

114TH CONGRESS  
2D SESSION

# 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.

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## IN THE SENATE OF THE UNITED STATES

APRIL 25, 2016

Mr. INHOFE (for himself and Mrs. BOXER) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

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## A BILL

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

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

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

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

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

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

#### TITLE I—PROGRAM REFORMS

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

#### TITLE II—NAVIGATION

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

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

#### TITLE III—SAFETY IMPROVEMENTS

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

#### TITLE IV—RIVER BASINS, WATERSHEDS, AND COASTAL AREAS

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

#### TITLE V—DEAUTHORIZATIONS

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

#### TITLE VI—WATER RESOURCES INFRASTRUCTURE

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

#### TITLE VII—SAFE DRINKING WATER AND CLEAN WATER INFRASTRUCTURE

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

##### Subtitle A—Drinking Water

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

#### Subtitle B—Clean Water

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

#### Subtitle C—Innovative Financing and Promotion of Innovative Technologies

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

#### Subtitle D—Drinking Water Disaster Relief and Infrastructure Investments

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

#### Subtitle E—Report on Groundwater Contamination

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

#### Subtitle F—Restoration

#### PART I—GREAT LAKES RESTORATION INITIATIVE

- Sec. 7611. Great Lakes Restoration Initiative.

#### PART II—LAKE TAHOE RESTORATION

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

Sec. 7623. Improved administration of the Lake Tahoe Basin Management Unit.

Sec. 7624. Authorized programs.

Sec. 7625. Program performance and accountability.

Sec. 7626. Conforming amendments; updates to related laws.

Sec. 7627. Authorization of appropriations.

Sec. 7628. Land transfers to improve management efficiencies of Federal and State land.

#### PART III—LONG ISLAND SOUND RESTORATION

Sec. 7631. Restoration and stewardship programs.

Sec. 7632. Reauthorization.

#### Subtitle G—Offset

Sec. 7701. Offset.

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

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

### 4 **SEC. 3. LIMITATIONS.**

5       Nothing in this Act—

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

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

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

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

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

## 4           **TITLE I—PROGRAM REFORMS**

### 5           **SEC. 1001. STUDY OF WATER RESOURCES DEVELOPMENT** 6                                   **PROJECTS BY NON-FEDERAL INTERESTS.**

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

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

### 15           **SEC. 1002. ADVANCED FUNDS FOR WATER RESOURCES DE-** 16                                   **VELOPMENT STUDIES AND PROJECTS.**

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

19                           (1) in the first sentence—

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

22                                   “(a) IN GENERAL.—Whenever any”;

23                                   (B) by striking “a flood-control project  
 24                                   duly adopted and authorized by law” and in-

1           serting “an authorized water resources develop-  
2           ment study or project,”; and

3           (C) by striking “such work” and inserting  
4           “such study or project”;

5           (2) in the second sentence—

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

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

9           (B) by striking “for flood-control work”;

10          and

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

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

14                 “(1) a State;

15                 “(2) the District of Columbia;

16                 “(3) the Commonwealth of Puerto Rico;

17                 “(4) any other territory or possession of the  
18          United States; and

19                 “(5) a federally recognized Indian tribe or a  
20          Native village, Regional Corporation, or Village Cor-  
21          poration (as those terms are defined in section 3 of  
22          the Alaska Native Claims Settlement Act (43 U.S.C.  
23          1602)).”.

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21 “(c) USER FEES.—

22 “(1) COLLECTION OF FEES.—

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

1 section (b) to collect user fees for the use of de-  
2 veloped recreation sites and facilities, whether  
3 developed or constructed by that entity or the  
4 Department of the Army.

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

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

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

19 “(B) notwithstanding section 210(b)(4) of  
20 the Flood Control Act of 1968 (16 U.S.C.  
21 460d–3(b)(4)), use that amount for operation,  
22 maintenance, and management at the recre-  
23 ation site at which the fee is collected.

24 “(3) TERMS AND CONDITIONS.—The authority  
25 of a non-Federal public or private entity under this

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

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

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

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

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

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

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

20 “(c) CONCURRENT REVIEW.—

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

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

3 “(2) CORPS OF ENGINEERS AS A COOPERATING  
4 AGENCY.—If the Corps of Engineers is not the lead  
5 Federal agency for an environmental review de-  
6 scribed in paragraph (1), the Chief of Engineers  
7 shall, to the maximum extent practicable—

8 “(A) participate in the review as a cooper-  
9 ating agency (unless the Chief of Engineers  
10 does not intend to submit comments on the  
11 project); and

12 “(B) adopt and use any environmental  
13 document prepared under the National Envi-  
14 ronmental Policy Act of 1969 (42 U.S.C. 4321  
15 et seq.) by the lead agency to the same extent  
16 that a Federal agency could adopt or use a doc-  
17 ument prepared by another Federal agency  
18 under—

19 “(i) the National Environmental Pol-  
20 icy Act of 1969 (42 U.S.C. 4321 et seq.);  
21 and

22 “(ii) parts 1500 through 1508 of title  
23 40, Code of Federal Regulations (or suc-  
24 cessor regulations).”.

1 **SEC. 1009. PROJECT COMPLETION.**

2 For any project authorized under section 219 of the  
3 Water Resources Development Act of 1992 (Public Law  
4 102–580; 106 Stat. 4835), the authorization of appropria-  
5 tions is increased by the amount, including in increments,  
6 necessary to allow completion of the project if—

7 (1) as of the date of enactment of this Act, the  
8 project has received more than \$4,000,000 in Fed-  
9 eral appropriations and those appropriations equal  
10 an amount that is greater than 80 percent of the au-  
11 thorized amount;

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

16 (3) the benefits of the Federal investment will  
17 not be realized without an increase in the authoriza-  
18 tion of appropriations to allow completion of the  
19 project.

20 **SEC. 1010. CONTRIBUTED FUNDS.**

21 (a) USE OF CONTRIBUTED FUNDS IN ADVANCE OF  
22 APPROPRIATIONS.—Section 5 of the Act of June 22, 1936  
23 (33 U.S.C. 701h) (commonly known as the “Flood Control  
24 Act of 1936”), is amended by striking “funds appro-  
25 priated by the United States for”.

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

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

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

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

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

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

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

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

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

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

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

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

22 (1) modification of a water resources project;

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

24 or

25 (3) accessing water released from a project.



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

3 (1) increasing the storage capacity of a res-  
4 ervoir owned by the Corps of Engineers;

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

7 (A) to recharge groundwater;

8 (B) to aquifer storage and recovery; or

9 (C) to any other storage facility;

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

13 (4) construction of facilities to access water;  
14 and

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

17 (c) AUTHORITIES.—A proposal submitted to the Sec-  
18 retary under subsection (a) may be reviewed or approved,  
19 as appropriate, under—

20 (1) sections 203 and 204 of the Water Re-  
21 sources Development Act of 1986 (33 U.S.C. 2231,  
22 2232);

23 (2) section 216 of the Flood Control Act of  
24 1970 (33 U.S.C. 549a);

1           (3) section 301 of the Water Supply Act of  
2           1958 (43 U.S.C. 390b); and

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

6           (d) COST SHARE.—

7           (1) IN GENERAL.—Except as provided in para-  
8           graph (2), 100 percent of the cost of developing, re-  
9           viewing, and implementing a proposal under sub-  
10          section (a) shall be provided by an entity other than  
11          the Federal Government.

12          (2) COST ALLOCATION.—A non-Federal entity  
13          shall only be required to pay to the Secretary the  
14          separable costs associated with operation and main-  
15          tenance of a dam that are necessary to implement  
16          a proposal under subsection (a).

17          (e) CONTRIBUTED FUNDS.—The Secretary may re-  
18          ceive from a non-Federal interest funds contributed by the  
19          non-Federal interest for the review and approval of a pro-  
20          posal submitted under subsection (a).

21          (f) STUDIES AND ENGINEERING.—

22          (1) IN GENERAL.—On request by an appro-  
23          priate non-Federal interest and subject to paragraph  
24          (2), the Secretary may—

1 (A) undertake all necessary studies and en-  
 2 gineering for construction of a proposal ap-  
 3 proved by the Secretary under this section; and

4 (B) provide technical assistance in obtain-  
 5 ing all necessary permits for the construction.

6 (2) REQUIREMENT.—Paragraph (1) shall only  
 7 apply if the non-Federal interest contracts with the  
 8 Secretary to provide funds for the studies, engineer-  
 9 ing, or technical assistance for the period during  
 10 which the studies and engineering are being con-  
 11 ducted.

12 (g) EXCLUSION.—This section shall not apply to res-  
 13 ervoirs owned and operated by the Corps of Engineers  
 14 in—

15 (1) the Upper Missouri River;

16 (2) the Apalachicola-Chattahoochee river sys-  
 17 tem; and

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

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

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

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

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

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

17          **SEC. 1014. BUFFALO DISTRICT HEADQUARTERS.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25                 (1) response to flood and earthquake events;

- 1           (2) pre-disaster mitigation measures; and  
2           (3) lengthening the useful life of the infrastruc-  
3           ture.

4           (b) CONSULTATION AND CONSIDERATION.—In devel-  
5           oping the program under subsection (a), the Secretary  
6           shall—

- 7           (1) consult with academic and other experts;  
8           and

9           (2) consider models for maintenance and repair  
10          information, the development of degradation models  
11          for real-time measurements and environmental in-  
12          puts, and research on qualitative inspection data as  
13          surrogate sensors.

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

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

17                 (1) in subsection (h)—

18                         (A) in paragraph (4)—

19                                 (i) by redesignating subparagraphs  
20                                 (D) and (E) as subparagraphs (E) and  
21                                 (F), respectively; and

22                                 (ii) by inserting after subparagraph  
23                                 (C) the following:

24                                         “(D) include measures to protect or re-  
25                                         store habitat connectivity”; and

1 (B) in paragraph (6)(C), by striking “im-  
2 pacts” and inserting “impacts, including im-  
3 pacts to habitat connectivity”; 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 **SEC. 1019. NON-FEDERAL INTERESTS.**

12 Section 221(b)(1) of the Flood Control Act of 1970  
13 (42 U.S.C. 1962d–5b(b)(1)) is amended by inserting “or  
14 a Native village, Regional Corporation, or Village Corpora-  
15 tion (as those terms are defined in section 3 of the Alaska  
16 Native Claims Settlement Act (43 U.S.C. 1602))” after  
17 “Indian tribe”.

18 **SEC. 1020. DISCRETE SEGMENT.**

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

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

24 (2) by striking “project, or separable element  
25 thereof,” each place it appears and inserting



1 “project, separable element, or discrete segment of a  
2 project”;

3 (3) in subsection (a)—

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

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

10 “(a) DEFINITIONS.—In this section:

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

20 “(2) WATER RESOURCES DEVELOPMENT  
21 PROJECT.—The”;

22 (4) in subsection (b)(1), in the matter pre-  
23 ceding subparagraph (A), by striking “project, or  
24 separate element thereof” and inserting “project,

1       separable element, or discrete segment of a project”;  
2       and

3               (5) in subsection (d)—

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

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

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

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

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

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

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

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

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

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

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

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

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

22 “(a) AUTHORIZATION.—

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

1 improve water resources development in the United  
2 States.

3 “(2) INCLUSIONS.—Activities under paragraph  
4 (1) may include—

5 “(A) development, monitoring, assessment,  
6 and dissemination of information about foreign  
7 water resources projects that could significantly  
8 improve water resources development in the  
9 United States;

10 “(B) research, development, training, and  
11 other forms of technology transfer and ex-  
12 change; and

13 “(C) offering technical services that cannot  
14 be readily obtained in the private sector to be  
15 incorporated into water resources projects if the  
16 costs for assistance will be recovered under the  
17 terms of each project.”.

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

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

22 “(4) MITIGATION BANKS.—

23 “(A) IN GENERAL.—Not later than 180  
24 days after the date of enactment of this para-  
25 graph, the Secretary shall issue implementation

1 guidance that provides for the consideration of  
2 the entire amount of potential credits available  
3 at in-kind, in-basin mitigation banks and in-lieu  
4 fee programs for water resource development  
5 project feasibility studies.

6 “(B) REQUIREMENTS.—All potential miti-  
7 gation bank and in-lieu fee credits shall be con-  
8 sidered a reasonable alternative for planning  
9 purposes if the applicable mitigation bank—

10 “(i) has an approved mitigation bank-  
11 ing instrument; and

12 “(ii) has completed a functional anal-  
13 ysis of the potential credits using the ap-  
14 proved Corps of Engineers certified habitat  
15 assessment model specific to the region.”.

16 **SEC. 1024. USE OF YOUTH SERVICE AND CONSERVATION**  
17 **CORPS.**

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

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

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

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

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

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

12 **SEC. 1026. OYSTER AQUACULTURE STUDY.**

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

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

19 (2) the number, structure, funding, and regula-  
20 tion of oyster hatcheries in each State;

21 (3) the number of oyster aquaculture leases in  
22 place in each relevant district of the Corps of Engi-  
23 neers;

24 (4) the period of time required to secure an  
25 oyster aquaculture lease from each relevant jurisdic-  
26 tion; and

1           (5) the experience of the private sector in ap-  
2           plying for oyster aquaculture permits from different  
3           jurisdictions of the Corps of Engineers and different  
4           States.

5           (b) STUDY AREA.—The study area shall comprise, to  
6           the maximum extent practicable, the following applicable  
7           locations:

8           (1) The Chesapeake Bay.

9           (2) The Gulf Coast States.

10          (3) The State of California.

11          (4) Puget Sound.

12          (c) FINDINGS.—Not later than 225 days after the  
13          date of enactment of this Act, the Comptroller General  
14          shall submit to the Committees on Environment and Pub-  
15          lic Works and Energy and Natural Resources of the Sen-  
16          ate and the Committees on Transportation and Infrastruc-  
17          ture and Natural Resources of the House of Representa-  
18          tives a report containing the findings of the assessment  
19          conducted under subsection (a).

20          **SEC. 1027. LEVEE VEGETATION.**

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

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

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

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

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

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

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

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

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

23          (2) by striking “located within the boundaries  
24          of such State”.



1 **SEC. 1029. PRIORITIZATION.**

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

4 (1) in subsection (a)—

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

7 (B) in paragraph (2)—

8 (i) in the matter preceding subpara-  
9 graph (A), by striking “the date of enact-  
10 ment of this Act” and inserting “the date  
11 of enactment of the Water Resources De-  
12 velopment Act of 2016”; and

13 (ii) in subparagraph (A)(ii), by strik-  
14 ing “that—” and all that follows through  
15 “(II)” and inserting “that”; and

16 (2) in subsection (b)—

17 (A) in paragraph (1), by redesignating  
18 subparagraphs (A) through (C) as clauses (i)  
19 through (iii), respectively, and indenting appro-  
20 priately;

21 (B) by redesignating paragraphs (1) and  
22 (2) as subparagraphs (A) and (B), respectively,  
23 and indenting appropriately;

24 (C) in the matter preceding subparagraph  
25 (A) (as so redesignated), by striking “For” and  
26 inserting the following:

1 “(1) IN GENERAL.—For”; and

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

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

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

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

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

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

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

2 (a) DEFINITIONS.—In this section:

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

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

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

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

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

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

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

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

7 (d) LIMITATIONS.—

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

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

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

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

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

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

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

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

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

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

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

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

19 (1) flood risk reduction;

20 (2) water supply;

21 (3) recreation; and

22 (4) fish and wildlife protection and mitigation.

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

1 retary shall post a report on the Internet regarding the  
2 results of the review.

3 (e) MANUAL UPDATE.—As soon as practicable, but  
4 not later than 3 years after the date on which a report  
5 under subsection (d) is posted on the Internet, pursuant  
6 to the procedures required under existing authorities, if  
7 the Secretary determines based on that report that using  
8 the best available science, including improved weather and  
9 run-off forecasting methods, improves 1 or more existing  
10 authorized purposes at a reservoir, the Secretary shall—

11 (1) incorporate those methods in the operation  
12 of the reservoir; and

13 (2) as appropriate, update or revise operational  
14 documents, including water control plans, water con-  
15 trol manuals, water control diagrams, release sched-  
16 ules, rule curves, and operational agreements with  
17 non-Federal entities.

18 (f) FUNDING.—The Secretary may accept and expend  
19 amounts from non-Federal entities and other Federal  
20 agencies to fund all or a portion of the cost of carrying  
21 out a review under subsection (a) or an update or revision  
22 of operational documents under subsection (e), including  
23 any associated environmental documentation.

24 (g) EFFECT.—

1           (1) MANUAL UPDATES.—An update under sub-  
2           section (e)(2) shall not interfere with the authorized  
3           purposes of a project.

4           (2) EFFECT OF SECTION.—Nothing in this sec-  
5           tion—

6                   (A) authorizes the Secretary to carry out  
7                   any project or activity for a purpose not other-  
8                   wise authorized as of the date of enactment of  
9                   this Act; or

10                   (B) affects or modifies any obligation of  
11                   the Secretary under Federal or State law.

12           (h) EXCLUSION.—This section shall not apply to res-  
13           ervoirs owned and operated by the Corps of Engineers  
14           in—

15                   (1) the Upper Missouri River;

16                   (2) the Apalachicola-Chattahoochee river sys-  
17                   tem; and

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

19   **SEC. 1033. TRANSFER OF EXCESS CREDIT.**

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

22                   (1) in subsection (a)—

23                           (A) by striking the subsection designation  
24                           and heading and all that follows through “Sub-

1           ject to subsection (b)” and inserting the fol-  
2           lowing:

3           “(a) APPLICATION OF CREDIT.—

4           “(1) IN GENERAL.—Subject to subsection (b)”;  
5           and

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

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

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

15          (3) by redesignating subsection (e) as sub-  
16          section (d).

17 **SEC. 1034. SURPLUS WATER STORAGE.**

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

21          “(5) TIME LIMIT.—

22                 “(A) IN GENERAL.—If the Secretary has  
23                 documented the volume of surplus water avail-  
24                 able, not later than 60 days after the date on  
25                 which the Secretary receives a request for a



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

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

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

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

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

17 **SEC. 1035. HURRICANE AND STORM DAMAGE REDUCTION.**

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

21 **SEC. 1036. FISH HATCHERIES.**

22 (a) IN GENERAL.—Notwithstanding any other provi-  
23 sion of law, the Secretary may operate a fish hatchery for  
24 the purpose of restoring a population of fish species lo-  
25 cated in the region surrounding the fish hatchery that is

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

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

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

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

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

1 under this section, including an identification of the  
2 specific 1 or more factors used in making the deter-  
3 mination that the project is complex.”.

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

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

10 “(A) REQUIREMENT.—

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

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

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

24 (c) NON-FEDERAL SHARE.—Section 729(f)(1) of the  
25 Water Resources Development Act of 1986 (33 U.S.C.

1 2267a(f)(1)) is amended by inserting before the period at  
 2 the end “, except that the first \$100,000 of the assess-  
 3 ment shall be a Federal expense”.

## 4 **TITLE II—NAVIGATION**

### 5 **SEC. 2001. PROJECTS FUNDED BY THE INLAND WATERWAYS** 6 **TRUST FUND.**

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

### 14 **SEC. 2002. OPERATION AND MAINTENANCE OF FUEL-TAXED** 15 **INLAND WATERWAYS.**

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

19 “(3) CREDIT OR REIMBURSEMENT.—The Fed-  
 20 eral share of operation and maintenance carried out  
 21 by a non-Federal interest under this subsection after  
 22 the date of enactment of the Water Resources Re-  
 23 form and Development Act of 2014 shall be eligible  
 24 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 if the disposal violates applica-  
9           ble State water quality standards approved by the Admin-  
10          istrator of the Environmental Protection Agency under  
11          section 303 of the Federal Water Pollution Control Act  
12          (33 U.S.C. 1313).

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

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

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

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

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

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

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

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

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

17           The Secretary is authorized to maintain federally au-  
18           thorized harbors of refuge.

19 **SEC. 2007. AIDS TO NAVIGATION.**

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

21           (1) consult with the Commandant of the Coast  
22           Guard regarding navigation on the Ouachita-Black  
23           Rivers; and

24           (2) share information regarding the assistance  
25           that the Secretary can provide regarding the place-

1       ment of any aids to navigation on the rivers referred  
2       to in paragraph (1).

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

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

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

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

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

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

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



1           (1) by striking “2022” and inserting “2025”;  
2           and  
3           (2) by striking “2012” and inserting “2015”.

4 **SEC. 2010. ADDITIONAL MEASURES AT DONOR PORTS AND**  
5 **ENERGY TRANSFER PORTS.**

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

8           (1) in subsection (a)(4)(A), by striking “Code  
9           of Federal Regulation” and inserting “Code of Fed-  
10          eral Regulations”; and

11          (2) in subsection (f)—

12                (A) in paragraph (1), by striking “2018”  
13                and inserting “2025”; and

14                (B) in paragraph (3)—

15                   (i) by striking “2015 through 2018”  
16                   and inserting “2016 through 2020”; and

17                   (ii) by striking “2019 through 2022”  
18                   and inserting “2021 through 2025”.

19 **SEC. 2011. HARBOR DEEPENING.**

20           Section 101(a)(1) of the Water Resources Develop-  
21 ment Act of 1986 (33 U.S.C. 2211(a)(1)) is amended—

22           (1) in the matter preceding subparagraph (A),  
23           by striking “the date of enactment of this Act” and  
24           inserting “the date of enactment of the Water Re-

1 sources Reform and Development Act of 2014 (Pub-  
2 lic Law 113–121; 128 Stat. 1193)”;

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

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

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

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

10 (1) **INLAND MISSISSIPPI RIVER.**—The term “in-  
11 land Mississippi River” means the portion of the  
12 Mississippi River that begins at the confluence of  
13 the Minnesota River and ends at the confluence of  
14 the Red River.

15 (2) **SHALLOW DRAFT.**—The term “shallow  
16 draft” means a project that has a depth of less than  
17 14 feet.

18 (b) **DREDGING ACTIVITIES.**—The Secretary shall  
19 carry out dredging activities on shallow draft ports located  
20 on the inland Mississippi River to the respective author-  
21 ized widths and depths of those inland ports, as authorized  
22 on the date of enactment of this Act.

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

1 **SEC. 2013. IMPLEMENTATION GUIDANCE.**

2 Section 2102 of the Water Resources Reform and De-  
3 velopment Act of 2014 (Public Law 113–121; 128 Stat.  
4 1273) is amended by adding at the end the following:

5 “(d) GUIDANCE.—Not later than 90 days after the  
6 date of enactment of the Water Resources Development  
7 Act of 2016 the Secretary shall publish on the website of  
8 the Corps of Engineers guidance on the implementation  
9 of this section and the amendments made by this sec-  
10 tion.”.

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

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

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

19 (2) in subsection (b)—

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

24 (B) in paragraph (4), by striking “local  
25 population” and inserting “regional population  
26 to be served by the project”; and

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

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

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

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

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

1 terms and conditions that are acceptable to the non-Fed-  
2 eral interest and the Secretary.

3 (d) PROVISION OF EQUIPMENT.—In carrying out  
4 maintenance activities under this section, a non-Federal  
5 interest shall—

6 (1) provide equipment at no cost to the Federal  
7 Government; and

8 (2) hold and save the United States free from  
9 any and all damage that arises from the use of the  
10 equipment of the non-Federal interest, except for  
11 damage due to the fault or negligence of a con-  
12 tractor of the Federal Government.

13 (e) REIMBURSEMENT ELIGIBILITY LIMITATIONS.—  
14 Costs that are directly related to the operation and main-  
15 tenance of a dredge, based on the period of time the  
16 dredge is used in the performance of work for the Federal  
17 Government during a given fiscal year, are eligible for re-  
18 imbursement under this section.

19 (f) MONITORING AUDIT.—Not earlier than 5 years  
20 after the date of enactment of this Act, the Secretary may  
21 conduct an audit on any maintenance activities for an au-  
22 thorized navigation project (or a separable element of an  
23 authorized navigation project) carried out under this sec-  
24 tion to determine if permitting a non-Federal interest to

1 carry out maintenance activities under this section has re-  
2 sulted in—

- 3 (1) improved reliability and safety for naviga-  
4 tion; and
- 5 (2) cost savings to the Federal Government.

6 (g) TERMINATION OF AUTHORITY.—The authority of  
7 the Secretary under this section terminates on the date  
8 that is 10 years after the date of enactment of this Act.

9 **SEC. 2016. TRANSPORTATION COST SAVINGS.**

10 Section 210(e)(3)(A) of the Water Resources Devel-  
11 opment Act of 1986 (33 U.S.C. 2238(e)(3)(A)) is amend-  
12 ed—

- 13 (1) in clause (iii), by striking “and” at the end;
- 14 (2) in clause (iv), by striking the period at the  
15 end and inserting “; and”; and
- 16 (3) by adding at the end the following:

17 “(v) identifies, to the maximum extent  
18 practicable, transportation cost savings re-  
19 alized by achieving and maintaining the  
20 constructed width and depth for the har-  
21 bors and inland harbors referred to in sub-  
22 section (a)(2), on a project-by-project  
23 basis.”.

1 **SEC. 2017. DREDGED MATERIAL.**

2 (a) IN GENERAL.—Notwithstanding part 335 of title  
3 33, Code of Federal Regulations, the Secretary may place  
4 dredged material from the operation and maintenance of  
5 an authorized Federal water resources project at another  
6 authorized water resource project if the Secretary deter-  
7 mines that—

8 (1) the placement of the dredged material  
9 would—

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

12 (ii) significantly contribute to shoreline re-  
13 siliency, including the resilience and restoration  
14 of wetland; and

15 (B) be in the public interest; and

16 (2) the cost associated with the placement of  
17 the dredged material is reasonable in relation to the  
18 associated environmental, flood protection, and resil-  
19 iency benefits.

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

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

3 **TITLE III—SAFETY**  
 4 **IMPROVEMENTS**

5 **SEC. 3001. REHABILITATION ASSISTANCE FOR NON-FED-**  
 6 **ERAL FLOOD CONTROL PROJECTS.**

7 (a) IN GENERAL.—Section 5 of the Act of August  
 8 18, 1941 (33 U.S.C. 701n), is amended—

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

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

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

18 “(d) INCREASED LEVEL OF PROTECTION.—In con-  
 19 ducting repair or restoration work under subsection (a),  
 20 at the request of the non-Federal sponsor, the Secretary  
 21 may increase the level of protection above the level to  
 22 which the system was designed, or, if the repair and reha-  
 23 bilitation includes repair or rehabilitation of a pumping  
 24 station, will increase the capacity of a pump, if—



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

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

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

9                   “(C) there is an opportunity to decrease  
10          total life cycle rehabilitation costs for the  
11          project; and

12           “(2) the non-Federal sponsor agrees to pay the  
13          difference between the cost of repair, restoration, or  
14          rehabilitation to the original design level or original  
15          capacity and the cost of achieving the higher level of  
16          protection or capacity sought by the non-Federal  
17          sponsor.

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

22          (b) PROJECTS IN COORDINATION WITH CERTAIN RE-  
23          HABILITATION REQUIREMENTS.—

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

1 project for flood damage reduction is feasible and  
2 such project is designed to protect the same geo-  
3 graphic area as work to be performed under section  
4 5(c) of the Act of August 18, 1941 (33 U.S.C.  
5 701n(e)), the Secretary may, if the Secretary deter-  
6 mines that the action is in the public interest, carry  
7 out such project with the work being performed  
8 under section 5(c) of that Act, subject to the limita-  
9 tions in paragraph (2).

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

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

15 Section 3017 of the Water Resources Reform and De-  
16 velopment Act of 2014 (33 U.S.C. 3303a note; Public Law  
17 113–121) is amended—

18 (1) in subsection (a), by striking “if the Sec-  
19 retary determines the necessary work is technically  
20 feasible, environmentally acceptable, and economi-  
21 cally justified”;

22 (2) in subsection (b)—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13           “(4) ELIGIBLE HIGH HAZARD POTENTIAL  
14          DAM.—

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

18           “(i) is located in a State with a State  
19          dam safety program;

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

23           “(iii) has an emergency action plan  
24          approved by the relevant State dam safety  
25          agency; and

1                   “(iv) the State in which the dam is lo-  
2                   cated determines—

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

5                                 “(II) poses an unacceptable risk  
6                                 to the public.

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

9                                 “(i) a licensed hydroelectric dam; or

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

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

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

17                               “(A) a governmental organization; and

18                               “(B) a nonprofit organization.”; and

19                   (4) by inserting after paragraph (11) (as redesign-  
20                   ignated by paragraph (1)) the following:

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

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

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

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

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

14 “(1) repair;

15 “(2) removal; or

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

19 “(c) AWARD OF GRANTS.—

20 “(1) APPLICATION.—

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

1           “(B) REQUIREMENTS.—An application  
2 submitted to the Administrator under this sec-  
3 tion shall be submitted at such time, be in such  
4 form, and contain such information as the Ad-  
5 ministrator may prescribe by regulation pursu-  
6 ant to section 3004(c) of the Water Resources  
7 Development Act of 2016.

8           “(2) GRANT.—

9           “(A) IN GENERAL.—The Administrator  
10 may make a grant in accordance with this sec-  
11 tion for rehabilitation of a high hazard potential  
12 dam to a non-Federal sponsor that submits an  
13 application for the grant in accordance with the  
14 regulations prescribed by the Administrator.

15           “(B) PROJECT GRANT AGREEMENT.—The  
16 Administrator shall enter into a project grant  
17 agreement with the non-Federal sponsor to es-  
18 tablish the terms of the grant and the project,  
19 including the amount of the grant.

20           “(C) GRANT ASSURANCE.—As part of a  
21 project grant agreement under subparagraph  
22 (B), the Administrator shall require the non-  
23 Federal sponsor to provide an assurance, with  
24 respect to the dam to be rehabilitated under the  
25 project, that the owner of the dam has devel-

1           oped and will carry out a plan for maintenance  
2           of the dam during the expected life of the dam.

3           “(D) LIMITATION.—A grant provided  
4           under this section shall not exceed the lesser  
5           of—

6                       “(i) 12.5 percent of the total amount  
7                       of funds made available to carry out this  
8                       section; or

9                       “(ii) \$7,500,000.

10          “(d) REQUIREMENTS.—

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

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

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

19                       “(B) have in place a hazard mitigation  
20                       plan that—

21                               “(i) includes all dam risks; and

22                               “(ii) complies with the Disaster Miti-  
23                               gation Act of 2000 (Public Law 106–390;  
24                               114 Stat. 1552);



1           “(C) commit to provide operation and  
2 maintenance of the project for the 50-year pe-  
3 riod following completion of rehabilitation;

4           “(D) comply with such minimum eligibility  
5 requirements as the Administrator may estab-  
6 lish to ensure that each owner and operator of  
7 a dam under a participating State dam safety  
8 program—

9                   “(i) acts in accordance with the State  
10 dam safety program; and

11                   “(ii) carries out activities relating to  
12 the public in the area around the dam in  
13 accordance with the hazard mitigation plan  
14 described in subparagraph (B); and

15           “(E) comply with section 611(j)(9) of the  
16 Robert T. Stafford Disaster Relief and Emer-  
17 gency Assistance Act (42 U.S.C. 5196(j)(9))  
18 (as in effect on the date of enactment of this  
19 section) with respect to projects receiving as-  
20 sistance under this section in the same manner  
21 as recipients are required to comply in order to  
22 receive financial contributions from the Admin-  
23 istrator for emergency preparedness purposes.

24           “(e) FLOODPLAIN MANAGEMENT PLANS.—

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

6           “(A) is in place; or

7           “(B) will be—

8           “(i) developed not later than 1 year  
9 after the date of execution of a project  
10 agreement for assistance under this sec-  
11 tion; and

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

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

17           “(A) potential measures, practices, and  
18 policies to reduce loss of life, injuries, damage  
19 to property and facilities, public expenditures,  
20 and other adverse impacts of flooding in the  
21 area protected by the project;

22           “(B) plans for flood fighting and evacu-  
23 ation; and

24           “(C) public education and awareness of  
25 flood risks.

1           “(3) TECHNICAL SUPPORT.—The Administrator  
2           may provide technical support for the development  
3           and implementation of floodplain management plans  
4           prepared under this subsection.

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

9           “(g) FUNDING.—

10           “(1) COST SHARING.—

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

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

18           “(2) ALLOCATION OF FUNDS.—The total  
19           amount of funds made available to carry out this  
20           section for each fiscal year shall be distributed as  
21           follows:

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

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

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

8                   “(ii) the number of eligible high haz-  
9                   ard potential dams in all States in which  
10                  projects for which applications are sub-  
11                  mitted under subsection (c)(1).

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

15                  “(1) to rehabilitate a Federal dam;

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

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

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

21          or

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

24          “(i) CONTRACTUAL REQUIREMENTS.—

1           “(1) IN GENERAL.—Subject to paragraph (2),  
2           as a condition on the receipt of a grant under this  
3           section of an amount greater than \$1,000,000, a  
4           non-Federal sponsor that receives the grant shall re-  
5           quire that each contract and subcontract for pro-  
6           gram management, construction management, plan-  
7           ning studies, feasibility studies, architectural serv-  
8           ices, preliminary engineering, design, engineering,  
9           surveying, mapping, and related services entered  
10          into using funds from the grant be awarded in the  
11          same manner as a contract for architectural and en-  
12          gineering services is awarded under—

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

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

17           “(2) NO PROPRIETARY INTEREST.—A contract  
18           awarded in accordance with paragraph (1) shall not  
19           be considered to confer a proprietary interest upon  
20           the United States.

21           “(j) AUTHORIZATION OF APPROPRIATIONS.—There  
22           are authorized to be appropriated to carry out this sec-  
23           tion—

24                   “(1) \$10,000,000 for fiscal years 2017 and  
25                   2018;

1           “(2) \$25,000,000 for fiscal year 2019;  
 2           “(3) \$40,000,000 for fiscal year 2020; and  
 3           “(4) \$60,000,000 for each of fiscal years 2021  
 4 through 2026.”.

5 (c) RULEMAKING.—

6           (1) PROPOSED RULEMAKING.—Not later than  
 7 90 days after the date of enactment of this Act, the  
 8 Administrator of the Federal Emergency Manage-  
 9 ment Agency shall issue a notice of proposed rule-  
 10 making regarding applications for grants of assist-  
 11 ance under the amendments made by subsection (b)  
 12 to the National Dam Safety Program Act (33  
 13 U.S.C. 467 et seq.).

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

19 **TITLE IV—RIVER BASINS, WA-**  
 20 **TERSHERDS, 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 on Environment and Public Works  
16 of the Senate and the Committee on Transportation and  
17 Infrastructure of the House of Representatives the plan  
18 developed under subsection (b).

19 (e) AUTHORIZATION OF APPROPRIATIONS.—There is  
20 authorized to be appropriated to the Secretary to carry  
21 out this section \$2,000,000, to remain available until ex-  
22 pended.

23 **SEC. 4002. COLUMBIA RIVER.**

24 (a) ECOSYSTEM RESTORATION.—Section 536(g) of  
25 the Water Resources Development Act of 2000 (Public

1 Law 106–541; 114 Stat. 2662; 128 Stat. 1314) is amend-  
2 ed by striking “\$50,000,000” and inserting  
3 “\$75,000,000”.

4 (b) WATERCRAFT INSPECTION STATIONS, COLUMBIA  
5 RIVER BASIN.—Section 104(d) of the River and Harbor  
6 Act of 1958 (33 U.S.C. 610(d)) is amended—

7 (1) in paragraph (1), by striking “stations in  
8 the Columbia River Basin to be located in the States  
9 of Idaho, Montana, Oregon, and Washington” and  
10 inserting “stations to protect the Columbia River  
11 Basin”; and

12 (2) in paragraph (3), by striking subparagraph  
13 (A) and inserting the following:

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

16 (c) TRIBAL HOUSING.—

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

23 (2) ASSISTANCE AUTHORIZED.—As replacement  
24 housing for Indian families displaced due to the con-  
25 struction of the Bonneville Dam, on the request of



1 the Secretary of the Interior, the Secretary may pro-  
2 vide assistance to relocate to land transferred by the  
3 Department of the Army to the Department of the  
4 Interior pursuant to title IV of Public Law 100–581  
5 (102 Stat. 2944; 110 Stat. 766; 110 Stat. 3762;  
6 114 Stat. 2679; 118 Stat. 544) the number of fami-  
7 lies identified as having received no relocation assist-  
8 ance in the report.

9 (3) STUDY.—The Secretary shall—

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

13 (B) identify a plan for suitable housing to  
14 replace housing lost to the construction of the  
15 John Day Dam.

16 (d) COLUMBIA AND LOWER WILLAMETTE RIVERS  
17 BELOW VANCOUVER, WASHINGTON AND OREGON.—The  
18 Secretary shall conduct a study to determine the feasibility  
19 of modifying the project for navigation, Columbia and  
20 Lower Willamette Rivers below Vancouver, Washington  
21 and Portland, Oregon, authorized by section 101 of the  
22 River and Harbor Act of 1962 (Public Law 87–874; 76  
23 Stat. 1177) to address safety risks.

24 **SEC. 4003. MISSOURI RIVER.**

25 (a) RESERVOIR SEDIMENT MANAGEMENT.—

1           (1) DEFINITION OF SEDIMENT MANAGEMENT  
2 PLAN.—In this subsection, the term “sediment man-  
3 agement plan” means a plan for preventing sedi-  
4 ment from reducing water storage capacity at a res-  
5 ervoir and increasing water storage capacity through  
6 sediment removal at a reservoir.

7           (2) UPPER MISSOURI RIVER BASIN PILOT PRO-  
8 GRAM.—The Secretary shall carry out a pilot pro-  
9 gram for the development and implementation of  
10 sediment management plans for reservoirs owned  
11 and operated by the Secretary in the Upper Missouri  
12 River Basin, on request by project beneficiaries.

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

15                   (A) provide opportunities for project bene-  
16 ficiaries and other stakeholders to participate in  
17 sediment management decisions;

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

20                   (C) identify preliminary sediment manage-  
21 ment options, including sediment dikes and  
22 dredging;

23                   (D) identify constraints;

24                   (E) assess technical feasibility, economic  
25 justification, and environmental impacts;

1 (F) identify beneficial uses for sediment;  
2 and

3 (G) to the maximum extent practicable,  
4 use, develop, and demonstrate innovative, cost-  
5 saving technologies, including structural and  
6 nonstructural technologies and designs, to man-  
7 age sediment.

8 (4) COST SHARE.—The beneficiaries requesting  
9 the plan shall share in the cost of development and  
10 implementation of a sediment management plan allo-  
11 cated in accordance with the benefits to be received.

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

16 (6) GUIDANCE.—The Secretary shall use the  
17 knowledge gained through the development and im-  
18 plementation of sediment management plans under  
19 paragraph (2) to develop guidance for sediment  
20 management at other reservoirs.

21 (7) PARTNERSHIP WITH THE SECRETARY OF  
22 THE INTERIOR.—

23 (A) IN GENERAL.—The Secretary shall  
24 carry out the pilot program established under  
25 this subsection in partnership with the Sec-

1           retary of the Interior, and the program may  
2           apply to reservoirs managed or owned by the  
3           Bureau of Reclamation on execution of a  
4           memorandum of agreement between the Sec-  
5           retary and the Secretary of the Interior estab-  
6           lishing the framework for a partnership and the  
7           terms and conditions for sharing expertise and  
8           resources.

9                   (B) LEAD AGENCY.—The Secretary that  
10           has primary jurisdiction over the reservoir shall  
11           take the lead in developing and implementing a  
12           sediment management plan for that reservoir.

13                   (8) OTHER AUTHORITIES NOT AFFECTED.—  
14           Nothing in this subsection affects sediment manage-  
15           ment or the share of costs paid by Federal and non-  
16           Federal interests relating to sediment management  
17           under any other provision of law (including regula-  
18           tions).

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

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

1 **SEC. 4004. PUGET SOUND NEARSHORE ECOSYSTEM RES-**  
2 **TORATION.**

3 Section 544(f) of the Water Resources Development  
4 Act of 2000 (Public Law 106–541; 114 Stat. 2675) is  
5 amended by striking “\$5,000,000” and inserting  
6 “\$10,000,000”.

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

8 (a) IN GENERAL.—The Secretary may carry out  
9 projects under section 205 of the Flood Control Act of  
10 1948 (33 U.S.C. 701s), including planning, design, con-  
11 struction, and monitoring of structural and nonstructural  
12 technologies and measures for preventing and mitigating  
13 flood damages associated with ice jams.

14 (b) INCLUSION.—The projects described in sub-  
15 section (a) may include the development and demonstra-  
16 tion of cost-effective technologies and designs developed in  
17 consultation with—

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

20 (2) universities;

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

22 (4) private organizations.

23 (c) PILOT PROGRAM.—

24 (1) AUTHORIZATION.—In addition to the fund-  
25 ing authorized under section 205 of the Flood Con-  
26 trol Act of 1948 (33 U.S.C. 701s), the Secretary is

1 authorized to expend \$30,000,000 to carry out pilot  
2 projects to demonstrate technologies and designs de-  
3 veloped in accordance with this section.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13 (1) to develop an integrated, comprehensive,  
14 and systems-based approach to minimize the threat  
15 to health and safety resulting from flooding by using  
16 structural and nonstructural flood risk management  
17 measures;

18 (2) to reduce damages and costs associated with  
19 flooding;

20 (3) to identify opportunities to support environ-  
21 mental sustainability and restoration goals of the  
22 Upper Mississippi River and Illinois River floodplain  
23 as part of any systemic flood risk management plan;  
24 and

1           (4) to seek opportunities to address, in concert  
2 with flood risk management measures, other flood-  
3 plain specific problems, needs, and opportunities.

4           (c) STUDY COMPONENTS.—In carrying out the study  
5 under subsection (a), the Secretary shall—

6           (1) as appropriate, coordinate with the heads of  
7 other appropriate Federal agencies, the Governors of  
8 the States within the Upper Mississippi and Illinois  
9 River basins, the appropriate levee and drainage dis-  
10 tricts, nonprofit organizations, and other interested  
11 parties;

12           (2) recommend projects for reconstruction of  
13 existing levee systems so as to develop and maintain  
14 a comprehensive system for flood risk reduction and  
15 floodplain management;

16           (3) perform a systemic analysis of critical  
17 transportation systems to determine the feasibility of  
18 protecting river approaches for land-based systems,  
19 highways, and railroads;

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

23           (5) use, to the maximum extent practicable, any  
24 existing plans and data, including the Upper Mis-  
25 sissippi River Comprehensive Plan authorized in sec-



1       tion 429 of the Water Resources Development Act  
2       of 1999 (Public Law 106–53; 113 Stat. 326).

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

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

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

10           (1) in subsection (b)—

11                   (A) in the subsection heading, by striking  
12           “PILOT PROJECTS” and inserting “PROJECTS”;

13                   (B) in paragraph (1)—

14                           (i) in subparagraph (A), by striking  
15           “the pilot”; and

16                           (ii) in subparagraph (B)—

17                                   (I) in clause (i), in the matter  
18           preceding subclause (I), by striking  
19           “the pilot”;

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

24                                   (III) in subclause (II), by strik-  
25           ing “pilot”;

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 (2) 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 Section 4014(b) of the Water Resources Reform and  
21 Development Act of 2014 (33 U.S.C. 2803a(b)) is amend-  
22 ed—

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

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

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

## 10       **TITLE V—DEAUTHORIZATIONS**

### 11       **SEC. 5001. DEAUTHORIZATIONS.**

12       (a) VALDEZ, ALASKA.—

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

18           (2) ENTRY BY FEDERAL GOVERNMENT.—The  
19           Federal Government may enter on the property re-  
20           ferred to in paragraph (1) to carry out any required  
21           operation and maintenance of the general navigation  
22           features of the project described in paragraph (1).

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

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

8 (c) SUTTER BASIN, CALIFORNIA.—

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

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

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

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

4 (i) section 2 of the Act of March 1,  
5 1917 (39 Stat. 949; chapter 144);

6 (ii) section 12 of the Act of December  
7 22, 1944 (58 Stat. 900; chapter 665);

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

11 (iv) any other Acts relating to the au-  
12 thorization for the Sacramento River and  
13 major and minor tributaries project along  
14 the Feather River right bank between levee  
15 stationing 1483+33 and levee stationing  
16 2368+00.

17 (d) STONINGTON HARBOR, CONNECTICUT.—The por-  
18 tion of the project for navigation, Stonington Harbor,  
19 Connecticut, authorized by the Act of May 23, 1828 (4  
20 Stat. 288; chapter 73), that consists of the inner stone  
21 breakwater that begins at coordinates N. 682,146.42, E.  
22 1231,378.69, running north 83.587 degrees west 166.79'  
23 to a point N. 682,165.05, E. 1,231,212.94, running north  
24 69.209 degrees west 380.89' to a point N. 682,300.25,

1 E. 1,230,856.86, is no longer authorized as a Federal  
2 project beginning on the date of enactment of this Act.

3 (e) GREEN RIVER LOCK AND DAM 3, OHIO AND  
4 MUHLENBERG COUNTIES, KENTUCKY.—

5 (1) IN GENERAL.—The structure and land asso-  
6 ciated with Green River Lock and Dam 3 and de-  
7 authorized under section 6001(1) pursuant to the  
8 report of the Chief of Engineers relating to Green  
9 River Locks and Dams 3, 4, 5, and 6 and Barren  
10 River Lock and Dam 1, Kentucky, dated April 30,  
11 2015, shall be transferred under this subsection, and  
12 the land shall no longer be a portion of the Green  
13 River project for navigation, built by the Common-  
14 wealth of Kentucky prior to 1886 and purchased  
15 and ceded to the Federal Government under the first  
16 section of the Act of August 11, 1888 (25 Stat. 416;  
17 chapter 860).

18 (2) TRANSFER.—Subject to this subsection, the  
19 Secretary shall convey to the Rochester Dam Re-  
20 gional Water Commission by quitclaim deed and  
21 without consideration, all right, title, and interest of  
22 the United States in 3 adjacent parcels of land situ-  
23 ated on the Ohio County side of the Green River to-  
24 gether with any improvements on the land.

25 (3) LANDS TO BE CONVEYED.—

1 (A) IN GENERAL.—The 3 adjacent parcels  
2 of land to be conveyed under this subsection  
3 total approximately 6.72 acres of land in Ohio  
4 County, with all 3 parcels being associated with  
5 the deauthorized Green River Lock and Dam 3.

6 (B) USE.—The 3 parcels of land described  
7 in subparagraph (A) may be used by the Roch-  
8 ester Dam Regional Water Commission in such  
9 a manner as to ensure a water supply for local  
10 communities.

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

17 (f) GREEN RIVER LOCK AND DAM 5, BUTLER AND  
18 WARREN COUNTIES, KENTUCKY.—

19 (1) IN GENERAL.—If the Secretary determines  
20 that the Corps of Engineers will not oversee and  
21 conduct the removal of the lock and dam structure  
22 for Green River Lock and Dam 5 deauthorized  
23 under section 6001(1) pursuant to the report of the  
24 Chief of Engineers relating to Green River Locks  
25 and Dams 3, 4, 5, and 6 and Barren River Lock

1 and Dam 1, Kentucky, dated April 30, 2015, the  
2 lock and dam structure and associated land shall be  
3 transferred through established General Services Ad-  
4 ministration procedures to another entity for the ex-  
5 press purposes of—

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

8 (B) making the land available for con-  
9 servation and public recreation and river access  
10 in the future.

11 (2) DEAUTHORIZATION.—On a transfer under  
12 paragraph (1), the land described in that paragraph  
13 shall no longer be a portion of the Green River  
14 project for navigation, authorized by the first section  
15 of the Act of July 13, 1892 (27 Stat. 105; chapter  
16 158).

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

19 (1) IN GENERAL.—The structure and land asso-  
20 ciated with Green River Lock and Dam 6 and de-  
21 authorized under section 6001(1) pursuant to the  
22 report of the Chief of Engineers relating to Green  
23 River Locks and Dams 3, 4, 5, and 6 and Barren  
24 River Lock and Dam 1, Kentucky, dated April 30,  
25 2015, shall be transferred under this subsection and



1 the land shall no longer be a portion of the Green  
2 River project for navigation, authorized by the first  
3 section of the Act of June 13, 1902 (32 Stat. 359;  
4 chapter 1079).

5 (2) TRANSFER.—

6 (A) TRANSFER TO DEPARTMENT OF THE  
7 INTERIOR.—Subject to this subsection, the Sec-  
8 retary shall transfer to the Department of the  
9 Interior, Mammoth Cave National Park, by  
10 quitclaim deed and without consideration, all  
11 right, title, and interest of the United States in  
12 the 4.19 acre parcel of land situated on left de-  
13 scending bank (south side) of the Green River  
14 together with any improvements on the land.

15 (B) TRANSFER TO THE COMMONWEALTH  
16 OF KENTUCKY.—Subject to this subsection, the  
17 Secretary shall transfer to the Commonwealth  
18 of Kentucky, Department of Fish and Wildlife  
19 Resources, by quitclaim deed and without con-  
20 sideration, all right, title, and interest of the  
21 United States in the 18.0 acre parcel of land on  
22 the right descending bank (north side) of the  
23 river and the deauthorized lock and dam struc-  
24 ture.

25 (3) LAND TO BE CONVEYED.—

1 (A) IN GENERAL.—The 2 parcels of land  
2 to be conveyed under this subsection include—

3 (i) a parcel consisting of approxi-  
4 mately 4.19 acres of land, located on each  
5 side of the Green River and associated  
6 with the deauthorized Green River Lock  
7 and Dam 6 in Edmonson County, Ken-  
8 tucky; and

9 (ii) a parcel consisting of approxi-  
10 mately 18.0 acres of land and the de-  
11 authorized lock and dam structure.

12 (B) USE.—

13 (i) MAMMOTH CAVE NATIONAL  
14 PARK.—The 4.19-acre parcel of land de-  
15 scribed in subparagraph (A)(i) shall be  
16 used for established purposes of Mammoth  
17 Cave National Park.

18 (ii) DEPARTMENT OF FISH AND WILD-  
19 LIFE RESOURCES.—The 18.0-acre parcel of  
20 land and deauthorized lock and dam struc-  
21 ture described in subparagraph (A)(ii)  
22 may—

23 (I) be used for the purposes of  
24 removal of the deauthorized structures  
25 to restore natural river functions

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

5 (II) if the Department of Fish  
 6 and Wildlife Resources, Common-  
 7 wealth of Kentucky, cannot fulfill the  
 8 uses described in subclause (I), be  
 9 transferred to county or local govern-  
 10 ments or private conservation entities  
 11 for continued public green space utili-  
 12 zation as described in subclause (I).

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

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

21 (1) IN GENERAL.—The structure and land asso-  
 22 ciated with Barren River Lock and Dam 1 and de-  
 23 authorized under section 6001(1) pursuant to the  
 24 report of the Chief of Engineers relating to Green  
 25 River Locks and Dams 3, 4, 5, and 6 and Barren

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

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

17 (3) LAND TO BE CONVEYED.—

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

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

1 (i) be used by the Commonwealth of  
 2 Kentucky for the purposes of removal of  
 3 structures to restore natural river func-  
 4 tions while providing green space and  
 5 ecotourism development, including the pro-  
 6 vision of roads, parking, camping, and boat  
 7 access; or

8 (ii) if the Department of Fish and  
 9 Wildlife Resources, Commonwealth of Ken-  
 10 tucky, cannot fulfill the uses described in  
 11 clause (i), be transferred to county or local  
 12 governments or private conservation enti-  
 13 ties for continued public green space utili-  
 14 zation as described in clause (i).

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

21 (i) PORT OF CASCADE LOCKS, OREGON.—

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

24 (A) DEFINITION OF FLOWAGE EASE-  
 25 MENT.—In this paragraph, the term “flowage

1 easement” means the flowage easements identi-  
2 fied as tracts 302E-1 and 304E-1 on the ease-  
3 ment deeds recorded as instruments in Hood  
4 River County, Oregon, as follows:

5 (i) A flowage easement dated October  
6 3, 1936, recorded December 1, 1936, book  
7 25 at page 531 (records of Hood River  
8 County, Oregon), in favor of United States  
9 (302E-1-Perpetual Flowage Easement  
10 from October 5, 1937, October 5, 1936,  
11 and October 3, 1936) (previously acquired  
12 as tracts OH-36 and OH-41 and a portion  
13 of tract OH-47).

14 (ii) A flowage easement recorded Oc-  
15 tober 17, 1936, book 25 at page 476  
16 (records of Hood River County, Oregon),  
17 in favor of the United States, that affects  
18 that portion below the 94-foot contour line  
19 above main sea level (304 E-1-Perpetual  
20 Flowage Easement from August 10, 1937  
21 and October 3, 1936) (previously acquired  
22 as tract OH-42 and a portion of tract OH-  
23 47).

24 (B) TERMINATION.—With respect to the  
25 properties described in paragraph (2), begin-

1           ning on the date of enactment of this Act, the  
2           flowage easements are terminated above ele-  
3           vation 82.4 feet (NGVD29), the ordinary high  
4           water mark.

5           (2) AFFECTED PROPERTIES.—The properties  
6           described in this paragraph, as recorded in Hood  
7           River County, Oregon, are as follows:

8                   (A) Lots 3, 4, 5, and 7 of the “Port of  
9                   Cascade Locks Business Park” subdivision, in-  
10                  strument #2014-00436.

11                  (B) Parcels 1, 2, and 3 of Hood River  
12                  County Partition plat No. 2008-25P.

13           (3) FEDERAL LIABILITIES; CULTURAL, ENVI-  
14           RONMENTAL, OTHER REGULATORY REVIEWS.—

15                   (A) FEDERAL LIABILITY.—The United  
16                   States shall not be liable for any injury caused  
17                   by the termination of the easement under this  
18                   subsection.

19                   (B) CULTURAL AND ENVIRONMENTAL  
20                   REGULATORY ACTIONS.—Nothing in this sub-  
21                   section establishes any cultural or environ-  
22                   mental regulation relating to the properties de-  
23                   scribed in paragraph (2).

24           (4) EFFECT ON OTHER RIGHTS.—Nothing in  
25           this subsection affects any remaining right or inter-

1 est of the Corps of Engineers in the properties de-  
2 scribed in paragraph (2).

3 (j) DECLARATIONS OF NON-NAVIGABILITY FOR POR-  
4 TIONS OF THE DELAWARE RIVER, PHILADELPHIA, PENN-  
5 SYLVANIA.—

6 (1) IN GENERAL.—Subject to paragraphs (2)  
7 and (3), unless the Secretary determines, after con-  
8 sultation with local and regional public officials (in-  
9 cluding local and regional project planning organiza-  
10 tions), that there are substantive objections, the fol-  
11 lowing portions of the Delaware River, bounded by  
12 the former bulkhead and pierhead lines established  
13 by the Secretary of War and successors, are declared  
14 to be non-navigable waters of the United States:

15 (A) Piers 70 South through 38 South, en-  
16 compassing an area bounded by the southern  
17 line of Moore Street extended to the northern  
18 line of Catherine Street extended, including the  
19 following piers: Piers 70, 68, 67, 64, 61-63, 60,  
20 57, 55, 46, 48, 40, and 38.

21 (B) Piers 24 North through 72 North, en-  
22 compassing an area bounded by the southern  
23 line of Callowhill Street extended to the north-  
24 ern line of East Fletcher Street extended, in-  
25 cluding the following piers: 24, 25, 27-35, 35.5,



1           36, 37, 38, 39, 49, 51-52, 53-57, 58-65, 66, 67,  
2           69, 70-72, and Rivercenter.

3           (2) DETERMINATION.—The Secretary shall  
4           make the determination under paragraph (1) sepa-  
5           rately for each portion of the Delaware River de-  
6           scribed in subparagraphs (A) and (B) of paragraph  
7           (1), using reasonable discretion, by not later than  
8           150 days after the date of submission of appropriate  
9           plans for that portion.

10          (3) LIMITS ON APPLICABILITY.—

11           (A) IN GENERAL.—Paragraph (1) applies  
12           only to those parts of the areas described in  
13           that paragraph that are or will be bulkheaded  
14           and filled or otherwise occupied by permanent  
15           structures, including marina and recreation fa-  
16           cilities.

17           (B) OTHER FEDERAL LAWS.—Any work  
18           described in subparagraph (A) shall be subject  
19           to all applicable Federal law (including regula-  
20           tions), including—

21           (i) sections 9 and 10 of the Act of  
22           March 3, 1899 (commonly known as the  
23           “River and Harbors Appropriation Act of  
24           1899”) (33 U.S.C. 401, 403);

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

4 (iii) the National Environmental Pol-  
5 icy Act of 1969 (42 U.S.C. 4321 et seq.).

6 (k) SALT CREEK, GRAHAM, TEXAS.—

7 (1) IN GENERAL.—The project for flood con-  
8 trol, environmental restoration, and recreation, Salt  
9 Creek, Graham, Texas, authorized by section  
10 101(a)(30) of the Water Resources Development Act  
11 of 1999 (Public Law 106–53; 113 Stat. 278–279),  
12 is no longer authorized as a Federal project begin-  
13 ning on the date of enactment of this Act.

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

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

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

7 **SEC. 5002. CONVEYANCES.**

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

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

17          (2) TRANSFER.—

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

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

1 (ii) improvements to the land de-  
2 scribed in clause (i).

3 (B) RESPONSIBILITY FOR COSTS.—The  
4 transferee shall be responsible for the payment  
5 of all costs and administrative expenses associ-  
6 ated with any transfer carried out pursuant to  
7 subparagraph (A), including costs associated  
8 with any land survey required to determine the  
9 exact acreage and legal description of the land  
10 and improvements to be transferred.

11 (C) OTHER TERMS AND CONDITIONS.—A  
12 transfer under subparagraph (A) shall be sub-  
13 ject to such other terms and conditions as the  
14 Secretary determines to be necessary and ap-  
15 propriate to protect the interests of the United  
16 States.

17 (3) REVERSION.—If the Secretary determines  
18 that the land and improvements conveyed under  
19 paragraph (2) ceases to be owned by the public, all  
20 right, title, and interest in and to the land and im-  
21 provements shall revert, at the discretion of the Sec-  
22 retary, to the United States.

23 (b) SARDIS LAKE, MISSISSIPPI.—

24 (1) IN GENERAL.—The Secretary is authorized  
25 to convey to the lessee, at full fair market value, all

1 right, title and interest of the United States in and  
2 to the property identified in the leases numbered  
3 DACW38-1-15-7, DACW38-1-15-33, DACW38-1-  
4 15-34, and DACW38-1-15-38, subject to such terms  
5 and conditions as the Secretary determines to be  
6 necessary and appropriate to protect the interests of  
7 the United States.

8 (2) EASEMENT AND RESTRICTIVE COVENANT.—

9 The conveyance under paragraph (1) shall include—

10 (A) a restrictive covenant to require the  
11 approval of the Secretary for any substantial  
12 change in the use of the property; and

13 (B) a flowage easement.

14 (c) JOE POOL LAKE, TEXAS.—The Secretary shall  
15 accept from the Trinity River Authority of Texas, if re-  
16 ceived by September 30, 2016, \$31,233,401 as payment  
17 in full of amounts owed to the United States, including  
18 any accrued interest, for the approximately 61,747.1 acre-  
19 feet of water supply storage space in Joe Pool Lake, Texas  
20 (previously known as Lakeview Lake), for which payment  
21 has not commenced under Article 5.a (relating to project  
22 investment costs) of contract number DACW63-76-C-  
23 0106 as of the date of enactment of this Act.

1 **TITLE VI—WATER RESOURCES**  
 2 **INFRASTRUCTURE**

3 **SEC. 6001. AUTHORIZATION OF FINAL FEASIBILITY STUD-**  
 4 **IES.**

5 The following final feasibility studies for water re-  
 6 sources development and conservation and other purposes  
 7 are authorized to be carried out by the Secretary substan-  
 8 tially in accordance with the plan, and subject to the con-  
 9 ditions, described in the respective reports designated in  
 10 this section:

11 (1) NAVIGATION.—

<b>A. State</b>	<b>B. Name</b>	<b>C. Date of Report of Chief of Engineers</b>	<b>D. Estimated Costs</b>
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

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

1 (2) FLOOD RISK MANAGEMENT.—

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

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

<b>A. State</b>	<b>B. Name</b>	<b>C. Date of Report of Chief of Engineers</b>	<b>D. Estimated Initial Costs and Estimated Renourishment Costs</b>
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



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

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

<b>A. State</b>	<b>B. Name</b>	<b>C. Date of Report of Chief of Engineers</b>	<b>D. Estimated Costs</b>
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.—

<b>A. State</b>	<b>B. Name</b>	<b>C. Date of Report of Chief of Engineers</b>	<b>D. Estimated Costs</b>
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 **SEC. 6002. AUTHORIZATION OF PROJECT MODIFICATIONS**

2 **RECOMMENDED BY THE SECRETARY.**

3 The following project modifications for water re-  
4 sources development and conservation and other purposes  
5 are authorized to be carried out by the Secretary substan-  
6 tially in accordance with the recommendations of the Di-  
7 rector of Civil Works, as specified in the reports referred  
8 to in this section:

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

1 **SEC. 6003. AUTHORIZATION OF STUDY AND MODIFICATION**  
2 **PROPOSALS SUBMITTED TO CONGRESS BY**  
3 **THE SECRETARY.**

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

8 (1) by striking “(25 U.S.C. 450b))” each place  
9 it appears and inserting “(25 U.S.C. 250b)) and a  
10 Native village, Regional Corporation, or Village Cor-  
11 poration (as those terms are defined in section 3 of

1 the Alaska Native Claims Settlement Act (43 U.S.C.  
2 1602)”; and

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

4 “(e) CONSIDERATION OF NATIONAL SECURITY IN-  
5 TERESTS.—In carrying out a study of the feasibility of  
6 an Arctic deep draft port, the Secretary—

7 “(1) shall consult with the Secretary of Home-  
8 land Security and the Secretary of Defense to iden-  
9 tify national security benefits associated with an  
10 Arctic deep draft port; and

11 “(2) if appropriate, as determined by the Sec-  
12 retary, may determine a port described in paragraph  
13 (1) is feasible based on the benefits described in that  
14 paragraph.”.

15 (b) OUACHITA-BLACK RIVERS, ARKANSAS AND LOU-  
16 ISIANA.—The Secretary shall conduct a study to deter-  
17 mine the feasibility of modifying the project for naviga-  
18 tion, Ouachita-Black Rivers, authorized by section 101 of  
19 the River and Harbor Act of 1960 (Public Law 86–645;  
20 74 Stat. 481) to include bank stabilization and water sup-  
21 ply as project purposes.

22 (c) CACHE CREEK BASIN, CALIFORNIA.—

23 (1) IN GENERAL.—The Secretary shall prepare  
24 a general reevaluation report on the project for flood  
25 control, Cache Creek Basin, California, authorized

1 by section 401(a) of the Water Resources Develop-  
2 ment Act of 1986 (Public Law 99-662; 100 Stat.  
3 4112).

4 (2) REQUIREMENTS.—In preparing the report  
5 under paragraph (1), the Secretary shall identify  
6 specific needed modifications to existing project au-  
7 thorities—

8 (A) to increase basin capacity;

9 (B) to decrease the long-term maintenance;

10 and

11 (C) to provide opportunities for ecosystem  
12 benefits for the Sacramento River flood control  
13 project.

14 (d) COYOTE VALLEY DAM, CALIFORNIA.—The Sec-  
15 retary shall conduct a study to determine the feasibility  
16 of carrying out a project for flood damage reduction, envi-  
17 ronmental restoration, and water supply by modifying the  
18 Coyote Valley Dam, California.

19 (e) DEL ROSA DRAINAGE AREA, CALIFORNIA.—The  
20 Secretary shall conduct a study to determine the feasibility  
21 of carrying out projects for flood control and ecosystem  
22 restoration in the cities of San Bernardino and Highland,  
23 San Bernardino County, California.

24 (f) MERCED COUNTY, CALIFORNIA.—The Secretary  
25 shall prepare a general reevaluation report on the project

1 for flood control, Merced County streams project, Cali-  
2 fornia, authorized by section 10 of the Act of December  
3 22, 1944 (58 Stat. 900; chapter 665), to investigate the  
4 flood risk management opportunities and improve levee  
5 performance along Black Rascal Creek and Bear Creek.

6 (g) MISSION-ZANJA DRAINAGE AREA, CALI-  
7 FORNIA.—The Secretary shall conduct a study to deter-  
8 mine the feasibility of carrying out projects for flood con-  
9 trol and ecosystem restoration in the cities of Redlands,  
10 Loma Linda, and San Bernardino, California, and unin-  
11 corporated counties of San Bernardino County, California.

12 (h) SANTA ANA RIVER BASIN, CALIFORNIA.—The  
13 Secretary shall conduct a study to determine the feasibility  
14 of modifying the project for flood damage reduction by  
15 modifying the San Jacinto and Bautista Creek Improve-  
16 ment Project, part of the Santa Ana River Basin Project  
17 in Riverside County, California.

18 (i) DELAWARE BAY COASTLINE, DELAWARE AND  
19 NEW JERSEY-ROOSEVELT INLET-LEWES BEACH, DELA-  
20 WARE.—The Secretary shall conduct a study to determine  
21 the feasibility of modifying the project for shoreline pro-  
22 tection and ecosystem restoration, Delaware Bay Coast-  
23 line, Delaware and New Jersey-Roosevelt Inlet-Lewes  
24 Beach, Delaware, authorized by section 101(a)(13) of the  
25 Water Resources Development Act of 1999 (Public Law

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

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

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

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

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

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

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

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

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

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

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



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

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

13 (r) CHAUTAUQUA COUNTY, NEW YORK.—

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

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

25 (s) CINCINNATI, OHIO.—

1           (1) IN GENERAL.—The Secretary shall review  
2 the ecosystem restoration and flood risk reduction  
3 components of the Central Riverfront Park Master  
4 Plan, dated December 1999, for the purpose of de-  
5 termining whether or not the study, and the process  
6 under which the study was developed, each comply  
7 with Federal law (including regulations) applicable  
8 to feasibility studies for water resources development  
9 projects.

10           (2) RECOMMENDATION.—Not later than 180  
11 days after reviewing the Master Plan under para-  
12 graph (1), the Secretary shall submit to Congress—

13           (A) the results of the review of the Master  
14 Plan, including a determination of whether any  
15 project identified in the plan is feasible; and

16           (B) any recommendations of the Secretary  
17 related to any modifications to section 5116 of  
18 the Water Resources Development Act of 2007  
19 (Public Law 110–114; 121 Stat. 1238) nec-  
20 essary to carry out any projects determined to  
21 be feasible.

22           (t) TULSA AND WEST TULSA, ARKANSAS RIVER,  
23 OKLAHOMA.—

24           (1) IN GENERAL.—The Secretary shall conduct  
25 a study to determine the feasibility of modifying the

1 projects for flood risk management, Tulsa and West  
2 Tulsa, Oklahoma, authorized by section 3 of the Act  
3 of August 18, 1941 (55 Stat. 645; chapter 377).

4 (2) REQUIREMENTS.—

5 (A) IN GENERAL.—In carrying out the  
6 study under paragraph (1), the Secretary shall  
7 address project deficiencies, uncertainties, and  
8 significant data gaps, including material, con-  
9 struction, and subsurface, which render the  
10 project at risk of overtopping, breaching, or sys-  
11 tem failure.

12 (B) ADDRESSING DEFICIENCIES.—In ad-  
13 dressing deficiencies under subparagraph (A),  
14 the Secretary shall incorporate current design  
15 standards and efficiency improvements, includ-  
16 ing the replacement of mechanical and electrical  
17 components at pumping stations, if the incorpo-  
18 ration does not significantly change the scope,  
19 function, or purpose of the project.

20 (3) PRIORITIZATION TO ADDRESS SIGNIFICANT  
21 RISKS.—In any case in which a levee or levee system  
22 (as defined in section 9002 of the Water Resources  
23 Reform and Development Act of 2007 (33 U.S.C.  
24 3301)) is classified as a Class I or II under the levee  
25 safety action classification tool developed by the

1 Corps of Engineers, the Secretary shall expedite the  
2 project for budget consideration.

3 (u) JOHNSTOWN, PENNSYLVANIA.—The Secretary  
4 shall conduct a study to determine the feasibility of modi-  
5 fying the project for flood control, Johnstown, Pennsyl-  
6 vania, authorized by the Act of June 22, 1936 (49 Stat.  
7 1570, chapter 688; 50 Stat. 880) (commonly known as  
8 the “Flood Control Act of 1936”), to include aquatic eco-  
9 system restoration, recreation, sediment management, and  
10 increase the level of flood control.

11 (v) CHACON CREEK, TEXAS.—Notwithstanding any  
12 other provision of law (including any resolution of a Com-  
13 mittee of Congress), the study conducted by the Secretary  
14 described in the resolution adopted by the Committee on  
15 Transportation and Infrastructure of the House of Rep-  
16 resentatives on May 21, 2003, relating to flood damage  
17 reduction, environmental restoration and protection, water  
18 conservation and supply, water quality, and related pur-  
19 poses in the Rio Grande Watershed below Falcon Dam,  
20 shall include the area above Falcon Dam.

21 (w) CORPUS CHRISTI SHIP CHANNEL, TEXAS.—The  
22 Secretary shall conduct a study to determine the feasibility  
23 of modifying the project for navigation and ecosystem res-  
24 toration, Corpus Christi Ship Channel, Texas, authorized  
25 by section 1001(40) of the Water Resources Development

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

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

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

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

1 determines, based on the review referred to in para-  
2 graph (1), that—

3 (A) the economic analysis and the process  
4 by which the economic analysis was developed  
5 complies with Federal law (including regula-  
6 tions) applicable to economic analyses for water  
7 resources development projects; and

8 (B) based on the economic analysis, the  
9 recommended plan in the supplement to the  
10 final environmental impact statement for the  
11 Central City Project, Upper Trinity River enti-  
12 tled “Final Supplemental No. 1” is economi-  
13 cally justified.

14 (3) LIMITATION.—The Federal share of the  
15 cost of the recommended plan described in para-  
16 graph (2) shall not exceed \$520,000,000, of which  
17 not more than \$5,500,000 may be expended to carry  
18 out recreation features of the project.

19 (y) CHINCOTEAGUE ISLAND, VIRGINIA.—The Sec-  
20 retary shall conduct a study to determine the feasibility  
21 of carrying out projects for ecosystem restoration and  
22 flood control, Chincoteague Island, Virginia, authorized by  
23 section 8 of Public Law 89–195 (16 U.S.C. 459f–7) (com-  
24 monly known as the “Assateague Island National Sea-  
25 shore Act”) for—

1           (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           (z) 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       **TITLE VII—SAFE DRINKING**  
14       **WATER AND CLEAN WATER**  
15       **INFRASTRUCTURE**

16       **SEC. 7001. DEFINITION OF ADMINISTRATOR.**

17          In this title, the term “Administrator” means the Ad-  
18          ministrator of the Environmental Protection Agency.

19       **SEC. 7002. SENSE OF THE SENATE ON APPROPRIATIONS**  
20                       **LEVELS AND FINDINGS ON ECONOMIC IM-**  
21                       **PACTS.**

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

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

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

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

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

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



1 scribed in subsection (a) over a period of 5  
2 years would generate \$7,430,000,000 in Fed-  
3 eral tax revenue and, when additional spending  
4 from the State revolving loan funds is consid-  
5 ered to be the result of leveraging the Federal  
6 investment, the Federal investment will result  
7 in \$32,300,000,000 in Federal tax revenue dur-  
8 ing that 5-year period.

9 (2) An increase in employment, as evidenced by  
10 the following:

11 (A) Every \$1,000,000 in State revolving  
12 loan fund spending generates 16½ jobs.

13 (B) \$34,700,000,000 in Federal capitaliza-  
14 tion grants for State revolving loan funds over  
15 a period of 5 years would result in 506,000  
16 jobs.

17 (3) An increase in economic output:

18 (A) Every \$1,000,000 in State revolving  
19 loan fund spending results in \$2,950,000 in  
20 output for the economy of the United States.

21 (B) \$34,700,000,000 in Federal capitaliza-  
22 tion grants for State revolving loan funds over  
23 a period of 5 years will generate  
24 \$102,700,000,000 in total economic output.

## 1           **Subtitle A—Drinking Water**

### 2   **SEC. 7101. PRECONSTRUCTION WORK.**

3           Section 1452(a)(2) of the Safe Drinking Water Act  
4 (42 U.S.C. 300j–12(a)(2)) is amended—

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

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

10           (A) by striking “(not” and inserting “(in-  
11 cluding expenditures for planning, design, and  
12 associated preconstruction activities, including  
13 activities relating to the siting of the facility,  
14 but not”;

15           (B) by inserting before the period at the  
16 end the following: “or to replace or rehabilitate  
17 aging treatment, storage, or distribution facili-  
18 ties of public water systems or provide for cap-  
19 ital projects (excluding any expenditure for op-  
20 erations and maintenance) to upgrade the secu-  
21 rity of public water systems”;

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

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

1 of revenue (restricted solely to interest earnings  
2 of the applicable State loan fund) or security  
3 for payment of the principal and interest on  
4 revenue or general obligation bonds issued by  
5 the State to provide matching funds under sub-  
6 section (e), if the proceeds of the sale of the  
7 bonds will be deposited in the State loan  
8 fund.”.

9 **SEC. 7102. PRIORITY SYSTEM REQUIREMENTS.**

10 Section 1452(b)(3) of the Safe Drinking Water Act  
11 (42 U.S.C. 300j–12(b)(3)) is amended—

12 (1) by redesignating subparagraph (B) as sub-  
13 paragraph (D);

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

16 “(A) DEFINITION OF RESTRUCTURING.—  
17 In this paragraph, the term ‘restructuring’  
18 means changes in operations (including owner-  
19 ship, cooperative partnerships, asset manage-  
20 ment, consolidation, and alternative water sup-  
21 ply).

22 “(B) PRIORITY SYSTEM.—An intended use  
23 plan shall provide, to the maximum extent prac-  
24 ticable, that priority for the use of funds be  
25 given to projects that—

1           “(i) address the most serious risk to  
2           human health;

3           “(ii) are necessary to ensure compli-  
4           ance with this title (including requirements  
5           for filtration);

6           “(iii) assist systems most in need on  
7           a per-household basis according to State  
8           affordability criteria; and

9           “(iv) improve the sustainability of sys-  
10          tems.

11          “(C) WEIGHT GIVEN TO APPLICATIONS.—  
12          After determining project priorities under sub-  
13          paragraph (B), an intended use plan shall pro-  
14          vide that the State shall give greater weight to  
15          an application for assistance by a community  
16          water system if the application includes such in-  
17          formation as the State determines to be nec-  
18          essary and contains—

19                 “(i) a description of utility manage-  
20                 ment best practices undertaken by a treat-  
21                 ment works applying for assistance, includ-  
22                 ing—

23                         “(I) an inventory of assets, in-  
24                         cluding a description of the condition  
25                         of the assets;

1                   “(II) a schedule for replacement  
2 of assets;

3                   “(III) a financing plan that fac-  
4 tors in all lifecycle costs indicating  
5 sources of revenue from ratepayers,  
6 grants, bonds, other loans, and other  
7 sources to meet the costs; and

8                   “(IV) a review of options for re-  
9 structuring the public water system;

10                  “(ii) demonstration of consistency  
11 with State, regional, and municipal water-  
12 shed plans;

13                  “(iii) a water conservation plan con-  
14 sistent with guidelines developed for those  
15 plans by the Administrator under section  
16 1455(a); and

17                  “(iv) approaches to improve the sus-  
18 tainability of the system, including—

19                   “(I) water efficiency or conserva-  
20 tion, including the rehabilitation or re-  
21 placement of existing leaking pipes;

22                   “(II) use of reclaimed water;

23                   “(III) actions to increase energy  
24 efficiency; and

1                                   “(IV) implementation of source  
2                                   water protection plans.”; and

3                                   (3) in subparagraph (D) (as redesignated by  
4                                   paragraph (1)), by striking “periodically” and in-  
5                                   serting “at least biennially”.

6 **SEC. 7103. ADMINISTRATION OF STATE LOAN FUNDS.**

7                                   Section 1452(g)(2) of the Safe Drinking Water Act  
8 (42 U.S.C. 300j-12(g)(2)) is amended—

9                                   (1) in the first sentence, by striking “up to 4  
10                                  percent of the funds allotted to the State under this  
11                                  section” and inserting “, for each fiscal year, an  
12                                  amount that does not exceed the sum of the amount  
13                                  of any fees collected by the State for use in covering  
14                                  reasonable costs of administration of programs  
15                                  under this section, regardless of the source, and an  
16                                  amount equal to the greatest of \$400,000,  $\frac{1}{5}$  per-  
17                                  cent of the current valuation of the fund, or 4 per-  
18                                  cent of all grant awards to the fund under this sec-  
19                                  tion for the fiscal year,”; and

20                                  (2) by striking “1419,” and all that follows  
21                                  through “1993.” and inserting “1419.”.

22 **SEC. 7104. OTHER AUTHORIZED ACTIVITIES.**

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

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

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

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

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

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

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

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

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

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

3 “(a) DEFINITION OF UNDERSERVED COMMUNITY.—

4 In this section:

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

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

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

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

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

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

21 “(iii) an action level exceedance.

22 “(b) ESTABLISHMENT.—

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



1 assist community water systems in meeting the re-  
2 quirements of this Act.

3 “(2) INCLUSIONS.—Projects and activities  
4 under paragraph (1) include—

5 “(A) infrastructure investments necessary  
6 to comply with the requirements of this Act,

7 “(B) assistance that directly and primarily  
8 benefits the disadvantaged community on a per-  
9 household basis, and

10 “(C) programs to provide water quality  
11 testing.

12 “(c) ELIGIBLE ENTITIES.—An entity eligible to re-  
13 ceive a grant under this section—

14 “(1) is—

15 “(A) a community water system as defined  
16 in section 1401; or

17 “(B) a system that is located in an area  
18 governed by an Indian Tribe (as defined in sec-  
19 tion 1401); and

20 “(2) serves a community that, under afford-  
21 ability criteria established by the State under section  
22 1452(d)(3), is determined by the State—

23 “(A) to be a disadvantaged community;

1           “(B) to be a community that may become  
2           a disadvantaged community as a result of car-  
3           rying out an eligible activity; or

4           “(C) to serve a community with a popu-  
5           lation of less than 10,000 individuals that the  
6           Administrator determines does not have the ca-  
7           pacity to incur debt sufficient to finance the  
8           project under subsection (b).

9           “(d) PRIORITY.—In prioritizing projects for imple-  
10          mentation under this section, the Administrator shall give  
11          priority to systems that serve underserved communities.

12          “(e) LOCAL PARTICIPATION.—In prioritizing projects  
13          for implementation under this section, the Administrator  
14          shall consult with, and consider the priorities of, affected  
15          States, Indian Tribes, and local governments.

16          “(f) COST SHARING.—Before carrying out any  
17          project under this section, the Administrator shall enter  
18          into a binding agreement with 1 or more non-Federal in-  
19          terests that shall require the non-Federal interests—

20                 “(1) to pay not less than 45 percent of the total  
21                 costs of the project, which may include services, ma-  
22                 terials, supplies, or other in-kind contributions;

23                 “(2) to provide any land, easements, rights-of-  
24                 way, and relocations necessary to carry out the  
25                 project; and

1           “(3) to pay 100 percent of any operation, main-  
2           tenance, repair, replacement, and rehabilitation costs  
3           associated with the project.

4           “(g) WAIVER.—The Administrator may waive the re-  
5           quirement to pay the non-Federal share of the cost of car-  
6           rying out an eligible activity using funds from a grant pro-  
7           vided under this section if the Administrator determines  
8           that an eligible entity is unable to pay, or would experience  
9           significant financial hardship if required to pay, the non-  
10          Federal share.

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

14                  “(1) \$230,000,000 for fiscal year 2017; and

15                  “(2) \$300,000,000 for each of fiscal years 2018  
16          through 2021.”.

17          (b) FUNDING.—Out of any funds in the Treasury not  
18          otherwise appropriated, the Secretary of the Treasury  
19          shall transfer to the Administrator to provide grants to  
20          eligible entities under section 1459A of the Safe Drinking  
21          Water Act (as added by subsection (a)), \$20,000,000, to  
22          remain available until expended.

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

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

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

6 “(a) DEFINITIONS.—In this section:

7 “(1) ELIGIBLE ENTITY.—The term ‘eligible en-  
8 tity’ means—

9 “(A) a community water system;

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

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

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

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

18 “(2) LEAD REDUCTION PROJECT.—

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

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

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

1            administrator, to identify and address condi-  
2            tions (including corrosion control) that  
3            contribute to increased lead levels in water  
4            for human consumption;

5            “(iii) assistance to low-income home-  
6            owners to replace privately owned service  
7            lines, pipes, fittings, or fixtures that con-  
8            tain lead; and

9            “(iv) education of consumers regard-  
10           ing measures to reduce exposure to lead  
11           from drinking water or other sources.

12           “(B) LIMITATION.—The term ‘lead reduc-  
13           tion project’ does not include a partial lead  
14           service line replacement if, at the conclusion of  
15           the service line replacement, drinking water is  
16           delivered to a household through a publicly or  
17           privately owned portion of a lead service line.

18           “(3) LOW-INCOME.—The term ‘low-income’,  
19           with respect to an individual provided assistance  
20           under this section, has such meaning as may be  
21           given the term by the head of the municipality or  
22           State, interstate, or intermunicipal agency with ju-  
23           risdiction over the area to which assistance is pro-  
24           vided.

1           “(4) MUNICIPALITY.—The term ‘municipality’  
2 means—

3           “(A) a city, town, borough, county, parish,  
4 district, association, or other public entity es-  
5 tablished by, or pursuant to, applicable State  
6 law; and

7           “(B) an Indian tribe (as defined in section  
8 4 of the Indian Self-Determination and Edu-  
9 cation Assistance Act (25 U.S.C. 450b)).

10          “(b) GRANT PROGRAM.—

11           “(1) ESTABLISHMENT.—The Administrator  
12 shall establish a grant program to provide assistance  
13 to eligible entities for lead reduction projects in the  
14 United States.

15           “(2) PRECONDITION.—As a condition of receipt  
16 of assistance under this section, before receiving the  
17 assistance the eligible entity shall take steps to iden-  
18 tify—

19           “(A) the source of lead in water for human  
20 consumption; and

21           “(B) the means by which the proposed lead  
22 reduction project would reduce lead levels in the  
23 applicable water system.

1           “(3) PRIORITY APPLICATION.—In providing  
2 grants under this subsection, the Administrator shall  
3 give priority to an eligible entity that—

4           “(A) demonstrates that the eligible entity  
5 is unable to fund the proposed lead reduction  
6 project through other sources of funding; and

7           “(B) proposes to—

8           “(i) carry out a lead reduction project  
9 at a public water system or nontransient  
10 noncommunity water system that has ex-  
11 ceeded the lead action level established by  
12 the Administrator at any time during the  
13 3-year period preceding the date of submis-  
14 sion of the application of the eligible enti-  
15 ty;

16           “(ii) address lead levels in water for  
17 human consumption at a school, daycare,  
18 or other facility that primarily serves chil-  
19 dren or another vulnerable human sub-  
20 population; or

21           “(iii) address such priority criteria as  
22 the Administrator may establish, consistent  
23 with the goal of reducing lead levels of con-  
24 cern.

25           “(4) COST SHARING.—

1           “(A) IN GENERAL.—Subject to subpara-  
2 graph (B), the non-Federal share of the total  
3 cost of a project funded by a grant under this  
4 subsection shall be not less than 20 percent.

5           “(B) WAIVER.—The Administrator may  
6 reduce or eliminate the non-Federal share  
7 under subparagraph (A) for reasons of afford-  
8 ability, as the Administrator determines to be  
9 appropriate.

10          “(5) LOW-INCOME ASSISTANCE.—

11           “(A) IN GENERAL.—Subject to subpara-  
12 graph (B), an eligible entity may use a grant  
13 provided under this subsection to provide assist-  
14 ance to low-income homeowners to carry out  
15 lead reduction projects.

16           “(B) LIMITATION.—The amount of a  
17 grant provided to a low-income homeowner  
18 under this paragraph shall not exceed the cost  
19 of replacement of the privately owned portion of  
20 the service line.

21          “(6) SPECIAL CONSIDERATION FOR LEAD SERV-  
22 ICE LINE REPLACEMENT.—In carrying out lead serv-  
23 ice line replacement using a grant under this sub-  
24 section, an eligible entity shall—



1           “(A) notify customers of the replacement  
2 of any publicly owned portion of the lead service  
3 line;

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

8           “(C) in the case of a low-income home-  
9 owner, offer to replace the privately owned por-  
10 tion of the lead service line and any pipes, fit-  
11 ting, and fixtures that contain lead at a cost  
12 that is equal to the difference between—

13                   “(i) the cost of replacement; and

14                   “(ii) the amount of low-income assist-  
15 ance available to the homeowner under  
16 paragraph (5);

17           “(D) notify each customer that a planned  
18 replacement of any publicly owned portion of a  
19 lead service line that is funded by a grant made  
20 under this subsection will not be carried out un-  
21 less the customer agrees to the simultaneous re-  
22 placement of the privately owned portion of the  
23 lead service line; and

24           “(E) demonstrate that the eligible entity  
25 has considered multiple options for reducing

1           lead in drinking water, including an evaluation  
2           of options for corrosion control.

3           “(c) AUTHORIZATION OF APPROPRIATIONS.—There  
4 is authorized to be appropriated to carry out this section  
5 \$60,000,000 for each of fiscal years 2017 through 2021.”.

6           (b) FUNDING.—Out of any funds in the Treasury not  
7 otherwise appropriated, the Secretary of the Treasury  
8 shall transfer to the Administrator to provide grants to  
9 eligible entities under this section under section 1459B of  
10 the Safe Drinking Water Act (as added by subsection (a)),  
11 \$20,000,000, to remain available until expended.

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

14           (a) IN GENERAL.—The Administrator shall appoint  
15 not fewer than 1 employee in each regional office of the  
16 Environmental Protection Agency to serve as a liaison to  
17 minority, tribal, and low-income communities in the rel-  
18 evant region.

19           (b) PUBLIC IDENTIFICATION.—The Administrator  
20 shall identify each regional liaison selected under sub-  
21 section (a) on the website of—

22           (1) the relevant regional office of the Environ-  
23 mental Protection Agency; and

24           (2) the Office of Environmental Justice of the  
25 Environmental Protection Agency.

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

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

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

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

12 (2) in paragraph (2)—

13 (A) in subparagraph (C)—

14 (i) in clause (iii)—

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

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

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

1 (C) by inserting after subparagraph (C)  
2 the following:

3 “(D) EXCEEDANCE OF LEAD ACTION  
4 LEVEL.—Regulations issued under subpara-  
5 graph (A) shall specify notification procedures  
6 for an exceedance of a lead action level or any  
7 other prescribed level of lead in a regulation  
8 issued under section 1412.”;

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

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

13 “(3) NOTIFICATION OF THE PUBLIC RELATING  
14 TO LEAD.—

15 “(A) EXCEEDANCE OF LEAD ACTION  
16 LEVEL.—Not later than 15 days after the date  
17 of an exceedance of a lead action level or any  
18 other prescribed level of lead in a regulation  
19 issued under section 1412, the Administrator  
20 shall notify the public of the concentrations of  
21 lead found in the monitoring activity conducted  
22 by the public water system if the public water  
23 system or the State does not notify the public  
24 of the concentrations of lead found in a moni-  
25 toring activity.

1 “(B) RESULTS OF LEAD MONITORING.—

2 “(i) IN GENERAL.—The Administrator  
3 may provide notice of any result of lead  
4 monitoring conducted by a public water  
5 system to—

6 “(I) any person that is served by  
7 the public water system; or

8 “(II) the local or State health de-  
9 partment of a locality or State in  
10 which the public water system is lo-  
11 cated.

12 “(ii) FORM OF NOTICE.—The Admin-  
13 istrator may provide the notice described  
14 in clause (i) by—

15 “(I) press release; or

16 “(II) other form of communica-  
17 tion, including local media.

18 “(C) PRIVACY.—Notice to the public shall  
19 protect the privacy of individual customer infor-  
20 mation.”.

21 (b) CONFORMING AMENDMENTS.—Section 1414(c)  
22 of the Safe Drinking Water Act (42 U.S.C. 300g-3(e))  
23 is amended—

24 (1) in paragraph (1)(C), by striking “paragraph  
25 (2)(E)” and inserting “paragraph (2)(F)”;

1 (2) in paragraph (2)(B)(i)(II), by striking “sub-  
2 paragraph (D)” and inserting “subparagraph (E)”;  
3 and

4 (3) in paragraph (3)(B), in the first sentence,  
5 by striking “(D)” and inserting “(E)”.

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

8 Section 1414 of the Safe Drinking Water Act (42  
9 U.S.C. 300g-3) is amended by adding at the end the fol-  
10 lowing:

11 “(j) ELECTRONIC REPORTING OF COMPLIANCE MON-  
12 ITORING DATA.—

13 “(1) IN GENERAL.—As a condition on the re-  
14 ceipt of funds under this Act, the Administrator  
15 shall require electronic submission of available com-  
16 pliance monitoring data, if practicable—

17 “(A) by public water systems—

18 “(i) to the Administrator; or

19 “(ii) with respect to a public water  
20 system in a State that has primary en-  
21 forcement responsibility under section  
22 1413, to that State; and

23 “(B) by each State that has primary en-  
24 forcement responsibility under section 1413 to  
25 the Administrator.

1           “(2) CONSIDERATIONS.—In determining wheth-  
 2           er the condition referred to in paragraph (1) is prac-  
 3           ticable, the Administrator shall consider—

4                   “(A) the ability of a public water system or  
 5           State to meet the requirements of sections 3.1  
 6           through 3.2000 of title 40, Code of Federal  
 7           Regulations (or successor regulations);

8                   “(B) information system compatibility;

9                   “(C) the size of the public water system;

10           and

11                   “(D) the size of the community served by  
 12           the public water system.”.

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

15           (a) IN GENERAL.—Section 1464 of the Safe Drink-  
 16           ing Water Act (42 U.S.C. 300j-24) is amended by striking  
 17           subsection (d) and inserting the following:

18                   “(d) VOLUNTARY SCHOOL AND CHILD CARE LEAD  
 19           TESTING GRANT PROGRAM.—

20                   “(1) DEFINITIONS.—In this subsection:

21                           “(A) CHILD CARE PROGRAM.—The term  
 22           ‘child care program’ has the meaning given the  
 23           term ‘early childhood education program’ in  
 24           section 103 of the Higher Education Act of  
 25           1965 (20 U.S.C. 1003).

1           “(B) LOCAL EDUCATIONAL AGENCY.—The  
2 term ‘local educational agency’ means—

3           “(i) a local educational agency (as de-  
4 fined in section 8101 of the Elementary  
5 and Secondary Education Act of 1965 (20  
6 U.S.C. 7801));

7           “(ii) a tribal education agency (as de-  
8 fined in section 3 of the National Environ-  
9 mental Education Act (20 U.S.C. 5502));  
10 and

11           “(iii) an operator of a child care pro-  
12 gram facility.

13           “(2) ESTABLISHMENT.—

14           “(A) IN GENERAL.—Not later than 180  
15 days after the date of enactment of the Water  
16 Resources Development Act of 2016, the Ad-  
17 ministrator shall establish a voluntary school  
18 and child care lead testing grant program to  
19 make grants available to States to assist local  
20 educational agencies in voluntary testing for  
21 lead contamination in drinking water at schools  
22 and child care programs under the jurisdiction  
23 of the local educational agencies.

24           “(B) GRANTS TO LOCAL EDUCATIONAL  
25 AGENCIES.—The Administrator may make



1 grants directly available to local educational  
2 agencies for the voluntary testing described in  
3 subparagraph (A) in—

4 “(i) any State that does not partici-  
5 pate in the voluntary school and child care  
6 lead testing grant program established  
7 under that subparagraph; and

8 “(ii) any direct implementation area.

9 “(3) APPLICATION.—To be eligible to receive a  
10 grant under this subsection, a State or local edu-  
11 cational agency shall submit to the Administrator an  
12 application at such time, in such manner, and con-  
13 taining such information as the Administrator may  
14 require.

15 “(4) USE OF FUNDS.—

16 “(A) IN GENERAL.—A State or local edu-  
17 cational agency that receives a grant under this  
18 subsection may use grant funds for the vol-  
19 untary testing described in paragraph (2)(A).

20 “(B) LIMITATION.—Not more than 4 per-  
21 cent of grant funds accepted under this sub-  
22 section shall be used to pay the administrative  
23 costs of carrying out this subsection.

24 “(5) GUIDANCE; PUBLIC AVAILABILITY.—As a  
25 condition of receiving a grant under this subsection,

1 the State or local educational agency shall ensure  
2 that each local educational agency to which grant  
3 funds are distributed shall—

4 “(A) expend grant funds in accordance  
5 with—

6 “(i) the guidance of the Environ-  
7 mental Protection Agency entitled ‘3Ts for  
8 Reducing Lead in Drinking Water in  
9 Schools: Revised Technical Guidance’ and  
10 dated October 2006 (or any successor  
11 guidance); or

12 “(ii) applicable State regulations or  
13 guidance regarding reducing lead in drink-  
14 ing water in schools and child care pro-  
15 grams that is not less stringent than the  
16 guidance referred to in clause (i); and

17 “(B)(i) make available in the administra-  
18 tive offices, and to the maximum extent prac-  
19 ticable, on the Internet website, of the local  
20 educational agency for inspection by the public  
21 (including teachers, other school personnel, and  
22 parents) a copy of the results of any voluntary  
23 testing for lead contamination in school and  
24 child care program drinking water that is car-

1           ried out with grant funds under this subsection;  
2           and

3           “(ii) notify parent, teacher, and employee  
4           organizations of the availability of the results  
5           described in clause (i).

6           “(6) MAINTENANCE OF EFFORT.—If resources  
7           are available to a State or local educational agency  
8           from any other Federal agency, a State, or a private  
9           foundation for testing for lead contamination in  
10          drinking water, the State or local educational agency  
11          shall demonstrate that the funds provided under this  
12          subsection will not displace those resources.

13          “(7) AUTHORIZATION OF APPROPRIATIONS.—  
14          There is authorized to be appropriated to carry out  
15          this subsection \$20,000,000 for each of fiscal years  
16          2017 through 2021.”.

17          (b) REPEAL.—Section 1465 of the Safe Drinking  
18          Water Act (42 U.S.C. 300j–25) is repealed.

19      **SEC. 7112. WATERSENSE PROGRAM.**

20          (a) ESTABLISHMENT OF WATERSENSE PROGRAM.—

21                  (1) IN GENERAL.—There is established within  
22          the Environmental Protection Agency a voluntary  
23          WaterSense program to identify and promote water-  
24          efficient products, buildings, landscapes, facilities,  
25          processes, and services that, through voluntary label-

1 ing of, or other forms of communications regarding,  
2 products, buildings, landscapes, facilities, processes,  
3 and services while meeting strict performance cri-  
4 teria, sensibly—

5 (A) reduce water use;

6 (B) reduce the strain on public and com-  
7 munity water systems and wastewater and  
8 stormwater infrastructure;

9 (C) conserve energy used to pump, heat,  
10 transport, and treat water; and

11 (D) preserve water resources for future  
12 generations.

13 (2) INCLUSIONS.—The Administrator shall,  
14 consistent with this section, identify water-efficient  
15 products, buildings, landscapes, facilities, processes,  
16 and services, including categories such as—

17 (A) irrigation technologies and services;

18 (B) point-of-use water treatment devices;

19 (C) plumbing products;

20 (D) reuse and recycling technologies;

21 (E) landscaping and gardening products,  
22 including moisture control or water enhancing  
23 technologies;

24 (F) xeriscaping and other landscape con-  
25 versions that reduce water use;

1 (G) whole house humidifiers; and

2 (H) water-efficient buildings or facilities.

3 (b) DUTIES.—The Administrator, coordinating as ap-  
4 propriate with the Secretary, shall—

5 (1) establish—

6 (A) a WaterSense label to be used for  
7 items meeting the certification criteria estab-  
8 lished in accordance with this section; and

9 (B) the procedure, including the methods  
10 and means, and criteria by which an item may  
11 be certified to display the WaterSense label;

12 (2) enhance public awareness regarding the  
13 WaterSense label through outreach, education, and  
14 other means;

15 (3) preserve the integrity of the WaterSense  
16 label by—

17 (A) establishing and maintaining feasible  
18 performance criteria so that products, build-  
19 ings, landscapes, facilities, processes, and serv-  
20 ices labeled with the WaterSense label perform  
21 as well or better than less water-efficient coun-  
22 terparts;

23 (B) overseeing WaterSense certifications  
24 made by third parties;

1 (C) as determined appropriate by the Ad-  
2 ministrator, using testing protocols, from the  
3 appropriate, applicable, and relevant consensus  
4 standards, for the purpose of determining  
5 standards compliance; and

6 (D) auditing the use of the WaterSense  
7 label in the marketplace and preventing cases of  
8 misuse;

9 (4) not more than 6 years after adoption or  
10 major revision of any WaterSense specification, re-  
11 view and, if appropriate, revise the specification to  
12 achieve additional water savings;

13 (5) in revising a WaterSense specification—

14 (A) provide reasonable notice to interested  
15 parties and the public of any changes, including  
16 effective dates, and an explanation of the  
17 changes;

18 (B) solicit comments from interested par-  
19 ties and the public prior to any changes;

20 (C) as appropriate, respond to comments  
21 submitted by interested parties and the public;  
22 and

23 (D) provide an appropriate transition time  
24 prior to the applicable effective date of any  
25 changes, taking into account the timing nec-

1           essary for the manufacture, marketing, train-  
2           ing, and distribution of the specific water-effi-  
3           cient product, building, landscape, process, or  
4           service category being addressed; and

5           (6) not later than December 31, 2018, consider  
6           for review and revision any WaterSense specification  
7           adopted before January 1, 2012.

8           (c) **TRANSPARENCY.**—The Administrator shall, to the  
9           maximum extent practicable and not less than annually,  
10          regularly estimate and make available to the public the  
11          production and relative market shares and savings of  
12          water, energy, and capital costs of water, wastewater, and  
13          stormwater attributable to the use of WaterSense-labeled  
14          products, buildings, landscapes, facilities, processes, and  
15          services.

16          (d) **DISTINCTION OF AUTHORITIES.**—In setting or  
17          maintaining specifications for Energy Star pursuant to  
18          section 324A, and WaterSense under this section, the Sec-  
19          retary and Administrator shall coordinate to prevent du-  
20          plicative or conflicting requirements among the respective  
21          programs.

22          (e) **NO WARRANTY.**—A WaterSense label shall not  
23          create an express or implied warranty.

24          **SEC. 7113. WATER SUPPLY COST SAVINGS.**

25          (a) **FINDINGS.**—Congress finds that—

1           (1) the United States is facing a drinking water  
2 infrastructure funding crisis;

3           (2) the Environmental Protection Agency  
4 projects a shortfall of approximately  
5 \$384,000,000,000 in funding for drinking water in-  
6 frastructure from 2015 to 2035 and this funding  
7 challenge is particularly acute in rural communities  
8 in the United States;

9           (3) there are approximately 52,000 community  
10 water systems in the United States, of which nearly  
11 42,000 are small community water systems;

12           (4) the Drinking Water Needs Survey con-  
13 ducted by the Environmental Protection Agency in  
14 2011 placed the shortfall in drinking water infra-  
15 structure funding for small communities, which con-  
16 sist of 3,300 or fewer persons, at \$64,500,000,000;

17           (5) small communities often cannot finance the  
18 construction and maintenance of drinking water sys-  
19 tems because the cost per resident for the invest-  
20 ment would be prohibitively expensive;

21           (6) drought conditions have placed significant  
22 strains on existing surface water supplies;

23           (7) many communities across the United States  
24 are considering the use of groundwater and commu-  
25 nity well systems to provide drinking water; and



1           (8) approximately 42,000,000 people in the  
2           United States receive drinking water from individual  
3           wells and millions more rely on community well sys-  
4           tems for drinking water.

5           (b) SENSE OF THE SENATE.—It is the sense of the  
6           Senate that providing rural communities with the knowl-  
7           edge and resources necessary to fully use alternative  
8           drinking water systems, including wells and community  
9           well systems, can provide safe and affordable drinking  
10          water to millions of people in the United States.

11          (c) DRINKING WATER TECHNOLOGY CLEARING-  
12          HOUSE.—The Administrator and the Secretary of Agri-  
13          culture shall—

14                (1) update existing programs of the Environ-  
15                mental Protection Agency and the Department of  
16                Agriculture designed to provide drinking water tech-  
17                nical assistance to include information on cost-effec-  
18                tive, innovative, and alternative drinking water deliv-  
19                ery systems, including systems that are supported by  
20                wells; and

21                (2) disseminate information on the cost effec-  
22                tiveness of alternative drinking water delivery sys-  
23                tems, including wells and well systems, to commu-  
24                nities and not-for-profit organizations seeking Fed-

1       eral funding for drinking water systems serving 500  
2       or fewer persons.

3       (d) WATER SYSTEM ASSESSMENT.—Notwithstanding  
4 any other provision of law, in any application for a grant  
5 or loan from the Federal Government or a State that is  
6 using Federal assistance for a drinking water system serv-  
7 ing 500 or fewer persons, a unit of local government or  
8 not-for-profit organization shall self-certify that the unit  
9 of local government or organization has considered, as an  
10 alternative drinking water supply, drinking water delivery  
11 systems sourced by publicly owned—

12           (1) individual wells;

13           (2) shared wells; and

14           (3) community wells.

15       (e) REPORT TO CONGRESS.—Not later than 3 years  
16 after the date of enactment of this Act, the Administrator  
17 and the Secretary of Agriculture shall submit to Congress  
18 a report that describes—

19           (1) the use of innovative and alternative drink-  
20 ing water systems described in this section;

21           (2) the range of cost savings for communities  
22 using innovative and alternative drinking water sys-  
23 tems described in this section; and

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

## 4           **Subtitle B—Clean Water**

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

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

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

12          “(a) **AUTHORITY.**—The Administrator may—

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

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

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

22                  “(2) subject to subsection (g),”;

23          (2) in subsection (b)—

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

1 (B) by striking paragraphs (2) and (3);

2 and

3 (C) by redesignating paragraph (4) as

4 paragraph (2);

5 (3) by striking subsections (e) through (g) and

6 inserting the following:

7 “(e) ADMINISTRATIVE REQUIREMENTS.—

8 “(1) IN GENERAL.—Subject to paragraph (2), a  
9 project that receives grant assistance under sub-  
10 section (a) shall be carried out subject to the same  
11 requirements as a project that receives assistance  
12 from a State water pollution control revolving fund  
13 established pursuant to title VI.

14 “(2) DETERMINATION OF GOVERNOR.—The re-  
15 quirement described in paragraph (1) shall not apply  
16 to a project that receives grant assistance under  
17 subsection (a) to the extent that the Governor of the  
18 State in which the project is located determines that  
19 a requirement described in title VI is inconsistent  
20 with the purposes of this section.

21 “(f) AUTHORIZATION OF APPROPRIATIONS.—There  
22 are authorized to be appropriated to carry out this section,  
23 to remain available until expended—

24 “(1) \$250,000,000 for fiscal year 2017;

25 “(2) \$300,000,000 for fiscal year 2018;

1 “(3) \$350,000,000 for fiscal year 2019;

2 “(4) \$400,000,000 for fiscal year 2020; and

3 “(5) \$500,000,000 for fiscal year 2021.

4 “(g) ALLOCATION OF FUNDS.—

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

11 “(A) in accordance with the priority cri-  
12 teria described in subsection (b); and

13 “(B) with additional priority given to pro-  
14 posed projects that involve the use of—

15 “(i) nonstructural, low-impact devel-  
16 opment;

17 “(ii) water conservation, efficiency, or  
18 reuse; or

19 “(iii) other decentralized stormwater  
20 or wastewater approaches to minimize  
21 flows into the sewer systems.

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

1 section to provide grants to States under subsection  
2 (a)(1) in accordance with a formula that—

3 “(A) shall be established by the Adminis-  
4 trator, after providing notice and an oppor-  
5 tunity for public comment; and

6 “(B) allocates to each State a proportional  
7 share of the amounts based on the total needs  
8 of the State for municipal combined sewer over-  
9 flow controls and sanitary sewer overflow con-  
10 trols, as identified in the most recent survey—

11 “(i) conducted under section 210; and

12 “(ii) included in a report required  
13 under section 516(b)(1)(B).”; and

14 (4) by striking subsection (i).

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

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

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

21 “(a) DEFINITIONS.—In this section:

22 “(1) QUALIFIED NONPROFIT TECHNICAL AS-  
23 SISTANCE PROVIDER.—The term ‘qualified nonprofit  
24 technical assistance provider’ means a nonprofit or-

1 organization that, as determined by the Adminis-  
2 trator—

3 “(A) is the most qualified and experienced  
4 in providing training and technical assistance to  
5 small treatment works; and

6 “(B) the small treatment works in the  
7 State finds to be the most beneficial and effec-  
8 tive.

9 “(2) SMALL TREATMENT WORKS.—The term  
10 ‘small treatment works’ means a publicly owned  
11 treatment works serving not more than 10,000 indi-  
12 viduals.

13 “(b) TECHNICAL ASSISTANCE.—The Administrator  
14 may use amounts made available to carry out this section  
15 to provide grants or cooperative agreements to qualified  
16 nonprofit technical assistance providers to provide to own-  
17 ers and operators of small treatment works onsite tech-  
18 nical assistance, circuit-rider technical assistance pro-  
19 grams, multistate, regional technical assistance programs,  
20 and onsite and regional training, to assist the treatment  
21 works in achieving compliance with this Act or obtaining  
22 financing under this Act for eligible projects.

23 “(c) AUTHORIZATION OF APPROPRIATIONS.—There  
24 are authorized to be appropriated to carry out this section  
25 \$15,000,000 for each of fiscal years 2017 through 2021.”.

1 (b) WATER POLLUTION CONTROL REVOLVING LOAN  
2 FUNDS.—

3 (1) IN GENERAL.—Section 603 of the Federal  
4 Water Pollution Control Act (33 U.S.C. 1383) is  
5 amended—

6 (A) in subsection (d)—

7 (i) in the matter preceding paragraph  
8 (1), by inserting “and as provided in sub-  
9 section (e)” after “State law”;

10 (ii) by redesignating subsections (e)  
11 through (i) as subsections (f) through (j),  
12 respectively; and

13 (iii) by inserting after subsection (d)  
14 the following:

15 “(e) ADDITIONAL USE OF FUNDS.—A State may use  
16 an additional 2 percent of the funds annually allotted to  
17 the State under this section for qualified nonprofit tech-  
18 nical assistance providers (as defined in section 222) to  
19 provide technical assistance to public water systems serv-  
20 ing not more than 10,000 individuals in the State.”.

21 (2) CONFORMING AMENDMENT.—Section  
22 221(d) of the Federal Water Pollution Control Act  
23 (33 U.S.C. 1301(d)) is amended by striking “section  
24 603(h)” and inserting “section 603(i)”.



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

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

5 “(s) INTEGRATED PLAN PERMITS.—

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

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

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

21 “(C) MUNICIPAL DISCHARGE.—

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

1           “(ii) INCLUSION.—The term ‘municipal discharge’ includes a discharge of  
2           wastewater or storm water collected from  
3           multiple municipalities if the discharge is  
4           covered by the same permit issued under  
5           this section.  
6

7           “(2) INTEGRATED PLAN.—

8           “(A) IN GENERAL.—The Administrator (or  
9           a State, in the case of a permit program approved under subsection (b)) shall inform a municipal permittee or multiple municipal permittees of the opportunity to develop an integrated plan.  
10  
11  
12  
13

14           “(B) SCOPE OF PERMIT INCORPORATING INTEGRATED PLAN.—A permit issued under this subsection that incorporates an integrated plan may integrate all requirements under this Act addressed in the integrated plan, including requirements relating to—  
15  
16  
17  
18  
19

20                   “(i) a combined sewer overflow;

21                   “(ii) a capacity, management, operation, and maintenance program for sanitary sewer collection systems;  
22  
23

24                   “(iii) a municipal stormwater discharge;  
25

1           “(iv) a municipal wastewater dis-  
2           charge; and

3           “(v) a water quality-based effluent  
4           limitation to implement an applicable  
5           wasteload allocation in a total maximum  
6           daily load.

7           “(3) COMPLIANCE SCHEDULES.—

8           “(A) IN GENERAL.—A permit for a munic-  
9           ipal discharge by a municipality that incor-  
10          porates an integrated plan may include a sched-  
11          ule of compliance, under which actions taken to  
12          meet any applicable water quality-based effluent  
13          limitation may be implemented over more than  
14          1 permit term if the compliance schedules are  
15          authorized by State water quality standards.

16          “(B) INCLUSION.—Actions subject to a  
17          compliance schedule under subparagraph (A)  
18          may include green infrastructure if imple-  
19          mented as part of a water quality-based effluent  
20          limitation.

21          “(C) REVIEW.—A schedule of compliance  
22          may be reviewed each time the permit is re-  
23          newed.

24          “(4) EXISTING AUTHORITIES RETAINED.—

1           “(A) APPLICABLE STANDARDS.—Nothing  
2 in this subsection modifies any obligation to  
3 comply with applicable technology and water  
4 quality-based effluent limitations under this  
5 Act.

6           “(B) FLEXIBILITY.—Nothing in this sub-  
7 section reduces or eliminates any flexibility  
8 available under this Act, including the authority  
9 of a State to revise a water quality standard  
10 after a use attainability analysis under section  
11 131.10(g) of title 40, Code of Federal Regula-  
12 tions (as in effect on the date of enactment of  
13 this subsection), subject to the approval of the  
14 Administrator under section 303(c).

15           “(5) CLARIFICATION OF STATE AUTHORITY.—

16           “(A) IN GENERAL.—Nothing in section  
17 301(b)(1)(C) precludes a State from author-  
18 izing in the water quality standards of the  
19 State the issuance of a schedule of compliance  
20 to meet water quality-based effluent limitations  
21 in permits that incorporate provisions of an in-  
22 tegrated plan.

23           “(B) TRANSITION RULE.—In any case in  
24 which a discharge is subject to a judicial order  
25 or consent decree as of the date of enactment

1 of the Water Resources Development Act of  
2 2016 resolving an enforcement action under  
3 this Act, any schedule of compliance issued pur-  
4 suant to an authorization in a State water qual-  
5 ity standard shall not revise or otherwise affect  
6 a schedule of compliance in that order or decree  
7 unless the order or decree is modified by agree-  
8 ment of the parties and the court.”.

9 (b) MUNICIPAL OMBUDSMAN.—

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

13 (2) GENERAL DUTIES.—The municipal ombuds-  
14 man shall—

15 (A) provide technical assistance to munici-  
16 palities seeking to comply with the requirements  
17 of laws implemented by the Environmental Pro-  
18 tection Agency; and

19 (B) provide information to the Adminis-  
20 trator to help the Administrator ensure that  
21 agency policies are implemented by all offices of  
22 the Environmental Protection Agency, including  
23 regional offices.

24 (3) ACTIONS REQUIRED.—The municipal om-  
25 budsman shall work with appropriate offices at the

1 headquarters and regional offices of the Environ-  
2 mental Protection Agency to ensure that the municipi-  
3 pality seeking assistance is provided information—

4 (A) about available Federal financial as-  
5 sistance for which the municipality is eligible;

6 (B) about flexibility available under the  
7 Federal Water Pollution Control Act (33 U.S.C.  
8 1251 et seq.) and, if applicable, the Safe Drink-  
9 ing Water Act (42 U.S.C. 300f et seq.); and

10 (C) regarding the opportunity to develop  
11 an integrated plan, as defined in section  
12 402(s)(1)(B) of the Federal Water Pollution  
13 Control Act (as added by subsection (a)).

14 (4) PRIORITY.—In carrying out paragraph (3),  
15 the municipal ombudsman shall give priority to any  
16 municipality that demonstrates affordability con-  
17 cerns relating to compliance with the Federal Water  
18 Pollution Control Act (33 U.S.C. 1251 et seq.) or  
19 the Safe Drinking Water Act (42 U.S.C. 300f et  
20 seq.).

21 (c) MUNICIPAL ENFORCEMENT.—Section 309 of the  
22 Federal Water Pollution Control Act (33 U.S.C. 1319) is  
23 amended by adding at the end the following:

24 “(h) IMPLEMENTATION OF INTEGRATED PLANS  
25 THROUGH ENFORCEMENT TOOLS.—

1           “(1) IN GENERAL.—In conjunction with an en-  
2           forcement action under subsection (a) or (b) relating  
3           to municipal discharges, the Administrator shall in-  
4           form a municipality of the opportunity to develop an  
5           integrated plan, as defined in section 402(s).

6           “(2) MODIFICATION.—Any municipality under  
7           an administrative order under subsection (a) or set-  
8           tlement agreement under subsection (b) that has de-  
9           veloped an integrated plan consistent with section  
10          402(s) may request a modification of the adminis-  
11          trative order or settlement agreement based on that  
12          integrated plan.”.

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

14          Title V of the Federal Water Pollution Control Act  
15          (33 U.S.C. 1361 et seq.) is amended—

16                 (1) by redesignating section 519 (33 U.S.C.  
17                 1251 note) as section 520; and

18                 (2) by inserting after section 518 (33 U.S.C.  
19                 1377) the following:

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

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

1 Protection Agency promote the use of green infrastructure  
2 in and coordinate the integration of green infrastructure  
3 into, permitting programs, planning efforts, research,  
4 technical assistance, and funding guidance.

5 “(b) DUTIES.—The Administrator shall ensure that  
6 the Office of Water—

7 “(1) promotes the use of green infrastructure in  
8 the programs of the Environmental Protection Agen-  
9 cy; and

10 “(2) coordinates efforts to increase the use of  
11 green infrastructure with—

12 “(A) other Federal departments and agen-  
13 cies;

14 “(B) State, tribal, and local governments;  
15 and

16 “(C) the private sector.

17 “(c) REGIONAL GREEN INFRASTRUCTURE PRO-  
18 MOTION.—The Administrator shall direct each regional of-  
19 fice of the Environmental Protection Agency, as appro-  
20 priate based on local factors, and consistent with the re-  
21 quirements of this Act, to promote and integrate the use  
22 of green infrastructure within the region that includes—

23 “(1) outreach and training regarding green in-  
24 frastructure implementation for State, tribal, and



1 local governments, tribal communities, and the pri-  
 2 vate sector; and

3 “(2) the incorporation of green infrastructure  
 4 into permitting and other regulatory programs,  
 5 codes, and ordinance development, including the re-  
 6 quirements under consent decrees and settlement  
 7 agreements in enforcement actions.

8 “(d) GREEN INFRASTRUCTURE INFORMATION-SHAR-  
 9 ING.—The Administrator shall promote green infrastruc-  
 10 ture information-sharing, including through an Internet  
 11 website, to share information with, and provide technical  
 12 assistance to, State, tribal, and local governments, tribal  
 13 communities, the private sector, and the public regarding  
 14 green infrastructure approaches for—

15 “(1) reducing water pollution;

16 “(2) protecting water resources;

17 “(3) complying with regulatory requirements;

18 and

19 “(4) achieving other environmental, public  
 20 health, and community goals.”.

21 **SEC. 7205. FINANCIAL CAPABILITY GUIDANCE.**

22 (a) DEFINITIONS.—In this section:

23 (1) AFFORDABILITY.—The term “affordability”  
 24 means, with respect to payment of a utility bill, a  
 25 measure of whether an individual customer or house-

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

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

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

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

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

1 70, accompanying S. 1645 (114th Congress), the Adminis-  
2 trator shall revise the guidance.

3 (d) CONSIDERATION AND CONSULTATION.—

4 (1) CONSIDERATION.—In revising the guidance,  
5 the Administrator shall consider—

6 (A) the recommendations of the study re-  
7 ferred to in subsection (c) and any other rel-  
8 evant study, as determined by the Adminis-  
9 trator;

10 (B) local economic conditions, including  
11 site-specific local conditions that should be  
12 taken into consideration in analyzing financial  
13 capability;

14 (C) other essential community investments;

15 (D) potential adverse impacts on distressed  
16 populations, including the percentage of low-in-  
17 come ratepayers within the service area of a  
18 utility and impacts in communities with dis-  
19 parate economic conditions throughout the en-  
20 tire service area of a utility;

21 (E) the degree to which rates of low-in-  
22 come consumers would be affected by water in-  
23 frastructure investments and the use of rate  
24 structures to address the rates of low-income  
25 consumers;

1 (F) an evaluation of an array of factors,  
 2 the relative importance of which may vary  
 3 across regions and localities; and

4 (G) the appropriate weight for economic,  
 5 public health, and environmental benefits asso-  
 6 ciated with improved water quality.

7 (2) CONSULTATION.—Any guidance issued to  
 8 replace the guidance shall be developed in consulta-  
 9 tion with interested parties.

10 (e) PUBLICATION AND SUBMISSION.—On completion  
 11 of the updating of guidance, the Administrator shall pub-  
 12 lish in the Federal Register and submit to the Committee  
 13 on Environment and Public Works of the Senate and the  
 14 Committee on Transportation and Infrastructure of the  
 15 House of Representatives the updated guidance.

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

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

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

24 (1) by striking subsection (e);

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

3           (3) in subsection (c)(5) (as so redesignated), by  
4           striking “subsection (g)” and inserting “subsection  
5           (f)”;

6           (4) in subsection (d) (as so redesignated), in  
7           the matter preceding paragraph (1), by striking  
8           “subsection (d)(1)” and inserting “subsection  
9           (c)(1)”;

10          (5) in subsection (e) (as so redesignated), by  
11          striking “subsection (d)(4)” and inserting “sub-  
12          section (c)(4)”;

13          (6) in subsection (f) (as so redesignated), in the  
14          matter preceding paragraph (1), by striking “sub-  
15          section (d)(4)” and inserting “subsection (c)(4)”;  
16          and

17          (7) in subsection (i)(1) (as so redesignated), by  
18          striking “subsection (d)(4)” and inserting “sub-  
19          section (c)(4)”.

20 **SEC. 7302. WATER INFRASTRUCTURE FINANCE AND INNO-**  
21 **VATION.**

22          (a) **AUTHORITY TO PROVIDE ASSISTANCE.**—Section  
23 5023(b)(2) of the Water Infrastructure Finance and Inno-  
24 vation Act of 2014 (33 U.S.C. 3902(b)(2)) is amended

1 by striking “carry out” and inserting “provide financial  
2 assistance to carry out”.

3 (b) PROJECTS ELIGIBLE FOR ASSISTANCE.—Section  
4 5026(6) of the Water Infrastructure Finance and Innova-  
5 tion Act of 2014 (33 U.S.C. 3905(6)) is amended—

6 (1) by striking “desalination project” and in-  
7 serting “desalination project, including chloride con-  
8 trol”; and

9 (2) by striking “or a water recycling project”  
10 and inserting “a water recycling project, or a project  
11 to provide alternative water supplies to reduce aqui-  
12 fer depletion”.

13 (c) TERMS AND CONDITIONS.—Section 5029(b) of  
14 the Water Infrastructure Finance and Innovation Act of  
15 2014 (33 U.S.C. 3908(b)) is amended—

16 (1) in paragraph (7)—

17 (A) by striking “The Secretary” and in-  
18 serting the following:

19 “(A) IN GENERAL.—Except as provided in  
20 subparagraph (B), the Secretary”; and

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

22 “(B) FINANCING FEES.—On request of a  
23 community with a population of not more than  
24 10,000 individuals, the Secretary or the Admin-  
25 istrator, as applicable, shall allow the fees

1 under subparagraph (A) to be financed as part  
2 of the loan.”; and

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

4 “(10) CREDIT.—Any eligible project costs in-  
5 curred and the value of any integral in-kind con-  
6 tributions made before receipt of assistance under  
7 this subtitle shall be credited toward the 51 percent  
8 of project costs to be provided by sources of funding  
9 other than a secured loan under this subtitle (as de-  
10 scribed in paragraph (2)(A)).”.

11 (d) REMOVAL OF PILOT DESIGNATION.—

12 (1) Subtitle C of title V of the Water Resources  
13 Reform and Development Act of 2014 (33 U.S.C.  
14 3901 et seq.) is amended by striking the subtitle  
15 designation and heading and inserting the following:

16 **“Subtitle C—Innovative Financing**  
17 **Projects”.**

18 (2) Section 5023 of the Water Infrastructure  
19 Finance and Innovation Act of 2014 (33 U.S.C.  
20 3092) is amended by striking “pilot” each place it  
21 appears.

22 (3) Section 5034 of the Water Infrastructure  
23 Finance and Innovation Act of 2014 (33 U.S.C.  
24 3913) is amended by striking the section designation  
25 and heading and inserting the following:

1 **“SEC. 5034. REPORTS ON PROGRAM IMPLEMENTATION.”.**

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

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

“Subtitle C—Innovative Financing Projects”;

7 and

8 (B) by striking the item relating to section  
9 5034 and inserting the following:

“Sec. 5034. Reports on program implementation.”.

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

12 (1) appropriations made available to carry out  
13 the Water Infrastructure Finance and Innovation  
14 Act of 2014 (33 U.S.C. 3901 et seq.) should be in  
15 addition to robust funding for the State water pollu-  
16 tion control revolving funds established under title  
17 VI of the Federal Water Pollution Control Act (33  
18 U.S.C. 1381 et seq.) and State drinking water treat-  
19 ment revolving loan funds established under section  
20 1452 of the Safe Drinking Water Act (42 U.S.C.  
21 300j–12); and

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



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

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

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

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

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

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

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

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

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

14 (f) VOLUNTARY LABELING SYSTEM.—

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

1 structure Investment Trust Fund and is contrib-  
2 uting to the clean water of the United States.

3 (2) FEE.—

4 (A) IN GENERAL.—The Secretary shall  
5 provide a label for a fee of 3 cents per unit.

6 (B) DEPOSIT.—Amounts received by the  
7 Secretary under subparagraph (A) shall be de-  
8 posited in the general fund of the Treasury.

9 (g) EPA STUDY ON WATER PRICING.—

10 (1) STUDY.—The Administrator, with participa-  
11 tion by the States, shall conduct a study to—

12 (A) assess the affordability gap faced by  
13 low-income populations located in urban and  
14 rural areas in obtaining services from clean  
15 water and drinking water systems; and

16 (B) analyze options for programs to pro-  
17 vide incentives for rate adjustments at the local  
18 level to achieve “full cost” or “true value” pric-  
19 ing for such services, while protecting low-in-  
20 come ratepayers from undue burden.

21 (2) REPORT.—Not later than 180 days after  
22 the date of enactment of this Act, the Administrator  
23 shall transmit to the Committee on Environment  
24 and Public Works of the Senate and the Committee  
25 on Transportation and Infrastructure and the Com-

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

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

5        (a) DEFINITION OF ELIGIBLE ENTITY.—In this sec-  
6        tion, the term “eligible entity” means—

7                (1) a public utility, including publicly owned  
8        treatment works and clean water systems;

9                (2) a unit of local government, including a mu-  
10       nicipality or a joint powers authority;

11              (3) a private entity, including a farmer or man-  
12       ufacturer;

13              (4) an institution of higher education;

14              (5) a research institution or foundation;

15              (6) a State;

16              (7) a regional organization; or

17              (8) a nonprofit organization.

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

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

1           (1) finance projects to develop, deploy, test, and  
2 improve emerging water technologies;

3           (2) fund entities that provide technical assist-  
4 ance to deploy innovative water technologies more  
5 broadly, especially—

6           (A) to increase adoption of innovative  
7 water technologies in—

8           (i) municipal drinking water and  
9 wastewater treatment systems;

10           (ii) areas served by private wells; or

11           (iii) water supply systems in arid  
12 areas that are experiencing, or have re-  
13 cently experienced, prolonged drought con-  
14 ditions; and

15           (B) in a manner that reduces ratepayer or  
16 community costs over time, including the cost  
17 of future capital investments; or

18           (3) support technologies that, as determined by  
19 the Administrator—

20           (A) improve water quality of a water  
21 source;

22           (B) improve the safety and security of a  
23 drinking water delivery system;

24           (C) minimize contamination of drinking  
25 water and drinking water sources, including

1 contamination by lead, bacteria, chlorides, and  
2 nitrates;

3 (D) improve the quality and timeliness and  
4 decrease the cost of drinking water quality  
5 tests, especially technologies that can be de-  
6 ployed within water systems and at individual  
7 faucets to provide accurate real-time tests of  
8 water quality, especially with respect to lead,  
9 bacteria, and nitrate content;

10 (E) increase water supplies in arid areas  
11 that are experiencing, or have recently experi-  
12 enced, prolonged drought conditions;

13 (F) treat edge-of-field runoff to improve  
14 water quality;

15 (G) treat agricultural, municipal, and in-  
16 dustrial wastewater;

17 (H) recycle or reuse water;

18 (I) manage urban storm water runoff;

19 (J) reduce sewer or stormwater overflows;

20 (K) conserve water;

21 (L) improve water quality by reducing sa-  
22 linity;

23 (M) mitigate air quality impacts associated  
24 with declining water resources; or

1                   (N) address urgent water quality and  
2                   human health needs.

3           (d) PRIORITY FUNDING.—In making grants under  
4 this section, the Administrator shall give priority to  
5 projects that have the potential—

6                   (1) to provide substantial cost savings across a  
7                   sector;

8                   (2) to significantly improve human health or  
9                   the environment; or

10                   (3) to provide additional water supplies with  
11                   minimal environmental impact.

12           (e) COST-SHARING.—The Federal share of the cost  
13 of activities carried out using a grant made under this sec-  
14 tion shall be not more than 65 percent.

15           (f) LIMITATION.—The maximum amount of a grant  
16 provided to a project under this section shall be  
17 \$5,000,000.

18           (g) REPORT.—Each year, the Administrator shall  
19 submit to Congress and make publicly available on the  
20 website of the Administrator a report that describes any  
21 advancements during the previous year in development of  
22 innovative water technologies made as a result of funding  
23 provided under this section.

1 (h) AUTHORIZATION OF APPROPRIATIONS.—There is  
2 authorized to be appropriated to carry out this section  
3 \$50,000,000 for each fiscal year.

4 (i) FUNDING.—Out of any funds in the Treasury not  
5 otherwise appropriated, the Secretary of the Treasury  
6 shall transfer to the Administrator to provide grants to  
7 eligible entities under this section \$10,000,000, to remain  
8 available until expended.

9 **SEC. 7305. WATER RESOURCES RESEARCH ACT AMEND-**  
10 **MENTS.**

11 (a) CONGRESSIONAL FINDINGS AND DECLARA-  
12 TIONS.—Section 102 of the Water Resources Research  
13 Act of 1984 (42 U.S.C. 10301) is amended—

14 (1) by redesignating paragraphs (7) through  
15 (9) as paragraphs (8) through (10), respectively;

16 (2) in paragraph (8) (as so redesignated), by  
17 striking “and” at the end; and

18 (3) by inserting after paragraph (6) the fol-  
19 lowing:

20 “(7) additional research is required to increase  
21 the effectiveness and efficiency of new and existing  
22 treatment works through alternative approaches, in-  
23 cluding—

24 “(A) nonstructural alternatives;

25 “(B) decentralized approaches;



1           “(C) water use efficiency and conservation;  
2           and

3           “(D) actions to reduce energy consumption  
4           or extract energy from wastewater;”.

5           (b) WATER RESOURCES RESEARCH AND TECH-  
6 NOLOGY INSTITUTES.—Section 104 of the Water Re-  
7 sources Research Act of 1984 (42 U.S.C. 10303) is  
8 amended—

9           (1) in subsection (b)(1)—

10           (A) in subparagraph (B)(ii), by striking  
11           “water-related phenomena” and inserting  
12           “water resources”; and

13           (B) in subparagraph (D), by striking the  
14           period at the end and inserting “; and”;

15           (2) in subsection (c)—

16           (A) by striking “From the” and inserting  
17           the following:

18           “(1) IN GENERAL.—From the”; and

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

20           “(2) REPORT.—Not later than December 31 of  
21           each fiscal year, the Secretary shall submit to the  
22           Committee on Environment and Public Works of the  
23           Senate, the Committee on the Budget of the Senate,  
24           the Committee on Transportation and Infrastructure  
25           of the House of Representatives, and the Committee

1 on the Budget of the House of Representatives a re-  
2 port regarding the compliance of each funding re-  
3 cipient with this subsection for the immediately pre-  
4 ceding fiscal year.”;

5 (3) by striking subsection (e) and inserting the  
6 following:

7 “(e) EVALUATION OF WATER RESOURCES RESEARCH  
8 PROGRAM.—

9 “(1) IN GENERAL.—The Secretary shall con-  
10 duct a careful and detailed evaluation of each insti-  
11 tute at least once every 3 years to determine—

12 “(A) the quality and relevance of the water  
13 resources research of the institute;

14 “(B) the effectiveness of the institute at  
15 producing measured results and applied water  
16 supply research; and

17 “(C) whether the effectiveness of the insti-  
18 tute as an institution for planning, conducting,  
19 and arranging for research warrants continued  
20 support under this section.

21 “(2) PROHIBITION ON FURTHER SUPPORT.—If,  
22 as a result of an evaluation under paragraph (1), the  
23 Secretary determines that an institute does not qual-  
24 ify for further support under this section, no further  
25 grants to the institute may be provided until the

1 qualifications of the institute are reestablished to the  
2 satisfaction of the Secretary.”;

3 (4) in subsection (f)(1), by striking  
4 “\$12,000,000 for each of fiscal years 2007 through  
5 2011” and inserting “\$7,500,000 for each of fiscal  
6 years 2017 through 2021”; and

7 (5) in subsection (g)(1), in the first sentence,  
8 by striking “\$6,000,000 for each of fiscal years  
9 2007 through 2011” and inserting “\$1,500,000 for  
10 each of fiscal years 2017 through 2021”.

11 **SEC. 7306. REAUTHORIZATION OF WATER DESALINATION**

12 **ACT OF 1996.**

13 (a) AUTHORIZATION OF RESEARCH AND STUDIES.—  
14 Section 3 of the Water Desalination Act of 1996 (42  
15 U.S.C. 10301 note; Public Law 104–298) is amended by  
16 adding at the end the following:

17 “(e) PRIORITIZATION.—In carrying out this section,  
18 the Secretary shall prioritize funding for research—

19 “(1) to reduce energy consumption and lower  
20 the cost of desalination, including chloride control;

21 “(2) to reduce the environmental impacts of  
22 seawater desalination and develop technology and  
23 strategies to minimize those impacts;

24 “(3) to improve existing reverse osmosis and  
25 membrane technology;

1           “(4) to carry out basic and applied research on  
2           next generation desalination technologies, including  
3           improved energy recovery systems and renewable en-  
4           ergy-powered desalination systems that could signifi-  
5           cantly reduce desalination costs;

6           “(5) to develop portable or modular desalina-  
7           tion units capable of providing temporary emergency  
8           water supplies for domestic or military deployment  
9           purposes; and

10           “(6) to develop and promote innovative desali-  
11           nation technologies, including chloride control, iden-  
12           tified by the Secretary.”.

13           (b) DESALINATION DEMONSTRATION AND DEVELOP-  
14           MENT.—Section 4 of the Water Desalination Act of 1996  
15           (42 U.S.C. 10301 note; Public Law 104–298) is amended  
16           by adding at the end the following:

17           “(c) PRIORITIZATION.—In carrying out demonstra-  
18           tion and development activities under this section, the Sec-  
19           retary shall prioritize projects—

20           “(1) in drought-stricken States and commu-  
21           nities;

22           “(2) in States that have authorized funding for  
23           research and development of desalination tech-  
24           nologies and projects;

1           “(3) that can reduce reliance on imported water  
2           supplies that have an impact on species listed under  
3           the Endangered Species Act of 1973 (16 U.S.C.  
4           1531 et seq.); and

5           “(4) that demonstrably leverage the experience  
6           of international partners with considerable expertise  
7           in desalination, such as the State of Israel.”.

8           (c) AUTHORIZATION OF APPROPRIATIONS.—Section  
9           8 of the Water Desalination Act of 1996 (42 U.S.C. 10301  
10          note; Public Law 104–298) is amended—

11           (1) in the first sentence of subsection (a)—

12                   (A) by striking “\$5,000,000” and inserting  
13                   “\$8,000,000”; and

14                   (B) by striking “2013” and inserting  
15                   “2021”; and

16           (2) in subsection (b), by striking “for each of  
17           fiscal years 2012 through 2013” and inserting “for  
18           each of fiscal years 2017 through 2021”.

19           (d) CONSULTATION.—Section 9 of the Water Desali-  
20          nation Act of 1996 (42 U.S.C. 10301 note; Public Law  
21          104–298) is amended—

22           (1) by striking the section designation and  
23           heading and all that follows through “In carrying  
24           out” in the first sentence and inserting the fol-  
25           lowing:

1 **“SEC. 9. CONSULTATION AND COORDINATION.**

2 “(a) CONSULTATION.—In carrying out”;

3 (2) in the second sentence, by striking “The au-  
4 thorization” and inserting the following:

5 “(c) OTHER DESALINATION PROGRAMS.—The au-  
6 thorization”; and

7 (3) by inserting after subsection (a) (as des-  
8 igned by paragraph (1)) the following:

9 “(b) COORDINATION OF FEDERAL DESALINATION  
10 RESEARCH AND DEVELOPMENT.—

11 “(1) IN GENERAL.—The White House Office of  
12 Science and Technology Policy shall develop a co-  
13 ordinated strategic plan that—

14 “(A) establishes priorities for future Fed-  
15 eral investments in desalination;

16 “(B) coordinates the activities of Federal  
17 agencies involved in desalination, including the  
18 Bureau of Reclamation, the Corps of Engineers,  
19 the United States Army Tank Automotive Re-  
20 search, Development and Engineering Center,  
21 the National Science Foundation, the Office of  
22 Naval Research of the Department of Defense,  
23 the National Laboratories of the Department of  
24 Energy, the United States Geological Survey,  
25 the Environmental Protection Agency, and the

1 National Oceanic and Atmospheric Administra-  
2 tion; and

3 “(C) strengthens research and development  
4 cooperation with international partners, such as  
5 the State of Israel, in the area of desalination  
6 technology.”.

7 **SEC. 7307. NATIONAL DROUGHT RESILIENCE GUIDELINES.**

8 (a) IN GENERAL.—The Administrator, in conjunction  
9 with the Secretary of the Interior, the Secretary of Agri-  
10 culture, the Director of the National Oceanic and Atmos-  
11 pheric Administration, and other appropriate Federal  
12 agency heads along with State and local governments,  
13 shall develop nonregulatory national drought resilience  
14 guidelines relating to drought preparedness planning and  
15 investments for communities, water utilities, and other  
16 water users and providers.

17 (b) CONSULTATION.—In developing the national  
18 drought resilience guidelines, the Administrator and other  
19 Federal agency heads referred to in subsection (a) shall  
20 consult with—

- 21 (1) State and local governments;
- 22 (2) water utilities;
- 23 (3) scientists;
- 24 (4) institutions of higher education;
- 25 (5) relevant private entities; and

1 (6) other stakeholders.

2 (c) CONTENTS.—The national drought resilience  
3 guidelines developed under this section shall, to the max-  
4 imum extent practicable, provide recommendations for a  
5 period of 10 years that—

6 (1) address a broad range of potential actions,  
7 including—

8 (A) analysis of the impacts of the changing  
9 frequency and duration of drought on the fu-  
10 ture effectiveness of water management tools;

11 (B) the identification of drought-related  
12 water management challenges in a broad range  
13 of fields, including—

14 (i) public health and safety;

15 (ii) municipal and industrial water  
16 supply;

17 (iii) agricultural water supply;

18 (iv) water quality;

19 (v) ecosystem health; and

20 (vi) water supply planning;

21 (C) water management tools to reduce  
22 drought-related impacts, including—

23 (i) water use efficiency through gal-  
24 lons per capita reduction goals, appliance



- 1 efficiency standards, water pricing incen-  
2 tives, and other measures;
- 3 (ii) water recycling;
- 4 (iii) groundwater clean-up and stor-  
5 age;
- 6 (iv) new technologies, such as behav-  
7 ioral water efficiency; and
- 8 (v) stormwater capture and reuse;
- 9 (D) water-related energy and greenhouse  
10 gas reduction strategies; and
- 11 (E) public education and engagement; and
- 12 (2) include recommendations relating to the  
13 processes that Federal, State, and local governments  
14 and water utilities should consider when developing  
15 drought resilience preparedness and plans, includ-  
16 ing—
- 17 (A) the establishment of planning goals;
- 18 (B) the evaluation of institutional capacity;
- 19 (C) the assessment of drought-related risks  
20 and vulnerabilities, including the integration of  
21 climate-related impacts;
- 22 (D) the establishment of a development  
23 process, including an evaluation of the cost-ef-  
24 fectiveness of potential strategies;

1 (E) the inclusion of private entities, tech-  
2 nical advisors, and other stakeholders in the de-  
3 velopment process;

4 (F) implementation and financing issues;  
5 and

6 (G) evaluation of the plan, including any  
7 updates to the plan.

8 **SEC. 7308. INNOVATION IN CLEAN WATER STATE REVOLV-**  
9 **ING FUNDS.**

10 (a) IN GENERAL.—Subsection (j)(1)(B) (as redesis-  
11 nated by section 7202(b)(1)(A)(ii)) of section 603 of the  
12 Federal Water Pollution Control Act (33 U.S.C. 1383) is  
13 amended—

14 (1) in clause (iii), by striking “or” at the end;

15 (2) in clause (iv), by striking the period at the  
16 end and inserting “; or”; and

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

18 “(v) to encourage the use of innova-  
19 tive water technologies related to any of  
20 the issues identified in clauses (i) through  
21 (iv) or, as determined by the State, any  
22 other eligible project and activity eligible  
23 for assistance under subsection (c)”.

24 (b) INNOVATIVE WATER TECHNOLOGIES.—Section  
25 603 of the Federal Water Pollution Control Act (33

1 U.S.C. 1383) (as amended by section 7202(b)(1)) is  
 2 amended by adding at the end the following:

3 “(k) TECHNICAL ASSISTANCE.—The Administrator  
 4 may provide technical assistance to facilitate and encour-  
 5 age the provision of financial assistance for innovative  
 6 water technologies.

7 “(l) REPORT.—Not later than 1 year after the date  
 8 of enactment of the Water Resources Development Act of  
 9 2016, and not less frequently than every 5 years there-  
 10 after, the Administrator shall submit to Congress a report  
 11 that describes—

12 “(1) the amount of financial assistance pro-  
 13 vided by State water pollution control revolving  
 14 funds to deploy innovative water technologies;

15 “(2) the barriers impacting greater use of inno-  
 16 vative water technologies; and

17 “(3) the cost-saving potential to cities and fu-  
 18 ture infrastructure investments from emerging tech-  
 19 nologies.”.

20 **SEC. 7309. INNOVATION IN THE DRINKING WATER STATE**  
 21 **REVOLVING FUND.**

22 Section 1452 of the Safe Drinking Water Act (42  
 23 U.S.C. 300j–12) (as amended by section 7105) is amend-  
 24 ed—

25 (1) in subsection (d)—

1 (A) by striking the heading and inserting  
2 “ADDITIONAL ASSISTANCE.—”;

3 (B) in paragraph (1)—

4 (i) by striking “Notwithstanding” and  
5 inserting the following:

6 “(A) IN GENERAL.—Notwithstanding”;

7 and

8 (ii) by adding at the end the fol-  
9 lowing:

10 “(B) INNOVATIVE WATER TECHNOLOGY.—

11 Notwithstanding any other provision of this sec-  
12 tion, in the case of a State that makes a loan  
13 under subsection (a)(2) to carry out an eligible  
14 activity through the use of an innovative water  
15 technology (including technologies to improve  
16 water treatment to ensure compliance with this  
17 title and technologies to identify and mitigate  
18 sources of drinking water contamination, in-  
19 cluding lead contamination), the State may pro-  
20 vide additional subsidization, including forgive-  
21 ness of principal that is not more than 50 per-  
22 cent of the cost of the portion of the project as-  
23 sociated with the innovative technology.”;

24 (C) in paragraph (2)—

1 (i) by striking “For each fiscal year”  
2 and inserting the following:

3 “(A) IN GENERAL.—For each fiscal year”;

4 and

5 (ii) by adding at the end the fol-  
6 lowing:

7 “(B) INNOVATIVE WATER TECHNOLOGY.—

8 For each fiscal year, not more than 20 percent  
9 of the loan subsidies that may be made by a  
10 State under paragraph (1) may be used to pro-  
11 vide additional subsidization under subpara-  
12 graph (B) of that paragraph.”; and

13 (D) in paragraph (3), in the first sentence,  
14 by inserting “, or portion of a service area,”  
15 after “service area”; and

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

17 “(t) TECHNICAL ASSISTANCE.—The Administrator  
18 may provide technical assistance to facilitate and encour-  
19 age the provision of financial assistance for the deploy-  
20 ment of innovative water technologies.

21 “(u) REPORT.—Not later than 1 year after the date  
22 of enactment of the Water Resources Development Act of  
23 2016, and not less frequently than every 5 years there-  
24 after, the Administrator shall submit to Congress a report  
25 that describes—

1           “(1) the amount of financial assistance pro-  
2           vided by State loan funds to deploy innovative water  
3           technologies;

4           “(2) the barriers impacting greater use of inno-  
5           vative water technologies; and

6           “(3) the cost-saving potential to cities and fu-  
7           ture infrastructure investments from emerging tech-  
8           nologies.”.

9           **Subtitle D—Drinking Water Dis-**  
10           **aster Relief and Infrastructure**  
11           **Investments**

12           **SEC. 7401. DRINKING WATER INFRASTRUCTURE.**

13           (a) DEFINITIONS.—In this section:

14           (1) ELIGIBLE STATE.—The term “eligible  
15           State” means a State for which the President has  
16           declared an emergency under the Robert T. Stafford  
17           Disaster Relief and Emergency Assistance Act (42  
18           U.S.C. 5121 et seq.) relating to the public health  
19           threats associated with the presence of lead or other  
20           contaminants in a public drinking water supply sys-  
21           tem.

22           (2) ELIGIBLE SYSTEM.—The term “eligible sys-  
23           tem” means a public drinking water supply system  
24           that has been the subject of an emergency declara-  
25           tion referred to in paragraph (1).

1 (b) STATE REVOLVING LOAN FUND ASSISTANCE.—

2 (1) IN GENERAL.—An eligible system shall be—

3 (A) considered to be a disadvantaged com-  
4 munity under section 1452(d) of the Safe  
5 Drinking Water Act (42 U.S.C. 300j–12(d));  
6 and

7 (B) eligible to receive loans with additional  
8 subsidization under that Act (42 U.S.C. 300f et  
9 seq.), including forgiveness of principal under  
10 section 1452(d)(1) of that Act (42 U.S.C.  
11 300j–12(d)(1)).

12 (2) AUTHORIZATION.—

13 (A) IN GENERAL.—Using funds provided  
14 under subsection (e)(1)(A), an eligible State  
15 may provide assistance to an eligible system  
16 within the eligible State, for the purpose of ad-  
17 dressing lead or other contaminants in drinking  
18 water, including repair and replacement of pub-  
19 lic and private drinking water infrastructure.

20 (B) INCLUSION.—Assistance provided  
21 under subparagraph (A) may include additional  
22 subsidization under the Safe Drinking Water  
23 Act (42 U.S.C. 300f et seq.), as described in  
24 paragraph (1)(B).

1 (C) EXCLUSION.—Assistance provided  
2 under subparagraph (A) shall not include as-  
3 sistance for a project that is financed (directly  
4 or indirectly), in whole or in part, with proceeds  
5 of any obligation issued after the date of enact-  
6 ment of this Act—

7 (i) the interest of which is exempt  
8 from the tax imposed under chapter 1 of  
9 the Internal Revenue Code of 1986; or

10 (ii) with respect to which credit is al-  
11 lowable under subpart I or J of part IV of  
12 subchapter A of chapter 1 of such Code.

13 (3) LIMITATION.—Section 1452(d)(2) of the  
14 Safe Drinking Water Act (42 U.S.C. 300j-12(d)(2))  
15 shall not apply to—

16 (A) any funds provided under subsection  
17 (e)(1)(A); or

18 (B) any other loan provided to an eligible  
19 system.

20 (c) WATER INFRASTRUCTURE FINANCING.—

21 (1) SECURED LOANS.—

22 (A) IN GENERAL.—Using funds provided  
23 under subsection (e)(2)(A), the Administrator  
24 may make a secured loan under the Water In-



1           frastructure Finance and Innovation Act of  
2           2014 (33 U.S.C. 3901 et seq.) to—

3                   (i) an eligible State to carry out a  
4                   project eligible under paragraphs (2)  
5                   through (9) of section 5026 of that Act  
6                   (33 U.S.C. 3905) to address lead or other  
7                   contaminants in drinking water in an eligi-  
8                   ble system, including repair and replace-  
9                   ment of public and private drinking water  
10                  infrastructure; and

11                  (ii) any eligible entity under section  
12                  5025 of that Act (33 U.S.C. 3904) for a  
13                  project eligible under paragraphs (2)  
14                  through (9) of section 5026 of that Act  
15                  (33 U.S.C. 3905).

16           (B) AMOUNT.—Notwithstanding section  
17           5029(b)(2) of the Water Infrastructure Finance  
18           and Innovation Act of 2014 (33 U.S.C.  
19           3908(b)(2)), the amount of a secured loan pro-  
20           vided under subparagraph (A)(i) may be equal  
21           to not more than 80 percent of the reasonably  
22           anticipated costs of the projects.

23           (2) FEDERAL INVOLVEMENT.—Notwithstanding  
24           section 5029(b)(9) of the Water Infrastructure Fi-  
25           nance and Innovation Act of 2014 (33 U.S.C.

1 3908(b)(9)), any costs for a project to address lead  
2 or other contaminants in drinking water in an eligi-  
3 ble system that are not covered by a secured loan  
4 under paragraph (1) may be covered using amounts  
5 in the State revolving loan fund under section 1452  
6 of the Safe Drinking Water Act (42 U.S.C. 300j-  
7 12).

8 (d) NONDUPLICATION OF WORK.—An activity car-  
9 ried out pursuant to this section shall not duplicate the  
10 work or activity of any other Federal or State department  
11 or agency.

12 (e) FUNDING.—

13 (1) ADDITIONAL DRINKING WATER STATE RE-  
14 VOLVING FUND CAPITALIZATION GRANTS.—

15 (A) IN GENERAL.—The Secretary of the  
16 Treasury shall make available to the Adminis-  
17 trator a total of \$100,000,000 to provide addi-  
18 tional grants to eligible States pursuant to sec-  
19 tion 1452 of the Safe Drinking Water Act (42  
20 U.S.C. 300j-12), to be available during the pe-  
21 riod of fiscal years 2016 and 2017 for the pur-  
22 poses described in subsection (b)(2).

23 (B) SUPPLEMENTED INTENDED USE  
24 PLANS.—From funds made available under sub-  
25 paragraph (A), the Administrator shall obligate

1 to an eligible State such amounts as are nec-  
2 essary to meet the needs identified in a supple-  
3 mented intended use plan by not later than 30  
4 days after the date on which the eligible State  
5 submits to the Administrator a supplemented  
6 intended use plan under section 1452(b) of the  
7 Safe Drinking Water Act (42 U.S.C. 300j-  
8 12(b)) that includes preapplication information  
9 regarding projects to be funded using the addi-  
10 tional assistance, including, with respect to each  
11 such project—

12 (i) a description of the project;

13 (ii) an explanation of the means by  
14 which the project will address a situation  
15 causing a declared emergency in the eligi-  
16 ble State;

17 (iii) the estimated cost of the project;

18 and

19 (iv) the projected start date for con-  
20 struction of the project.

21 (C) UNOBLIGATED AMOUNTS.—Any  
22 amounts made available to the Administrator  
23 under subparagraph (A) that are unobligated  
24 on the date that is 18 months after the date on  
25 which the amounts are made available shall be

1 available to provide additional grants to States  
2 to capitalize State loan funds as provided under  
3 section 1452 of the Safe Drinking Water Act  
4 (42 U.S.C. 300j–12).

5 (D) APPLICABILITY.—Section 1452(b)(1)  
6 of the Safe Drinking Water Act (42 U.S.C.  
7 300j–12(b)(1)) shall not apply to a supplement  
8 to an intended use plan under subparagraph  
9 (B).

10 (2) WIFIA FUNDING.—

11 (A) IN GENERAL.—As soon as practicable  
12 after the date of enactment of this Act, the Sec-  
13 retary of the Treasury shall make available to  
14 the Administrator \$70,000,000 to provide cred-  
15 it subsidies, in consultation with the Director of  
16 the Office of Management and Budget, for se-  
17 cured loans under subsection (c)(1)(A) with a  
18 goal of providing secured loans totaling at least  
19 \$700,000,000.

20 (B) USE.—Secured loans provided pursu-  
21 ant to subparagraph (A) shall be available to  
22 carry out activities described in subsection  
23 (c)(1)(A).

24 (3) APPLICABILITY.—Unless explicitly waived,  
25 all requirements under the Safe Drinking Water Act

1 (42 U.S.C. 300f et seq.) and the Water Infrastruc-  
2 ture Finance and Innovation Act of 2014 (33 U.S.C.  
3 3901 et seq.) shall apply to funding provided under  
4 this subsection.

5 (f) HEALTH EFFECTS EVALUATION.—

6 (1) IN GENERAL.—Pursuant to section  
7 104(i)(1)(E) of the Comprehensive Environmental  
8 Response, Compensation, and Liability Act (42  
9 U.S.C. 9604(i)(1)(E)), and on receipt of a request  
10 of an appropriate State or local health official of an  
11 eligible State, the Director of the Agency for Toxic  
12 Substances and Disease Registry of the National  
13 Center for Environmental Health shall in coordina-  
14 tion with other agencies, as appropriate, conduct vol-  
15 untary surveillance activities to evaluate any adverse  
16 health effects on individuals exposed to lead from  
17 drinking water in the affected communities.

18 (2) CONSULTATIONS.—Pursuant to section  
19 104(i)(4) of the Comprehensive Environmental Re-  
20 sponse, Compensation, and Liability Act (42 U.S.C.  
21 9604(i)(4)), and on receipt of a request of an appro-  
22 priate State or local health official of an eligible  
23 State, the Director of the Agency for Toxic Sub-  
24 stances and Disease Registry of the National Center

1 for Environmental Health shall provide consultations  
2 regarding health issues described in paragraph (1).

3 **SEC. 7402. LOAN FORGIVENESS.**

4 The matter under the heading “STATE AND TRIBAL  
5 ASSISTANCE GRANTS” under the heading “ENVIRON-  
6 MENTAL PROTECTION AGENCY” in title II of divi-  
7 sion G of the Consolidated Appropriations Act, 2016  
8 (Public Law 114–113), is amended in paragraph (1), by  
9 striking the semicolon at the end and inserting the fol-  
10 lowing: “or, if a Federal or State emergency declaration  
11 has been issued due to a threat to public health from  
12 heightened exposure to lead in a municipal drinking water  
13 supply, before the date of enactment of this Act: *Provided*  
14 *further*, That in a State in which such an emergency dec-  
15 laration has been issued, the State may use more than  
16 20 percent of the funds made available under this title  
17 to the State for Drinking Water State Revolving Fund  
18 capitalization grants to provide additional subsidy to eligi-  
19 ble recipients;”.

20 **SEC. 7403. REGISTRY FOR LEAD EXPOSURE AND ADVISORY**  
21 **COMMITTEE.**

22 (a) DEFINITIONS.—In this section:

23 (1) CITY.—The term “City” means a city ex-  
24 posed to lead contamination in the local drinking  
25 water system.

1           (2) COMMITTEE.—The term “Committee”  
2 means the Advisory Committee established under  
3 subsection (c).

4           (3) SECRETARY.—The term “Secretary” means  
5 the Secretary of Health and Human Services.

6           (b) LEAD EXPOSURE REGISTRY.—The Secretary  
7 shall establish within the Agency for Toxic Substances and  
8 Disease Registry or another relevant agency at the discre-  
9 tion of the Secretary, or establish through a grant award  
10 or contract, a lead exposure registry to collect data on the  
11 lead exposure of residents of a City on a voluntary basis.

12          (c) ADVISORY COMMITTEE.—

13           (1) MEMBERSHIP.—

14           (A) IN GENERAL.—The Secretary shall es-  
15 tablish an Advisory Committee in coordination  
16 with the Director of the Centers for Disease  
17 Control and Prevention and other relevant  
18 agencies as determined by the Secretary con-  
19 sisting of Federal members and non-Federal  
20 members, and which shall include—

- 21                   (i) an epidemiologist;  
22                   (ii) a toxicologist;  
23                   (iii) a mental health professional;  
24                   (iv) a pediatrician;

1 (v) an early childhood education ex-  
2 pert;

3 (vi) a special education expert;

4 (vii) a dietician; and

5 (viii) an environmental health expert.

6 (B) REQUIREMENTS.—Membership in the  
7 Committee shall not exceed 15 members and  
8 not less than ½ of the members shall be Fed-  
9 eral members.

10 (2) CHAIR.—The Secretary shall designate a  
11 chair from among the Federal members appointed to  
12 the Committee.

13 (3) TERMS.—Members of the Committee shall  
14 serve for a term of not more than 3 years and the  
15 Secretary may reappoint members for consecutive  
16 terms.

17 (4) APPLICATION OF FACA.—The Committee  
18 shall be subject to the Federal Advisory Committee  
19 Act (5 U.S.C. App.).

20 (5) RESPONSIBILITIES.—The Committee shall,  
21 at a minimum—

22 (A) review the Federal programs and serv-  
23 ices available to individuals and communities  
24 exposed to lead;



1 (B) review current research on lead poi-  
2 soning to identify additional research needs;

3 (C) review and identify best practices, or  
4 the need for best practices, regarding lead  
5 screening and the prevention of lead poisoning;

6 (D) identify effective services, including  
7 services relating to healthcare, education, and  
8 nutrition for individuals and communities af-  
9 fected by lead exposure and lead poisoning, in-  
10 cluding in consultation with, as appropriate, the  
11 lead exposure registry as established in sub-  
12 section (b); and

13 (E) undertake any other review or activi-  
14 ties that the Secretary determines to be appro-  
15 priate.

16 (6) REPORT.—Annually for 5 years and there-  
17 after as determined necessary by the Secretary or as  
18 required by Congress, the Committee shall submit to  
19 the Secretary, the Committees on Finance, Health,  
20 Education, Labor, and Pensions, and Agriculture,  
21 Nutrition, and Forestry of the Senate and the Com-  
22 mittees on Education and the Workforce, Energy  
23 and Commerce, and Agriculture of the House of  
24 Representatives a report that includes—

1 (A) an evaluation of the effectiveness of  
2 the Federal programs and services available to  
3 individuals and communities exposed to lead;

4 (B) an evaluation of additional lead poi-  
5 soning research needs;

6 (C) an assessment of any effective screen-  
7 ing methods or best practices used or developed  
8 to prevent or screen for lead poisoning;

9 (D) input and recommendations for im-  
10 proved access to effective services relating to  
11 healthcare, education, or nutrition for individ-  
12 uals and communities impacted by lead expo-  
13 sure; and

14 (E) any other recommendations for com-  
15 munities affected by lead exposure, as appro-  
16 priate.

17 (d) MANDATORY FUNDING.—

18 (1) IN GENERAL.—On the date of enactment of  
19 this Act, out of any funds in the Treasury not other-  
20 wise appropriated, the Secretary of the Treasury  
21 shall transfer to the Secretary, to be available during  
22 the period of fiscal years 2016 through 2020—

23 (A) \$17,500,000 to carry out subsection  
24 (b); and

25 (B) \$2,500,000 to carry out subsection (c).

1           (2) RECEIPT AND ACCEPTANCE.—The Sec-  
2       retary shall be entitled to receive, shall accept, and  
3       shall use to carry out subsections (b) and (c) the  
4       funds transferred under subparagraphs (A) and (B)  
5       of paragraph (1), respectively, without further ap-  
6       propriation.

7 **SEC. 7404. ADDITIONAL FUNDING FOR CERTAIN CHILD-**  
8                                   **HOOD HEALTH PROGRAMS.**

9       (a) CHILDHOOD LEAD POISONING PREVENTION  
10 PROGRAM.—

11           (1) IN GENERAL.—On the date of enactment of  
12       this Act, out of any funds in the Treasury not other-  
13       wise appropriated, the Secretary of the Treasury  
14       shall transfer to the Director of the Centers for Dis-  
15       ease Control and Prevention, to be available during  
16       the period of fiscal years 2017 and 2018,  
17       \$10,000,000 for the childhood lead poisoning pre-  
18       vention program authorized under section 317A of  
19       the Public Health Service Act (42 U.S.C. 247b–1).

20           (2) RECEIPT AND ACCEPTANCE.—The Director  
21       of the Centers for Disease Control and Prevention  
22       shall be entitled to receive, shall accept, and shall  
23       use to carry out the childhood lead poisoning preven-  
24       tion program authorized under section 317A of the  
25       Public Health Service Act (42 U.S.C. 247b–1) the

1 funds transferred under paragraph (1), without fur-  
2 ther appropriation.

3 (b) HEALTHY HOMES PROGRAM.—

4 (1) IN GENERAL.—On the date of enactment of  
5 this Act, out of any funds in the Treasury not other-  
6 wise appropriated, the Secretary of the Treasury  
7 shall transfer to the Secretary of Housing and  
8 Urban Development, to be available during the pe-  
9 riod of fiscal years 2017 and 2018, \$10,000,000 to  
10 carry out the Healthy Homes Initiative of the De-  
11 partment of Housing and Urban Development.

12 (2) RECEIPT AND ACCEPTANCE.—The Sec-  
13 retary of Housing and Urban Development shall be  
14 entitled to receive, shall accept, and shall use to  
15 carry out the Healthy Homes Initiative of the De-  
16 partment of Housing and Urban Development the  
17 funds transferred under paragraph (1), without fur-  
18 ther appropriation.

19 (c) HEALTHY START PROGRAM.—

20 (1) IN GENERAL.—On the date of enactment of  
21 this Act, out of any funds in the Treasury not other-  
22 wise appropriated, the Secretary of the Treasury  
23 shall transfer to the Administrator of the Health Re-  
24 sources and Services Administration, to be available  
25 during the period of fiscal years 2017 and 2018,

1       \$10,000,000 to carry out the Healthy Start Initia-  
2       tive under section 330H of the Public Health Serv-  
3       ice Act (42 U.S.C. 254c-8).

4           (2) RECEIPT AND ACCEPTANCE.—The Adminis-  
5       trator of the Health Resources and Services Admin-  
6       istration shall be entitled to receive, shall accept,  
7       and shall use to carry out the Healthy Start Initia-  
8       tive under section 330H of the Public Health Serv-  
9       ice Act (42 U.S.C. 254c-8) the funds transferred  
10      under paragraph (1), without further appropriation.

11 **SEC. 7405. REVIEW AND REPORT.**

12       (a) IN GENERAL.—Not later than 1 year after the  
13      date of enactment of this Act, the Attorney General and  
14      the Inspector General of the Environmental Protection  
15      Agency shall submit to the Committees on Appropriations,  
16      Environment and Public Works, and Homeland Security  
17      and Governmental Affairs of the Senate and the Commit-  
18      tees on Appropriations, Energy and Commerce, Transpor-  
19      tation and Infrastructure, and Oversight and Government  
20      Reform of the House of Representatives a report on the  
21      status of any ongoing investigations into the Federal and  
22      State response to the contamination of the drinking water  
23      supply of the City of Flint, Michigan.

24       (b) REVIEW.—Not later than 30 days after the com-  
25      pletion of the investigations described in subsection (a),

1 the Comptroller General of the United States shall com-  
2 mence a review of issues that are not addressed by the  
3 investigations and relating to—

4           (1) the adequacy of the response by the State  
5           of Michigan and the City of Flint to the drinking  
6           water crisis in Flint, Michigan, including the timeli-  
7           ness and transparency of the response, as well as the  
8           capacity of the State and City to manage the drink-  
9           ing water system; and

10           (2) the adequacy of the response by Region 5  
11           of the Environmental Protection Agency to the  
12           drinking water crisis in Flint, Michigan, including  
13           the timeliness and transparency of the response.

14           (c) CONTENTS OF REPORT.—Not later than 1 year  
15 after commencing each review under subsection (b), the  
16 Comptroller General of the United States shall submit to  
17 Congress a report that includes—

18           (1) a statement of the principal findings of the  
19           review; and

20           (2) recommendations for Congress and the  
21           President to take any actions to prevent a similar  
22           situation in the future and to protect public health.

1                   **Subtitle E—Report on**  
2                   **Groundwater Contamination**

3 **SEC. 7501. DEFINITIONS.**

4           In this subtitle:

5                   (1) **COMPREHENSIVE STRATEGY.**—The term  
6           “comprehensive strategy” means a plan for—

7                           (A) the remediation of the plume under the  
8                   Comprehensive Environmental Response, Com-  
9                   pensation, and Liability Act of 1980 (42 U.S.C.  
10                   9601 et seq.); or

11                           (B) corrective action under the Solid  
12                   Waste Disposal Act (42 U.S.C. 6901 et seq.).

13                   (2) **GROUNDWATER.**—The term “groundwater”  
14           means water in a saturated zone or stratum beneath  
15           the surface of land or water.

16                   (3) **PLUME.**—The term “plume” means any  
17           hazardous waste (as defined in section 1004 of the  
18           Solid Waste Disposal Act (42 U.S.C. 6903)) or haz-  
19           ardous substance (as defined in section 101 of the  
20           Comprehensive Environmental Response, Compensa-  
21           tion, and Liability Act of 1980 (42 U.S.C. 9601))  
22           found in the groundwater supply.

23                   (4) **SITE.**—The term “site” means the site lo-  
24           cated at 830 South Oyster Bay Road, Bethpage,

1 New York, 11714 (Environmental Protection Agency  
2 identification number NYD002047967).

3 **SEC. 7502. REPORT ON GROUNDWATER CONTAMINATION.**

4 Not later than 180 days after the date of enactment  
5 of this Act and annually thereafter, the Secretary of the  
6 Navy shall submit to Congress a report on the ground-  
7 water contamination from the site that includes—

8 (1) a description of the status of the ground-  
9 water contaminants that are leaving the site and mi-  
10 grating to a location within a 10-mile radius of the  
11 site, including—

12 (A) detailed mapping of the movement of  
13 the plume over time; and

14 (B) projected migration rates of the plume;

15 (2) an analysis of the current and future im-  
16 pact of the movement of the plume on drinking  
17 water facilities; and

18 (3) a comprehensive strategy to prevent the  
19 groundwater contaminants from the site from con-  
20 taminating drinking water wells that, as of the date  
21 of the submission of the report, have not been af-  
22 fected by the migration of the plume.



1                   **Subtitle F—Restoration**

2   **PART I—GREAT LAKES RESTORATION INITIATIVE**

3   **SEC. 7611. GREAT LAKES RESTORATION INITIATIVE.**

4           Section 118(c) of the Federal Water Pollution Con-  
5   trol Act (33 U.S.C. 1268(c)) is amended by striking para-  
6   graph (7) and inserting the following:

7                   “(7) GREAT LAKES RESTORATION INITIA-  
8           TIVE.—

9                   “(A) ESTABLISHMENT.—There is estab-  
10           lished in the Agency a Great Lakes Restoration  
11           Initiative (referred to in this paragraph as the  
12           ‘Initiative’) to carry out programs and projects  
13           for Great Lakes protection and restoration.

14                   “(B) FOCUS AREAS.—Each fiscal year  
15           under a 5-year Initiative Action Plan, the Ini-  
16           tiative shall prioritize programs and projects,  
17           carried out in coordination with non-Federal  
18           partners, that address priority areas, such as—

19                   “(i) the remediation of toxic sub-  
20           stances and areas of concern;

21                   “(ii) the prevention and control of  
22           invasive species and the impacts of invasive  
23           species;

1           “(iii) the protection and restoration of  
2           nearshore health and the prevention and  
3           mitigation of nonpoint source pollution;

4           “(iv) habitat and wildlife protection  
5           and restoration, including wetlands res-  
6           toration and preservation; and

7           “(v) accountability, monitoring, eval-  
8           uation, communication, and partnership  
9           activities.

10           “(C) PROJECTS.—Under the Initiative, the  
11           Agency shall collaborate with Federal partners,  
12           including the Great Lakes Interagency Task  
13           Force, to select the best combination of pro-  
14           grams and projects for Great Lakes protection  
15           and restoration using appropriate principles  
16           and criteria, including whether a program or  
17           project provides—

18           “(i) the ability to achieve strategic  
19           and measurable environmental outcomes  
20           that implement the Great Lakes Action  
21           Plan and the Great Lakes Water Quality  
22           Agreement;

23           “(ii) the feasibility of—

24                   “(I) prompt implementation;

1                   “(II) timely achievement of re-  
2                   sults; and

3                   “(III) resource leveraging; and  
4                   “(iii) the opportunity to improve  
5                   interagency and inter-organizational co-  
6                   ordination and collaboration to reduce du-  
7                   plication and streamline efforts.

8                   “(D) IMPLEMENTATION OF PROJECTS.—

9                   “(i) IN GENERAL.—Subject to sub-  
10                  paragraph (G)(ii), funds made available to  
11                  carry out the Initiative shall be used to  
12                  strategically implement—

13                  “(I) Federal projects; and

14                  “(II) projects carried out in co-  
15                  ordination with States, Indian tribes,  
16                  municipalities, institutions of higher  
17                  education, and other organizations.

18                  “(ii) TRANSFER OF FUNDS.—With  
19                  amounts made available for the Initiative  
20                  each fiscal year, the Administrator may—

21                  “(I) transfer not more than  
22                  \$300,000,000 to the head of any Fed-  
23                  eral department or agency, with the  
24                  concurrence of the department or  
25                  agency head, to carry out activities to

1 support the Initiative and the Great  
2 Lakes Water Quality Agreement;

3 “(II) enter into an interagency  
4 agreement with the head of any Fed-  
5 eral department or agency to carry  
6 out activities described in subclause  
7 (I); and

8 “(III) make grants to govern-  
9 mental entities, nonprofit organiza-  
10 tions, institutions, and individuals for  
11 planning, research, monitoring, out-  
12 reach, and implementation of projects  
13 in furtherance of the Initiative and  
14 the Great Lakes Water Quality Agree-  
15 ment.

16 “(E) SCOPE.—

17 “(i) IN GENERAL.—Projects shall be  
18 carried out under the Initiative on multiple  
19 levels, including—

20 “(I) Great Lakes-wide; and

21 “(II) Great Lakes basin-wide.

22 “(ii) LIMITATION.—No funds made  
23 available to carry out the Initiative may be  
24 used for any water infrastructure activity  
25 (other than a green infrastructure project

1 that improves habitat and other ecosystem  
2 functions in the Great Lakes) for which  
3 amounts are made available from—

4 “(I) a State water pollution con-  
5 trol revolving fund established under  
6 title VI; or

7 “(II) a State drinking water re-  
8 volving loan fund established under  
9 section 1452 of the Safe Drinking  
10 Water Act (42 U.S.C. 300j-12).

11 “(F) ACTIVITIES BY OTHER FEDERAL  
12 AGENCIES.—Each relevant Federal department  
13 or agency shall, to the maximum extent prac-  
14 ticable—

15 “(i) maintain the base level of funding  
16 for the Great Lakes activities of that de-  
17 partment or agency without regard to  
18 funding under the Initiative; and

19 “(ii) identify new activities and  
20 projects to support the environmental goals  
21 of the Initiative and the Great Lakes  
22 Water Quality Agreement.

23 “(G) FUNDING.—

24 “(i) IN GENERAL.—There is author-  
25 ized to be appropriated to carry out this

1 paragraph \$300,000,000 for each of fiscal  
2 years 2017 through 2021.

3 “(ii) LIMITATION.—Nothing in this  
4 paragraph creates, expands, or amends the  
5 authority of the Administrator to imple-  
6 ment programs or projects under—

7 “(I) this section;

8 “(II) the Initiative Action Plan;

9 or

10 “(III) the Great Lakes Water  
11 Quality Agreement.”.

## 12 **PART II—LAKE TAHOE RESTORATION**

### 13 **SEC. 7621. FINDINGS AND PURPOSES.**

14 The Lake Tahoe Restoration Act (Public Law 106–  
15 506; 114 Stat. 2351) is amended by striking section 2  
16 and inserting the following:

#### 17 **“SEC. 2. FINDINGS AND PURPOSES.**

18 “(a) FINDINGS.—Congress finds that—

19 “(1) Lake Tahoe—

20 “(A) is one of the largest, deepest, and  
21 clearest lakes in the world;

22 “(B) has a cobalt blue color, a biologically  
23 diverse alpine setting, and remarkable water  
24 clarity; and

1           “(C) is recognized nationally and world-  
2           wide as a natural resource of special signifi-  
3           cance;

4           “(2) in addition to being a scenic and ecological  
5           treasure, the Lake Tahoe Basin is one of the out-  
6           standing recreational resources of the United States,  
7           which—

8           “(A) offers skiing, water sports, biking,  
9           camping, and hiking to millions of visitors each  
10          year; and

11          “(B) contributes significantly to the econo-  
12          mies of California, Nevada, and the United  
13          States;

14          “(3) the economy in the Lake Tahoe Basin is  
15          dependent on the conservation and restoration of the  
16          natural beauty and recreation opportunities in the  
17          area;

18          “(4) the ecological health of the Lake Tahoe  
19          Basin continues to be challenged by the impacts of  
20          land use and transportation patterns developed in  
21          the last century;

22          “(5) the alteration of wetland, wet meadows,  
23          and stream zone habitat have compromised the ca-  
24          pacity of the watershed to filter sediment, nutrients,  
25          and pollutants before reaching Lake Tahoe;

1           “(6) forests in the Lake Tahoe Basin suffer  
2 from over a century of fire damage and periodic  
3 drought, which have resulted in—

4                   “(A) high tree density and mortality;

5                   “(B) the loss of biological diversity; and

6                   “(C) a large quantity of combustible forest  
7 fuels, which significantly increases the threat of  
8 catastrophic fire and insect infestation;

9           “(7) the establishment of several aquatic and  
10 terrestrial invasive species (including perennial  
11 pepperweed, milfoil, and Asian clam) threatens the  
12 ecosystem of the Lake Tahoe Basin;

13           “(8) there is an ongoing threat to the economy  
14 and ecosystem of the Lake Tahoe Basin of the intro-  
15 duction and establishment of other invasive species  
16 (such as yellow starthistle, New Zealand mud snail,  
17 Zebra mussel, and quagga mussel);

18           “(9) 78 percent of the land in the Lake Tahoe  
19 Basin is administered by the Federal Government,  
20 which makes it a Federal responsibility to restore ec-  
21 ological health to the Lake Tahoe Basin;

22           “(10) the Federal Government has a long his-  
23 tory of environmental stewardship at Lake Tahoe,  
24 including—



1           “(A) congressional consent to the estab-  
2           lishment of the Planning Agency with—

3                   “(i) the enactment in 1969 of Public  
4                   Law 91–148 (83 Stat. 360); and

5                   “(ii) the enactment in 1980 of Public  
6                   Law 96–551 (94 Stat. 3233);

7           “(B) the establishment of the Lake Tahoe  
8           Basin Management Unit in 1973;

9                   “(C) the enactment of Public Law 96–586  
10                  (94 Stat. 3381) in 1980 to provide for the ac-  
11                  quisition of environmentally sensitive land and  
12                  erosion control grants in the Lake Tahoe Basin;

13                  “(D) the enactment of sections 341 and  
14                  342 of the Department of the Interior and Re-  
15                  lated Agencies Appropriations Act, 2004 (Pub-  
16                  lic Law 108–108; 117 Stat. 1317), which  
17                  amended the Southern Nevada Public Land  
18                  Management Act of 1998 (Public Law 105–  
19                  263; 112 Stat. 2346) to provide payments for  
20                  the environmental restoration programs under  
21                  this Act; and

22                  “(E) the enactment of section 382 of the  
23                  Tax Relief and Health Care Act of 2006 (Pub-  
24                  lic Law 109–432; 120 Stat. 3045), which  
25                  amended the Southern Nevada Public Land

1 Management Act of 1998 (Public Law 105–  
2 263; 112 Stat. 2346) to authorize development  
3 and implementation of a comprehensive 10-year  
4 hazardous fuels and fire prevention plan for the  
5 Lake Tahoe Basin;

6 “(11) the Assistant Secretary was an original  
7 signatory in 1997 to the Agreement of Federal De-  
8 partments on Protection of the Environment and  
9 Economic Health of the Lake Tahoe Basin;

10 “(12) the Chief of Engineers, under direction  
11 from the Assistant Secretary, has continued to be a  
12 significant contributor to Lake Tahoe Basin restora-  
13 tion, including—

14 “(A) stream and wetland restoration; and

15 “(B) programmatic technical assistance;

16 “(13) at the Lake Tahoe Presidential Forum in  
17 1997, the President renewed the commitment of the  
18 Federal Government to Lake Tahoe by—

19 “(A) committing to increased Federal re-  
20 sources for ecological restoration at Lake  
21 Tahoe; and

22 “(B) establishing the Federal Interagency  
23 Partnership and Federal Advisory Committee to  
24 consult on natural resources issues concerning  
25 the Lake Tahoe Basin;

1           “(14) at the 2011 and 2012 Lake Tahoe Fo-  
2 rums, Senator Reid, Senator Feinstein, Senator  
3 Heller, Senator Ensign, Governor Gibbons, Governor  
4 Sandoval, and Governor Brown—

5           “(A) renewed their commitment to Lake  
6 Tahoe; and

7           “(B) expressed their desire to fund the  
8 Federal and State shares of the Environmental  
9 Improvement Program through 2022;

10          “(15) since 1997, the Federal Government, the  
11 States of California and Nevada, units of local gov-  
12 ernment, and the private sector have contributed  
13 more than \$1,740,000,000 to the Lake Tahoe  
14 Basin, including—

15          “(A) \$576,300,000 from the Federal Gov-  
16 ernment;

17          “(B) \$654,600,000 from the State of Cali-  
18 fornia;

19          “(C) \$112,500,000 from the State of Ne-  
20 vada;

21          “(D) \$74,900,000 from units of local gov-  
22 ernment; and

23          “(E) \$323,700,000 from private interests;

1           “(16) significant additional investment from  
2 Federal, State, local, and private sources is nec-  
3 essary—

4           “(A) to restore and sustain the ecological  
5 health of the Lake Tahoe Basin;

6           “(B) to adapt to the impacts of fluctuating  
7 water temperature and precipitation; and

8           “(C) to prevent the introduction and estab-  
9 lishment of invasive species in the Lake Tahoe  
10 Basin; and

11           “(17) the Secretary has indicated that the Lake  
12 Tahoe Basin Management Unit has the capacity for  
13 at least \$10,000,000 annually for the Fire Risk Re-  
14 duction and Forest Management Program.

15           “(b) PURPOSES.—The purposes of this Act are—

16           “(1) to enable the Chief of the Forest Service,  
17 the Director of the United States Fish and Wildlife  
18 Service, and the Administrator, in cooperation with  
19 the Planning Agency and the States of California  
20 and Nevada, to fund, plan, and implement signifi-  
21 cant new environmental restoration activities and  
22 forest management activities in the Lake Tahoe  
23 Basin;

1           “(2) to ensure that Federal, State, local, re-  
2           gional, tribal, and private entities continue to work  
3           together to manage land in the Lake Tahoe Basin;

4           “(3) to support local governments in efforts re-  
5           lated to environmental restoration, stormwater pollu-  
6           tion control, fire risk reduction, and forest manage-  
7           ment activities; and

8           “(4) to ensure that agency and science commu-  
9           nity representatives in the Lake Tahoe Basin work  
10          together—

11           “(A) to develop and implement a plan for  
12           integrated monitoring, assessment, and applied  
13           research to evaluate the effectiveness of the En-  
14           vironmental Improvement Program; and

15           “(B) to provide objective information as a  
16           basis for ongoing decisionmaking, with an em-  
17           phasis on decisionmaking relating to resource  
18           management in the Lake Tahoe Basin.”.

19 **SEC. 7622. DEFINITIONS.**

20          The Lake Tahoe Restoration Act (Public Law 106–  
21          506; 114 Stat. 2351) is amended by striking section 3  
22          and inserting the following:

23 **“SEC. 3. DEFINITIONS.**

24          “In this Act:

1           “(1) ADMINISTRATOR.—The term ‘Adminis-  
2           trator’ means the Administrator of the Environ-  
3           mental Protection Agency.

4           “(2) ASSISTANT SECRETARY.—The term ‘As-  
5           sistant Secretary’ means the Assistant Secretary of  
6           the Army for Civil Works.

7           “(3) CHAIR.—The term ‘Chair’ means the  
8           Chair of the Federal Partnership.

9           “(4) COMPACT.—The term ‘Compact’ means  
10          the Tahoe Regional Planning Compact included in  
11          the first section of Public Law 96–551 (94 Stat.  
12          3233).

13          “(5) DIRECTORS.—The term ‘Directors’  
14          means—

15                 “(A) the Director of the United States  
16                 Fish and Wildlife Service; and

17                 “(B) the Director of the United States Ge-  
18                 ological Survey.

19          “(6) ENVIRONMENTAL IMPROVEMENT PRO-  
20          GRAM.—The term ‘Environmental Improvement Pro-  
21          gram’ means—

22                 “(A) the Environmental Improvement Pro-  
23                 gram adopted by the Planning Agency; and

24                 “(B) any amendments to the Program.

1           “(7) ENVIRONMENTAL THRESHOLD CARRYING  
2           CAPACITY.—The term ‘environmental threshold car-  
3           rying capacity’ has the meaning given the term in  
4           Article II of the Compact.

5           “(8) FEDERAL PARTNERSHIP.—The term ‘Fed-  
6           eral Partnership’ means the Lake Tahoe Federal  
7           Interagency Partnership established by Executive  
8           Order 13057 (62 Fed. Reg. 41249) (or a successor  
9           Executive order).

10          “(9) FOREST MANAGEMENT ACTIVITY.—The  
11          term ‘forest management activity’ includes—

12               “(A) prescribed burning for ecosystem  
13               health and hazardous fuels reduction;

14               “(B) mechanical and minimum tool treat-  
15               ment;

16               “(C) stream environment zone restoration  
17               and other watershed and wildlife habitat en-  
18               hancements;

19               “(D) nonnative invasive species manage-  
20               ment; and

21               “(E) other activities consistent with Forest  
22               Service practices, as the Secretary determines  
23               to be appropriate.

24          “(10) MAPS.—The term ‘Maps’ means the  
25          maps—

1 “(A) entitled—

2 “(i) ‘LTRA USFS-CA Land Ex-  
3 change/North Shore’;

4 “(ii) ‘USFS-CA Land Exchange/West  
5 Shore’; and

6 “(iii) ‘USFS-CA Land Exchange/  
7 South Shore’; and

8 “(B) dated April 12, 2013, and on file and  
9 available for public inspection in the appro-  
10 priate offices of—

11 “(i) the Forest Service;

12 “(ii) the California Tahoe Conser-  
13 vancy; and

14 “(iii) the California Department of  
15 Parks and Recreation.

16 “(11) NATIONAL WILDLAND FIRE CODE.—The  
17 term ‘national wildland fire code’ means—

18 “(A) the most recent publication of the  
19 National Fire Protection Association codes  
20 numbered 1141, 1142, 1143, and 1144;

21 “(B) the most recent publication of the  
22 International Wildland-Urban Interface Code of  
23 the International Code Council; or

24 “(C) any other code that the Secretary de-  
25 termines provides the same, or better, stand-



1           ards for protection against wildland fire as a  
2           code described in subparagraph (A) or (B).

3           “(12) PLANNING AGENCY.—The term ‘Planning  
4           Agency’ means the Tahoe Regional Planning Agency  
5           established under Public Law 91–148 (83 Stat. 360)  
6           and Public Law 96–551 (94 Stat. 3233).

7           “(13) PRIORITY LIST.—The term ‘Priority List’  
8           means the environmental restoration priority list de-  
9           veloped under section 5(b).

10          “(14) SECRETARY.—The term ‘Secretary’  
11          means the Secretary of Agriculture, acting through  
12          the Chief of the Forest Service.

13          “(15) STREAM ENVIRONMENT ZONE.—The  
14          term ‘Stream Environment Zone’ means an area  
15          that generally owes the biological and physical char-  
16          acteristics of the area to the presence of surface  
17          water or groundwater.

18          “(16) TOTAL MAXIMUM DAILY LOAD.—The  
19          term ‘total maximum daily load’ means the total  
20          maximum daily load allocations adopted under sec-  
21          tion 303(d) of the Federal Water Pollution Control  
22          Act (33 U.S.C. 1313(d)).

23          “(17) WATERCRAFT.—The term ‘watercraft’  
24          means motorized and non-motorized watercraft, in-

1 cluding boats, seaplanes, personal watercraft,  
2 kayaks, and canoes.”.

3 **SEC. 7623. IMPROVED ADMINISTRATION OF THE LAKE**  
4 **TAHOE BASIN MANAGEMENT UNIT.**

5 Section 4 of the Lake Tahoe Restoration Act (Public  
6 Law 106–506; 114 Stat. 2353) is amended—

7 (1) in subsection (b)(3), by striking “basin”  
8 and inserting “Basin”; and

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

10 “(c) FOREST MANAGEMENT ACTIVITIES.—

11 “(1) COORDINATION.—

12 “(A) IN GENERAL.—In conducting forest  
13 management activities in the Lake Tahoe Basin  
14 Management Unit, the Secretary shall, as ap-  
15 propriate, coordinate with the Administrator  
16 and State and local agencies and organizations,  
17 including local fire departments and volunteer  
18 groups.

19 “(B) GOALS.—The coordination of activi-  
20 ties under subparagraph (A) should aim to in-  
21 crease efficiencies and maximize the compat-  
22 ibility of management practices across public  
23 property boundaries.

24 “(2) MULTIPLE BENEFITS.—

1           “(A) IN GENERAL.—In conducting forest  
2 management activities in the Lake Tahoe Basin  
3 Management Unit, the Secretary shall conduct  
4 the activities in a manner that—

5           “(i) except as provided in subpara-  
6 graph (B), attains multiple ecosystem ben-  
7 efits, including—

8           “(I) reducing forest fuels;

9           “(II) maintaining biological di-  
10 versity;

11           “(III) improving wetland and  
12 water quality, including in Stream  
13 Environment Zones; and

14           “(IV) increasing resilience to  
15 changing water temperature and pre-  
16 cipitation; and

17           “(ii) helps achieve and maintain the  
18 environmental threshold carrying capacities  
19 established by the Planning Agency.

20           “(B) EXCEPTION.—Notwithstanding sub-  
21 paragraph (A)(i), the attainment of multiple  
22 ecosystem benefits shall not be required if the  
23 Secretary determines that management for mul-  
24 tiple ecosystem benefits would excessively in-  
25 crease the cost of a program in relation to the

1 additional ecosystem benefits gained from the  
2 management activity.

3 “(3) GROUND DISTURBANCE.—Consistent with  
4 applicable Federal law and Lake Tahoe Basin Man-  
5 agement Unit land and resource management plan  
6 direction, the Secretary shall—

7 “(A) establish post-program ground condi-  
8 tion criteria for ground disturbance caused by  
9 forest management activities; and

10 “(B) provide for monitoring to ascertain  
11 the attainment of the post-program conditions.

12 “(d) WITHDRAWAL OF FEDERAL LAND.—

13 “(1) IN GENERAL.—Subject to valid existing  
14 rights and paragraph (2), the Federal land located  
15 in the Lake Tahoe Basin Management Unit is with-  
16 drawn from—

17 “(A) all forms of entry, appropriation, or  
18 disposal under the public land laws;

19 “(B) location, entry, and patent under the  
20 mining laws; and

21 “(C) disposition under all laws relating to  
22 mineral and geothermal leasing.

23 “(2) EXCEPTIONS.—A conveyance of land shall  
24 be exempt from withdrawal under this subsection if  
25 carried out under—

1                   “(A) this Act; or

2                   “(B) Public Law 96–586 (94 Stat. 3381)

3                   (commonly known as the ‘Santini-Burton Act’).

4                   “(e) ENVIRONMENTAL THRESHOLD CARRYING CA-  
5 PACITY.—The Lake Tahoe Basin Management Unit shall  
6 support the attainment of the environmental threshold  
7 carrying capacities.

8                   “(f) COOPERATIVE AUTHORITIES.—During the 4 fis-  
9 cal years following the date of enactment of the Water  
10 Resources Development Act of 2016, the Secretary, in  
11 conjunction with land adjustment programs, may enter  
12 into contracts and cooperative agreements with States,  
13 units of local government, and other public and private  
14 entities to provide for fuel reduction, erosion control, re-  
15 forestation, Stream Environment Zone restoration, and  
16 similar management activities on Federal land and non-  
17 Federal land within the programs.”.

18 **SEC. 7624. AUTHORIZED PROGRAMS.**

19                   The Lake Tahoe Restoration Act (Public Law 106–  
20 506; 114 Stat. 2351) is amended by striking section 5  
21 and inserting the following:

22 **“SEC. 5. AUTHORIZED PROGRAMS.**

23                   “(a) IN GENERAL.—The Secretary, the Assistant  
24 Secretary, the Directors, and the Administrator, in coordi-  
25 nation with the Planning Agency and the States of Cali-

1 fornia and Nevada, may carry out or provide financial as-  
2 sistance to any program that—

3 “(1) is described in subsection (d);

4 “(2) is included in the Priority List under sub-  
5 section (b); and

6 “(3) furthers the purposes of the Environ-  
7 mental Improvement Program if the program has  
8 been subject to environmental review and approval,  
9 respectively, as required under Federal law, Article  
10 VII of the Compact, and State law, as applicable.

11 “(b) PRIORITY LIST.—

12 “(1) DEADLINE.—Not later than March 15 of  
13 the year after the date of enactment of the Water  
14 Resources Development Act of 2016, the Chair, in  
15 consultation with the Secretary, the Administrator,  
16 the Directors, the Planning Agency, the States of  
17 California and Nevada, the Federal Partnership, the  
18 Washoe Tribe, the Lake Tahoe Federal Advisory  
19 Committee, and the Tahoe Science Consortium (or a  
20 successor organization) shall submit to Congress a  
21 prioritized Environmental Improvement Program list  
22 for the Lake Tahoe Basin for each program category  
23 described in subsection (d).

1           “(2) CRITERIA.—The ranking of the Priority  
2 List shall be based on the best available science and  
3 the following criteria:

4           “(A) The 4-year threshold carrying capac-  
5 ity evaluation.

6           “(B) The ability to measure progress or  
7 success of the program.

8           “(C) The potential to significantly con-  
9 tribute to the achievement and maintenance of  
10 the environmental threshold carrying capacities  
11 identified in Article II of the Compact.

12           “(D) The ability of a program to provide  
13 multiple benefits.

14           “(E) The ability of a program to leverage  
15 non-Federal contributions.

16           “(F) Stakeholder support for the program.

17           “(G) The justification of Federal interest.

18           “(H) Agency priority.

19           “(I) Agency capacity.

20           “(J) Cost-effectiveness.

21           “(K) Federal funding history.

22           “(3) REVISIONS.—The Priority List submitted  
23 under paragraph (1) shall be revised every 2 years.

24           “(4) FUNDING.—Of the amounts made avail-  
25 able under section 10(a), \$80,000,000 shall be made

1 available to the Secretary to carry out projects listed  
2 on the Priority List.

3 “(c) RESTRICTION.—The Administrator shall use not  
4 more than 3 percent of the funds provided under sub-  
5 section (a) for administering the programs described in  
6 paragraphs (1) and (2) of subsection (d).

7 “(d) DESCRIPTION OF ACTIVITIES.—

8 “(1) FIRE RISK REDUCTION AND FOREST MAN-  
9 AGEMENT.—

10 “(A) IN GENERAL.—Of the amounts made  
11 available under section 10(a), \$150,000,000  
12 shall be made available to the Secretary to  
13 carry out, including by making grants, the fol-  
14 lowing programs:

15 “(i) Programs identified as part of the  
16 Lake Tahoe Basin Multi-Jurisdictional  
17 Fuel Reduction and Wildfire Prevention  
18 Strategy 10-Year Plan.

19 “(ii) Competitive grants for fuels work  
20 to be awarded by the Secretary to commu-  
21 nities that have adopted national wildland  
22 fire codes to implement the applicable por-  
23 tion of the 10-year plan described in clause  
24 (i).



1           “(iii) Biomass programs, including  
2 feasibility assessments.

3           “(iv) Angora Fire Restoration under  
4 the jurisdiction of the Secretary.

5           “(v) Washoe Tribe programs on tribal  
6 lands within the Lake Tahoe Basin.

7           “(vi) Development of an updated  
8 Lake Tahoe Basin multijurisdictional fuel  
9 reduction and wildfire prevention strategy,  
10 consistent with section 4(c).

11           “(vii) Development of updated com-  
12 munity wildfire protection plans by local  
13 fire districts.

14           “(viii) Municipal water infrastructure  
15 that significantly improves the firefighting  
16 capability of local government within the  
17 Lake Tahoe Basin.

18           “(ix) Stewardship end result con-  
19 tracting projects carried out under section  
20 604 of the Healthy Forests Restoration  
21 Act of 2003 (16 U.S.C. 6591c).

22           “(B) MINIMUM ALLOCATION.—Of the  
23 amounts made available to the Secretary to  
24 carry out subparagraph (A), at least

1           \$100,000,000 shall be used by the Secretary for  
2           programs under subparagraph (A)(i).

3           “(C) PRIORITY.—Units of local govern-  
4           ment that have dedicated funding for inspec-  
5           tions and enforcement of defensible space regu-  
6           lations shall be given priority for amounts pro-  
7           vided under this paragraph.

8           “(D) COST-SHARING REQUIREMENTS.—

9           “(i) IN GENERAL.—As a condition on  
10          the receipt of funds, communities or local  
11          fire districts that receive funds under this  
12          paragraph shall provide a 25-percent  
13          match.

14          “(ii) FORM OF NON-FEDERAL  
15          SHARE.—

16          “(I) IN GENERAL.—The non-  
17          Federal share required under clause  
18          (i) may be in the form of cash con-  
19          tributions or in-kind contributions, in-  
20          cluding providing labor, equipment,  
21          supplies, space, and other operational  
22          needs.

23          “(II) CREDIT FOR CERTAIN  
24          DEDICATED FUNDING.—There shall  
25          be credited toward the non-Federal

1 share required under clause (i) any  
2 dedicated funding of the communities  
3 or local fire districts for a fuels reduc-  
4 tion management program, defensible  
5 space inspections, or dooryard chip-  
6 ping.

7 “(III) DOCUMENTATION.—Com-  
8 munities and local fire districts  
9 shall—

10 “(aa) maintain a record of  
11 in-kind contributions that de-  
12 scribes—

13 “(AA) the monetary  
14 value of the in-kind con-  
15 tributions; and

16 “(BB) the manner in  
17 which the in-kind contribu-  
18 tions assist in accomplishing  
19 program goals and objec-  
20 tives; and

21 “(bb) document in all re-  
22 quests for Federal funding, and  
23 include in the total program  
24 budget, evidence of the commit-  
25 ment to provide the non-Federal

1 share through in-kind contribu-  
2 tions.

3 “(2) INVASIVE SPECIES MANAGEMENT.—

4 “(A) IN GENERAL.—Of the amounts made  
5 available under section 10(a), \$45,000,000 shall  
6 be made available to the Director of the United  
7 States Fish and Wildlife Service for the Aquatic  
8 Invasive Species Program and the watercraft  
9 inspections described in subparagraph (B).

10 “(B) DESCRIPTION OF ACTIVITIES.—The  
11 Director of the United States Fish and Wildlife  
12 Service, in coordination with the Assistant Sec-  
13 retary, the Planning Agency, the California De-  
14 partment of Fish and Wildlife, and the Nevada  
15 Department of Wildlife, shall deploy strategies  
16 consistent with the Lake Tahoe Aquatic  
17 Invasive Species Management Plan to prevent  
18 the introduction or spread of aquatic invasive  
19 species in the Lake Tahoe region.

20 “(C) CRITERIA.—The strategies referred  
21 to in subparagraph (B) shall provide that—

22 “(i) combined inspection and decon-  
23 tamination stations be established and op-  
24 erated at not less than 2 locations in the  
25 Lake Tahoe region; and

1           “(ii) watercraft not be allowed to  
2           launch in waters of the Lake Tahoe region  
3           if the watercraft has not been inspected in  
4           accordance with the Lake Tahoe Aquatic  
5           Invasive Species Management Plan.

6           “(D) CERTIFICATION.—The Planning  
7           Agency may certify State and local agencies to  
8           perform the decontamination activities de-  
9           scribed in subparagraph (C)(i) at locations out-  
10          side the Lake Tahoe Basin if standards at the  
11          sites meet or exceed standards for similar sites  
12          in the Lake Tahoe Basin established under this  
13          paragraph.

14          “(E) APPLICABILITY.—The strategies and  
15          criteria developed under this paragraph shall  
16          apply to all watercraft to be launched on water  
17          within the Lake Tahoe region.

18          “(F) FEES.—The Director of the United  
19          States Fish and Wildlife Service may collect  
20          and spend fees for decontamination only at a  
21          level sufficient to cover the costs of operation of  
22          inspection and decontamination stations under  
23          this paragraph.

24          “(G) CIVIL PENALTIES.—

1                   “(i) IN GENERAL.—Any person that  
2                   launches, attempts to launch, or facilitates  
3                   launching of watercraft not in compliance  
4                   with strategies deployed under this para-  
5                   graph shall be liable for a civil penalty in  
6                   an amount not to exceed \$1,000 per viola-  
7                   tion.

8                   “(ii) OTHER AUTHORITIES.—Any pen-  
9                   alties assessed under this subparagraph  
10                  shall be separate from penalties assessed  
11                  under any other authority.

12                  “(H) LIMITATION.—The strategies and  
13                  criteria under subparagraphs (B) and (C), re-  
14                  spectively, may be modified if the Secretary of  
15                  the Interior, in a nondelegable capacity and in  
16                  consultation with the Planning Agency and  
17                  State governments, issues a determination that  
18                  alternative measures will be no less effective at  
19                  preventing introduction of aquatic invasive spe-  
20                  cies into Lake Tahoe than the strategies and  
21                  criteria developed under subparagraphs (B) and  
22                  (C), respectively.

23                  “(I) SUPPLEMENTAL AUTHORITY.—The  
24                  authority under this paragraph is supplemental

1 to all actions taken by non-Federal regulatory  
2 authorities.

3 “(J) SAVINGS CLAUSE.—Nothing in this  
4 title restricts, affects, or amends any other law  
5 or the authority of any department, instrumen-  
6 tality, or agency of the United States, or any  
7 State or political subdivision thereof, respecting  
8 the control of invasive species.

9 “(3) STORMWATER MANAGEMENT, EROSION  
10 CONTROL, AND TOTAL WATERSHED RESTORATION.—  
11 Of the amounts made available under section 10(a),  
12 \$113,000,000 shall be made available—

13 “(A) to the Secretary, the Secretary of the  
14 Interior, the Assistant Secretary, or the Admin-  
15 istrator for the Federal share of stormwater  
16 management and related programs consistent  
17 with the adopted Total Maximum Daily Load  
18 and near-shore water quality goals;

19 “(B) for grants by the Secretary and the  
20 Administrator to carry out the programs de-  
21 scribed in subparagraph (A);

22 “(C) to the Secretary or the Assistant Sec-  
23 retary for the Federal share of the Upper  
24 Truckee River restoration programs and other  
25 watershed restoration programs identified in

1 the Priority List established under section 5(b);  
2 and

3 “(D) for grants by the Administrator to  
4 carry out the programs described in subpara-  
5 graph (C).

6 “(4) SPECIAL STATUS SPECIES MANAGE-  
7 MENT.—Of the amounts made available under sec-  
8 tion 10(a), \$20,000,000 shall be made available to  
9 the Director of the United States Fish and Wildlife  
10 Service for the Lahontan Cutthroat Trout Recovery  
11 Program.”.

12 **SEC. 7625. PROGRAM PERFORMANCE AND ACCOUNT-**  
13 **ABILITY.**

14 The Lake Tahoe Restoration Act (Public Law 106–  
15 506; 114 Stat. 2351) is amended by striking section 6  
16 and inserting the following:

17 **“SEC. 6. PROGRAM PERFORMANCE AND ACCOUNTABILITY.**

18 “(a) PROGRAM PERFORMANCE AND ACCOUNT-  
19 ABILITY.—

20 “(1) IN GENERAL.—Of the amounts made  
21 available under section 10(a), not less than  
22 \$5,000,000 shall be made available to the Secretary  
23 to carry out this section.

24 “(2) PLANNING AGENCY.—Of the amounts de-  
25 scribed in paragraph (1), not less than 50 percent



1 shall be made available to the Planning Agency to  
2 carry out the program oversight and coordination  
3 activities established under subsection (d).

4 “(b) CONSULTATION.—In carrying out this Act, the  
5 Secretary, the Administrator, and the Directors shall, as  
6 appropriate and in a timely manner, consult with the  
7 heads of the Washoe Tribe, applicable Federal, State, re-  
8 gional, and local governmental agencies, and the Lake  
9 Tahoe Federal Advisory Committee.

10 “(c) CORPS OF ENGINEERS; INTERAGENCY AGREE-  
11 MENTS.—

12 “(1) IN GENERAL.—The Assistant Secretary  
13 may enter into interagency agreements with non-  
14 Federal interests in the Lake Tahoe Basin to use  
15 Lake Tahoe Partnership-Miscellaneous General In-  
16 vestigations funds to provide programmatic technical  
17 assistance for the Environmental Improvement Pro-  
18 gram.

19 “(2) LOCAL COOPERATION AGREEMENTS.—

20 “(A) IN GENERAL.—Before providing tech-  
21 nical assistance under this section, the Assist-  
22 ant Secretary shall enter into a local coopera-  
23 tion agreement with a non-Federal interest to  
24 provide for the technical assistance.

1           “(B) COMPONENTS.—The agreement en-  
2           tered into under subparagraph (A) shall—

3                   “(i) describe the nature of the tech-  
4                   nical assistance;

5                   “(ii) describe any legal and institu-  
6                   tional structures necessary to ensure the  
7                   effective long-term viability of the end  
8                   products by the non-Federal interest; and

9                   “(iii) include cost-sharing provisions  
10                  in accordance with subparagraph (C).

11          “(C) FEDERAL SHARE.—

12                  “(i) IN GENERAL.—The Federal share  
13                  of program costs under each local coopera-  
14                  tion agreement under this paragraph shall  
15                  be 65 percent.

16                  “(ii) FORM.—The Federal share may  
17                  be in the form of reimbursements of pro-  
18                  gram costs.

19                  “(iii) CREDIT.—The non-Federal in-  
20                  terest may receive credit toward the non-  
21                  Federal share for the reasonable costs of  
22                  related technical activities completed by  
23                  the non-Federal interest before entering  
24                  into a local cooperation agreement with the  
25                  Assistant Secretary under this paragraph.

1       “(d) EFFECTIVENESS EVALUATION AND MONI-  
2 TORING.—In carrying out this Act, the Secretary, the Ad-  
3 ministrator, and the Directors, in coordination with the  
4 Planning Agency and the States of California and Nevada,  
5 shall—

6           “(1) develop and implement a plan for inte-  
7 grated monitoring, assessment, and applied research  
8 to evaluate the effectiveness of the Environmental  
9 Improvement Program;

10          “(2) include funds in each program funded  
11 under this section for monitoring and assessment of  
12 results at the program level; and

13          “(3) use the integrated multiagency perform-  
14 ance measures established under this section.

15       “(e) REPORTING REQUIREMENTS.—Not later than  
16 March 15 of each year, the Secretary, in cooperation with  
17 the Chair, the Administrator, the Directors, the Planning  
18 Agency, and the States of California and Nevada, con-  
19 sistent with subsection (a), shall submit to Congress a re-  
20 port that describes—

21           “(1) the status of all Federal, State, local, and  
22 private programs authorized under this Act, includ-  
23 ing to the maximum extent practicable, for programs  
24 that will receive Federal funds under this Act during  
25 the current or subsequent fiscal year—

1           “(A) the program scope;

2           “(B) the budget for the program; and

3           “(C) the justification for the program, con-  
4           sistent with the criteria established in section  
5           5(b)(2);

6           “(2) Federal, State, local, and private expendi-  
7           tures in the preceding fiscal year to implement the  
8           Environmental Improvement Program;

9           “(3) accomplishments in the preceding fiscal  
10          year in implementing this Act in accordance with the  
11          performance measures and other monitoring and as-  
12          sessment activities; and

13          “(4) public education and outreach efforts un-  
14          dertaken to implement programs authorized under  
15          this Act.

16          “(f) ANNUAL BUDGET PLAN.—As part of the annual  
17          budget of the President, the President shall submit infor-  
18          mation regarding each Federal agency involved in the En-  
19          vironmental Improvement Program (including the Forest  
20          Service, the Environmental Protection Agency, the United  
21          States Fish and Wildlife Service, the United States Geo-  
22          logical Survey, and the Corps of Engineers), including—

23                 “(1) an interagency crosscut budget that dis-  
24                 plays the proposed budget for use by each Federal  
25                 agency in carrying out restoration activities relating

1 to the Environmental Improvement Program for the  
2 following fiscal year;

3 “(2) a detailed accounting of all amounts re-  
4 ceived and obligated by Federal agencies to achieve  
5 the goals of the Environmental Improvement Pro-  
6 gram during the preceding fiscal year; and

7 “(3) a description of the Federal role in the  
8 Environmental Improvement Program, including the  
9 specific role of each agency involved in the restora-  
10 tion of the Lake Tahoe Basin.”.

11 **SEC. 7626. CONFORMING AMENDMENTS; UPDATES TO RE-**  
12 **LATED LAWS.**

13 (a) LAKE TAHOE RESTORATION ACT.—The Lake  
14 Tahoe Restoration Act (Public Law 106–506; 114 Stat.  
15 2351) is amended—

16 (1) by striking sections 8 and 9;

17 (2) by redesignating sections 10, 11, and 12 as  
18 sections 8, 9, and 10, respectively; and

19 (3) in section 9 (as redesignated by paragraph  
20 (2)) by inserting “, Director, or Administrator”  
21 after “Secretary”.

22 (b) TAHOE REGIONAL PLANNING COMPACT.—Sub-  
23 section (c) of Article V of the Tahoe Regional Planning  
24 Compact (Public Law 96–551; 94 Stat. 3240) is amended  
25 in the third sentence by inserting “and, in so doing, shall

1 ensure that the regional plan reflects changing economic  
2 conditions and the economic effect of regulation on com-  
3 merce” after “maintain the regional plan”.

4 (c) TREATMENT UNDER TITLE 49, UNITED STATES  
5 CODE.—Section 5303(r)(2)(C) of title 49, United States  
6 Code, is amended—

7 (1) by inserting “and 25 square miles of land  
8 area” after “145,000”; and

9 (2) by inserting “and 12 square miles of land  
10 area” after “65,000”.

11 **SEC. 7627. AUTHORIZATION OF APPROPRIATIONS.**

12 The Lake Tahoe Restoration Act (Public Law 106–  
13 506; 114 Stat. 2351) is amended by striking section 10  
14 (as redesignated by section 7626(a)(2)) and inserting the  
15 following:

16 **“SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

17 “(a) AUTHORIZATION OF APPROPRIATIONS.—There  
18 is authorized to be appropriated to carry out this Act  
19 \$415,000,000 for a period of 10 fiscal years beginning the  
20 first fiscal year after the date of enactment of the Water  
21 Resources Development Act of 2016.

22 “(b) EFFECT ON OTHER FUNDS.—Amounts author-  
23 ized under this section and any amendments made by this  
24 Act—

1           “(1) shall be in addition to any other amounts  
2           made available to the Secretary, the Administrator,  
3           or the Directors for expenditure in the Lake Tahoe  
4           Basin; and

5           “(2) shall not reduce allocations for other Re-  
6           gions of the Forest Service, the Environmental Pro-  
7           tection Agency, or the United States Fish and Wild-  
8           life Service.

9           “(c) COST-SHARING REQUIREMENT.—Except as pro-  
10          vided in subsection (d) and section 5(d)(1)(D), funds for  
11          activities carried out under section 5 shall be available for  
12          obligation on a 1-to-1 basis with funding of restoration  
13          activities in the Lake Tahoe Basin by the States of Cali-  
14          fornia and Nevada.

15          “(d) RELOCATION COSTS.—Notwithstanding sub-  
16          section (c), the Secretary shall provide to local utility dis-  
17          tricts  $\frac{2}{3}$  of the costs of relocating facilities in connection  
18          with—

19                 “(1) environmental restoration programs under  
20                 sections 5 and 6; and

21                 “(2) erosion control programs under section 2  
22                 of Public Law 96–586 (94 Stat. 3381).

23          “(e) SIGNAGE.—To the maximum extent practicable,  
24          a program provided assistance under this Act shall include  
25          appropriate signage at the program site that—

1 “(1) provides information to the public on—  
 2 “(A) the amount of Federal funds being  
 3 provided to the program; and  
 4 “(B) this Act; and  
 5 “(2) displays the visual identity mark of the  
 6 Environmental Improvement Program.”.

7 **SEC. 7628. LAND TRANSFERS TO IMPROVE MANAGEMENT**  
 8 **EFFICIENCIES OF FEDERAL AND STATE**  
 9 **LAND.**

10 Section 3(b) of Public Law 96–586 (94 Stat. 3384)  
 11 (commonly known as the “Santini-Burton Act”) is amend-  
 12 ed—

13 (1) by striking “(b) Lands” and inserting the  
 14 following:

15 “(b) ADMINISTRATION OF ACQUIRED LAND.—

16 “(1) IN GENERAL.—Land”; and

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

18 “(2) CALIFORNIA CONVEYANCES.—

19 “(A) IN GENERAL.—If the State of Cali-  
 20 fornia (acting through the California Tahoe  
 21 Conservancy and the California Department of  
 22 Parks and Recreation) offers to donate to the  
 23 United States acceptable title to the non-Fed-  
 24 eral land described in subparagraph (B)(i), the  
 25 Secretary—



1 “(i) may accept the offer; and

2 “(ii) not later than 180 days after the  
3 date on which the Secretary receives ac-  
4 ceptable title to the non-Federal land de-  
5 scribed in subparagraph (B)(i), convey to  
6 the State of California, subject to valid ex-  
7 isting rights and for no consideration, all  
8 right, title, and interest of the United  
9 States in and to the Federal land that is  
10 acceptable to the State of California.

11 “(B) DESCRIPTION OF LAND.—

12 “(i) NON-FEDERAL LAND.—The non-  
13 Federal land referred to in subparagraph  
14 (A) includes—

15 “(I) the approximately 1,981  
16 acres of land administered by the  
17 California Tahoe Conservancy and  
18 identified on the Maps as ‘Conser-  
19 vancy to the United States Forest  
20 Service’; and

21 “(II) the approximately 187  
22 acres of land administered by Cali-  
23 fornia State Parks and identified on  
24 the Maps as ‘State Parks to the U.S.  
25 Forest Service’.

1           “(ii) FEDERAL LAND.—The Federal  
2 land referred to in subparagraph (A) in-  
3 cludes the approximately 1,995 acres of  
4 Forest Service land identified on the Maps  
5 as ‘U.S. Forest Service to Conservancy  
6 and State Parks’.

7           “(C) CONDITIONS.—Any land conveyed  
8 under this paragraph shall—

9           “(i) be for the purpose of consoli-  
10 dating Federal and State ownerships and  
11 improving management efficiencies;

12           “(ii) not result in any significant  
13 changes in the uses of the land; and

14           “(iii) be subject to the condition that  
15 the applicable deed include such terms, re-  
16 strictions, covenants, conditions, and res-  
17 ervations as the Secretary determines nec-  
18 essary—

19           “(I) to ensure compliance with  
20 this Act; and

21           “(II) to ensure that the transfer  
22 of development rights associated with  
23 the conveyed parcels shall not be rec-  
24 ognized or available for transfer under  
25 chapter 51 of the Code of Ordinances

1                   for the Tahoe Regional Planning  
2                   Agency.

3                   “(3) NEVADA CONVEYANCES.—

4                   “(A) IN GENERAL.—In accordance with  
5                   this section and on request by the Governor of  
6                   Nevada, the Secretary may transfer the land or  
7                   interests in land described in subparagraph (B)  
8                   to the State of Nevada without consideration,  
9                   subject to appropriate deed restrictions to pro-  
10                  tect the environmental quality and public rec-  
11                  reational use of the land transferred.

12                  “(B) DESCRIPTION OF LAND.—The land  
13                  referred to in subparagraph (A) includes—

14                         “(i) the approximately 38.68 acres of  
15                         Forest Service land identified on the map  
16                         entitled ‘State of Nevada Conveyances’ as  
17                         ‘Van Sickle Unit USFS Inholding’; and

18                         “(ii) the approximately 92.28 acres of  
19                         Forest Service land identified on the map  
20                         entitled ‘State of Nevada Conveyances’ as  
21                         ‘Lake Tahoe Nevada State Park USFS  
22                         Inholding’.

23                  “(C) CONDITIONS.—Any land conveyed  
24                  under this paragraph shall—

1           “(i) be for the purpose of consoli-  
2           dating Federal and State ownerships and  
3           improving management efficiencies;

4           “(ii) not result in any significant  
5           changes in the uses of the land; and

6           “(iii) be subject to the condition that  
7           the applicable deed include such terms, re-  
8           strictions, covenants, conditions, and res-  
9           ervations as the Secretary determines nec-  
10          essary—

11                   “(I) to ensure compliance with  
12                   this Act; and

13                   “(II) to ensure that the develop-  
14                   ment rights associated with the con-  
15                   veyed parcels shall not be recognized  
16                   or available for transfer under section  
17                   90.2 of the Code of Ordinances for  
18                   the Tahoe Regional Planning Agency.

19           “(4) REVERSION.—If a parcel of land trans-  
20           ferred under paragraph (2) or (3) is used in a man-  
21           ner that is inconsistent with the use described for  
22           the parcel of land in paragraph (2) or (3), respec-  
23           tively, the parcel of land, shall, at the discretion of  
24           the Secretary, revert to the United States.

25           “(5) FUNDING.—

1           “(A) IN GENERAL.—Of the amounts made  
2           available under section 10(a) of the Lake Tahoe  
3           Restoration Act (Public Law 106–506; 114  
4           Stat. 2351), \$2,000,000 shall be made available  
5           to the Secretary to carry out the activities  
6           under paragraphs (2) and (3).

7           “(B) OTHER FUNDS.—Of the amounts  
8           available to the Secretary under paragraph (1),  
9           not less than 50 percent shall be provided to  
10          the California Tahoe Conservancy to facilitate  
11          the conveyance of land described in paragraphs  
12          (2) and (3).”.

13       **PART III—LONG ISLAND SOUND RESTORATION**

14       **SEC. 7631. RESTORATION AND STEWARDSHIP PROGRAMS.**

15       (a) LONG ISLAND SOUND RESTORATION PRO-  
16       GRAM.—Section 119 of the Federal Water Pollution Con-  
17       trol Act (33 U.S.C. 1269) is amended—

18           (1) in subsection (b), by striking the subsection  
19           designation and heading and all that follows through  
20           “The Office shall” and inserting the following:

21           “(b) OFFICE.—

22           “(1) ESTABLISHMENT.—The Administrator  
23           shall—

24           “(A) continue to carry out the conference  
25           study; and

1           “(B) establish an office, to be located on  
2           or near Long Island Sound.

3           “(2) ADMINISTRATION AND STAFFING.—The  
4           Office shall”;

5           (2) in subsection (c)—

6           (A) in the matter preceding paragraph (1),  
7           by striking “Management Conference of the  
8           Long Island Sound Study” and inserting “con-  
9           ference study”;

10          (B) in paragraph (2)—

11           (i) in each of subparagraphs (A)  
12           through (G), by striking the commas at  
13           the end of the subparagraphs and inserting  
14           semicolons;

15           (ii) in subparagraph (H), by striking  
16           “, and” and inserting a semicolon;

17           (iii) in subparagraph (I), by striking  
18           the period at the end and inserting a semi-  
19           colon; and

20           (iv) by adding at the end the fol-  
21           lowing:

22           “(J) environmental impacts on the Long  
23           Island Sound watershed, including—

24           “(i) the identification and assessment  
25           of vulnerabilities in the watershed;

1                   “(ii) the development and implementa-  
2                   tion of adaptation strategies to reduce  
3                   those vulnerabilities; and

4                   “(iii) the identification and assess-  
5                   ment of the impacts of sea level rise on  
6                   water quality, habitat, and infrastructure;  
7                   and

8                   “(K) planning initiatives for Long Island  
9                   Sound that identify the areas that are most  
10                  suitable for various types or classes of activities  
11                  in order to reduce conflicts among uses, reduce  
12                  adverse environmental impacts, facilitate com-  
13                  patible uses, or preserve critical ecosystem serv-  
14                  ices to meet economic, environmental, security,  
15                  or social objectives;”;

16                  (C) by striking paragraph (4) and insert-  
17                  ing the following:

18                  “(4) develop and implement strategies to in-  
19                  crease public education and awareness with respect  
20                  to the ecological health and water quality conditions  
21                  of Long Island Sound;”;

22                  (D) in paragraph (5), by inserting “study”  
23                  after “conference”;

24                  (E) in paragraph (6)—

1 (i) by inserting “(including on the  
2 Internet)” after “the public”; and

3 (ii) by inserting “study” after “con-  
4 ference”; and

5 (F) by striking paragraph (7) and insert-  
6 ing the following:

7 “(7) monitor the progress made toward meeting  
8 the identified goals, actions, and schedules of the  
9 Comprehensive Conservation and Management Plan,  
10 including through the implementation and support  
11 of a monitoring system for the ecological health and  
12 water quality conditions of Long Island Sound;  
13 and”;

14 (3) in subsection (d)(3), in the second sentence,  
15 by striking “50 per centum” and inserting “60 per-  
16 cent”;

17 (4) by redesignating subsection (f) as sub-  
18 section (i); and

19 (5) by inserting after subsection (e) the fol-  
20 lowing:

21 “(f) REPORT.—

22 “(1) IN GENERAL.—Not later than 2 years  
23 after the date of enactment of the Water Resources  
24 Development Act of 2016, and biennially thereafter,  
25 the Director of the Office, in consultation with the



1 Governor of each Long Island Sound State, shall  
2 submit to Congress a report that—

3 “(A) summarizes and assesses the progress  
4 made by the Office and the Long Island Sound  
5 States in implementing the Long Island Sound  
6 Comprehensive Conservation and Management  
7 Plan, including an assessment of the progress  
8 made toward meeting the performance goals  
9 and milestones contained in the Plan;

10 “(B) assesses the key ecological attributes  
11 that reflect the health of the ecosystem of the  
12 Long Island Sound watershed;

13 “(C) describes any substantive modifica-  
14 tions to the Long Island Sound Comprehensive  
15 Conservation and Management Plan made dur-  
16 ing the 2-year period preceding the date of sub-  
17 mission of the report;

18 “(D) provides specific recommendations to  
19 improve progress in restoring and protecting  
20 the Long Island Sound watershed, including, as  
21 appropriate, proposed modifications to the Long  
22 Island Sound Comprehensive Conservation and  
23 Management Plan;

24 “(E) identifies priority actions for imple-  
25 mentation of the Long Island Sound Com-

1           prehensive Conservation and Management Plan  
2           for the 2-year period following the date of sub-  
3           mission of the report; and

4                   “(F) describes the means by which Federal  
5           funding and actions will be coordinated with the  
6           actions of the Long Island Sound States and  
7           other entities.

8                   “(2) PUBLIC AVAILABILITY.—The Adminis-  
9           trator shall make the report described in paragraph  
10          (1) available to the public, including on the Internet.

11          “(g) ANNUAL BUDGET PLAN.—The President shall  
12          submit, together with the annual budget of the United  
13          States Government submitted under section 1105(a) of  
14          title 31, United States Code, information regarding each  
15          Federal department and agency involved in the protection  
16          and restoration of the Long Island Sound watershed, in-  
17          cluding—

18                   “(1) an interagency crosscut budget that dis-  
19          plays for each department and agency—

20                           “(A) the amount obligated during the pre-  
21                   ceding fiscal year for protection and restoration  
22                   projects and studies relating to the watershed;

23                           “(B) the estimated budget for the current  
24                   fiscal year for protection and restoration

1 projects and studies relating to the watershed;  
2 and

3 “(C) the proposed budget for succeeding  
4 fiscal years for protection and restoration  
5 projects and studies relating to the watershed;  
6 and

7 “(2) a summary of any proposed modifications  
8 to the Long Island Sound Comprehensive Conserva-  
9 tion and Management Plan for the following fiscal  
10 year.

11 “(h) FEDERAL ENTITIES.—

12 “(1) COORDINATION.—The Administrator shall  
13 coordinate the actions of all Federal departments  
14 and agencies that impact water quality in the Long  
15 Island Sound watershed in order to improve the  
16 water quality and living resources of the watershed.

17 “(2) METHODS.—In carrying out this section,  
18 the Administrator, acting through the Director of  
19 the Office, may—

20 “(A) enter into interagency agreements;  
21 and

22 “(B) make intergovernmental personnel  
23 appointments.

24 “(3) FEDERAL PARTICIPATION IN WATERSHED  
25 PLANNING.—A Federal department or agency that

1 owns or occupies real property, or carries out activi-  
2 ties, within the Long Island Sound watershed shall  
3 participate in regional and subwatershed planning,  
4 protection, and restoration activities with respect to  
5 the watershed.

6 “(4) CONSISTENCY WITH COMPREHENSIVE CON-  
7 SERVATION AND MANAGEMENT PLAN.—To the max-  
8 imum extent practicable, the head of each Federal  
9 department and agency that owns or occupies real  
10 property, or carries out activities, within the Long  
11 Island Sound watershed shall ensure that the prop-  
12 erty and all activities carried out by the department  
13 or agency are consistent with the Long Island Sound  
14 Comprehensive Conservation and Management Plan  
15 (including any related subsequent agreements and  
16 plans).”.

17 (b) LONG ISLAND SOUND STEWARDSHIP PRO-  
18 GRAM.—

19 (1) LONG ISLAND SOUND STEWARDSHIP ADVI-  
20 SORY COMMITTEE.—Section 8 of the Long Island  
21 Sound Stewardship Act of 2006 (33 U.S.C. 1269  
22 note; Public Law 109–359) is amended—

23 (A) in subsection (g), by striking “2011”  
24 and inserting “2021”; and

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

1       “(h) NONAPPLICABILITY OF FACA.—The Federal  
2 Advisory Committee Act (5 U.S.C. App.) shall not apply  
3 to—

4               “(1) the Advisory Committee; or

5               “(2) any board, committee, or other group es-  
6 tablished under this Act.”.

7               (2) REPORTS.—Section 9(b)(1) of the Long Is-  
8 land Sound Stewardship Act of 2006 (33 U.S.C.  
9 1269 note; Public Law 109–359) is amended in the  
10 matter preceding subparagraph (A) by striking  
11 “2011” and inserting “2021”.

12               (3) AUTHORIZATION.—Section 11 of the Long  
13 Island Sound Stewardship Act of 2006 (33 U.S.C.  
14 1269 note; Public Law 109–359) is amended—

15                       (A) by striking subsection (a);

16                       (B) by redesignating subsections (b)  
17 through (d) as subsections (a) through (c), re-  
18 spectively; and

19                       (C) in subsection (a) (as so redesignated),  
20 by striking “under this section each” and in-  
21 serting “to carry out this Act for a”.

22               (4) EFFECTIVE DATE.—The amendments made  
23 by this subsection take effect on October 1, 2011.

1 **SEC. 7632. REAUTHORIZATION.**

2 (a) IN GENERAL.—There are authorized to be appro-  
3 priated to the Administrator such sums as are necessary  
4 for each of fiscal years 2017 through 2021 for the imple-  
5 mentation of—

6 (1) section 119 of the Federal Water Pollution  
7 Control Act (33 U.S.C. 1269), other than subsection  
8 (d) of that section; and

9 (2) the Long Island Sound Stewardship Act of  
10 2006 (33 U.S.C. 1269 note; Public Law 109–359).

11 (b) LONG ISLAND SOUND GRANTS.—There is author-  
12 ized to be appropriated to the Administrator to carry out  
13 section 119(d) of the Federal Water Pollution Control Act  
14 (33 U.S.C. 1269(d)) \$40,000,000 for each of fiscal years  
15 2017 through 2021.

16 (c) LONG ISLAND SOUND STEWARDSHIP GRANTS.—  
17 There is authorized to be appropriated to the Adminis-  
18 trator to carry out the Long Island Sound Stewardship  
19 Act of 2006 (33 U.S.C. 1269 note; Public Law 109–359)  
20 \$25,000,000 for each of fiscal years 2017 through 2021.

21 **Subtitle G—Offset**

22 **SEC. 7701. OFFSET.**

23 None of the funds available to the Secretary of En-  
24 ergy to provide any credit subsidy under subsection (d)  
25 of section 136 of the Energy Independence and Security  
26 Act of 2007 (42 U.S.C. 17013) as of the date of enact-

1 ment of this Act shall be obligated for new loan commit-  
2 ments under that subsection on or after October 1, 2020.

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