Service, the Environmental Pro-
21 tection Agency, or the United States Fish and Wild-
22 life Service.

23 “(c) COST-SHARING REQUIREMENT.—Except as pro-
24 vided in subsection (d) and section 5(d)(1)(D), funds for
25 activities carried out under section 5 shall be available for
26 obligation on a 1-to-1 basis with funding of restoration

1 activities in the Lake Tahoe Basin by the States of Cali-
2 fornia and Nevada.

3 “(d) RELOCATION COSTS.—Notwithstanding sub-
4 section (c), the Secretary shall provide to local utility dis-
5 tricts $\frac{2}{3}$ of the costs of relocating facilities in connection
6 with—

7 “(1) environmental restoration programs under
8 sections 5 and 6; and

9 “(2) erosion control programs under section 2
10 of Public Law 96–586 (94 Stat. 3381).

11 “(e) SIGNAGE.—To the maximum extent practicable,
12 a program provided assistance under this Act shall include
13 appropriate signage at the program site that—

14 “(1) provides information to the public on—

15 “(A) the amount of Federal funds being
16 provided to the program; and

17 “(B) this Act; and

18 “(2) displays the visual identity mark of the
19 Environmental Improvement Program.”.

20 **SEC. 7628. LAND TRANSFERS TO IMPROVE MANAGEMENT**
21 **EFFICIENCIES OF FEDERAL AND STATE**
22 **LAND.**

23 Section 3(b) of Public Law 96–586 (94 Stat. 3384)
24 (commonly known as the “Santini-Burton Act”) is amend-
25 ed—

1 identified on the Maps as ‘Tahoe Con-
2 servancy to the USFS’; and

3 “(II) the approximately 183
4 acres of land administered by Cali-
5 fornia State Parks and identified on
6 the Maps as ‘Total USFS to Cali-
7 fornia’.

8 “(ii) FEDERAL LAND.—The Federal
9 land referred to in subparagraph (A) in-
10 cludes the approximately 1,995 acres of
11 Forest Service land identified on the Maps
12 as ‘U.S. Forest Service to Conservancy
13 and State Parks’.

14 “(C) CONDITIONS.—Any land conveyed
15 under this paragraph shall—

16 “(i) be for the purpose of consoli-
17 dating Federal and State ownerships and
18 improving management efficiencies;

19 “(ii) not result in any significant
20 changes in the uses of the land; and

21 “(iii) be subject to the condition that
22 the applicable deed include such terms, re-
23 strictions, covenants, conditions, and res-
24 ervations as the Secretary determines nec-
25 essary—

1 “(I) to ensure compliance with
2 this Act; and

3 “(II) to ensure that the transfer
4 of development rights associated with
5 the conveyed parcels shall not be rec-
6 ognized or available for transfer under
7 chapter 51 of the Code of Ordinances
8 for the Tahoe Regional Planning
9 Agency.

10 “(D) CONTINUATION OF SPECIAL USE
11 PERMITS.—The land conveyance under this
12 paragraph shall be subject to the condition that
13 the State of California accept all special use
14 permits applicable, as of the date of enactment
15 of the Water Resources Development Act of
16 2016, to the land described in subparagraph
17 (B)(ii) for the duration of the special use per-
18 mits, and subject to the terms and conditions of
19 the special use permits.

20 “(3) NEVADA CONVEYANCES.—

21 “(A) IN GENERAL.—In accordance with
22 this section and on request by the Governor of
23 Nevada, the Secretary may transfer the land or
24 interests in land described in subparagraph (B)
25 to the State of Nevada without consideration,

1 subject to appropriate deed restrictions to pro-
2 tect the environmental quality and public rec-
3 reational use of the land transferred.

4 “(B) DESCRIPTION OF LAND.—The land
5 referred to in subparagraph (A) includes—

6 “(i) the approximately 38.68 acres of
7 Forest Service land identified on the map
8 entitled ‘State of Nevada Conveyances’ as
9 ‘Van Sickle Unit USFS Inholding’; and

10 “(ii) the approximately 92.28 acres of
11 Forest Service land identified on the map
12 entitled ‘State of Nevada Conveyances’ as
13 ‘Lake Tahoe Nevada State Park USFS
14 Inholding’.

15 “(C) CONDITIONS.—Any land conveyed
16 under this paragraph shall—

17 “(i) be for the purpose of consoli-
18 dating Federal and State ownerships and
19 improving management efficiencies;

20 “(ii) not result in any significant
21 changes in the uses of the land; and

22 “(iii) be subject to the condition that
23 the applicable deed include such terms, re-
24 strictions, covenants, conditions, and res-

1 ervations as the Secretary determines nec-
2 essary—

3 “(I) to ensure compliance with
4 this Act; and

5 “(II) to ensure that the develop-
6 ment rights associated with the con-
7 veyed parcels shall not be recognized
8 or available for transfer under section
9 90.2 of the Code of Ordinances for
10 the Tahoe Regional Planning Agency.

11 “(D) CONTINUATION OF SPECIAL USE
12 PERMITS.—The land conveyance under this
13 paragraph shall be subject to the condition that
14 the State of Nevada accept all special use per-
15 mits applicable, as of the date of enactment of
16 the Water Resources Development Act of 2016,
17 to the land described in subparagraph (B)(ii)
18 for the duration of the special use permits, and
19 subject to the terms and conditions of the spe-
20 cial use permits.

21 “(4) AUTHORIZATION FOR CONVEYANCE OF
22 FOREST SERVICE URBAN LOTS.—

23 “(A) CONVEYANCE AUTHORITY.—Except
24 in the case of land described in paragraphs (2)
25 and (3), the Secretary of Agriculture may con-

1 vey any urban lot within the Lake Tahoe Basin
2 under the administrative jurisdiction of the
3 Forest Service.

4 “(B) CONSIDERATION.—A conveyance
5 under subparagraph (A) shall require consider-
6 ation in an amount equal to the fair market
7 value of the conveyed lot.

8 “(C) AVAILABILITY AND USE.—The pro-
9 ceeds from a conveyance under subparagraph
10 (A) shall be retained by the Secretary of Agri-
11 culture and used for—

12 “(i) purchasing inholdings throughout
13 the Lake Tahoe Basin; or

14 “(ii) providing additional funds to
15 carry out the Lake Tahoe Restoration Act
16 (Public Law 106–506; 114 Stat. 2351) in
17 excess of amounts made available under
18 section 10 of that Act.

19 “(D) OBLIGATION LIMIT.—The obligation
20 and expenditure of proceeds retained under this
21 paragraph shall be subject to such fiscal year
22 limitation as may be specified in an Act making
23 appropriations for the Forest Service for a fis-
24 cal year.

1 “(5) REVERSION.—If a parcel of land trans-
2 ferred under paragraph (2) or (3) is used in a man-
3 ner that is inconsistent with the use described for
4 the parcel of land in paragraph (2) or (3), respec-
5 tively, the parcel of land, shall, at the discretion of
6 the Secretary, revert to the United States.

7 “(6) FUNDING.—

8 “(A) IN GENERAL.—Of the amounts made
9 available under section 10(a) of the Lake Tahoe
10 Restoration Act (Public Law 106–506; 114
11 Stat. 2351), \$2,000,000 shall be made available
12 to the Secretary to carry out the activities
13 under paragraphs (2), (3), and (4).

14 “(B) OTHER FUNDS.—Of the amounts
15 available to the Secretary under paragraph (1),
16 not less than 50 percent shall be provided to
17 the California Tahoe Conservancy to facilitate
18 the conveyance of land described in paragraphs
19 (2) and (3).”.

20 **PART III—LONG ISLAND SOUND RESTORATION**

21 **SEC. 7631. RESTORATION AND STEWARDSHIP PROGRAMS.**

22 (a) LONG ISLAND SOUND RESTORATION PRO-
23 GRAM.—Section 119 of the Federal Water Pollution Con-
24 trol Act (33 U.S.C. 1269) is amended—

1 (1) in subsection (b), by striking the subsection
2 designation and heading and all that follows through
3 “The Office shall” and inserting the following:

4 “(b) OFFICE.—

5 “(1) ESTABLISHMENT.—The Administrator
6 shall—

7 “(A) continue to carry out the conference
8 study; and

9 “(B) establish an office, to be located on
10 or near Long Island Sound.

11 “(2) ADMINISTRATION AND STAFFING.—The
12 Office shall”;

13 (2) in subsection (c)—

14 (A) in the matter preceding paragraph (1),
15 by striking “Management Conference of the
16 Long Island Sound Study” and inserting “con-
17 ference study”;

18 (B) in paragraph (2)—

19 (i) in each of subparagraphs (A)
20 through (G), by striking the commas at
21 the end of the subparagraphs and inserting
22 semicolons;

23 (ii) in subparagraph (H), by striking
24 “, and” and inserting a semicolon;

1 (iii) in subparagraph (I), by striking
2 the period at the end and inserting a semi-
3 colon; and

4 (iv) by adding at the end the fol-
5 lowing:

6 “(J) environmental impacts on the Long
7 Island Sound watershed, including—

8 “(i) the identification and assessment
9 of vulnerabilities in the watershed;

10 “(ii) the development and implementa-
11 tion of adaptation strategies to reduce
12 those vulnerabilities; and

13 “(iii) the identification and assess-
14 ment of the impacts of sea level rise on
15 water quality, habitat, and infrastructure;
16 and

17 “(K) planning initiatives for Long Island
18 Sound that identify the areas that are most
19 suitable for various types or classes of activities
20 in order to reduce conflicts among uses, reduce
21 adverse environmental impacts, facilitate com-
22 patible uses, or preserve critical ecosystem serv-
23 ices to meet economic, environmental, security,
24 or social objectives;”;

1 (C) by striking paragraph (4) and insert-
2 ing the following:

3 “(4) develop and implement strategies to in-
4 crease public education and awareness with respect
5 to the ecological health and water quality conditions
6 of Long Island Sound;”;

7 (D) in paragraph (5), by inserting “study”
8 after “conference”;

9 (E) in paragraph (6)—

10 (i) by inserting “(including on the
11 Internet)” after “the public”; and

12 (ii) by inserting “study” after “con-
13 ference”; and

14 (F) by striking paragraph (7) and insert-
15 ing the following:

16 “(7) monitor the progress made toward meeting
17 the identified goals, actions, and schedules of the
18 Comprehensive Conservation and Management Plan,
19 including through the implementation and support
20 of a monitoring system for the ecological health and
21 water quality conditions of Long Island Sound;
22 and”;

23 (3) in subsection (d)(3), in the second sentence,
24 by striking “50 per centum” and inserting “60 per-
25 cent”;

1 (4) by redesignating subsection (f) as sub-
2 section (i); and

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

5 “(f) REPORT.—

6 “(1) IN GENERAL.—Not later than 2 years
7 after the date of enactment of the Water Resources
8 Development Act of 2016, and biennially thereafter,
9 the Director of the Office, in consultation with the
10 Governor of each Long Island Sound State, shall
11 submit to Congress a report that—

12 “(A) summarizes and assesses the progress
13 made by the Office and the Long Island Sound
14 States in implementing the Long Island Sound
15 Comprehensive Conservation and Management
16 Plan, including an assessment of the progress
17 made toward meeting the performance goals
18 and milestones contained in the Plan;

19 “(B) assesses the key ecological attributes
20 that reflect the health of the ecosystem of the
21 Long Island Sound watershed;

22 “(C) describes any substantive modifica-
23 tions to the Long Island Sound Comprehensive
24 Conservation and Management Plan made dur-

1 ing the 2-year period preceding the date of sub-
2 mission of the report;

3 “(D) provides specific recommendations to
4 improve progress in restoring and protecting
5 the Long Island Sound watershed, including, as
6 appropriate, proposed modifications to the Long
7 Island Sound Comprehensive Conservation and
8 Management Plan;

9 “(E) identifies priority actions for imple-
10 mentation of the Long Island Sound Com-
11 prehensive Conservation and Management Plan
12 for the 2-year period following the date of sub-
13 mission of the report; and

14 “(F) describes the means by which Federal
15 funding and actions will be coordinated with the
16 actions of the Long Island Sound States and
17 other entities.

18 “(2) PUBLIC AVAILABILITY.—The Adminis-
19 trator shall make the report described in paragraph
20 (1) available to the public, including on the Internet.

21 “(g) ANNUAL BUDGET PLAN.—The President shall
22 submit, together with the annual budget of the United
23 States Government submitted under section 1105(a) of
24 title 31, United States Code, information regarding each
25 Federal department and agency involved in the protection

1 and restoration of the Long Island Sound watershed, in-
2 cluding—

3 “(1) an interagency crosscut budget that dis-
4 plays for each department and agency—

5 “(A) the amount obligated during the pre-
6 ceding fiscal year for protection and restoration
7 projects and studies relating to the watershed;

8 “(B) the estimated budget for the current
9 fiscal year for protection and restoration
10 projects and studies relating to the watershed;
11 and

12 “(C) the proposed budget for succeeding
13 fiscal years for protection and restoration
14 projects and studies relating to the watershed;
15 and

16 “(2) a summary of any proposed modifications
17 to the Long Island Sound Comprehensive Conserva-
18 tion and Management Plan for the following fiscal
19 year.

20 “(h) FEDERAL ENTITIES.—

21 “(1) COORDINATION.—The Administrator shall
22 coordinate the actions of all Federal departments
23 and agencies that impact water quality in the Long
24 Island Sound watershed in order to improve the
25 water quality and living resources of the watershed.

1 “(2) METHODS.—In carrying out this section,
2 the Administrator, acting through the Director of
3 the Office, may—

4 “(A) enter into interagency agreements;
5 and

6 “(B) make intergovernmental personnel
7 appointments.

8 “(3) FEDERAL PARTICIPATION IN WATERSHED
9 PLANNING.—A Federal department or agency that
10 owns or occupies real property, or carries out activi-
11 ties, within the Long Island Sound watershed shall
12 participate in regional and subwatershed planning,
13 protection, and restoration activities with respect to
14 the watershed.

15 “(4) CONSISTENCY WITH COMPREHENSIVE CON-
16 SERVATION AND MANAGEMENT PLAN.—To the max-
17 imum extent practicable, the head of each Federal
18 department and agency that owns or occupies real
19 property, or carries out activities, within the Long
20 Island Sound watershed shall ensure that the prop-
21 erty and all activities carried out by the department
22 or agency are consistent with the Long Island Sound
23 Comprehensive Conservation and Management Plan
24 (including any related subsequent agreements and
25 plans).”.

1 (b) LONG ISLAND SOUND STEWARDSHIP PRO-
2 GRAM.—

3 (1) LONG ISLAND SOUND STEWARDSHIP ADVI-
4 SORY COMMITTEE.—Section 8 of the Long Island
5 Sound Stewardship Act of 2006 (33 U.S.C. 1269
6 note; Public Law 109–359) is amended—

7 (A) in subsection (g), by striking “2011”
8 and inserting “2021”; and

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

10 “(h) NONAPPLICABILITY OF FACCA.—The Federal
11 Advisory Committee Act (5 U.S.C. App.) shall not apply
12 to—

13 “(1) the Advisory Committee; or

14 “(2) any board, committee, or other group es-
15 tablished under this Act.”.

16 (2) REPORTS.—Section 9(b)(1) of the Long Is-
17 land Sound Stewardship Act of 2006 (33 U.S.C.
18 1269 note; Public Law 109–359) is amended in the
19 matter preceding subparagraph (A) by striking
20 “2011” and inserting “2021”.

21 (3) AUTHORIZATION.—Section 11 of the Long
22 Island Sound Stewardship Act of 2006 (33 U.S.C.
23 1269 note; Public Law 109–359) is amended—

24 (A) by striking subsection (a);

1 (B) by redesignating subsections (b)
2 through (d) as subsections (a) through (c), re-
3 spectively; and

4 (C) in subsection (a) (as so redesignated),
5 by striking “under this section each” and in-
6 serting “to carry out this Act for a”.

7 (4) EFFECTIVE DATE.—The amendments made
8 by this subsection take effect on October 1, 2011.

9 **SEC. 7632. REAUTHORIZATION.**

10 (a) IN GENERAL.—There are authorized to be appro-
11 priated to the Administrator such sums as are necessary
12 for each of fiscal years 2017 through 2021 for the imple-
13 mentation of—

14 (1) section 119 of the Federal Water Pollution
15 Control Act (33 U.S.C. 1269), other than subsection
16 (d) of that section; and

17 (2) the Long Island Sound Stewardship Act of
18 2006 (33 U.S.C. 1269 note; Public Law 109–359).

19 (b) LONG ISLAND SOUND GRANTS.—There is author-
20 ized to be appropriated to the Administrator to carry out
21 section 119(d) of the Federal Water Pollution Control Act
22 (33 U.S.C. 1269(d)) \$40,000,000 for each of fiscal years
23 2017 through 2021.

24 (c) LONG ISLAND SOUND STEWARDSHIP GRANTS.—
25 There is authorized to be appropriated to the Adminis-

1 trator to carry out the Long Island Sound Stewardship
2 Act of 2006 (33 U.S.C. 1269 note; Public Law 109–359)
3 \$25,000,000 for each of fiscal years 2017 through 2021.

4 **PART IV—DELAWARE RIVER BASIN**
5 **CONSERVATION**

6 **SEC. 7641. FINDINGS.**

7 Congress finds that—

8 (1) the Delaware River Basin is a national
9 treasure of great cultural, environmental, ecological,
10 and economic importance;

11 (2) the Basin contains over 12,500 square miles
12 of land in the States of Delaware, New Jersey, New
13 York, and Pennsylvania, including nearly 800 square
14 miles of bay and more than 2,000 tributary rivers
15 and streams;

16 (3) the Basin is home to more than 8,000,000
17 people who depend on the Delaware River and the
18 Delaware Bay as an economic engine, a place of
19 recreation, and a vital habitat for fish and wildlife;

20 (4) the Basin provides clean drinking water to
21 more than 15,000,000 people, including New York
22 City, which relies on the Basin for approximately
23 half of the drinking water supply of the city, and
24 Philadelphia, whose most significant threat to the
25 drinking water supply of the city is loss of forests

1 and other natural cover in the Upper Basin, accord-
2 ing to a study conducted by the Philadelphia Water
3 Department;

4 (5) the Basin contributes \$25,000,000,000 an-
5 nually in economic activity, provides
6 \$21,000,000,000 in ecosystem goods and services
7 per year, and is directly or indirectly responsible for
8 600,000 jobs with \$10,000,000,000 in annual
9 wages;

10 (6) almost 180 species of fish and wildlife are
11 considered special status species in the Basin due to
12 habitat loss and degradation, particularly sturgeon,
13 eastern oyster, horseshoe crabs, and red knots,
14 which have been identified as unique species in need
15 of habitat improvement;

16 (7) the Basin provides habitat for over 200
17 resident and migrant fish species, includes signifi-
18 cant recreational fisheries, and is an important
19 source of eastern oyster, blue crab, and the largest
20 population of the American horseshoe crab;

21 (8) the annual dockside value of commercial
22 eastern oyster fishery landings for the Delaware Es-
23 tuary is nearly \$4,000,000, making it the fourth
24 most lucrative fishery in the Delaware River Basin
25 watershed, and proven management strategies are

1 available to increase oyster habitat, abundance, and
2 harvest;

3 (9) the Delaware Bay has the second largest
4 concentration of shorebirds in North America and is
5 designated as one of the 4 most important shorebird
6 migration sites in the world;

7 (10) the Basin, 50 percent of which is forested,
8 also has over 700,000 acres of wetland, more than
9 126,000 acres of which are recognized as inter-
10 nationally important, resulting in a landscape that
11 provides essential ecosystem services, including
12 recreation, commercial, and water quality benefits;

13 (11) much of the remaining exemplary natural
14 landscape in the Basin is vulnerable to further deg-
15 radation, as the Basin gains approximately 10
16 square miles of developed land annually, and with
17 new development, urban watersheds are increasingly
18 covered by impervious surfaces, amplifying the quan-
19 tity of polluted runoff into rivers and streams;

20 (12) the Delaware River is the longest
21 undammed river east of the Mississippi; a critical
22 component of the National Wild and Scenic Rivers
23 System in the Northeast, with more than 400 miles
24 designated; home to one of the most heavily visited
25 National Park units in the United States, the Dela-

1 ware Water Gap National Recreation Area; and the
2 location of 6 National Wildlife Refuges;

3 (13) the Delaware River supports an inter-
4 nationally renowned cold water fishery in more than
5 80 miles of its northern headwaters that attracts
6 tens of thousands of visitors each year and generates
7 over \$21,000,000 in annual revenue through tourism
8 and recreational activities;

9 (14) management of water volume in the Basin
10 is critical to flood mitigation and habitat for fish
11 and wildlife, and following 3 major floods along the
12 Delaware River since 2004, the Governors of the
13 States of Delaware, New Jersey, New York, and
14 Pennsylvania have called for natural flood damage
15 reduction measures to combat the problem, including
16 restoring the function of riparian corridors;

17 (15) the Delaware River Port Complex (includ-
18 ing docking facilities in the States of Delaware, New
19 Jersey, and Pennsylvania) is one of the largest
20 freshwater ports in the world, the Port of Philadel-
21 phia handles the largest volume of international ton-
22 nage and 70 percent of the oil shipped to the East
23 Coast, and the Port of Wilmington, a full-service
24 deepwater port and marine terminal supporting
25 more than 12,000 jobs, is the busiest terminal on

1 the Delaware River, handling more than 400 vessels
2 per year with an annual import/export cargo tonnage
3 of more than 4,000,000 tons;

4 (16) the Delaware Estuary, where freshwater
5 from the Delaware River mixes with saltwater from
6 the Atlantic Ocean, is one of the largest and most
7 complex of the 28 estuaries in the National Estuary
8 Program, and the Partnership for the Delaware Es-
9 tuary works to improve the environmental health of
10 the Delaware Estuary;

11 (17) the Delaware River Basin Commission is a
12 Federal-interstate compact government agency
13 charged with overseeing a unified approach to man-
14 aging the river system and implementing important
15 water resources management projects and activities
16 throughout the Basin that are in the national inter-
17 est;

18 (18) restoration activities in the Basin are sup-
19 ported through several Federal and State agency
20 programs, and funding for those important pro-
21 grams should continue and complement the estab-
22 lishment of the Delaware River Basin Restoration
23 Program, which is intended to build on and help co-
24 ordinate restoration and protection funding mecha-

1 nisms at the Federal, State, regional, and local lev-
2 els; and

3 (19) the existing and ongoing voluntary con-
4 servation efforts in the Delaware River Basin neces-
5 sitate improved efficiency and cost effectiveness, as
6 well as increased private-sector investments and co-
7 ordination of Federal and non-Federal resources.

8 **SEC. 7642. DEFINITIONS.**

9 In this part:

10 (1) **BASIN.**—The term “Basin” means the 4-
11 State Delaware Basin region, including all of Dela-
12 ware Bay and portions of the States of Delaware,
13 New Jersey, New York, and Pennsylvania located in
14 the Delaware River watershed.

15 (2) **BASIN STATE.**—The term “Basin State”
16 means each of the States of Delaware, New Jersey,
17 New York, and Pennsylvania.

18 (3) **DIRECTOR.**—The term “Director” means
19 the Director of the United States Fish and Wildlife
20 Service.

21 (4) **FOUNDATION.**—The term “Foundation”
22 means the National Fish and Wildlife Foundation, a
23 congressionally chartered foundation established by
24 section 2 of the National Fish and Wildlife Founda-
25 tion Establishment Act (16 U.S.C. 3701).

1 (5) GRANT PROGRAM.—The term “grant pro-
2 gram” means the voluntary Delaware River Basin
3 Restoration Grant Program established under sec-
4 tion 7644.

5 (6) PROGRAM.—The term “program” means
6 the nonregulatory Delaware River Basin restoration
7 program established under section 7643.

8 (7) RESTORATION AND PROTECTION.—The
9 term “restoration and protection” means the con-
10 servation, stewardship, and enhancement of habitat
11 for fish and wildlife to preserve and improve eco-
12 systems and ecological processes on which they de-
13 pend, and for use and enjoyment by the public.

14 (8) SECRETARY.—The term “Secretary” means
15 the Secretary of the Interior, acting through the Di-
16 rector.

17 (9) SERVICE.—The term “Service” means the
18 United States Fish and Wildlife Service.

19 **SEC. 7643. PROGRAM ESTABLISHMENT.**

20 (a) ESTABLISHMENT.—Not later than 180 days after
21 the date of enactment of this Act, the Secretary shall es-
22 tablish a nonregulatory program to be known as the
23 “Delaware River Basin restoration program”.

24 (b) DUTIES.—In carrying out the program, the Sec-
25 retary shall—

1 (1) draw on existing and new management
2 plans for the Basin, or portions of the Basin, and
3 work in consultation with applicable management
4 entities, including representatives of the Partnership
5 for the Delaware Estuary, the Delaware River Basin
6 Commission, the Federal Government, and other
7 State and local governments, and regional and non-
8 profit organizations, as appropriate, to identify,
9 prioritize, and implement restoration and protection
10 activities within the Basin;

11 (2) adopt a Basinwide strategy that—

12 (A) supports the implementation of a
13 shared set of science-based restoration and pro-
14 tection activities developed in accordance with
15 paragraph (1);

16 (B) targets cost-effective projects with
17 measurable results; and

18 (C) maximizes conservation outcomes with
19 no net gain of Federal full-time equivalent em-
20 ployees; and

21 (3) establish the voluntary grant and technical
22 assistance programs in accordance with section
23 7644.

24 (c) COORDINATION.—In establishing the program,
25 the Secretary shall consult, as appropriate, with—

1 (1) the heads of Federal agencies, including—

2 (A) the Administrator;

3 (B) the Administrator of the National Oce-
4 anic and Atmospheric Administration;

5 (C) the Chief of the Natural Resources
6 Conservation Service;

7 (D) the Chief of Engineers; and

8 (E) the head of any other applicable agen-
9 cy;

10 (2) the Governors of the Basin States;

11 (3) the Partnership for the Delaware Estuary;

12 (4) the Delaware River Basin Commission;

13 (5) fish and wildlife joint venture partnerships;

14 and

15 (6) other public agencies and organizations with
16 authority for the planning and implementation of
17 conservation strategies in the Basin.

18 (d) PURPOSES.—The purposes of the program in-
19 clude—

20 (1) coordinating restoration and protection ac-
21 tivities among Federal, State, local, and regional en-
22 tities and conservation partners throughout the
23 Basin; and

1 (2) carrying out coordinated restoration and
2 protection activities, and providing for technical as-
3 sistance throughout the Basin and Basin States—

4 (A) to sustain and enhance fish and wild-
5 life habitat restoration and protection activities;

6 (B) to improve and maintain water quality
7 to support fish and wildlife, as well as the habi-
8 tats of fish and wildlife, and drinking water for
9 people;

10 (C) to sustain and enhance water manage-
11 ment for volume and flood damage mitigation
12 improvements to benefit fish and wildlife habi-
13 tat;

14 (D) to improve opportunities for public ac-
15 cess and recreation in the Basin consistent with
16 the ecological needs of fish and wildlife habitat;

17 (E) to facilitate strategic planning to maxi-
18 mize the resilience of natural systems and habi-
19 tats under changing watershed conditions;

20 (F) to engage the public through outreach,
21 education, and citizen involvement, to increase
22 capacity and support for coordinated restora-
23 tion and protection activities in the Basin;

24 (G) to increase scientific capacity to sup-
25 port the planning, monitoring, and research ac-

1 activities necessary to carry out coordinated res-
2 toration and protection activities; and

3 (H) to provide technical assistance to carry
4 out restoration and protection activities in the
5 Basin.

6 **SEC. 7644. GRANTS AND ASSISTANCE.**

7 (a) DELAWARE RIVER BASIN RESTORATION GRANT
8 PROGRAM.—To the extent that funds are available to
9 carry out this section, the Secretary shall establish a vol-
10 untary grant and technical assistance program to be
11 known as the “Delaware River Basin Restoration Grant
12 Program” to provide competitive matching grants of vary-
13 ing amounts to State and local governments, nonprofit or-
14 ganizations, institutions of higher education, and other eli-
15 gible entities to carry out activities described in section
16 7643(d).

17 (b) CRITERIA.—The Secretary, in consultation with
18 the organizations described in section 7643(c), shall de-
19 velop criteria for the grant program to help ensure that
20 activities funded under this section accomplish one or
21 more of the purposes identified in section 7643(d)(2) and
22 advance the implementation of priority actions or needs
23 identified in the Basinwide strategy adopted under section
24 7643(b)(2).

25 (c) COST SHARING.—

1 (1) FEDERAL SHARE.—The Federal share of
2 the cost of a project funded under the grant pro-
3 gram shall not exceed 50 percent of the total cost
4 of the activity, as determined by the Secretary.

5 (2) NON-FEDERAL SHARE.—The non-Federal
6 share of the cost of a project funded under the grant
7 program may be provided in cash or in the form of
8 an in-kind contribution of services or materials.

9 (d) ADMINISTRATION.—

10 (1) IN GENERAL.—The Secretary may enter
11 into an agreement to manage the grant program
12 with the National Fish and Wildlife Foundation or
13 a similar organization that offers grant management
14 services.

15 (2) FUNDING.—If the Secretary enters into an
16 agreement under paragraph (1), the organization se-
17 lected shall—

18 (A) for each fiscal year, receive amounts to
19 carry out this section in an advance payment of
20 the entire amount on October 1, or as soon as
21 practicable thereafter, of that fiscal year;

22 (B) invest and reinvest those amounts for
23 the benefit of the grant program; and

24 (C) otherwise administer the grant pro-
25 gram to support partnerships between the pub-

1 lic and private sectors in accordance with this
2 part.

3 (3) REQUIREMENTS.—If the Secretary enters
4 into an agreement with the Foundation under para-
5 graph (1), any amounts received by the Foundation
6 under this section shall be subject to the National
7 Fish and Wildlife Foundation Establishment Act (16
8 U.S.C. 3701 et seq.), excluding section 10(a) of that
9 Act (16 U.S.C. 3709(a)).

10 **SEC. 7645. ANNUAL REPORTS.**

11 Not later than 180 days after the date of enactment
12 of this Act and annually thereafter, the Secretary shall
13 submit to Congress a report on the implementation of this
14 part, including a description of each project that has re-
15 ceived funding under this part.

16 **SEC. 7646. AUTHORIZATION OF APPROPRIATIONS.**

17 (a) IN GENERAL.—There is authorized to be appro-
18 priated to the Secretary to carry out this part \$5,000,000
19 for each of fiscal years 2017 through 2022.

20 (b) USE.—Of any amount made available under this
21 section for each fiscal year, the Secretary shall use at least
22 75 percent to carry out the grant program under section
23 7644 and to provide, or provide for, technical assistance
24 under that program.

1 **PART V—COLUMBIA RIVER BASIN RESTORATION**

2 **SEC. 7651. COLUMBIA RIVER BASIN RESTORATION.**

3 Title I of the Federal Water Pollution Control Act
4 (33 U.S.C. 1251 et seq.) is amended by adding at the end
5 the following:

6 **“SEC. 123. COLUMBIA RIVER BASIN RESTORATION.**

7 “(a) DEFINITIONS.—

8 “(1) COLUMBIA RIVER BASIN.—The term ‘Co-
9 lumbia River Basin’ means the entire United States
10 portion of the Columbia River watershed.

11 “(2) ESTUARY PARTNERSHIP.—The term ‘Es-
12 tuary Partnership’ means the Lower Columbia Estu-
13 ary Partnership, an entity created by the States of
14 Oregon and Washington and the Environmental
15 Protection Agency under section 320.

16 “(3) ESTUARY PLAN.—

17 “(A) IN GENERAL.—The term ‘Estuary
18 Plan’ means the Estuary Partnership Com-
19 prehensive Conservation and Management Plan
20 adopted by the Environmental Protection Agen-
21 cy and the Governors of Oregon and Wash-
22 ington on October 20, 1999, under section 320.

23 “(B) INCLUSION.—The term ‘Estuary
24 Plan’ includes any amendments to the plan.

25 “(4) LOWER COLUMBIA RIVER ESTUARY.—The
26 term ‘Lower Columbia River Estuary’ means the

1 mainstem Columbia River from the Bonneville Dam
2 to the Pacific Ocean and tidally influenced portions
3 of tributaries to the Columbia River in that region.

4 “(5) MIDDLE AND UPPER COLUMBIA RIVER
5 BASIN.—The term ‘Middle and Upper Columbia
6 River Basin’ means the region consisting of the
7 United States portion of the Columbia River Basin
8 above Bonneville Dam.

9 “(6) PROGRAM.—The term ‘Program’ means
10 the Columbia River Basin Restoration Program es-
11 tablished under subsection (b)(1)(A).

12 “(b) COLUMBIA RIVER BASIN RESTORATION PRO-
13 GRAM.—

14 “(1) ESTABLISHMENT.—

15 “(A) IN GENERAL.—The Administrator
16 shall establish within the Environmental Protec-
17 tion Agency a Columbia River Basin Restora-
18 tion Program.

19 “(B) EFFECT.—

20 “(i) The establishment of the Pro-
21 gram does not modify any legal or regu-
22 latory authority or program in effect as of
23 the date of enactment of this section, in-
24 cluding the roles of Federal agencies in the
25 Columbia River Basin.

1 “(ii) This section does not create any
2 new regulatory authority.

3 “(2) SCOPE OF PROGRAM.—The Program shall
4 consist of a collaborative stakeholder-based program
5 for environmental protection and restoration activi-
6 ties throughout the Columbia River Basin.

7 “(3) DUTIES.—The Administrator shall—

8 “(A) assess trends in water quality, includ-
9 ing trends that affect uses of the water of the
10 Columbia River Basin;

11 “(B) collect, characterize, and assess data
12 on water quality to identify possible causes of
13 environmental problems; and

14 “(C) provide grants in accordance with
15 subsection (d) for projects that assist in—

16 “(i) eliminating or reducing pollution;

17 “(ii) cleaning up contaminated sites;

18 “(iii) improving water quality;

19 “(iv) monitoring to evaluate trends;

20 “(v) reducing runoff;

21 “(vi) protecting habitat; or

22 “(vii) promoting citizen engagement
23 or knowledge.

24 “(c) STAKEHOLDER WORKING GROUP.—

1 “(1) ESTABLISHMENT.—The Administrator
2 shall establish a Columbia River Basin Restoration
3 Working Group (referred to in this subsection as the
4 ‘Working Group’).

5 “(2) MEMBERSHIP.—

6 “(A) IN GENERAL.—Membership in the
7 Working Group shall be on a voluntary basis
8 and any person invited by the Administrator
9 under this subsection may decline membership.

10 “(B) INVITED REPRESENTATIVES.—The
11 Administrator shall invite, at a minimum, rep-
12 resentatives of—

13 “(i) each State located in whole or in
14 part within the Columbia River Basin;

15 “(ii) the Governors of each State lo-
16 cated in whole or in part with the Colum-
17 bia River Basin;

18 “(iii) each federally recognized Indian
19 tribe in the Columbia River Basin;

20 “(iv) local governments located in the
21 Columbia River Basin;

22 “(v) industries operating in the Co-
23 lumbia River Basin that affect or could af-
24 fect water quality;

1 “(vi) electric, water, and wastewater
2 utilities operating in the Columba River
3 Basin;

4 “(vii) private landowners in the Co-
5 lumbia River Basin;

6 “(viii) soil and water conservation dis-
7 tricts in the Columbia River Basin;

8 “(ix) nongovernmental organizations
9 that have a presence in the Columbia River
10 Basin;

11 “(x) the general public in the Colum-
12 bia River Basin; and

13 “(xi) the Estuary Partnership.

14 “(3) GEOGRAPHIC REPRESENTATION.—The
15 Working Group shall include representatives from—

16 “(A) each State; and

17 “(B) each of the Lower, Middle, and
18 Upper Basins of the Columbia River.

19 “(4) DUTIES AND RESPONSIBILITIES.—The
20 Working Group shall—

21 “(A) recommend and prioritize projects
22 and actions; and

23 “(B) review the progress and effectiveness
24 of projects and actions implemented.

25 “(5) LOWER COLUMBIA RIVER ESTUARY.—

1 “(A) ESTUARY PARTNERSHIP.—The Estu-
2 ary Partnership shall perform the duties and
3 fulfill the responsibilities of the Working Group
4 described in paragraph (4) as those duties and
5 responsibilities relate to the Lower Columbia
6 River Estuary for such time as the Estuary
7 Partnership is the management conference for
8 the Lower Columbia River National Estuary
9 Program under section 320.

10 “(B) DESIGNATION.—If the Estuary Part-
11 nership ceases to be the management con-
12 ference for the Lower Columbia River National
13 Estuary Program under section 320, the Ad-
14 ministrator may designate the new management
15 conference to assume the duties and responsibil-
16 ities of the Working Group described in para-
17 graph (4) as those duties and responsibilities
18 relate to the Lower Columbia River Estuary.

19 “(C) INCORPORATION.—If the Estuary
20 Partnership is removed from the National Estu-
21 ary Program, the duties and responsibilities for
22 the lower 146 miles of the Columbia River pur-
23 suant to this Act shall be incorporated into the
24 duties of the Working Group.

25 “(d) GRANTS.—

1 “(1) IN GENERAL.—The Administrator shall es-
2 tablish a voluntary, competitive Columbia River
3 Basin program to provide grants to State govern-
4 ments, tribal governments, regional water pollution
5 control agencies and entities, local government enti-
6 ties, nongovernmental entities, or soil and water con-
7 servation districts to develop or implement projects
8 authorized under this section for the purpose of en-
9 vironmental protection and restoration activities
10 throughout the Columbia River Basin.

11 “(2) FEDERAL SHARE.—

12 “(A) IN GENERAL.—Except as provided in
13 subparagraph (B), the Federal share of the cost
14 of any project or activity carried out using
15 funds from a grant provided to any person (in-
16 cluding a State, tribal, or local government or
17 interstate or regional agency) under this sub-
18 section for a fiscal year—

19 “(i) shall not exceed 75 percent of the
20 total cost of the project or activity; and

21 “(ii) shall be made on condition that
22 the non-Federal share of that total cost
23 shall be provided from non-Federal
24 sources.

1 “(B) EXCEPTIONS.—With respect to cost-
2 sharing for a grant provided under this sub-
3 section—

4 “(i) a tribal government may use Fed-
5 eral funds for the non-Federal share; and

6 “(ii) the Administrator may increase
7 the Federal share under such cir-
8 cumstances as the Administrator deter-
9 mines to be appropriate.

10 “(3) ALLOCATION.—In making grants using
11 funds appropriated to carry out this section, the Ad-
12 ministrator shall—

13 “(A) provide not less than 25 percent of
14 the funds to make grants for projects, pro-
15 grams, and studies in the Lower Columbia
16 River Estuary;

17 “(B) provide not less than 25 percent of
18 the funds to make grants for projects, pro-
19 grams, and studies in the Middle and Upper
20 Columbia River Basin, which includes the
21 Snake River Basin; and

22 “(C) retain for Environmental Protection
23 Agency not more than 5 percent of the funds
24 for purposes of implementing this section.

25 “(4) REPORTING.—

1 “(A) IN GENERAL.—Each grant recipient
2 under this subsection shall submit to the Ad-
3 ministrator reports on progress being made in
4 achieving the purposes of this section.

5 “(B) REQUIREMENTS.—The Administrator
6 shall establish requirements and timelines for
7 recipients of grants under this subsection to re-
8 port on progress made in achieving the pur-
9 poses of this section.

10 “(5) RELATIONSHIP TO OTHER FUNDING.—

11 “(A) IN GENERAL.—Nothing in this sub-
12 section limits the eligibility of the Estuary Part-
13 nership to receive funding under section 320(g).

14 “(B) LIMITATION.—None of the funds
15 made available under this subsection may be
16 used for the administration of a management
17 conference under section 320.

18 “(e) ANNUAL BUDGET PLAN.—The President, as
19 part of the annual budget submission of the President to
20 Congress under section 1105(a) of title 31, United States
21 Code, shall submit information regarding each Federal
22 agency involved in protection and restoration of the Co-
23 lumbia River Basin, including an interagency crosscut
24 budget that displays for each Federal agency—

1 “(1) the amounts obligated for the preceding
2 fiscal year for protection and restoration projects,
3 programs, and studies relating to the Columbia
4 River Basin;

5 “(2) the estimated budget for the current fiscal
6 year for protection and restoration projects, pro-
7 grams, and studies relating to the Columbia River
8 Basin; and

9 “(3) the proposed budget for protection and
10 restoration projects, programs, and studies relating
11 to the Columbia River Basin.”.

12 **Subtitle G—Innovative Water In-**
13 **frastructure Workforce Develop-**
14 **ment**

15 **SEC. 7701. INNOVATIVE WATER INFRASTRUCTURE WORK-**
16 **FORCE DEVELOPMENT PROGRAM.**

17 (a) GRANTS AUTHORIZED.—The Administrator shall
18 establish a competitive grant program to assist the devel-
19 opment of innovative activities relating to workforce devel-
20 opment in the water utility sector.

21 (b) SELECTION OF GRANT RECIPIENTS.—In award-
22 ing grants under subsection (a), the Administrator shall,
23 to the maximum extent practicable, select water utilities
24 that—

25 (1) are geographically diverse;

1 (2) address the workforce and human resources
2 needs of large and small public water and waste-
3 water utilities;

4 (3) address the workforce and human resources
5 needs of urban and rural public water and waste-
6 water utilities;

7 (4) advance training relating to construction,
8 utility operations, treatment and distribution, green
9 infrastructure, customer service, maintenance, and
10 engineering; and

11 (5)(A) have a high retiring workforce rate; or

12 (B) are located in areas with a high unemploy-
13 ment rate.

14 (c) USE OF FUNDS.—Grants awarded under sub-
15 section (a) may be used for activities such as—

16 (1) targeted internship, apprenticeship,
17 preapprenticeship, and post-secondary bridge pro-
18 grams for mission-critical skilled trades, in collabo-
19 ration with labor organizations, community colleges,
20 and other training and education institutions that
21 provide—

22 (A) on-the-job training;

23 (B) soft and hard skills development;

24 (C) test preparation for skilled trade ap-
25 prenticeships; or

1 (D) other support services to facilitate
2 post-secondary success;

3 (2) kindergarten through 12th grade and young
4 adult education programs that—

5 (A) educate young people about the role of
6 water and wastewater utilities in the commu-
7 nities of the young people;

8 (B) increase the career awareness and ex-
9 posure of the young people to water utility ca-
10 reers through various work-based learning op-
11 portunities inside and outside the classroom;
12 and

13 (C) connect young people to post-secondary
14 career pathways related to water utilities;

15 (3) regional industry and workforce develop-
16 ment collaborations to identify water utility employ-
17 ment needs, map existing career pathways, support
18 the development of curricula, facilitate the sharing
19 of resources, and coordinate candidate development,
20 staff preparedness efforts, and activities that engage
21 and support—

22 (A) water utilities employers;

23 (B) educational and training institutions;

24 (C) local community-based organizations;

25 (D) public workforce agencies; and

1 (E) other related stakeholders;

2 (4) integrated learning laboratories embedded
3 in high schools or other secondary educational insti-
4 tutions that provide students with—

5 (A) hands-on, contextualized learning op-
6 portunities;

7 (B) dual enrollment credit for post-sec-
8 ondary education and training programs; and

9 (C) direct connection to industry employ-
10 ers; and

11 (5) leadership development, occupational train-
12 ing, mentoring, or cross-training programs that en-
13 sure that incumbent water and wastewater utilities
14 workers are prepared for higher-level supervisory or
15 management-level positions.

16 **Subtitle H—Offset**

17 **SEC. 7801. OFFSET.**

18 None of the funds available to the Secretary of En-
19 ergy to provide any credit subsidy under subsection (d)
20 of section 136 of the Energy Independence and Security
21 Act of 2007 (42 U.S.C. 17013) as of the date of enact-
22 ment of this Act shall be obligated for new loan commit-
23 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 for the Corps of
20 Engineers to perform all obligations under the 1974
21 storage contract, the amended storage contract, and
22 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 ap-
6 proved by the Secretary on April 9, 1974, between
7 the Secretary and the Water Conservation Storage
8 Commission of the State of Oklahoma pursuant to
9 section 301 of the Water Supply Act of 1958 (43
10 U.S.C. 390b), 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 section 4 of the
25 amended storage contract.

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 collectively, the Choctaw Nation of Oklahoma
11 (“Choctaw Nation”) and the Chickasaw Nation.

12 (15) OWRB.—The term “OWRB” means the
13 Oklahoma Water Resources Board.

14 (16) SARDIS LAKE.—The term “Sardis Lake”
15 means the reservoir, formerly known as Clayton
16 Lake, whose dam is located in Section 19, Township
17 2 North, Range 19 East of the Indian Meridian,
18 Pushmataha County, Oklahoma, the construction,
19 operation, and maintenance of which was authorized
20 by section 203 of the Flood Control Act of 1962
21 (Public Law 87–874; 76 Stat. 1187).

22 (17) SETTLEMENT AGREEMENT.—The term
23 “Settlement Agreement” means the settlement
24 agreement as approved by the Nations, the State,
25 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 Oklahoma–Texas State line to
9 the south;

10 (iii) the Oklahoma–Arkansas State
11 line to the east; and

12 (iv) the 98th Meridian to the west;

13 and

14 (B) the area depicted in Exhibit 1 to the
15 Settlement Agreement and generally including
16 the following counties, or portions of, in the
17 State:

18 (i) Atoka.

19 (ii) Bryan.

20 (iii) Carter.

21 (iv) Choctaw.

22 (v) Coal.

23 (vi) Garvin.

24 (vii) Grady.

25 (viii) McClain.

- 1 (ix) Murray.
- 2 (x) Haskell.
- 3 (xi) Hughes.
- 4 (xii) Jefferson.
- 5 (xiii) Johnston.
- 6 (xiv) Latimer.
- 7 (xv) LeFlore.
- 8 (xvi) Love.
- 9 (xvii) Marshall.
- 10 (xviii) McCurtain.
- 11 (xix) Pittsburgh.
- 12 (xx) Pontotoc.
- 13 (xxi) Pushmataha.
- 14 (xxii) Stephens.

15 (19) SETTLEMENT AREA WATERS.—The term
16 “settlement area waters” means the waters lo-
17 cated—

18 (A) within the settlement area; and

19 (B) within a basin depicted in Exhibit 10
20 to the Settlement Agreement, including any of
21 the following basins as denominated in the
22 2012 Update of the Oklahoma Comprehensive
23 Water Plan:

24 (i) Beaver Creek (24, 25, and 26).

25 (ii) Blue (11 and 12).

- 1 (iii) Clear Boggy (9).
2 (iv) Kiamichi (5 and 6).
3 (v) Lower Arkansas (46 and 47).
4 (vi) Lower Canadian (48, 56, 57, and
5 58).
6 (vii) Lower Little (2).
7 (viii) Lower Washita (14).
8 (ix) Mountain Fork (4).
9 (x) Middle Washita (15 and 16).
10 (xi) Mud Creek (23).
11 (xii) Muddy Boggy (7 and 8).
12 (xiii) Poteau (44 and 45).
13 (xiv) Red River Mainstem (1, 10, 13,
14 and 21)
15 (xv) Upper Little (3).
16 (xvi) Walnut Bayou (22).

17 (20) STATE.—The term “State” means the
18 State of Oklahoma.

19 (21) TRUST.—

20 (A) IN GENERAL.—The term “Trust”
21 means the Oklahoma City Water Utilities
22 Trust, formerly known as the Oklahoma City
23 Municipal Improvement Authority, a public
24 trust established pursuant to State law with the
25 City as the beneficiary.

1 (B) REFERENCES.—A reference in this
2 section to “Trust” shall refer to the Oklahoma
3 City Water Utilities Trust, acting severally.

4 (c) APPROVAL OF THE SETTLEMENT AGREEMENT.—

5 (1) RATIFICATION.—

6 (A) IN GENERAL.—Except as modified by
7 this section, and to the extent the Settlement
8 Agreement does not conflict with this section,
9 the Settlement Agreement is authorized, rati-
10 fied, and confirmed.

11 (B) AMENDMENTS.—If an amendment is
12 executed to make the Settlement Agreement
13 consistent with this section, the amendment is
14 also authorized, ratified and confirmed to the
15 extent the amendment is consistent with this
16 section.

17 (2) EXECUTION OF SETTLEMENT AGREE-
18 MENT.—

19 (A) IN GENERAL.—To the extent the Set-
20 tlement Agreement does not conflict with this
21 section, the Secretary of the Interior shall
22 promptly execute the Settlement Agreement, in-
23 cluding all exhibits to or parts of the Settlement
24 Agreement requiring the signature of the Sec-
25 retary of the Interior and any amendments nec-

1 essary to make the Settlement Agreement con-
2 sistent with this section.

3 (B) NOT A MAJOR FEDERAL ACTION.—
4 Execution of the Settlement Agreement by the
5 Secretary of the Interior under this subsection
6 shall not constitute a major Federal action
7 under the National Environmental Policy Act of
8 1969 (42 U.S.C. 4321 et seq.).

9 (d) APPROVAL OF THE AMENDED STORAGE CON-
10 TRACT AND 1974 STORAGE CONTRACT.—

11 (1) RATIFICATION.—

12 (A) IN GENERAL.—Except to the extent
13 any provision of the amended storage contract
14 conflicts with any provision of this section, the
15 amended storage contract is authorized, rati-
16 fied, and confirmed.

17 (B) 1974 STORAGE CONTRACT.—To the
18 extent the amended storage contract, as author-
19 ized, ratified, and confirmed, modifies or
20 amends the 1974 storage contract, the modi-
21 fication or amendment to the 1974 storage con-
22 tract is authorized, ratified, and confirmed.

23 (C) AMENDMENTS.—To the extent an
24 amendment is executed to make the amended
25 storage contract consistent with this section,

1 the amendment is authorized, ratified, and con-
2 firmed.

3 (2) APPROVAL BY THE SECRETARY.—After the
4 State and the City execute the amended storage con-
5 tract, the Secretary shall approve the amended stor-
6 age contract.

7 (3) MODIFICATION OF SEPTEMBER 11, 2009,
8 ORDER IN UNITED STATES V. OKLAHOMA WATER RE-
9 SOURCE BOARD, CIV 98–00521 (N.D. OK).—The Sec-
10 retary, through counsel, shall cooperate and work
11 with the State to file any motion and proposed order
12 to modify or amend the order of the United States
13 District Court for the Northern District of Okla-
14 homa dated September 11, 2009, necessary to con-
15 form the order to the amended storage contract
16 transfer agreement, the Settlement Agreement, and
17 this section.

18 (4) CONSERVATION STORAGE CAPACITY.—The
19 allocation of the use of the conservation storage ca-
20 pacity in Sardis Lake for administrative set-aside
21 subcontracts, City water supply, and fish and wild-
22 life and recreation as provided by the amended stor-
23 age contract is authorized, ratified and approved.

24 (5) ACTIVATION; WAIVER.—

25 (A) FINDINGS.—Congress finds that—

1 (i) the earliest possible activation of
2 any increment of future use storage in
3 Sardis Lake will not occur until after
4 2050; and

5 (ii) the obligation to make annual
6 payments for the Sardis future use storage
7 operation, maintenance and replacement
8 costs, capital costs, or interest attributable
9 to Sardis future use storage only arises if,
10 and only to the extent, that an increment
11 of Sardis future use storage is activated by
12 withdrawal or release of water from the fu-
13 ture use storage that is authorized by the
14 user for a consumptive use of water.

15 (B) WAIVER OF OBLIGATIONS FOR STOR-
16 AGE THAT IS NOT ACTIVATED.—Notwith-
17 standing section 301 of the Water Supply Act
18 of 1958 (43 U.S.C. 390b), section 203 of the
19 Flood Control Act of 1962 (Public Law 87-
20 874; 76 Stat. 1187), the 1974 storage contract,
21 or any other provision of law, effective as of
22 January 1, 2050—

23 (i) the entirety of any repayment obli-
24 gations (including interest), relating to
25 that portion of conservation storage capaci-

1 ity allocated by the 1974 storage contract
2 to future use storage in Sardis Lake is
3 waived and shall be considered nonreim-
4 bursable; and

5 (ii) any obligation of the State and,
6 on execution and approval of the amended
7 storage contract, of the City and the
8 Trust, under the 1974 storage contract re-
9 garding capital costs and any operation,
10 maintenance, and replacement costs and
11 interest otherwise attributable to future
12 use storage in Sardis Lake is waived and
13 shall be nonreimbursable, if by January 1,
14 2050, the right to future use storage is not
15 activated by the withdrawal or release of
16 water from future use storage for an au-
17 thorized consumptive use of water.

18 (6) CONSISTENT WITH AUTHORIZED PURPOSES;

19 NO MAJOR OPERATIONAL CHANGE.—

20 (A) CONSISTENT WITH AUTHORIZED PUR-
21 POSE.—The amended storage contract, the ap-
22 proval of the Secretary of the amended storage
23 contract, and the waiver of future use storage
24 under paragraph (5)—

1 (i) are deemed consistent with the au-
2 thORIZED purposes for Sardis Lake as de-
3 scribed in section 203 of the Flood Control
4 Act of 1962 (Public Law 87-874; 76 Stat.
5 1187) and do not affect the authorized
6 purposes for which the project was author-
7 ized, surveyed, planned, and constructed;
8 and

9 (ii) shall not constitute a reallocation
10 of storage.

11 (B) NO MAJOR OPERATIONAL CHANGE.—

12 The amended storage contract, the approval of
13 the Secretary of the amended storage contract,
14 and the waiver of future use storage under
15 paragraph (5) shall not constitute a major oper-
16 ational change under section 301(e) of the
17 Water Supply Act of 1958 (43 U.S.C. 390b(e)).

18 (7) NO FURTHER AUTHORIZATION RE-
19 QUIRED.—This section shall be considered sufficient
20 and complete authorization, without further study or
21 analysis, for—

22 (A) the Secretary to approve the amended
23 storage contract; and

24 (B) after approval under subparagraph
25 (A), the Corps of Engineers to manage storage

1 in Sardis Lake pursuant to and in accordance
2 with the 1974 storage contract, the amended
3 storage contract, and the Settlement Agree-
4 ment.

5 (e) SETTLEMENT AREA WATERS.—

6 (1) FINDINGS.—Congress finds that—

7 (A) pursuant to the Atoka Agreement as
8 ratified by section 29 of the Act of June 28,
9 1898 (30 Stat. 505, chapter 517) (as modified
10 by the Act of July 1, 1902 (32 Stat. 641, chap-
11 ter 1362)), the Nations issued patents to their
12 respective tribal members and citizens and
13 thereby conveyed to individual Choctaws and
14 Chickasaws, all right, title, and interest in and
15 to land that was possessed by the Nations,
16 other than certain mineral rights; and

17 (B) when title passed from the Nations to
18 their respective tribal members and citizens, the
19 Nations did not convey and those individuals
20 did not receive any right of regulatory or sov-
21 ereign authority, including with respect to
22 water.

23 (2) PERMITTING, ALLOCATION, AND ADMINIS-
24 TRATION OF SETTLEMENT AREA WATERS PURSUANT
25 TO THE SETTLEMENT AGREEMENT.—Beginning on

1 the enforceability date, settlement area waters shall
2 be permitted, allocated, and administered by the
3 OWRB in accordance with the Settlement Agree-
4 ment and this section.

5 (3) CHOCTAW NATION AND CHICKASAW NA-
6 TION.—Beginning on the enforceability date, the
7 Nations shall have the right to use and to develop
8 the right to use settlement area waters only in ac-
9 cordance with the Settlement Agreement and this
10 section.

11 (4) WAIVER AND DELEGATION BY NATIONS.—
12 In addition to the waivers under subsection (h), the
13 Nations, on their own behalf, shall permanently dele-
14 gate to the State any regulatory authority each Na-
15 tion may possess over water rights on allotments,
16 which the State shall exercise in accordance with the
17 Settlement Agreement and this subsection.

18 (5) RIGHT TO USE WATER.—

19 (A) IN GENERAL.—An allottee may use
20 water on an allotment in accordance with the
21 Settlement Agreement and this subsection.

22 (B) SURFACE WATER USE.—

23 (i) IN GENERAL.—An allottee may di-
24 vert and use, on the allotment of the allot-
25 tee, 6 acre-feet per year of surface water

1 per 160 acres, to be used solely for domes-
2 tic uses on an allotment that constitutes ri-
3 parian land under applicable State law as
4 of the date of enactment of this Act.

5 (ii) EFFECT OF STATE LAW.—The use
6 of surface water described in clause (i)
7 shall be subject to all rights and protec-
8 tions of State law, as of the date of enact-
9 ment of this Act, including all protections
10 against loss for nonuse.

11 (iii) NO PERMIT REQUIRED.—An al-
12 lottee may divert water under this sub-
13 section without a permit or any other au-
14 thorization from the OWRB.

15 (C) GROUNDWATER USE.—

16 (i) IN GENERAL.—An allottee may
17 drill wells on the allotment of the allottee
18 to take and use for domestic uses the
19 greater of—

20 (I) 5 acre-feet per year; or

21 (II) any greater quantity allowed
22 under State law.

23 (ii) EFFECT OF STATE LAW.—The
24 groundwater use described in clause (i)
25 shall be subject to all rights and protec-

1 the Settlement Agreement and this
2 section.

3 (6) ALLOTTEE OPTIONS FOR ADDITIONAL
4 WATER.—

5 (A) IN GENERAL.—To use a quantity of
6 water in excess of the quantities provided under
7 paragraph (5), an allottee shall—

8 (i) file an action under subparagraph
9 (B); or

10 (ii) apply to the OWRB for a permit
11 pursuant to, and in accordance with, State
12 law.

13 (B) DETERMINATION IN FEDERAL DIS-
14 TRICT COURT.—

15 (i) IN GENERAL.—In lieu of applying
16 to the OWRB for a permit to use more
17 water than is allowed under paragraph (5),
18 an allottee may, after written notice to the
19 OWRB, file an action in the United States
20 District Court for the Western District of
21 Oklahoma for determination of the right to
22 water of the allottee.

23 (ii) JURISDICTION.—For purposes of
24 this subsection—

1 (I) the United States District
2 Court for the Western District of
3 Oklahoma shall have jurisdiction; and

4 (II) the waivers of immunity
5 under subparagraphs (A) and (B) of
6 subsection (j)(2) shall apply.

7 (iii) REQUIREMENTS.—An allottee fil-
8 ing an action pursuant to this subpara-
9 graph shall—

10 (I) join the OWRB as a party;
11 and

12 (II) publish notice in a news-
13 paper of general circulation within the
14 Settlement Area Hydrologic Basin for
15 2 consecutive weeks, with the first
16 publication appearing not later than
17 30 days after the date on which the
18 action is filed.

19 (iv) DETERMINATION FINAL.—

20 (I) IN GENERAL.—Subject to
21 subclause (II), if an allottee elects to
22 have the rights of the allottee deter-
23 mined pursuant to this subparagraph,
24 the determination shall be final as to
25 any rights under Federal law and in

1 lieu of any rights to use water on an
2 allotment as provided in paragraph
3 (5).

4 (II) RESERVATION OF RIGHTS.—
5 Subclause (I) shall not preclude an al-
6 lottee from—

7 (aa) applying to the OWRB
8 for water rights pursuant to
9 State law; or

10 (bb) using any rights al-
11 lowed by State law that do not
12 require a permit from the
13 OWRB.

14 (7) OWRB ADMINISTRATION AND ENFORCE-
15 MENT.—

16 (A) IN GENERAL.—If an allottee exercises
17 any right under paragraph (5) or has rights de-
18 termined under paragraph (6)(B), the OWRB
19 shall have jurisdiction to administer those
20 rights.

21 (B) CHALLENGES.—An allottee may chal-
22 lenge OWRB administration of rights deter-
23 mined under this paragraph, in the United
24 States District Court for the Western District
25 of Oklahoma.

1 (8) PRIOR EXISTING STATE LAW RIGHTS.—
2 Water rights held by an allottee as of the enforce-
3 ability date pursuant to a permit issued by the
4 OWRB shall be governed by the terms of that per-
5 mit and applicable State law (including regulations).

6 (f) CITY PERMIT FOR APPROPRIATION OF STREAM
7 WATER FROM THE KIAMICHI RIVER.—The City permit
8 shall be processed, evaluated, issued, and administered
9 consistent with and in accordance with the Settlement
10 Agreement and this section.

11 (g) SETTLEMENT COMMISSION.—

12 (1) ESTABLISHMENT.—There is established a
13 Settlement Commission.

14 (2) MEMBERS.—

15 (A) IN GENERAL.—The Settlement Com-
16 mission shall be comprised of 5 members, ap-
17 pointed as follows:

18 (i) 1 by the Governor of the State.

19 (ii) 1 by the Attorney General of the
20 State.

21 (iii) 1 by the Chief of the Choctaw
22 Nation.

23 (iv) 1 by the Governor of the Chicka-
24 saw Nation.

1 (v) 1 by agreement of the members
2 described in clauses (i) through (iv).

3 (B) JOINTLY APPOINTED MEMBER.—If the
4 members described in clauses (i) through (iv) of
5 subparagraph (A) do not agree on a member
6 appointed pursuant to subparagraph (A)(v)—

7 (i) the members shall submit to the
8 Chief Judge for the United States District
9 Court for the Eastern District of Okla-
10 homa, a list of not less than 3 persons;
11 and

12 (ii) from the list under clause (i), the
13 Chief Judge shall make the appointment.

14 (C) INITIAL APPOINTMENTS.—The initial
15 appointments to the Settlement Commission
16 shall be made not later than 90 days after the
17 enforceability date.

18 (3) MEMBER TERMS.—

19 (A) IN GENERAL.—Each Settlement Com-
20 mission member shall serve at the pleasure of
21 appointing authority.

22 (B) COMPENSATION.—A member of the
23 Settlement Commission shall serve without
24 compensation, but an appointing authority may
25 reimburse the member appointed by the entity

1 for costs associated with service on the Settle-
2 ment Commission.

3 (C) VACANCIES.—If a member of the Set-
4 tlement Commission is removed or resigns, the
5 appointing authority shall appoint the replace-
6 ment member.

7 (D) JOINTLY APPOINTED MEMBER.—The
8 member of the Settlement Commission de-
9 scribed in paragraph (2)(A)(v) may be removed
10 or replaced by a majority vote of the Settlement
11 Commission based on a failure of the member
12 to carry out the duties of the member.

13 (4) DUTIES.—The duties and authority of the
14 Settlement Commission shall be set forth in the Set-
15 tlement Agreement, and the Settlement Commission
16 shall not possess or exercise any duty or authority
17 not stated in the Settlement Agreement.

18 (h) WAIVERS AND RELEASES OF CLAIMS.—

19 (1) CLAIMS BY THE NATIONS AND THE UNITED
20 STATES AS TRUSTEE FOR THE NATIONS.—Subject to
21 the retention of rights and claims provided in para-
22 graph (3) and except to the extent that rights are
23 recognized in the Settlement Agreement or this sec-
24 tion, the Nations and the United States, acting as

1 a trustee for the Nations, shall execute a waiver and
2 release of—

3 (A) all of the following claims asserted or
4 which could have been asserted in any pro-
5 ceeding filed or that could have been filed dur-
6 ing the period ending on the enforceability date,
7 including Chickasaw Nation, Choctaw Nation v.
8 Fallin et al., CIV 11–927 (W.D. Ok.), OWRB
9 v. United States, et al. CIV 12–275 (W.D.
10 Ok.), or any general stream adjudication, relat-
11 ing to—

12 (i) claims to the ownership of water in
13 the State;

14 (ii) claims to water rights and rights
15 to use water diverted or taken from a loca-
16 tion within the State;

17 (iii) claims to authority over the allo-
18 cation and management of water and ad-
19 ministration of water rights, including au-
20 thority over third-party ownership of or
21 rights to use water diverted or taken from
22 a location within the State and ownership
23 or use of water on allotments by allottees
24 or any other person using water on an al-
25 lotment with the permission of an allottee;

1 (iv) claims that the State lacks au-
2 thority over the allocation and manage-
3 ment of water and administration of water
4 rights, including authority over the owner-
5 ship of or rights to use water diverted or
6 taken from a location within the State;

7 (v) any other claim relating to the
8 ownership of water, regulation of water, or
9 authorized diversion, storage, or use of
10 water diverted or taken from a location
11 within the State, which claim is based on
12 the status of the Chickasaw Nation or the
13 Choctaw Nation as a federally recognized
14 Indian tribe; and

15 (vi) claims or defenses asserted or
16 which could have been asserted in Chicka-
17 saw Nation, Choctaw Nation v. Fallin et
18 al., CIV 11-927 (W.D. Ok.), OWRB v.
19 United States, et al. CIV 12-275 (W.D.
20 Ok.), or any general stream adjudication;

21 (B) all claims for damages, losses or inju-
22 ries to water rights or water, or claims of inter-
23 ference with, diversion, storage, taking, or use
24 of water (including claims for injury to land re-
25 sulting from the damages, losses, injuries, inter-

1 ference with, diversion, storage, taking, or use
2 of water) attributable to any action by the
3 State, the OWRB, or any water user authorized
4 pursuant to State law to take or use water in
5 the State, including the City, that accrued dur-
6 ing the period ending on the enforceability date;

7 (C) all claims and objections relating to
8 the amended permit application, and the City
9 permit, including—

10 (i) all claims regarding regulatory
11 control over or OWRB jurisdiction relating
12 to the permit application and permit; and

13 (ii) all claims for damages, losses or
14 injuries to water rights or rights to use
15 water, or claims of interference with, diver-
16 sion, storage, taking, or use of water (in-
17 cluding claims for injury to land resulting
18 from the damages, losses, injuries, inter-
19 ference with, diversion, storage, taking, or
20 use of water) attributable to the issuance
21 and lawful exercise of the City permit;

22 (D) all claims to regulatory control over
23 the Permit Numbers P80–48 and 54–613 of
24 the City for water rights from the Muddy
25 Boggy River for Atoka Reservoir and P73–

1 282D for water rights from the Muddy Boggy
2 River, including McGee Creek, for the McGee
3 Creek Reservoir;

4 (E) all claims that the State lacks regu-
5 latory authority over or OWRB jurisdiction re-
6 lating to Permit Numbers P80-48 and 54-613
7 for water rights from the Muddy Boggy River
8 for Atoka Reservoir and P73-282D for water
9 rights from the Muddy Boggy River, including
10 McGee Creek, for the McGee Creek Reservoir;

11 (F) all claims to damages, losses or inju-
12 ries to water rights or water, or claims of inter-
13 ference with, diversion, storage, taking, or use
14 of water (including claims for injury to land re-
15 sulting from such damages, losses, injuries, in-
16 terference with, diversion, storage, taking, or
17 use of water) attributable to the lawful exercise
18 of Permit Numbers P80-48 and 54-613 for
19 water rights from the Muddy Boggy River for
20 Atoka Reservoir and P73-282D for water
21 rights from the Muddy Boggy River, including
22 McGee Creek, for the McGee Creek Reservoir,
23 that accrued during the period ending on the
24 enforceability date;

1 (G) all claims and objections relating to
2 the approval by the Secretary of the assignment
3 of the 1974 storage contract pursuant to the
4 amended storage contract; and

5 (H) all claims for damages, losses, or inju-
6 ries to water rights or water, or claims of inter-
7 ference with, diversion, storage, taking, or use
8 of water (including claims for injury to land re-
9 sulting from such damages, losses, injuries, in-
10 terference with, diversion, storage, taking, or
11 use of water) attributable to the lawful exercise
12 of rights pursuant to the amended storage con-
13 tract.

14 (2) WAIVERS AND RELEASES OF CLAIMS BY
15 THE NATIONS AGAINST THE UNITED STATES.—Sub-
16 ject to the retention of rights and claims provided in
17 paragraph (3) and except to the extent that rights
18 are recognized in the Settlement Agreement or this
19 section, the Nations are authorized to execute a
20 waiver and release of all claims against the United
21 States (including any agency or employee of the
22 United States) relating to—

23 (A) all of the following claims asserted or
24 which could have been asserted in any pro-
25 ceeding filed or that could have been filed by

1 the United States as a trustee during the pe-
2 riod ending on the enforceability date, including
3 Chickasaw Nation, Choctaw Nation v. Fallin et
4 al., CIV 11-9272 (W.D. Ok.) or OWRB v.
5 United States, et al. CIV 12-275 (W.D. Ok.),
6 or any general stream adjudication, relating
7 to—

8 (i) claims to the ownership of water in
9 the State;

10 (ii) claims to water rights and rights
11 to use water diverted or taken from a loca-
12 tion within the State;

13 (iii) claims to authority over the allo-
14 cation and management of water and ad-
15 ministration of water rights, including au-
16 thority over third-party ownership of or
17 rights to use water diverted or taken from
18 a location within the State and ownership
19 or use of water on allotments by allottees
20 or any other person using water on an al-
21 lotment with the permission of an allottee;

22 (iv) claims that the State lacks au-
23 thority over the allocation and manage-
24 ment of water and administration of water
25 rights, including authority over the owner-

1 ship of or rights to use water diverted or
2 taken from a location within the State;

3 (v) any other claim relating to the
4 ownership of water, regulation of water, or
5 authorized diversion, storage, or use of
6 water diverted or taken from a location
7 within the State, which claim is based on
8 the status of the Chickasaw Nation or the
9 Choctaw Nation as a federally recognized
10 Indian tribe; and

11 (vi) claims or defenses asserted or
12 which could have been asserted in Chicka-
13 saw Nation, Choctaw Nation v. Fallin et
14 al., CIV 11-927 (W.D. Ok.), OWRB v.
15 United States, et al. CIV 12-275 (W.D.
16 Ok.), or any general stream adjudication;

17 (B) all claims for 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 the damages, losses, injuries, inter-
22 ference with, diversion, storage, taking, or use
23 of water) attributable to any action by the
24 State, the OWRB, or any water user authorized
25 pursuant to State law to take or use water in

1 the State, including the City, that accrued dur-
2 ing the period ending on the enforceability date;

3 (C) all claims and objections relating to
4 the amended permit application, and the City
5 permit, including—

6 (i) all claims regarding regulatory
7 control over or OWRB jurisdiction relating
8 to the permit application and permit; and

9 (ii) all claims for damages, losses or
10 injuries to water rights or rights to use
11 water, or claims of interference with, diver-
12 sion, storage, taking, or use of water (in-
13 cluding claims for injury to land resulting
14 from the damages, losses, injuries, inter-
15 ference with, diversion, storage, taking, or
16 use of water) attributable to the issuance
17 and lawful exercise of the City permit;

18 (D) all claims to regulatory control over
19 the Permit Numbers P80–48 and 54–613 for
20 water rights from the Muddy Boggy River for
21 Atoka Reservoir and P73–282D for water
22 rights from the Muddy Boggy River, including
23 McGee Creek, for the McGee Creek Reservoir;

24 (E) all claims that the State lacks regu-
25 latory authority over or OWRB jurisdiction re-

1 lating to Permit Numbers P80–48 and 54–613
2 for water rights from the Muddy Boggy River
3 for Atoka Reservoir and P73–282D for water
4 rights from the Muddy Boggy River, including
5 McGee Creek, for the McGee Creek Reservoir;

6 (F) all claims to damages, losses or inju-
7 ries to water rights or water, or claims of inter-
8 ference with, diversion, storage, taking, or use
9 of water (including claims for injury to land re-
10 sulting from the damages, losses, injuries, inter-
11 ference with, diversion, storage, taking, or use
12 of water) attributable to the lawful exercise of
13 Permit Numbers P80–48 and 54–613 for water
14 rights from the Muddy Boggy River for Atoka
15 Reservoir and P73–282D for water rights from
16 the Muddy Boggy River, including McGee
17 Creek, for the McGee Creek Reservoir, that ac-
18 crued during the period ending on the enforce-
19 ability date;

20 (G) all claims and objections relating to
21 the approval by the Secretary of the assignment
22 of the 1974 storage contract pursuant to the
23 amended storage contract;

24 (H) all claims relating to litigation brought
25 by the United States prior to the enforceability

1 date of the water rights of the Nations in the
2 State; and

3 (I) all claims relating to the negotiation,
4 execution, or adoption of the Settlement Agree-
5 ment (including exhibits) or this section.

6 (3) RETENTION AND RESERVATION OF CLAIMS
7 BY NATIONS AND THE UNITED STATES.—

8 (A) IN GENERAL.—Notwithstanding the
9 waiver and releases of claims authorized under
10 paragraphs (1) and (2), the Nations and the
11 United States, acting as trustee, shall retain—

12 (i) all claims for enforcement of the
13 Settlement Agreement and this section;

14 (ii) all rights to use and protect any
15 water right of the Nations recognized by or
16 established pursuant to the Settlement
17 Agreement, including the right to assert
18 claims for injuries relating to the rights
19 and the right to participate in any general
20 stream adjudication, including any inter se
21 proceeding;

22 (iii) all claims relating to activities af-
23 fecting the quality of water that are not
24 waived under paragraph (1)(A)(v) or para-

1 graph (2)(A)(v), including any claims the
2 Nations may have under—

3 (I) the Comprehensive Environ-
4 mental Response, Compensation, and
5 Liability Act of 1980 (42 U.S.C. 9601
6 et seq.), including for damages to nat-
7 ural resources;

8 (II) the Safe Drinking Water Act
9 (42 U.S.C. 300f et seq.);

10 (III) the Federal Water Pollution
11 Control Act (33 U.S.C. 1251 et seq.);
12 and

13 (IV) any regulations imple-
14 menting the Acts described in items
15 (aa) through (cc);

16 (iv) all claims relating to damage,
17 loss, or injury resulting from an unauthor-
18 ized diversion, use, or storage of water, in-
19 cluding damages, losses, or injuries to land
20 or nonwater natural resources associated
21 with any hunting, fishing, gathering, or
22 cultural right; and

23 (v) all rights, remedies, privileges, im-
24 munities, and powers not specifically

1 waived and released pursuant to this sec-
2 tion or the Settlement Agreement.

3 (B) AGREEMENT.—

4 (i) IN GENERAL.—As provided in the
5 Settlement Agreement, the Chickasaw Na-
6 tion shall convey an easement to the City,
7 which easement shall be as described and
8 depicted in Exhibit 15 to the Settlement
9 Agreement.

10 (ii) APPLICATION.—The Chickasaw
11 Nation and the City shall cooperate and
12 coordinate on the submission of an applica-
13 tion for approval by the Secretary of the
14 Interior of the conveyance under clause (i),
15 in accordance with applicable Federal law.

16 (iii) RECORDING.—On approval by the
17 Secretary of the Interior of the conveyance
18 of the easement under this clause, the City
19 shall record the easement.

20 (iv) CONSIDERATION.—In exchange
21 for conveyance of the easement under
22 clause (i), the City shall pay to the Chicka-
23 saw Nation the value of past unauthorized
24 use and consideration for future use of the
25 land burdened by the easement, based on

1 an appraisal secured by the City and Na-
2 tions and approved by the Secretary of the
3 Interior.

4 (4) EFFECTIVE DATE OF WAIVER AND RE-
5 LEASES.—The waivers and releases under this sub-
6 section take effect on the enforceability date.

7 (5) TOLLING OF CLAIMS.—Each applicable pe-
8 riod of limitation and time-based equitable defense
9 relating to a claim described in this subsection shall
10 be tolled during the period beginning on the date of
11 enactment of this Act and ending on the earlier of
12 the enforceability date or the expiration date under
13 subsection (i)(2).

14 (i) ENFORCEABILITY DATE.—

15 (1) IN GENERAL.—The Settlement Agreement
16 shall take effect and be enforceable on the date on
17 which the Secretary of the Interior publishes in the
18 Federal Register a certification that—

19 (A) to the extent the Settlement Agree-
20 ment conflicts with this section, the Settlement
21 Agreement has been amended to conform with
22 this section;

23 (B) the Settlement Agreement, as amend-
24 ed, has been executed by the Secretary of the

1 Interior, the Nations, the Governor of the
2 State, the OWRB, the City, and the Trust;

3 (C) to the extent the amended storage con-
4 tract conflicts with this section, the amended
5 storage contract has been amended to conform
6 with this section;

7 (D) the amended storage contract, as
8 amended to conform with this section, has
9 been—

10 (i) executed by the State, the City,
11 and the Trust; and

12 (ii) approved by the Secretary;

13 (E) an order has been entered in United
14 States v. Oklahoma Water Resources Board,
15 Civ. 98–C–521–E with any modifications to the
16 order dated September 11, 2009, as provided in
17 the Settlement Agreement;

18 (F) orders of dismissal have been entered
19 in Chickasaw Nation, Choctaw Nation v. Fallin
20 et al., Civ 11–297 (W.D. Ok.) and OWRB v.
21 United States, et al. Civ 12–275 (W.D. Ok.) as
22 provided in the Settlement Agreement;

23 (G) the OWRB has issued the City Permit;

1 (H) the final documentation of the
2 Kiamichi Basin hydrologic model is on file at
3 the Oklahoma City offices of the OWRB; and

4 (I) the Atoka and Sardis Conservation
5 Projects Fund has been funded as provided in
6 the Settlement Agreement.

7 (2) EXPIRATION DATE.—If the Secretary of the
8 Interior fails to publish a statement of findings
9 under paragraph (1) by not later than September
10 30, 2020, or such alternative later date as is agreed
11 to by the Secretary of the Interior, the Nations, the
12 State, the City, and the Trust under paragraph (4),
13 the following shall apply:

14 (A) This section, except for this subsection
15 and any provisions of this section that are nec-
16 essary to carry out this subsection (but only for
17 purposes of carrying out this subsection) are
18 not effective beginning on September 30, 2020,
19 or the alternative date.

20 (B) The waivers and release of claims, and
21 the limited waivers of sovereign immunity, shall
22 not become effective.

23 (C) The Settlement Agreement shall be
24 null and void, except for this paragraph and

1 any provisions of the Settlement Agreement
2 that are necessary to carry out this paragraph.

3 (D) Except with respect to this paragraph,
4 the State, the Nations, the City, the Trust, and
5 the United States shall not be bound by any ob-
6 ligations or benefit from any rights recognized
7 under the Settlement Agreement.

8 (E) If the City permit has been issued, the
9 permit shall be null and void, except that the
10 City may resubmit to the OWRB, and the
11 OWRB shall be considered to have accepted,
12 OWRB permit application No. 2007–017 with-
13 out having waived the original application pri-
14 ority date and appropriative quantities.

15 (F) If the amended storage contract has
16 been executed or approved, the contract shall be
17 null and void, and the 2010 agreement shall be
18 considered to be in force and effect as between
19 the State and the Trust.

20 (G) If the Atoka and Sardis Conservation
21 Projects Fund has been established and funded,
22 the funds shall be returned to the respective
23 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.

21 **SEC. 8003. LAND TRANSFER AND TRUST LAND FOR THE**

22 **MUSCOGEE (CREEK) NATION.**

23 (a) TRANSFER.—

24 (1) IN GENERAL.—Subject to paragraph (2)
25 and for the consideration described in subsection (c),

1 the Secretary shall transfer to the Secretary of the
2 Interior the land described in subsection (b) to be
3 held in trust for the benefit of the Muscogee (Creek)
4 Nation.

5 (2) CONDITIONS.—The land transfer under this
6 subsection shall be subject to the following condi-
7 tions:

8 (A) The transfer—

9 (i) shall not interfere with the Corps
10 of Engineers operation of the Eufaula
11 Lake Project or any other authorized civil
12 works projects; and

13 (ii) shall be subject to such other
14 terms and conditions as the Secretary de-
15 termines to be necessary and appropriate
16 to ensure the continued operation of the
17 Eufaula Lake Project or any other author-
18 ized civil works project.

19 (B) The Secretary shall retain the right to
20 inundate with water the land transferred to the
21 Secretary of the Interior under this subsection,
22 as necessary to carry out an authorized purpose
23 of the Eufaula Lake Project or any other civil
24 works project.

1 (C) No gaming activities may be conducted
2 on the land transferred under this subsection.

3 (b) LAND DESCRIPTION.—

4 (1) IN GENERAL.—The land to be transferred
5 pursuant to subsection (a) is the approximately
6 18.38 acres of land located in the Northwest Quar-
7 ter (NW 1/4) of sec. 3, T. 10 N., R. 16 E.,
8 McIntosh County, Oklahoma, generally depicted as
9 “USACE” on the map entitled “Muscogee (Creek)
10 Nation Proposed Land Acquisition” and dated Octo-
11 ber 16, 2014.

12 (2) SURVEY.—The exact acreage and legal de-
13 scription of the land to be transferred under sub-
14 section (a) shall be determined by a survey satisfac-
15 tory to the Secretary and the Secretary of the Inte-
16 rior.

17 (c) CONSIDERATION.—The Muscogee (Creek) Nation
18 shall pay—

19 (1) to the Secretary an amount that is equal to
20 the fair market value of the land transferred under
21 subsection (a), as determined by the Secretary,
22 which funds may be accepted and expended by the
23 Secretary; and

1 (2) all costs and administrative expenses associ-
2 ated with the transfer of land under subsection (a),
3 including the costs of —

4 (A) the survey under subsection (b)(2);

5 (B) compliance with the National Environ-
6 mental Policy Act of 1969 (42 U.S.C. 4321 et
7 seq.); and

8 (C) any coordination necessary with re-
9 spect to requirements related to endangered
10 species, cultural resources, clean water, and
11 clean air.

12 **SEC. 8004. REAUTHORIZATION OF DENALI COMMISSION.**

13 (a) ADMINISTRATION.—Section 303 of the Denali
14 Commission Act of 1998 (42 U.S.C. 3121 note; Public
15 Law 105–277) is amended—

16 (1) in subsection (c)—

17 (A) in the first sentence, by striking “The
18 Federal Cochairperson” and inserting the fol-
19 lowing:

20 “(1) TERM OF FEDERAL COCHAIRPERSON.—
21 The Federal Cochairperson”;

22 (B) in the second sentence, by striking
23 “All other members” and inserting the fol-
24 lowing:

1 “(3) TERM OF ALL OTHER MEMBERS.—All
2 other members”;

3 (C) in the third sentence, by striking “Any
4 vacancy” and inserting the following:

5 “(4) VACANCIES.—Except as provided in para-
6 graph (2), any vacancy”; and

7 (D) by inserting before paragraph (3) (as
8 designated by subparagraph (B)) the following:

9 “(2) INTERIM FEDERAL COCHAIRPERSON.—In
10 the event of a vacancy for any reason in the position
11 of Federal Cochairperson, the Secretary may appoint
12 an Interim Federal Cochairperson, who shall have
13 all the authority of the Federal Cochairperson, to
14 serve until such time as the vacancy in the position
15 of Federal Cochairperson is filled in accordance with
16 subsection (b)(2)).”; and

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

18 “(f) NO FEDERAL EMPLOYEE STATUS.—No member
19 of the Commission, other than the Federal Cochairperson,
20 shall be considered to be a Federal employee for any pur-
21 pose.

22 “(g) CONFLICTS OF INTEREST.—

23 “(1) IN GENERAL.—Except as provided in para-
24 graphs (2) and (3), no member of the Commission
25 (referred to in this subsection as a ‘member’) shall

1 participate personally or substantially, through deci-
2 sion, approval, disapproval, recommendation, the
3 rendering of advice, investigation, or otherwise, in
4 any proceeding, application, request for a ruling or
5 other determination, contract claim, controversy, or
6 other matter in which, to the knowledge of the mem-
7 ber, 1 or more of the following has a direct financial
8 interest:

9 “(A) The member.

10 “(B) The spouse, minor child, or partner
11 of the member.

12 “(C) An organization described in subpara-
13 graph (B), (C), (D), (E), or (F) of subsection
14 (b)(1) for which the member is serving as offi-
15 cer, director, trustee, partner, or employee.

16 “(D) Any individual, person, or organiza-
17 tion with which the member is negotiating or
18 has any arrangement concerning prospective
19 employment.

20 “(2) DISCLOSURE.—Paragraph (1) shall not
21 apply if the member—

22 “(A) immediately advises the designated
23 agency ethics official for the Commission of the
24 nature and circumstances of the matter pre-
25 senting a potential conflict of interest;

1 “(B) makes full disclosure of the financial
2 interest; and

3 “(C) before the proceeding concerning the
4 matter presenting the conflict of interest, re-
5 ceives a written determination by the des-
6 ignated agency ethics official for the Commis-
7 sion that the interest is not so substantial as to
8 be likely to affect the integrity of the services
9 that the Commission may expect from the mem-
10 ber.

11 “(3) ANNUAL DISCLOSURES.—Once per cal-
12 endar year, each member shall make full disclosure
13 of financial interests, in a manner to be determined
14 by the designated agency ethics official for the Com-
15 mission.

16 “(4) TRAINING.—Once per calendar year, each
17 member shall undergo disclosure of financial inter-
18 ests training, as prescribed by the designated agency
19 ethics official for the Commission.

20 “(5) VIOLATION.—Any person that violates this
21 subsection shall be fined not more than \$10,000, im-
22 prisoned for not more than 2 years, or both.”.

23 (b) AUTHORIZATION OF APPROPRIATIONS.—

24 (1) IN GENERAL.—Section 310 of the Denali
25 Commission Act of 1998 (42 U.S.C. 3121 note;

1 Public Law 105–277) (as redesignated by section
2 1960(1) of SAFETEA–LU (Public Law 109–59;
3 119 Stat. 1516)) is amended, in subsection (a), by
4 striking “under section 4 under this Act” and all
5 that follows through “2008” and inserting “under
6 section 304, \$20,000,000 for fiscal year 2017, and
7 such sums as are necessary for each of fiscal years
8 2018 through 2021.”.

9 (2) CLERICAL AMENDMENT.—Section 310 of
10 the Denali Commission Act of 1998 (42 U.S.C.
11 3121 note; Public Law 105–277) (as redesignated
12 by section 1960(1) of SAFETEA–LU (Public Law
13 109–59; 119 Stat. 1516)) is redesignated as section
14 312.

15 **SEC. 8005. RECREATIONAL ACCESS OF FLOATING CABINS.**

16 The Tennessee Valley Authority Act of 1933 is
17 amended by inserting after section 9a (16 U.S.C. 831h–
18 1) the following:

19 **“SEC. 9b. RECREATIONAL ACCESS.**

20 “(a) DEFINITION OF FLOATING CABIN.—In this sec-
21 tion, the term ‘floating cabin’ means a watercraft or other
22 floating structure—

23 “(1) primarily designed and used for human
24 habitation or occupation; and

1 “(2) not primarily designed or used for naviga-
2 tion or transportation on water.

3 “(b) RECREATIONAL ACCESS.—The Board may allow
4 the use of a floating cabin if—

5 “(1) the floating cabin is maintained by the
6 owner to reasonable health, safety, and environ-
7 mental standards, as required by the Board;

8 “(2) the Corporation has authorized the use of
9 recreational vessels on the waters; and

10 “(3) the floating cabin was located on waters
11 under the jurisdiction of the Corporation as of the
12 date of enactment of this section.

13 “(c) FEES.—The Board may assess fees on the owner
14 of a floating cabin on waters under the jurisdiction of the
15 Corporation for the purpose of ensuring compliance with
16 subsection (b) if the fees are necessary and reasonable for
17 those purposes.

18 “(d) CONTINUED RECREATIONAL USE.—

19 “(1) IN GENERAL.—With respect to a floating
20 cabin located on waters under the jurisdiction of the
21 Corporation on the date of enactment of this section,
22 the Board—

23 “(A) may not require the removal of the
24 floating cabin—

1 “(B) This section applies only to floating
2 cabins located on waters under the jurisdiction
3 of the Corporation.

4 “(e) NEW CONSTRUCTION.—The Corporation may
5 establish regulations to prevent the construction of new
6 floating cabins.”.

7 **SEC. 8006. REGULATION OF ABOVEGROUND STORAGE AT**
8 **FARMS.**

9 Section 1049(c) of the Water Resources Reform and
10 Development Act of 2014 (33 U.S.C. 1361 note; Public
11 Law 113–121) is amended—

12 (1) by redesignating paragraphs (1) and (2) as
13 subparagraphs (A) and (B), respectively, and indent-
14 ing appropriately;

15 (2) by striking the subsection designation and
16 heading and all that follows through “subsection
17 (b),” and inserting the following:

18 “(c) REGULATION OF ABOVEGROUND STORAGE AT
19 FARMS.—

20 “(1) CALCULATION OF AGGREGATE ABOVE-
21 GROUND STORAGE CAPACITY.—For purposes of sub-
22 section (b),”; and

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

24 “(2) CERTAIN FARM CONTAINERS.—Part 112
25 of title 40, Code of Federal Regulations (or suc-

1 cessor regulations), shall not apply to the following
2 containers located at a farm:

3 “(A) Containers on a separate parcel that
4 have—

5 “(i) an individual capacity of not
6 greater than 1,000 gallons; and

7 “(ii) an aggregate capacity of not
8 greater than 2,000 gallons.

9 “(B) A container holding animal feed in-
10 gredients approved for use in livestock feed by
11 the Commissioner of Food and Drugs.”.

12 **SEC. 8007. SALT CEDAR REMOVAL PERMIT REVIEWS.**

13 (a) IN GENERAL.—In the case of an application for
14 a permit for the mechanized removal of salt cedar from
15 an area that consists of not more than 500 acres—

16 (1) any review by the Secretary under section
17 404 of the Federal Water Pollution Control Act (33
18 U.S.C. 1344) or section 10 of the Act of March 3,
19 1899 (commonly known as the “Rivers and Harbors
20 Appropriation Act of 1899”) (33 U.S.C. 403), and
21 any review by the Director of the United States Fish
22 and Wildlife Service (referred to in this section as
23 the “Director”) under section 7 of the Endangered
24 Species Act of 1973 (16 U.S.C. 1536), shall, to the
25 maximum extent practicable, occur concurrently;

1 (2) all participating and cooperating agencies
2 shall, to the maximum extent practicable, adopt and
3 use any environmental document prepared by the
4 lead agency under the National Environmental Pol-
5 icy Act of 1969 (42 U.S.C. 4321 et seq.) to the
6 same extent that a Federal agency could adopt or
7 use a document prepared by another Federal agency
8 under—

9 (A) that Act; and

10 (B) parts 1500 through 1508 of title 40,
11 Code of Federal Regulations (or successor regu-
12 lations); and

13 (3) the review of the application shall, to the
14 maximum extent practicable, be completed not later
15 than the date on which the Secretary, in consulta-
16 tion with, and with the concurrence of, the Director,
17 establishes.

18 (b) CONTRIBUTED FUNDS.—The Secretary may ac-
19 cept and expend funds received from non-Federal public
20 or private entities to conduct a review referred to in sub-
21 section (a).

22 (c) LIMITATIONS.—Nothing in this section preempts
23 or interferes with—

24 (1) any obligation to comply with the provisions
25 of any Federal law, including—

1 (A) the National Environmental Policy Act
2 of 1969 (42 U.S.C. 4321 et seq.); and

3 (B) any other Federal environmental law;
4 (2) the reviewability of any final Federal agency
5 action in a court of the United States or in the court
6 of any State;

7 (3) any requirement for seeking, considering, or
8 responding to public comment; or

9 (4) any power, jurisdiction, responsibility, duty,
10 or authority that a Federal, State, or local govern-
11 mental agency, Indian tribe, or project sponsor has
12 with respect to carrying out a project or any other
13 provision of law applicable to projects.

14 **SEC. 8008. INTERNATIONAL OUTFALL INTERCEPTOR RE-**
15 **PAIR, OPERATIONS, AND MAINTENANCE.**

16 (a) SENSE OF CONGRESS.—It is the sense of Con-
17 gress that, pursuant to the Act of July 27, 1953 (22
18 U.S.C. 277d–10 et seq.), and notwithstanding the memo-
19 randum of agreement between the United States Section
20 of the International Boundary and Water Commission and
21 the City of Nogales, Arizona, dated January 20, 2006 (re-
22 ferred to in this section as the “Agreement”), an equitable
23 proportion of the costs of operation and maintenance of
24 the Nogales sanitation project to be contributed by the
25 City of Nogales, Arizona (referred to in this section as

1 the “City”), should be based on the average daily volume
2 of wastewater originating from the City.

3 (b) CAPITAL COSTS EXCLUDED.—Pursuant to the
4 Agreement and the Act of July 27, 1953 (22 U.S.C.
5 277d–10 et seq.), the City shall have no obligation to con-
6 tribute to any capital costs of repairing or upgrading the
7 Nogales sanitation project.

8 (c) OVERCHARGES.—Notwithstanding the Agreement
9 and subject to subsection (d), the United States Section
10 of the International Boundary and Water Commission
11 shall reimburse the City for, and shall not charge the City
12 after the date of enactment of this Act for, operations and
13 maintenance costs in excess of an equitable proportion of
14 the costs, as described in subsection (a).

15 (d) LIMITATION.—Costs reimbursed or a reduction in
16 costs charged under subsection (c) shall not exceed
17 \$4,000,000.

18 **SEC. 8009. PECHANGA BAND OF LUISEÑO MISSION INDIANS**

19 **WATER RIGHTS SETTLEMENT.**

20 (a) PURPOSES.—The purposes of this section are—

21 (1) to achieve a fair, equitable, and final settle-
22 ment of claims to water rights and certain claims for
23 injuries to water rights in the Santa Margarita
24 River Watershed for—

25 (A) the Band; and

1 (B) the United States, acting in its capac-
2 ity as trustee for the Band and Allottees;

3 (2) to achieve a fair, equitable, and final settle-
4 ment of certain claims by the Band and Allottees
5 against the United States;

6 (3) to authorize, ratify, and confirm the
7 Pechanga Settlement Agreement to be entered into
8 by the Band, RCWD, and the United States;

9 (4) to authorize and direct the Secretary—

10 (A) to execute the Pechanga Settlement
11 Agreement; and

12 (B) to take any other action necessary to
13 carry out the Pechanga Settlement Agreement
14 in accordance with this section; and

15 (5) to authorize the appropriation of amounts
16 necessary for the implementation of the Pechanga
17 Settlement Agreement and this section.

18 (b) DEFINITIONS.—In this section:

19 (1) ADJUDICATION COURT.—The term “Adju-
20 dication Court” means the United States District
21 Court for the Southern District of California, which
22 exercises continuing jurisdiction over the Adjudica-
23 tion Proceeding.

24 (2) ADJUDICATION PROCEEDING.—The term
25 “Adjudication Proceeding” means litigation initiated

1 by the United States regarding relative water rights
2 in the Santa Margarita River Watershed in United
3 States v. Fallbrook Public Utility District et al., Civ.
4 No. 3:51-cv-01247 (S.D.C.A.), including any litiga-
5 tion initiated to interpret or enforce the relative
6 water rights in the Santa Margarita River Water-
7 shed pursuant to the continuing jurisdiction of the
8 Adjudication Court over the Fallbrook Decree.

9 (3) ALLOTTEE.—The term “Allottee” means an
10 individual who holds a beneficial real property inter-
11 est in an Indian allotment that is—

12 (A) located within the Reservation; and

13 (B) held in trust by the United States.

14 (4) BAND.—The term “Band” means Pechanga
15 Band of Luiseño Mission Indians, a federally recog-
16 nized sovereign Indian tribe that functions as a cus-
17 tom and tradition Indian tribe, acting on behalf of
18 itself and its members, but not acting on behalf of
19 members in their capacities as Allottees.

20 (5) CLAIMS.—The term “claims” means rights,
21 claims, demands, actions, compensation, or causes of
22 action, whether known or unknown.

23 (6) EMWD.—The term “EMWD” means East-
24 ern Municipal Water District, a municipal water dis-
25 trict organized and existing in accordance with the

1 Municipal Water District Law of 1911, Division 20
2 of the Water Code of the State of California, as
3 amended.

4 (7) EMWD CONNECTION FEE.—The term
5 “EMWD Connection Fee” has the meaning set forth
6 in the Extension of Service Area Agreement.

7 (8) ENFORCEABILITY DATE.—The term “en-
8 forceability date” means the date on which the Sec-
9 retary publishes in the Federal Register the state-
10 ment of findings described in subsection (f)(5).

11 (9) ESAA CAPACITY AGREEMENT.—The term
12 “ESAA Capacity Agreement” means the “Agree-
13 ment to Provide Capacity for Delivery of ESAA
14 Water”, among the Band, RCWD and the United
15 States.

16 (10) ESAA WATER.—The term “ESAA Water”
17 means imported potable water that the Band re-
18 ceives from EMWD and MWD pursuant to the Ex-
19 tension of Service Area Agreement and delivered by
20 RCWD pursuant to the ESAA Water Delivery
21 Agreement.

22 (11) ESAA WATER DELIVERY AGREEMENT.—
23 The term “ESAA Water Delivery Agreement”
24 means the agreement among EMWD, RCWD, and

1 the Band, establishing the terms and conditions of
2 water service to the Band.

3 (12) EXTENSION OF SERVICE AREA AGREE-
4 MENT.—The term “Extension of Service Area
5 Agreement” means the “Agreement for Extension of
6 Existing Service Area”, among the Band, EMWD,
7 and MWD, for the provision of water service by
8 EMWD to a designated portion of the Reservation
9 using water supplied by MWD.

10 (13) FALLBROOK DECREE.—

11 (A) IN GENERAL.—The term “Fallbrook
12 Decree” means the “Modified Final Judgment
13 And Decree”, entered in the Adjudication Pro-
14 ceeding on April 6, 1966.

15 (B) INCLUSIONS.—The term “Fallbrook
16 Decree” includes all court orders, interlocutory
17 judgments, and decisions supplemental to the
18 “Modified Final Judgment And Decree”, in-
19 cluding Interlocutory Judgment No. 30, Inter-
20 locutory Judgment No. 35, and Interlocutory
21 Judgment No. 41.

22 (14) FUND.—The term “Fund” means the
23 Pechanga Settlement Fund established by subsection
24 (h).

1 (15) INDIAN TRIBE.—The term “Indian tribe”
2 has the meaning given the term in section 4 of the
3 Indian Self-Determination and Education Assistance
4 Act (25 U.S.C. 5304).

5 (16) INJURY TO WATER RIGHTS.—The term
6 “injury to water rights” means an interference with,
7 diminution of, or deprivation of water rights under
8 Federal or State law.

9 (17) INTERIM CAPACITY.—The term “Interim
10 Capacity” has the meaning set forth in the ESAA
11 Capacity Agreement.

12 (18) INTERIM CAPACITY NOTICE.—The term
13 “Interim Capacity Notice” has the meaning set
14 forth in the ESAA Capacity Agreement.

15 (19) INTERLOCUTORY JUDGMENT NO. 41.—The
16 term “Interlocutory Judgment No. 41” means Inter-
17 locutory Judgment No. 41 issued in the Adjudica-
18 tion Proceeding on November 8, 1962, including all
19 court orders, judgments and decisions supplemental
20 to that interlocutory judgment.

21 (20) MWD.—The term “MWD” means the
22 Metropolitan Water District of Southern California,
23 a metropolitan water district organized and incor-
24 porated under the Metropolitan Water District Act

1 of the State of California (Stats. 1969, Chapter 209,
2 as amended).

3 (21) MWD CONNECTION FEE.—The term
4 “MWD Connection Fee” has the meaning set forth
5 in the Extension of Service Area Agreement.

6 (22) PECHANGA ESAA DELIVERY CAPACITY AC-
7 COUNT.—The term “Pechanga ESAA Delivery Ca-
8 pacity account” means the account established by
9 subsection (h)(3)(B).

10 (23) PECHANGA RECYCLED WATER INFRA-
11 STRUCTURE ACCOUNT.—The term “Pechanga Recy-
12 cled Water Infrastructure account” means the ac-
13 count established by subsection (h)(3)(A).

14 (24) PECHANGA SETTLEMENT AGREEMENT.—
15 The term “Pechanga Settlement Agreement” means
16 the Pechanga Settlement Agreement, dated June 17,
17 2014, together with the exhibits to that agreement,
18 entered into by the Band, the United States on be-
19 half of the Band, its members and Allottees, MWD,
20 EMWD, and RCWD, including—

21 (A) the Extension of Service Area Agree-
22 ment;

23 (B) the ESAA Capacity Agreement; and

24 (C) the ESAA Water Delivery Agreement.

1 (25) PECHANGA WATER CODE.—The term
2 “Pechanga Water Code” means a water code to be
3 adopted by the Band in accordance with subsection
4 (d)(6).

5 (26) PECHANGA WATER FUND ACCOUNT.—The
6 term “Pechanga Water Fund account” means the
7 account established by subsection (h)(3)(C).

8 (27) PECHANGA WATER QUALITY ACCOUNT.—
9 The term “Pechanga Water Quality account” means
10 the account established by subsection (h)(3)(D).

11 (28) PERMANENT CAPACITY.—The term “Per-
12 manent Capacity” has the meaning set forth in the
13 ESAA Capacity Agreement.

14 (29) PERMANENT CAPACITY NOTICE.—The
15 term “Permanent Capacity Notice” has the meaning
16 set forth in the ESAA Capacity Agreement.

17 (30) RCWD.—

18 (A) IN GENERAL.—The term “RCWD”
19 means the Rancho California Water District or-
20 ganized pursuant to section 34000 et seq. of
21 the California Water Code.

22 (B) INCLUSIONS.—The term “RCWD” in-
23 cludes all real property owners for whom
24 RCWD acts as an agent pursuant to an agency
25 agreement.

1 (31) RECYCLED WATER INFRASTRUCTURE
2 AGREEMENT.—The term “Recycled Water Infra-
3 structure Agreement” means the “Agreement for
4 Recycled Water Infrastructure” among the Band,
5 RCWD, and the United States.

6 (32) RECYCLED WATER TRANSFER AGREE-
7 MENT.—The term “Recycled Water Transfer Agree-
8 ment” means the “Recycled Water Transfer Agree-
9 ment” between the Band and RCWD.

10 (33) RESERVATION.—

11 (A) IN GENERAL.—The term “Reserva-
12 tion” means the land depicted on the map at-
13 tached to the Pechanga Settlement Agreement
14 as Exhibit I.

15 (B) APPLICABILITY OF TERM.—The term
16 “Reservation” shall be used solely for the pur-
17 poses of the Pechanga Settlement Agreement,
18 this section, and any judgment or decree issued
19 by the Adjudication Court approving the
20 Pechanga Settlement Agreement.

21 (34) SANTA MARGARITA RIVER WATERSHED.—
22 The term “Santa Margarita River Watershed”
23 means the watershed that is the subject of the Adju-
24 dication Proceeding and the Fallbrook Decree.

1 (35) SECRETARY.—The term “Secretary”
2 means the Secretary of the Interior.

3 (36) STATE.—The term “State” means the
4 State of California.

5 (37) STORAGE POND.—The term “Storage
6 Pond” has the meaning set forth in the Recycled
7 Water Infrastructure Agreement.

8 (38) TRIBAL WATER RIGHT.—The term “Tribal
9 Water Right” means the water rights ratified, con-
10 firmed, and declared to be valid for the benefit of
11 the Band and Allottees, as set forth and described
12 in subsection (d).

13 (c) APPROVAL OF THE PECHANGA SETTLEMENT
14 AGREEMENT.—

15 (1) RATIFICATION OF PECHANGA SETTLEMENT
16 AGREEMENT.—

17 (A) IN GENERAL.—Except as modified by
18 this section, and to the extent that the
19 Pechanga Settlement Agreement does not con-
20 flict with this section, the Pechanga Settlement
21 Agreement is authorized, ratified, and con-
22 firmed.

23 (B) AMENDMENTS.—Any amendment to
24 the Pechanga Settlement Agreement is author-
25 ized, ratified, and confirmed, to the extent that

1 the amendment is executed to make the
2 Pechanga Settlement Agreement consistent with
3 this section.

4 (2) EXECUTION OF PECHANGA SETTLEMENT
5 AGREEMENT.—

6 (A) IN GENERAL.—To the extent that the
7 Pechanga Settlement Agreement does not con-
8 flict with this section, the Secretary is directed
9 to and promptly shall execute—

10 (i) the Pechanga Settlement Agree-
11 ment (including any exhibit to the
12 Pechanga Settlement Agreement requiring
13 the signature of the Secretary); and

14 (ii) any amendment to the Pechanga
15 Settlement Agreement necessary to make
16 the Pechanga Settlement Agreement con-
17 sistent with this section.

18 (B) MODIFICATIONS.—Nothing in this sec-
19 tion precludes the Secretary from approving
20 modifications to exhibits to the Pechanga Set-
21 tlement Agreement not inconsistent with this
22 section, to the extent those modifications do not
23 otherwise require congressional approval pursu-
24 ant to section 2116 of the Revised Statutes (25
25 U.S.C. 177) or other applicable Federal law.

1 (3) ENVIRONMENTAL COMPLIANCE.—

2 (A) IN GENERAL.—In implementing the
3 Pechanga Settlement Agreement, the Secretary
4 shall promptly comply with all applicable re-
5 quirements of—

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

8 (ii) the Endangered Species Act of
9 1973 (16 U.S.C. 1531 et seq.);

10 (iii) all other applicable Federal envi-
11 ronmental laws; and

12 (iv) all regulations promulgated under
13 the laws described in clauses (i) through
14 (iii).

15 (B) EXECUTION OF THE PECHANGA SET-
16 TLEMENT AGREEMENT.—

17 (i) IN GENERAL.—Execution of the
18 Pechanga Settlement Agreement by the
19 Secretary under this subsection shall not
20 constitute a major Federal action under
21 the National Environmental Policy Act of
22 1969 (42 U.S.C. 4321 et seq.).

23 (ii) COMPLIANCE.—The Secretary is
24 directed to carry out all Federal compli-

1 ance necessary to implement the Pechanga
2 Settlement Agreement.

3 (C) LEAD AGENCY.—The Bureau of Rec-
4 lamation shall be designated as the lead agency
5 with respect to environmental compliance.

6 (d) TRIBAL WATER RIGHT.—

7 (1) INTENT OF CONGRESS.—It is the intent of
8 Congress to provide to each Allottee benefits that
9 are equal to or exceed the benefits Allottees possess
10 as of the date of enactment of this section, taking
11 into consideration—

12 (A) the potential risks, cost, and time
13 delay associated with litigation that would be
14 resolved by the Pechanga Settlement Agreement
15 and this section;

16 (B) the availability of funding under this
17 section;

18 (C) the availability of water from the Trib-
19 al Water Right and other water sources as set
20 forth in the Pechanga Settlement Agreement;
21 and

22 (D) the applicability of section 7 of the Act
23 of February 8, 1887 (25 U.S.C. 381), and this
24 section to protect the interests of Allottees.

1 (2) CONFIRMATION OF TRIBAL WATER
2 RIGHT.—

3 (A) IN GENERAL.—A Tribal Water Right
4 of up to 4,994 acre-feet of water per year that,
5 under natural conditions, is physically available
6 on the Reservation is confirmed in accordance
7 with the Findings of Fact and Conclusions of
8 Law set forth in Interlocutory Judgment No.
9 41, as affirmed by the Fallbrook Decree.

10 (B) USE.—Subject to the terms of the
11 Pechanga Settlement Agreement, this section,
12 the Fallbrook Decree and applicable Federal
13 law, the Band may use the Tribal Water Right
14 for any purpose on the Reservation.

15 (3) HOLDING IN TRUST.—The Tribal Water
16 Right, as set forth in paragraph (2), shall—

17 (A) be held in trust by the United States
18 on behalf of the Band and the Allottees in ac-
19 cordance with this subsection;

20 (B) include the priority dates described in
21 Interlocutory Judgment No. 41, as affirmed by
22 the Fallbrook Decree; and

23 (C) not be subject to forfeiture or aban-
24 donment.

25 (4) ALLOTTEES.—

1 (A) APPLICABILITY OF ACT OF FEBRUARY
2 8, 1887.—The provisions of section 7 of the Act
3 of February 8, 1887 (25 U.S.C. 381), relating
4 to the use of water for irrigation purposes shall
5 apply to the Tribal Water Right.

6 (B) ENTITLEMENT TO WATER.—Any enti-
7 tlement to water of allotted land located within
8 the exterior boundaries of the Reservation
9 under Federal law shall be satisfied from the
10 Tribal Water Right.

11 (C) ALLOCATIONS.—Allotted land located
12 within the exterior boundaries of the Reserva-
13 tion shall be entitled to a just and equitable al-
14 location of water for irrigation and domestic
15 purposes from the Tribal Water Right.

16 (D) EXHAUSTION OF REMEDIES.—Before
17 asserting any claim against the United States
18 under section 7 of the Act of February 8, 1887
19 (25 U.S.C. 381), or any other applicable law,
20 an Allottee shall exhaust remedies available
21 under the Pechanga Water Code or other appli-
22 cable tribal law.

23 (E) CLAIMS.—Following exhaustion of
24 remedies available under the Pechanga Water
25 Code or other applicable tribal law, an Allottee

1 may seek relief under section 7 of the Act of
2 February 8, 1887 (25 U.S.C. 381), or other ap-
3 plicable law.

4 (F) AUTHORITY.—The Secretary shall
5 have the authority to protect the rights of
6 Allottees as specified in this subsection.

7 (5) AUTHORITY OF BAND.—

8 (A) IN GENERAL.—Except as provided in
9 subparagraph (B), the Band shall have author-
10 ity to use, allocate, distribute, and lease the
11 Tribal Water Right on the Reservation in ac-
12 cordance with—

13 (i) the Pechanga Settlement Agree-
14 ment; and

15 (ii) applicable Federal law.

16 (B) LEASES BY ALLOTTEES.—

17 (i) IN GENERAL.—An Allottee may
18 lease any interest in land held by the Allot-
19 tee, together with any water right deter-
20 mined to be appurtenant to that interest in
21 land.

22 (ii) WATER RIGHT APPURTENANT.—
23 Any water right determined to be appur-
24 tenant to an interest in land leased by an
25 Allottee shall be used on the Reservation.

1 (6) PECHANGA WATER CODE.—

2 (A) IN GENERAL.—Not later than 18
3 months after the enforceability date, the Band
4 shall enact a Pechanga Water Code, that pro-
5 vides for—

6 (i) the management, regulation, and
7 governance of all uses of the Tribal Water
8 Right in accordance with the Pechanga
9 Settlement Agreement; and

10 (ii) establishment by the Band of con-
11 ditions, permit requirements, and other
12 limitations relating to the storage, recov-
13 ery, and use of the Tribal Water Right in
14 accordance with the Pechanga Settlement
15 Agreement.

16 (B) INCLUSIONS.—The Pechanga Water
17 Code shall provide—

18 (i) that allocations of water to
19 Allottees shall be satisfied with water from
20 the Tribal Water Right;

21 (ii) that charges for delivery of water
22 for irrigation purposes for Allottees shall
23 be assessed in accordance with section 7 of
24 the Act of February 8, 1887 (25 U.S.C.
25 381);

1 (iii) a process by which an Allottee (or
2 any successor in interest to an Allottee)
3 may request that the Band provide water
4 for irrigation or domestic purposes in ac-
5 cordance with this section;

6 (iv) a due process system for the con-
7 sideration and determination by the Band
8 of any request by an Allottee (or any suc-
9 cessor in interest to an Allottee) for an al-
10 location of such water for irrigation or do-
11 mestic purposes on allotted land, including
12 a process for—

13 (I) appeal and adjudication of
14 any denied or disputed distribution of
15 water; and

16 (II) resolution of any contested
17 administrative decision; and

18 (v) a requirement that any Allottee
19 (or any successor in interest to an Allottee)
20 with a claim relating to the enforcement of
21 rights of the Allottee (or any successor in
22 interest to an Allottee) under the
23 Pechanga Water Code or relating to the
24 amount of water allocated to land of the
25 Allottee must first exhaust remedies avail-

1 able to the Allottee under tribal law and
2 the Pechanga Water Code before initiating
3 an action against the United States or pe-
4 titioning the Secretary pursuant to para-
5 graph (4)(D).

6 (C) ACTION BY SECRETARY.—

7 (i) IN GENERAL.—The Secretary shall
8 administer the Tribal Water Right until
9 the Pechanga Water Code is enacted and
10 approved under this subsection.

11 (ii) APPROVAL.—Any provision of the
12 Pechanga Water Code and any amendment
13 to the Pechanga Water Code that affects
14 the rights of Allottees—

15 (I) shall be subject to the ap-
16 proval of the Secretary; and

17 (II) shall not be valid until ap-
18 proved by the Secretary.

19 (iii) APPROVAL PERIOD.—The Sec-
20 retary shall approve or disapprove the
21 Pechanga Water Code within a reasonable
22 period of time after the date on which the
23 Band submits the Pechanga Water Code to
24 the Secretary for approval.

1 (7) EFFECT.—Except as otherwise specifically
2 provided in this section, nothing in this section—

3 (A) authorizes any action by an Allottee
4 (or any successor in interest to an Allottee)
5 against any individual or entity, or against the
6 Band, under Federal, State, tribal, or local law;
7 or

8 (B) alters or affects the status of any ac-
9 tion pursuant to section 1491(a) of title 28,
10 United States Code.

11 (e) SATISFACTION OF CLAIMS.—

12 (1) IN GENERAL.—The benefits provided to the
13 Band under the Pechanga Settlement Agreement
14 and this Act shall be in complete replacement of,
15 complete substitution for, and full satisfaction of all
16 claims of the Band against the United States that
17 are waived and released pursuant to subsection (f).

18 (2) ALLOTTEE CLAIMS.—The benefits realized
19 by the Allottees under this section shall be in com-
20 plete replacement of, complete substitution for, and
21 full satisfaction of—

22 (A) all claims that are waived and released
23 pursuant to subsection (f); and

24 (B) any claims of the Allottees against the
25 United States that the Allottees have or could

1 have asserted that are similar in nature to any
2 claim described in subsection (f).

3 (3) NO RECOGNITION OF WATER RIGHTS.—Ex-
4 cept as provided in subsection (d)(4), nothing in this
5 section recognizes or establishes any right of a mem-
6 ber of the Band or an Allottee to water within the
7 Reservation.

8 (4) CLAIMS RELATING TO DEVELOPMENT OF
9 WATER FOR RESERVATION.—

10 (A) IN GENERAL.—The amounts author-
11 ized to be appropriated pursuant to subsection
12 (j) shall be used to satisfy any claim of the
13 Allottees against the United States with respect
14 to the development or protection of water re-
15 sources for the Reservation.

16 (B) SATISFACTION OF CLAIMS.—Upon the
17 complete appropriation of amounts authorized
18 pursuant to subsection (j), any claim of the
19 Allottees against the United States with respect
20 to the development or protection of water re-
21 sources for the Reservation shall be deemed to
22 have been satisfied.

23 (f) WAIVER OF CLAIMS.—

24 (1) IN GENERAL.—

1 (A) WAIVER OF CLAIMS BY THE BAND AND
2 THE UNITED STATES ACTING IN ITS CAPACITY
3 AS TRUSTEE FOR THE BAND.—

4 (i) IN GENERAL.—Subject to the re-
5 tention of rights set forth in paragraph
6 (3), in return for recognition of the Tribal
7 Water Right and other benefits as set
8 forth in the Pechanga Settlement Agree-
9 ment and this section, the Band, on behalf
10 of itself and the members of the Band (but
11 not on behalf of a tribal member in the ca-
12 pacity of Allottee), and the United States,
13 acting as trustee for the Band, are author-
14 ized and directed to execute a waiver and
15 release of all claims for water rights within
16 the Santa Margarita River Watershed that
17 the Band, or the United States acting as
18 trustee for the Band, asserted or could
19 have asserted in any proceeding, including
20 the Adjudication Proceeding, except to the
21 extent that such rights are recognized in
22 the Pechanga Settlement Agreement and
23 this section.

24 (ii) CLAIMS AGAINST RCWD.—Subject
25 to the retention of rights set forth in para-

1 graph (3) and notwithstanding any provi-
2 sions to the contrary in the Pechanga Set-
3 tlement Agreement, the Band and the
4 United States, on behalf of the Band and
5 Allottees, fully release, acquit, and dis-
6 charge RCWD from—

7 (I) claims for injuries to water
8 rights in the Santa Margarita River
9 Watershed for land located within the
10 Reservation arising or occurring at
11 any time up to and including June 30,
12 2009;

13 (II) claims for injuries to water
14 rights in the Santa Margarita River
15 Watershed for land located within the
16 Reservation arising or occurring at
17 any time after June 30, 2009, result-
18 ing from the diversion or use of water
19 in a manner not in violation of the
20 Pechanga Settlement Agreement or
21 this section;

22 (III) claims for subsidence dam-
23 age to land located within the Res-
24 ervation arising or occurring at any

1 time up to and including June 30,
2 2009;

3 (IV) claims for subsidence dam-
4 age arising or occurring after June
5 30, 2009, to land located within the
6 Reservation resulting from the diver-
7 sion of underground water in a man-
8 ner consistent with the Pechanga Set-
9 tlement Agreement or this section;
10 and

11 (V) claims arising out of, or re-
12 lating in any manner to, the negotia-
13 tion or execution of the Pechanga Set-
14 tlement Agreement or the negotiation
15 or execution of this section.

16 (B) CLAIMS BY THE UNITED STATES ACT-
17 ING IN ITS CAPACITY AS TRUSTEE FOR
18 ALLOTTEES.—Subject to the retention of claims
19 set forth in paragraph (3), in return for rec-
20 ognition of the water rights of the Band and
21 other benefits as set forth in the Pechanga Set-
22 tlement Agreement and this section, the United
23 States, acting as trustee for Allottees, is au-
24 thorized and directed to execute a waiver and
25 release of all claims for water rights within the

1 Santa Margarita River Watershed that the
2 United States, acting as trustee for the
3 Allottees, asserted or could have asserted in any
4 proceeding, including the Adjudication Pro-
5 ceeding.

6 (C) CLAIMS BY THE BAND AGAINST THE
7 UNITED STATES.—Subject to the retention of
8 rights set forth in paragraph (3), the Band, on
9 behalf of itself and the members of the Band
10 (but not on behalf of a tribal member in the ca-
11 pacity of Allottee), is authorized to execute a
12 waiver and release of—

13 (i) all claims against the United
14 States (including the agencies and employ-
15 ees of the United States) relating to claims
16 for water rights in, or water of, the Santa
17 Margarita River Watershed that the
18 United States, acting in its capacity as
19 trustee for the Band, asserted, or could
20 have asserted, in any proceeding, including
21 the Adjudication Proceeding, except to the
22 extent that those rights are recognized in
23 the Pechanga Settlement Agreement and
24 this section;

1 (ii) all claims against the United
2 States (including the agencies and employ-
3 ees of the United States) relating to dam-
4 ages, losses, or injuries to water, water
5 rights, land, or natural resources due to
6 loss of water or water rights (including
7 damages, losses or injuries to hunting,
8 fishing, gathering, or cultural rights due to
9 loss of water or water rights, claims relat-
10 ing to interference with, diversion, or tak-
11 ing of water or water rights, or claims re-
12 lating to failure to protect, acquire, re-
13 place, or develop water, water rights, or
14 water infrastructure) in the Santa Mar-
15 garita River Watershed that first accrued
16 at any time up to and including the en-
17 forceability date;

18 (iii) all claims against the United
19 States (including the agencies and employ-
20 ees of the United States) relating to the
21 pending litigation of claims relating to the
22 water rights of the Band in the Adjudica-
23 tion Proceeding; and

24 (iv) all claims against the United
25 States (including the agencies and employ-

1 ees of the United States) relating to the
2 negotiation or execution of the Pechanga
3 Settlement Agreement or the negotiation
4 or execution of this section.

5 (2) EFFECTIVENESS OF WAIVERS AND RE-
6 LEASES.—The waivers under paragraph (1) shall
7 take effect on the enforceability date.

8 (3) RESERVATION OF RIGHTS AND RETENTION
9 OF CLAIMS.—Notwithstanding the waivers and re-
10 leases authorized in this section, the Band, on behalf
11 of itself and the members of the Band, and the
12 United States, acting in its capacity as trustee for
13 the Band and Allottees, retain—

14 (A) all claims for enforcement of the
15 Pechanga Settlement Agreement and this sec-
16 tion;

17 (B) all claims against any person or entity
18 other than the United States and RCWD, in-
19 cluding claims for monetary damages;

20 (C) all claims for water rights that are
21 outside the jurisdiction of the Adjudication
22 Court;

23 (D) all rights to use and protect water
24 rights acquired on or after the enforceability
25 date; and

1 (E) all remedies, privileges, immunities,
2 powers, and claims, including claims for water
3 rights, not specifically waived and released pur-
4 suant to this section and the Pechanga Settle-
5 ment Agreement.

6 (4) EFFECT OF PECHANGA SETTLEMENT
7 AGREEMENT AND ACT.—Nothing in the Pechanga
8 Settlement Agreement or this section—

9 (A) affects the ability of the United States,
10 acting as sovereign, to take actions authorized
11 by law, including any laws relating to health,
12 safety, or the environment, including—

13 (i) the Comprehensive Environmental
14 Response, Compensation, and Liability Act
15 of 1980 (42 U.S.C. 9601 et seq.);

16 (ii) the Safe Drinking Water Act (42
17 U.S.C. 300f et seq.);

18 (iii) the Federal Water Pollution Con-
19 trol Act (33 U.S.C. 1251 et seq.); and

20 (iv) any regulations implementing the
21 Acts described in clauses (i) through (iii);

22 (B) affects the ability of the United States
23 to take actions acting as trustee for any other
24 Indian tribe or an Allottee of any other Indian
25 tribe;

1 (C) confers jurisdiction on any State
2 court—

3 (i) to interpret Federal law regarding
4 health, safety, or the environment;

5 (ii) to determine the duties of the
6 United States or other parties pursuant to
7 Federal law regarding health, safety, or
8 the environment; or

9 (iii) to conduct judicial review of Fed-
10 eral agency action;

11 (D) waives any claim of a member of the
12 Band in an individual capacity that does not
13 derive from a right of the Band;

14 (E) limits any funding that RCWD would
15 otherwise be authorized to receive under any
16 Federal law, including, the Reclamation Waste-
17 water and Groundwater Study and Facilities
18 Act (43 U.S.C. 390h et seq.) as that Act ap-
19 plies to permanent facilities for water recycling,
20 demineralization, and desalination, and dis-
21 tribution of nonpotable water supplies in South-
22 ern Riverside County, California;

23 (F) characterizes any amounts received by
24 RCWD under the Pechanga Settlement Agree-
25 ment or this section as Federal for purposes of

1 section 1649 of the Reclamation Wastewater
2 and Groundwater Study and Facilities Act (43
3 U.S.C. 390h–32); or

4 (G) affects the requirement of any party to
5 the Pechanga Settlement Agreement or any of
6 the exhibits to the Pechanga Settlement Agree-
7 ment to comply with the National Environ-
8 mental Policy Act of 1969 (42 U.S.C. 4321 et
9 seq.) or the California Environmental Quality
10 Act (Cal. Pub. Res. Code 21000 et seq.) prior
11 to performing the respective obligations of that
12 party under the Pechanga Settlement Agree-
13 ment or any of the exhibits to the Pechanga
14 Settlement Agreement.

15 (5) ENFORCEABILITY DATE.—The enforce-
16 ability date shall be the date on which the Secretary
17 publishes in the Federal Register a statement of
18 findings that—

19 (A) the Adjudication Court has approved
20 and entered a judgment and decree approving
21 the Pechanga Settlement Agreement in sub-
22 stantially the same form as Appendix 2 to the
23 Pechanga Settlement Agreement;

24 (B) all amounts authorized by this section
25 have been deposited in the Fund;

1 (C) the waivers and releases authorized in
2 paragraph (1) have been executed by the Band
3 and the Secretary;

4 (D) the Extension of Service Area Agree-
5 ment—

6 (i) has been approved and executed by
7 all the parties to the Extension of Service
8 Area Agreement; and

9 (ii) is effective and enforceable in ac-
10 cordance with the terms of the Extension
11 of Service Area Agreement; and

12 (E) the ESAA Water Delivery Agree-
13 ment—

14 (i) has been approved and executed by
15 all the parties to the ESAA Water Delivery
16 Agreement; and

17 (ii) is effective and enforceable in ac-
18 cordance with the terms of the ESAA
19 Water Delivery Agreement.

20 (6) TOLLING OF CLAIMS.—

21 (A) IN GENERAL.—Each applicable period
22 of limitation and time-based equitable defense
23 relating to a claim described in this subsection
24 shall be tolled for the period beginning on the

1 date of enactment of this Act and ending on the
2 earlier of—

3 (i) April 30, 2030, or such alternate
4 date after April 30, 2030, as is agreed to
5 by the Band and the Secretary; or

6 (ii) the enforceability date.

7 (B) EFFECTS OF SUBSECTION.—Nothing
8 in this subsection revives any claim or tolls any
9 period of limitation or time-based equitable de-
10 fense that expired before the date of enactment
11 of this Act.

12 (C) LIMITATION.—Nothing in this sub-
13 section precludes the tolling of any period of
14 limitations or any time-based equitable defense
15 under any other applicable law.

16 (7) TERMINATION.—

17 (A) IN GENERAL.—If all of the amounts
18 authorized to be appropriated to the Secretary
19 pursuant to this section have not been made
20 available to the Secretary by April 30, 2030—

21 (i) the waivers authorized by this sub-
22 section shall expire and have no force or
23 effect; and

24 (ii) all statutes of limitations applica-
25 ble to any claim otherwise waived under

1 this subsection shall be tolled until April
2 30, 2030.

3 (B) VOIDING OF WAIVERS.—If a waiver
4 authorized by this subsection is void under sub-
5 paragraph (A)—

6 (i) the approval of the United States
7 of the Pechanga Settlement Agreement
8 under subsection (c) shall be void and have
9 no further force or effect;

10 (ii) any unexpended Federal amounts
11 appropriated or made available to carry
12 out this section, together with any interest
13 earned on those amounts, and any water
14 rights or contracts to use water and title
15 to other property acquired or constructed
16 with Federal amounts appropriated or
17 made available to carry out this section
18 shall be returned to the Federal Govern-
19 ment, unless otherwise agreed to by the
20 Band and the United States and approved
21 by Congress; and

22 (iii) except for Federal amounts used
23 to acquire or develop property that is re-
24 turned to the Federal Government under
25 clause (ii), the United States shall be enti-

1 tled to set off any Federal amounts appro-
2 priated or made available to carry out this
3 section that were expended or withdrawn,
4 together with any interest accrued, against
5 any claims against the United States relat-
6 ing to water rights asserted by the Band
7 or Allottees in any future settlement of the
8 water rights of the Band or Allottees.

9 (g) WATER FACILITIES.—

10 (1) IN GENERAL.—The Secretary shall, subject
11 to the availability of appropriations, using amounts
12 from the designated accounts of the Fund, provide
13 the amounts necessary to fulfill the obligations of
14 the Band under the Recycled Water Infrastructure
15 Agreement and the ESAA Capacity Agreement, in
16 an amount not to exceed the amounts deposited in
17 the designated accounts for such purposes plus any
18 interest accrued on such amounts from the date of
19 deposit in the Fund to the date of disbursement
20 from the Fund, in accordance with this section and
21 the terms and conditions of those agreements.

22 (2) NONREIMBURSABILITY OF COSTS.—All
23 costs incurred by the Secretary in carrying out this
24 subsection shall be nonreimbursable.

25 (3) RECYCLED WATER INFRASTRUCTURE.—

1 (A) IN GENERAL.—The Secretary shall,
2 using amounts from the Pechanga Recycled
3 Water Infrastructure account, provide amounts
4 for the Storage Pond in accordance with this
5 paragraph.

6 (B) STORAGE POND.—

7 (i) IN GENERAL.—The Secretary
8 shall, subject to the availability of appro-
9 priations, provide the amounts necessary to
10 fulfill the obligations of the Band under
11 the Recycled Water Infrastructure Agree-
12 ment for the design and construction of
13 the Storage Pond, in an amount not to ex-
14 ceed \$2,656,374.

15 (ii) PROCEDURE.—The procedure for
16 the Secretary to provide amounts pursuant
17 to this paragraph shall be as set forth in
18 the Recycled Water Infrastructure Agree-
19 ment.

20 (iii) LEAD AGENCY.—The Bureau of
21 Reclamation shall be the lead agency for
22 purposes of the implementation of this
23 paragraph.

1 (iv) LIABILITY.—The United States
2 shall have no responsibility or liability for
3 the Storage Pond.

4 (4) ESAA DELIVERY CAPACITY.—

5 (A) IN GENERAL.—The Secretary shall,
6 using amounts from the Pechanga ESAA Deliv-
7 ery Capacity account, provide amounts for In-
8 terim Capacity and Permanent Capacity in ac-
9 cordance with this paragraph.

10 (B) INTERIM CAPACITY.—

11 (i) IN GENERAL.—The Secretary
12 shall, subject to the availability of appro-
13 priations, using amounts from the ESAA
14 Delivery Capacity account, provide
15 amounts necessary to fulfill the obligations
16 of the Band under the ESAA Capacity
17 Agreement for the provision by RCWD of
18 Interim Capacity to the Band in an
19 amount not to exceed \$1,000,000.

20 (ii) PROCEDURE.—The procedure for
21 the Secretary to provide amounts pursuant
22 to this subparagraph shall be as set forth
23 in the ESAA Capacity Agreement.

24 (iii) LEAD AGENCY.—The Bureau of
25 Reclamation shall be the lead agency for

1 purposes of the implementation of this
2 subparagraph.

3 (iv) LIABILITY.—The United States
4 shall have no responsibility or liability for
5 the Interim Capacity to be provided by
6 RCWD.

7 (v) TRANSFER TO BAND.—If RCWD
8 does not provide the Interim Capacity No-
9 tice required pursuant to the ESAA Ca-
10 pacity Agreement by the date that is 60
11 days after the date required under the
12 ESAA Capacity Agreement, the amounts
13 in the Pechanga ESAA Delivery Capacity
14 account for purposes of the provision of In-
15 terim Capacity and Permanent Capacity,
16 including any interest that has accrued on
17 those amounts, shall be available for use
18 by the Band to provide alternative interim
19 capacity in a manner that is similar to the
20 Interim Capacity and Permanent Capacity
21 that the Band would have received had
22 RCWD provided such Interim Capacity
23 and Permanent Capacity.

24 (C) PERMANENT CAPACITY.—

1 (i) IN GENERAL.—On receipt of the
2 Permanent Capacity Notice pursuant to
3 section 5(b) of the ESAA Capacity Agree-
4 ment, the Secretary, acting through the
5 Bureau of Reclamation, shall enter into ne-
6 gotiations with RCWD and the Band to es-
7 tablish an agreement that will allow for the
8 disbursement of amounts from the
9 Pechanga ESAA Delivery Capacity account
10 in accordance with clause (ii).

11 (ii) SCHEDULE OF DISBURSEMENT.—
12 Subject to the availability of amounts
13 under subsection (h)(5), on execution of
14 the ESAA Capacity Agreement, the Sec-
15 retary shall, subject to the availability of
16 appropriations and using amounts from
17 the ESAA Delivery Capacity account, pro-
18 vide amounts necessary to fulfill the obli-
19 gations of the Band under the ESAA Ca-
20 pacity Agreement for the provision by
21 RCWD of Permanent Capacity to the
22 Band in an amount not to exceed the
23 amount available in the ESAA Delivery
24 Capacity account as of the date on which
25 the ESAA Capacity Agreement is executed.

1 (iii) PROCEDURE.—The procedure for
2 the Secretary to provide funds pursuant to
3 this subparagraph shall be as set forth in
4 the ESAA Capacity Agreement.

5 (iv) LEAD AGENCY.—The Bureau of
6 Reclamation shall be the lead agency for
7 purposes of the implementation of this
8 subparagraph.

9 (v) LIABILITY.—The United States
10 shall have no responsibility or liability for
11 the Permanent Capacity to be provided by
12 RCWD.

13 (vi) TRANSFER TO BAND.—If RCWD
14 does not provide the Permanent Capacity
15 Notice required pursuant to the ESAA Ca-
16 pacity Agreement by the date that is 5
17 years after the enforceability date, the
18 amounts in the Pechanga ESAA Delivery
19 Capacity account for purposes of the provi-
20 sion of Permanent Capacity, including any
21 interest that has accrued on those
22 amounts, shall be available for use by the
23 Band to provide alternative permanent ca-
24 pacity in a manner that is similar to the
25 Permanent Capacity that the Band would

1 have received had RCWD provided such
2 Permanent Capacity.

3 (h) PECHANGA SETTLEMENT FUND.—

4 (1) ESTABLISHMENT.—There is established in
5 the Treasury of the United States a fund to be
6 known as the “Pechanga Settlement Fund”, to be
7 managed, invested, and distributed by the Secretary
8 and to be available until expended, and, together
9 with any interest earned on those amounts, to be
10 used solely for the purpose of carrying out this sec-
11 tion.

12 (2) TRANSFERS TO FUND.—The Fund shall
13 consist of such amounts as are deposited in the
14 Fund under subsection (j), together with any inter-
15 est earned on those amounts, which shall be avail-
16 able in accordance with paragraph (5).

17 (3) ACCOUNTS OF PECHANGA SETTLEMENT
18 FUND.—The Secretary shall establish in the Fund
19 the following accounts:

20 (A) Pechanga Recycled Water Infrastruc-
21 ture account, consisting of amounts authorized
22 pursuant to subsection (j)(1).

23 (B) Pechanga ESAA Delivery Capacity ac-
24 count, consisting of amounts authorized pursu-
25 ant to subsection (j)(2).

1 (C) Pechanga Water Fund account, con-
2 sisting of amounts authorized pursuant to sub-
3 section (j)(3).

4 (D) Pechanga Water Quality account, con-
5 sisting of amounts authorized pursuant to sub-
6 section (j)(4).

7 (4) MANAGEMENT OF FUND.—The Secretary
8 shall manage, invest, and distribute all amounts in
9 the Fund in a manner that is consistent with the in-
10 vestment authority of the Secretary under—

11 (A) the first section of the Act of June 24,
12 1938 (25 U.S.C. 162a);

13 (B) the American Indian Trust Fund Man-
14 agement Reform Act of 1994 (25 U.S.C. 4001
15 et seq.); and

16 (C) this subsection.

17 (5) AVAILABILITY OF AMOUNTS.—Amounts ap-
18 propriated to, and deposited in, the Fund, including
19 any investment earnings accrued from the date of
20 deposit in the Fund through the date of disburse-
21 ment from the Fund, shall be made available to the
22 Band by the Secretary beginning on the enforce-
23 ability date.

1 (6) WITHDRAWALS BY BAND PURSUANT TO
2 THE AMERICAN INDIAN TRUST FUND MANAGEMENT
3 REFORM ACT.—

4 (A) IN GENERAL.—The Band may with-
5 draw all or part of the amounts in the Fund on
6 approval by the Secretary of a tribal manage-
7 ment plan submitted by the Band in accordance
8 with the American Indian Trust Fund Manage-
9 ment Reform Act of 1994 (25 U.S.C. 4001 et
10 seq.).

11 (B) REQUIREMENTS.—

12 (i) IN GENERAL.—In addition to the
13 requirements under the American Indian
14 Trust Fund Management Reform Act of
15 1994 (25 U.S.C. 4001 et seq.), the tribal
16 management plan under subparagraph (A)
17 shall require that the Band shall spend all
18 amounts withdrawn from the Fund in ac-
19 cordance with this section.

20 (ii) ENFORCEMENT.—The Secretary
21 may carry out such judicial or administra-
22 tive actions as the Secretary determines to
23 be necessary to enforce the tribal manage-
24 ment plan to ensure that amounts with-
25 drawn by the Band from the Fund under

1 this paragraph are used in accordance with
2 this section.

3 (7) WITHDRAWALS BY BAND PURSUANT TO AN
4 EXPENDITURE PLAN.—

5 (A) IN GENERAL.—The Band may submit
6 an expenditure plan for approval by the Sec-
7 retary requesting that all or part of the
8 amounts in the Fund be disbursed in accord-
9 ance with the plan.

10 (B) REQUIREMENTS.—The expenditure
11 plan under subparagraph (A) shall include a de-
12 scription of the manner and purpose for which
13 the amounts proposed to be disbursed from the
14 Fund will be used, in accordance with para-
15 graph (8).

16 (C) APPROVAL.—If the Secretary deter-
17 mines that an expenditure plan submitted
18 under this subsection is consistent with the pur-
19 poses of this section, the Secretary shall ap-
20 prove the plan.

21 (D) ENFORCEMENT.—The Secretary may
22 carry out such judicial or administrative actions
23 as the Secretary determines necessary to en-
24 force an expenditure plan to ensure that

1 amounts disbursed under this paragraph are
2 used in accordance with this section.

3 (8) USES.—Amounts from the Fund shall be
4 used by the Band for the following purposes:

5 (A) PECHANGA RECYCLED WATER INFRA-
6 STRUCTURE ACCOUNT.—The Pechanga Recy-
7 cled Water Infrastructure account shall be used
8 for expenditures by the Band in accordance
9 with subsection (g)(3).

10 (B) PECHANGA ESAA DELIVERY CAPACITY
11 ACCOUNT.—The Pechanga ESAA Delivery Ca-
12 pacity account shall be used for expenditures by
13 the Band in accordance with subsection (g)(4).

14 (C) PECHANGA WATER FUND ACCOUNT.—
15 The Pechanga Water Fund account shall be
16 used for—

17 (i) payment of the EMWD Connection
18 Fee;

19 (ii) payment of the MWD Connection
20 Fee; and

21 (iii) any expenses, charges, or fees in-
22 curred by the Band in connection with the
23 delivery or use of water pursuant to the
24 Pechanga Settlement Agreement.

1 (D) PECHANGA WATER QUALITY AC-
2 COUNT.—The Pechanga Water Quality account
3 shall be used by the Band to fund groundwater
4 desalination activities within the Wolf Valley
5 Basin.

6 (9) LIABILITY.—The Secretary and the Sec-
7 retary of the Treasury shall not be liable for the ex-
8 penditure of, or the investment of any amounts with-
9 drawn from, the Fund by the Band under paragraph
10 (6) or (7).

11 (10) NO PER CAPITA DISTRIBUTIONS.—No por-
12 tion of the Fund shall be distributed on a per capita
13 basis to any member of the Band.

14 (i) MISCELLANEOUS PROVISIONS.—

15 (1) WAIVER OF SOVEREIGN IMMUNITY BY THE
16 UNITED STATES.—Except as provided in subsections
17 (a) through (c) of section 208 of the Department of
18 Justice Appropriation Act, 1953 (43 U.S.C. 666),
19 nothing in this section waives the sovereign immu-
20 nity of the United States.

21 (2) OTHER TRIBES NOT ADVERSELY AF-
22 FECTED.—Nothing in this section quantifies or di-
23 minishes any land or water right, or any claim or
24 entitlement to land or water, of an Indian tribe,
25 band, or community other than the Band.

1 (3) LIMITATION ON CLAIMS FOR REIMBURSE-
2 MENT.—With respect to Indian land within the Res-
3 ervation—

4 (A) the United States shall not submit
5 against any Indian-owned land located within
6 the Reservation any claim for reimbursement of
7 the cost to the United States of carrying out
8 this section and the Pechanga Settlement
9 Agreement; and

10 (B) no assessment of any Indian-owned
11 land located within the Reservation shall be
12 made regarding that cost.

13 (4) EFFECT ON CURRENT LAW.—Nothing in
14 this subsection affects any provision of law (includ-
15 ing regulations) in effect on the day before the date
16 of enactment of this Act with respect to
17 preenforcement review of any Federal environmental
18 enforcement action.

19 (j) AUTHORIZATION OF APPROPRIATIONS.—

20 (1) PECHANGA RECYCLED WATER INFRASTRUC-
21 TURE ACCOUNT.—There is authorized to be appro-
22 priated \$2,656,374, for deposit in the Pechanga Re-
23 cycled Water Infrastructure account, to carry out
24 the activities described in subsection (g)(3).

1 (2) PECHANGA ESAA DELIVERY CAPACITY AC-
2 COUNT.—There is authorized to be appropriated
3 \$17,900,000, for deposit in the Pechanga ESAA De-
4 livery Capacity account, which amount shall be ad-
5 justed for changes in construction costs since June
6 30, 2009, as is indicated by ENR Construction Cost
7 Index, 20-City Average, as applicable to the types of
8 construction required for the Band to provide the in-
9 frastructure necessary for the Band to provide the
10 Interim Capacity and Permanent Capacity in the
11 event that RCWD elects not to provide the Interim
12 Capacity or Permanent Capacity as set forth in the
13 ESAA Capacity Agreement and contemplated in
14 subparagraphs (B)(v) and (C)(vi) of subsection
15 (g)(4), with such adjustment ending on the date on
16 which funds authorized to be appropriated under
17 this subsection have been deposited in the Fund.

18 (3) PECHANGA WATER FUND ACCOUNT.—There
19 is authorized to be appropriated \$5,483,653, for de-
20 posit in the Pechanga Water Fund account, which
21 amount shall be adjusted for changes in appropriate
22 cost indices since June 30, 2009, with such adjust-
23 ment ending on the date of deposit in the Fund, for
24 the purposes set forth in subsection (h)(8)(C).

1 (4) PECHANGA WATER QUALITY ACCOUNT.—

2 There is authorized to be appropriated \$2,460,000,
3 for deposit in the Pechanga Water Quality account,
4 which amount shall be adjusted for changes in ap-
5 propriate cost indices since June 30, 2009, with
6 such adjustment ending on the date of deposit in the
7 Fund, for the purposes set forth in subsection
8 (h)(8)(D).

9 (k) REPEAL ON FAILURE OF ENFORCEABILITY
10 DATE.—If the Secretary does not publish a statement of
11 findings under subsection (f)(5) by April 30, 2021, or such
12 alternative later date as is agreed to by the Band and the
13 Secretary, as applicable—

14 (1) this section is repealed effective on the later
15 of May 1, 2021, or the day after the alternative date
16 agreed to by the Band and the Secretary;

17 (2) any action taken by the Secretary and any
18 contract or agreement pursuant to the authority pro-
19 vided under any provision of this section shall be
20 void;

21 (3) any amounts appropriated under subsection
22 (j), together with any interest on those amounts,
23 shall immediately revert to the general fund of the
24 Treasury; and

1 (4) any amounts made available under sub-
2 section (j) that remain unexpended shall immediately
3 revert to the general fund of the Treasury.

4 (l) ANTIDEFICIENCY.—

5 (1) IN GENERAL.—Notwithstanding any author-
6 ization of appropriations to carry out this section,
7 the expenditure or advance of any funds, and the
8 performance of any obligation by the Department in
9 any capacity, pursuant to this section shall be con-
10 tingent on the appropriation of funds for that ex-
11 penditure, advance, or performance.

12 (2) LIABILITY.—The Department of the Inte-
13 rior shall not be liable for the failure to carry out
14 any obligation or activity authorized by this section
15 if adequate appropriations are not provided to carry
16 out this section.

17 **SEC. 8010. GOLD KING MINE SPILL RECOVERY.**

18 (a) DEFINITIONS.—In this section:

19 (1) ADMINISTRATOR.—The term “Adminis-
20 trator” means the Administrator of the Environ-
21 mental Protection Agency.

22 (2) CLAIMANT.—The term “claimant” means a
23 State, Indian tribe, or local government that submits
24 a claim under subsection (c).

1 (3) GOLD KING MINE RELEASE.—The term
2 “Gold King Mine release” means the discharge on
3 August 5, 2015, of approximately 3,000,000 gallons
4 of contaminated water from the Gold King Mine
5 north of Silverton, Colorado, into Cement Creek that
6 occurred while contractors of the Environmental
7 Protection Agency were conducting an investigation
8 of the Gold King Mine to assess mine conditions.

9 (4) NATIONAL CONTINGENCY PLAN.—The term
10 “National Contingency Plan” means the National
11 Contingency Plan prepared and published under
12 part 300 of title 40, Code of Federal Regulations (or
13 successor regulations).

14 (5) RESPONSE.—The term “response” has the
15 meaning given the term in section 101 of the Com-
16 prehensive Environmental Response, Compensation,
17 and Liability Act of 1980 (42 U.S.C. 9601).

18 (b) SENSE OF CONGRESS.—It is the sense of Con-
19 gress that the Administrator should receive and process,
20 as expeditiously as possible, claims under chapter 171 of
21 title 28, United States Code (commonly known as the
22 “Federal Tort Claims Act”) for any injury arising out of
23 the Gold King Mine release.

1 (c) GOLD KING MINE RELEASE CLAIMS PURSUANT
2 TO THE COMPREHENSIVE ENVIRONMENTAL RESPONSE,
3 COMPENSATION, AND LIABILITY ACT.—

4 (1) IN GENERAL.—The Administrator shall,
5 consistent with the National Contingency Plan, re-
6 ceive and process under the Comprehensive Environ-
7 mental Response, Compensation, and Liability Act
8 of 1980 (42 U.S.C. 9601 et seq.), and pay from ap-
9 propriations made available to the Administrator to
10 carry out that Act, any claim made by a State, In-
11 dian tribe, or local government for eligible response
12 costs relating to the Gold King Mine release.

13 (2) ELIGIBLE RESPONSE COSTS.—

14 (A) IN GENERAL.—Response costs in-
15 curred between August 5, 2015, and September
16 9, 2016, are eligible for payment by the Admin-
17 istrator under this subsection, without prior ap-
18 proval by the Administrator, if the response
19 costs are not inconsistent with the National
20 Contingency Plan.

21 (B) PRIOR APPROVAL REQUIRED.—Re-
22 sponse costs incurred after September 9, 2016,
23 are eligible for payment by the Administrator
24 under this subsection if—

1 (i) the Administrator approves the re-
2 sponse costs under section 111(a)(2) of the
3 Comprehensive Environmental Response,
4 Compensation, and Liability Act of 1980
5 (42 U.S.C. 9611(a)(2)); and

6 (ii) the response costs are not incon-
7 sistent with the National Contingency
8 Plan.

9 (3) PRESUMPTION.—

10 (A) IN GENERAL.—The Administrator
11 shall consider response costs claimed under
12 paragraph (1) to be eligible response costs if a
13 reasonable basis exists to establish that the re-
14 sponse costs are not inconsistent with the Na-
15 tional Contingency Plan.

16 (B) APPLICABLE STANDARD.—In deter-
17 mining whether a response cost is not incon-
18 sistent with the National Contingency Plan, the
19 Administrator shall apply the same standard
20 that the United States applies in seeking recov-
21 ery of the response costs of the United States
22 from responsible parties under section 107 of
23 the Comprehensive Environmental Response,
24 Compensation, and Liability Act of 1980 (42
25 U.S.C. 9607).

1 (4) TIMING.—

2 (A) IN GENERAL.—Not later than 90 days
3 after the date of enactment of this Act, the Ad-
4 ministrator shall make a decision on, and pay,
5 any eligible response costs submitted to the Ad-
6 ministrator before that date of enactment.

7 (B) SUBSEQUENTLY FILED CLAIMS.—Not
8 later than 90 days after the date on which a
9 claim is submitted to the Administrator, the
10 Administrator shall make a decision on, and
11 pay, any eligible response costs.

12 (C) DEADLINE.—All claims under this
13 subsection shall be submitted to the Adminis-
14 trator not later than 180 days after the date of
15 enactment of this Act.

16 (D) NOTIFICATION.—Not later than 30
17 days after the date on which the Administrator
18 makes a decision under subparagraph (A) or
19 (B), the Administrator shall notify the claimant
20 of the decision.

21 (d) WATER QUALITY PROGRAM.—

22 (1) IN GENERAL.—In response to the Gold
23 King Mine release, the Administrator, in conjunction
24 with affected States, Indian tribes, and local govern-
25 ments, shall, subject to the availability of appropria-

1 tions, develop and implement a program for long-
2 term water quality monitoring of rivers contami-
3 nated by the Gold King Mine release.

4 (2) REQUIREMENTS.—In carrying out the pro-
5 gram described in paragraph (1), the Administrator,
6 in conjunction with affected States, Indian tribes,
7 and local governments, shall—

8 (A) collect water quality samples and sedi-
9 ment data;

10 (B) provide the public with a means of
11 viewing the water quality sample results and
12 sediment data referred to in subparagraph (A)
13 by, at a minimum, posting the information on
14 the website of the Administrator;

15 (C) take any other reasonable measure
16 necessary to assist affected States, Indian
17 tribes, and local governments with long-term
18 water monitoring; and

19 (D) carry out additional program activities
20 related to long-term water quality monitoring
21 that the Administrator determines to be nec-
22 essary.

23 (3) AUTHORIZATION OF APPROPRIATIONS.—
24 There are authorized to be appropriated to the Ad-
25 ministrator such sums as may be necessary to carry

1 out this subsection, including the reimbursement of
2 affected States, Indian tribes, and local governments
3 for the costs of long-term water quality monitoring
4 of any river contaminated by the Administrator.

5 (e) EXISTING STATE AND TRIBAL LAW.—Nothing in
6 this section affects the jurisdiction or authority of any de-
7 partment, agency, or officer of any State government or
8 any Indian tribe.

9 (f) SAVINGS CLAUSE.—Nothing in this section affects
10 any right of any State, Indian tribe, or other person to
11 bring a claim against the United States for response costs
12 or natural resources damages pursuant to section 107 of
13 the Comprehensive Environmental Response, Compensa-
14 tion, and Liability Act of 1980 (42 U.S.C. 9607).