

PROVIDING FOR FURTHER CONSIDERATION OF THE BILL (H.R. 5303) TO PROVIDE FOR IMPROVEMENTS TO THE RIVERS AND HARBORS OF THE UNITED STATES, TO PROVIDE FOR THE CONSERVATION AND DEVELOPMENT OF WATER AND RELATED RESOURCES, AND FOR OTHER PURPOSES; PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 6094) TO PROVIDE FOR A 6-MONTH DELAY IN THE EFFECTIVE DATE OF A RULE OF THE DEPARTMENT OF LABOR RELATING TO INCOME THRESHOLDS FOR DETERMINING OVERTIME PAY FOR EXECUTIVE, ADMINISTRATIVE, PROFESSIONAL, OUTSIDE SALES, AND COMPUTER EMPLOYEES; AND PROVIDING FOR PROCEEDINGS DURING THE PERIOD FROM SEPTEMBER 29, 2016, THROUGH NOVEMBER 11, 2016

SEPTEMBER 27, 2016.—Referred to the House Calendar and ordered to be printed

Mr. WOODALL, from the Committee on Rules,
submitted the following

R E P O R T

[To accompany H. Res. 897]

The Committee on Rules, having had under consideration House Resolution 897, by a nonrecord vote, report the same to the House with the recommendation that the resolution be adopted.

SUMMARY OF PROVISIONS OF THE RESOLUTION

The resolution provides for further consideration of H.R. 5303, the Water Resources Development Act of 2016, under a structured rule. The resolution provides for no further general debate. The resolution makes in order only those further amendments printed in this report. Each such amendment may be offered only in the order printed in this report, may be offered only by a Member designated in this report, shall be considered as read, shall be debatable for the time specified in this report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question. The resolution waives all points of order against the amendments printed in this report. The resolution provides one motion to recommit with or without instructions.

Section 2 of the resolution provides for consideration of H.R. 6094, the Regulatory Relief for Small Businesses, Schools, and Nonprofits Act, under a closed rule. The resolution provides one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Education and the

Workforce. The resolution waives all points of order against consideration of the bill. The resolution provides that the bill shall be considered as read. The resolution waives all points of order against provisions in the bill. The resolution provides one motion to recommit.

Section 3 of the resolution provides that on any legislative day during the period from September 29, 2016, through November 11, 2016: the Journal of the proceedings of the previous day shall be considered as approved; and the Chair may at any time declare the House adjourned to meet at a date and time to be announced by the Chair in declaring the adjournment.

Section 4 of the resolution provides that the Speaker may appoint Members to perform the duties of the Chair for the duration of the period addressed by section 3.

Section 5 of the resolution provides that each day during the period addressed by section 3 of the resolution shall not constitute calendar days for the purposes of section 7 of the War Powers Resolution (50 U.S.C. 1546).

Section 6 of the resolution provides that each day during the period addressed by section 3 of the resolution shall not constitute a legislative day for purposes of clause 7 of rule XIII (resolutions of inquiry).

Section 7 of the resolution provides that for each day during the period addressed by section 3 shall not constitute a calendar or legislative day for purposes of clause 7(c)(1) of rule XXII (motions to instruct conferees).

EXPLANATION OF WAIVERS

Although the resolution waives all points of order against the amendments to H.R. 5303 printed in this report, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

Although the resolution waives all points of order against consideration of H.R. 6094, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

Although the resolution waives all points of order against provisions in H.R. 6094, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

SUMMARY OF THE AMENDMENTS TO H.R. 5303 MADE IN ORDER

1. Byrne (AL): Directs the Secretary to coordinate with all Gulf States on developing an oyster bed recovery assessment for beds that were damaged due to Hurricane Katrina, Deepwater Horizon and recent floods, adopting a modified version of the Senate passed text. (10 minutes)

2. Crawford (AR): Clarifies the Water Infrastructure Finance and Innovation Act (WIFIA) to make eligible alternative water delivery projects aimed at reducing aquifer depletion and makes a technical modification that ensures WIFIA financing arrangements take into account the total cost of the project. (10 minutes)

3. Culberson (TX), Green, Al (TX): Directs the Secretary to expedite the Brays Bayou flood mitigation project authorized by item 6 in section 211(f) of the Water Resources Development Act of 1996. (10 minutes)

4. Farenthold (TX): Provides that no new start or new investment decision shall be required to initiate work on a separable element of an authorized project when contraction of one or more separable elements of that project was initiated previously; it shall be considered ongoing work and it should be considered continuation of the fully authorized project. (10 minutes)

5. Johnson, Sam (TX), Sessions (TX), Ratcliffe (TX), Johnson, Eddie Bernice (TX): Requires the EPA and Army Corps of Engineers to issue the final federal permit for the Lower Bois d'Arc Creek Reservoir Project no later than September 30, 2017. (10 minutes)

6. Ribble (WI), Nolan (MN), Esty (CT): Provides that in carrying out the design, construction, maintenance, repair, and rehabilitation of water resources development projects, including flood risk reduction, coastal resiliency, and ecosystem restoration projects, the Secretary shall ensure that appropriate consideration is given to the use of natural and nature-based features. (10 minutes)

7. Rogers, Harold (KY): Clarifies that requirements imposed on floating cabins used in the Cumberland River Basin cannot be different or more stringent than the requirements imposed on all recreational vessels authorized for use in the Basin. (10 minutes)

8. Rouzer (NC): Directs the Army Corps of Engineers to work with state officials to establish a no wake zone in federal navigation channels when certain criteria are met. (10 minutes)

9. Meng (NY), Stefanik (NY): Allows the Army Corps of Engineers to pursue projects and technologies that prevent and mitigate flood damages associated with ice jams (chunks of ice floating on a river that catch on an obstruction such as a bridge piling, rocks logs, etc., pile up to form an ice dam, and cause flooding upstream from the blockage, and then possibly downstream again when the ice finally releases). (10 minutes)

10. Moore, Gwen (WI): Calls for the Army Corps to conduct a review of its tribal consultation policies and regulations. Provides that the Army Corps shall provide for public meetings with Indian tribes and other stakeholders and provide a report to Congress on the results of the 3 review. (10 minutes)

11. Peters, Scott (CA): Directs the Secretary to design and develop a structural health monitoring program to assess and improve the condition of infrastructure constructed and maintained by the Corps of Engineers, including research, design, and development of systems and frameworks for response to flood and earthquake events; pre-disaster mitigation measures; lengthening the useful life of the infrastructure; and identifying risks due to sea level rise. (10 minutes)

12. Quigley (IL): Expedites the completion of the project for flood control, Chicagoland Underflow Plan, Illinois, phase 2. (10 minutes)

13. Vela (TX), Farenthold (TX): Directs the Secretary of the Army to release the interests of the United States in certain tracts of land located in Cameron County, Texas, and for other purposes. (10 minutes)

14. Huizenga (MI): Makes permanent a set aside of Army Corps priority funding for the Great Lakes. (10 minutes)

15. Joyce (OH): Amends the Clean Water Act to reauthorize the Great Lakes Restoration Initiative. (10 minutes)

16. Bridenstine (OK), Russell (OK): Strengthens language requiring a feasibility study of Tulsa and West Tulsa levees. Prioritizes the project if study classifies levee or levee system Class I or Class II. (10 minutes)

17. Courtney (CT): Removes a breakwater in Stonington, Conn. as a federally authorized project. (10 minutes)

18. Newhouse (WA), Heck, Denny (WA), Kilmer (WA), Walden (OR): Directs the Chief of Engineers to transfer the human remains commonly known as the Kennewick Man or the Ancient One to the Washington State Department of Archeology and Historic Preservation, on the condition that the Department disposes of the remains and repatriates the remains to the claimant tribes. (10 minutes)

19. Kildee (MI), Moolenaar (MI): Authorizes the Secretary to provide additional assistance under section 219 of the Water Resources Development Act of 1992 for certain communities for the repair or replacement of public and private infrastructure in any State for which the President has declared an emergency under the Stafford Act as a result of the presence of chemical, physical, or biological constituents, including lead or other contaminants in the eligible system. (10 minutes)

TEXT OF AMENDMENTS TO H.R. 5303 MADE IN ORDER

1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BYRNE OF ALABAMA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title I, add the following:

SEC. ____ . GULF COAST OYSTER BED RECOVERY ASSESSMENT.

(a) DEFINITIONS.—In this section:

(1) GULF STATES.—The term “Gulf States” means each of the States of Alabama, Florida, Louisiana, Mississippi, and Texas.

(2) SECRETARY.—The term “Secretary” means the Secretary of the Army, acting through the Chief of Engineers.

(b) GULF COAST OYSTER BED RECOVERY ASSESSMENT.—The Secretary, in coordination with the Gulf States, shall conduct an assessment relating to the recovery of oyster beds on the coast of Gulf States that were damaged by events including—

(1) Hurricane Katrina in 2005;

(2) the Deepwater Horizon oil spill in 2010; and

(3) floods in 2011 and 2016.

(c) INCLUSION.—The assessment conducted under subsection (b) shall address the beneficial use of dredged material in providing substrate for oyster bed development.

(d) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the assessment conducted under subsection (b).

2. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE CRAWFORD OF ARKANSAS OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title I, add the following:

SEC. ____ . WATER INFRASTRUCTURE FINANCE AND INNOVATION.

(a) **PROJECTS ELIGIBLE FOR ASSISTANCE.**—Section 5026(6) of the Water Infrastructure Finance and Innovation Act of 2014 (33 U.S.C. 3905(6)) is amended by striking “or a water recycling project” and inserting “a water recycling project, or a project of the Corps of Engineers to provide alternative water supplies to reduce aquifer depletion”.

(b) **CREDIT.**—Section 5029(b) of the Water Infrastructure Finance and Innovation Act of 2014 (33 U.S.C. 3908(b)) is amended by adding at the end the following:

“(10) **CREDIT.**—With respect to a project of the Corps of Engineers to provide alternative water supplies to reduce aquifer depletion, any eligible project costs incurred and the value of any integral in-kind contributions made before receipt of assistance under this subtitle shall be credited toward the 51 percent of project costs to be provided by sources of funding other than a secured loan under this subtitle (as described in paragraph (2)(A)).”.

3. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE CULBERSON OF TEXAS OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title I, add the following:

SEC. 1 ____ . FLOOD MITIGATION AND RIERINE RESTORATION PROGRAM.

The Secretary shall expedite carrying out the project for flood risk management, Brays Bayou, Texas, authorized by item 6 in section 211(f) of the Water Resources Development Act of 1996 (Public Law 104–303).

4. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE FARENTHOLD OF TEXAS OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title I, add the following:

SEC. ____ . INITIATING WORK ON SEPARABLE ELEMENTS.

With respect to a water resources development project that has received construction funds in the previous 6-year period, for purposes of initiating work on a separable element of the project—

- (1) no new start or new investment decision shall be required; and
- (2) the work shall be treated as ongoing work.

5. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE JOHNSON OF TEXAS OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title I, add the following:

SEC. 153. LOWER BOIS D'ARC CREEK RESERVOIR PROJECT, FANNIN COUNTY, TEXAS.

(a) **FINALIZATION REQUIRED.**—Not later than September 30, 2017, the Secretary shall finalize all permit decisions and publish all decision documents related to the construction of, impoundment of water in, and operation of, the Lower Bois d'Arc Creek Reservoir Project, including any associated water transmission facilities, by

the North Texas Municipal Water District in Fannin County, Texas.

(b) INTERIM REPORT.—Not later than June 30, 2017, the Secretary shall report to Congress on the status of the permit decisions and related documents described in subsection (a) and whether or not the Secretary anticipates being able to meet the deadline established in such subsection, including, if applicable, a justification of why the Secretary may fail to meet such deadline.

6. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE RIBBLE OF WISCONSIN OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title I, add the following:

SEC. 1 . CONSIDERATION OF USE OF NATURAL AND NATURE-BASED FEATURE.

In carrying out the design, construction, maintenance, repair, and rehabilitation of development projects, including flood risk reduction, coastal resiliency, and ecosystem restoration projects, the Secretary shall ensure that appropriate consideration is given to the use of natural and nature-based features.

7. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE ROGERS OF KENTUCKY OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title I, add the following:

SEC. . RECREATIONAL ACCESS.

Section 1035 of the Water Resources Reform and Development Act of 2014 (Public Law 113–121; 128 Stat. 1234) is amended—

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

“(b) RECREATIONAL ACCESS.—The Secretary shall allow the use of a floating cabin on waters under the jurisdiction of the Secretary in the Cumberland River basin if—

“(1) the floating cabin—

“(A) is in compliance with, and maintained by the owner to satisfy the requirements of, regulations for recreational vessels, including health and safety standards, issued under chapter 43 of title 46, United States Code, and section 312 of the Federal Water Pollution Control Act (33 U.S.C. 1322); and

“(B) is located at a marina leased by the Corps of Engineers; and

“(2) the Secretary has authorized the use of recreational vessels on such waters.”; and

(2) by adding at the end the following:

“(c) LIMITATION ON STATUTORY CONSTRUCTION.—

“(1) IN GENERAL.—Nothing in this section may be construed to authorize the Secretary to impose requirements on a floating cabin or on any facility that serves a floating cabin, including marinas or docks located on waters under the jurisdiction of the Secretary in the Cumberland River basin, that are different or more stringent than the requirements imposed on all recreational vessels authorized to use such waters.

“(2) DEFINITIONS.—In this subsection, the following definitions apply:

“(A) VESSEL.—The term ‘vessel’ has the meaning given that term in section 3 of title 1, United States Code.

“(B) REQUIREMENT.—The term ‘requirement’ includes a requirement imposed through the utilization of guidance.”.

8. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE ROUZER OF NORTH CAROLINA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title I, add the following:

SEC. ____ . NO WAKE ZONES FOR VESSELS.

(a) IN GENERAL.—The Secretary shall work with State and local officials to establish a no wake zone for vessels in a covered navigation channel if—

(1) State or local law enforcement officers have documented that there exist safety hazards that are a direct result of excessive wakes in the channel;

(2) a State law has been enacted to establish a no wake zone for the channel or waters adjacent to the channel; and

(3) the no wake zone complies with any recommendation made by the Commandant of the Coast Guard to ensure the safety of vessels operating in the zone and the safety of the passengers and crew aboard such vessels.

(b) EXCEPTION.—A no wake zone established pursuant to this section shall not apply to the operation of a towing vessel, as defined in section 2101 of title 46, United States Code.

(c) COVERED NAVIGATION CHANNEL.—In this section, the term “covered navigation channel” means a navigation channel that—

(1) is federally marked or maintained;

(2) is part of the Atlantic Intracoastal Waterway; and

(3) is adjacent to a marina.

9. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MENG OF NEW YORK OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title I, add the following:

SEC. ____ . ICE JAM PREVENTION AND MITIGATION.

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

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

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

(2) universities;

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

(4) private organizations.

10. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MOORE OF WISCONSIN OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title I, add the following:

SEC. ____ . TRIBAL CONSULTATION.

(a) **REVIEW.**—Not later than 60 days after the date of enactment of this Act, the Secretary shall begin a review of the policies, regulations, and guidance related to conducting meaningful consultation with Indian tribes regarding Corps of Engineers flood control, environmental restoration, and other projects or requiring the Corps of Engineers to approve a permit that may have an impact on tribal cultural or natural resources.

(b) **CONTENTS.**—The review required under subsection (a) shall examine and assess the following:

(1) How tribal consultation rules apply to the permitting process, especially for projects not on tribal lands but which may still be contiguous to such lands or affect tribal cultural and natural resources.

(2) How the Corps of Engineers defines meaningful consultation.

(3) Whether the current process adequately considers tribal interests including environmental, social, health and well-being of tribal members.

(4) How the Corps of Engineers informs tribes that it will not consider concerns or alternatives raised during the consultation process.

(5) How the Corps of Engineers determines a project's impact on tribal communities including the Corps ability to protect cultural and natural resources such as water.

(6) The specific situations by which tribes have access to high level Corps of Engineers officials such as the Assistant Secretary of the Army (Civil Works) and the Chief of Engineers to dispute or otherwise direct concerns about pending Corps of Engineers projects or permits, including examples of instances in which the Corps of Engineers provided such access as part of its consultation with a tribe regarding a particular project.

(7) The role of headquarters in overseeing tribal consultation being done at the District and Division levels.

(8) The effectiveness of the dispute resolution process that has been developed to elevate tribal concerns to higher levels of Corps of Engineers oversight and review.

(9) Whether the Corps should undertake a rulemaking process related to its tribal consultation policies and procedures.

(c) **CONSULTATION.**—In completing the review required under subsection (a), the Secretary shall provide for public and private meetings with Indian tribes and other stakeholders.

(d) **REPORT.**—Not later than 1 year after beginning the review under subsection (a), the Secretary shall submit to Congress, and publish in the Federal Register, a report on—

(1) the results of the review;

(2) any proposed changes to the tribal consultation policies determined necessary as a result of the review; and

(3) if the Secretary determines that no changes to the tribal consultation policies are necessary, the justification for such determination.

11. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE PETERS OF CALIFORNIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title I, add the following:

SEC. ____ . STRUCTURAL HEALTH MONITORING.

(a) **IN GENERAL.**—The Secretary shall design and develop a structural health monitoring program to assess and improve the condition of infrastructure constructed and maintained by the Corps of Engineers, including research, design, and development of systems and frameworks for—

- (1) response to flood and earthquake events;
- (2) pre-disaster mitigation measures;
- (3) lengthening the useful life of the infrastructure; and
- (4) identifying risks due to sea level rise.

(b) **CONSULTATION AND CONSIDERATION.**—In developing the program under subsection (a), the Secretary shall—

- (1) consult with academic and other experts; and
- (2) consider models for maintenance and repair information, the development of degradation models for real-time measurements and environmental inputs, and research on qualitative inspection data as surrogate sensors.

12. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE QUIGLEY OF ILLINOIS OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title I, add the following:

SEC. ____ . EXPEDITED COMPLETION OF AUTHORIZED PROJECT FOR FLOOD CONTROL.

The Secretary shall expedite the completion of the project for flood control, Chicagoland Underflow Plan, Illinois, phase 2, as authorized by section 3(a)(5) of the Water Resources Development Act of 1988 (Public Law 100–676; 102 Stat. 4013) and modified by section 319 of the Water Resources Development Act of 1996 (Public Law 104–303; 110 Stat. 3715) and section 501 of the Water Resources Development Act of 1999 (Public Law 106–53; 113 Stat. 334).

13. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE VELA OF TEXAS OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title I, add the following:

SEC. ____ . CAMERON COUNTY, TEXAS.

(a) **RELEASE.**—As soon as practicable after the date of enactment of this Act, the Secretary shall execute and file in the appropriate office a deed of release, amended deed, or other appropriate instrument effectuating the release of the interests of the United States in certain tracts of land located in Cameron County, Texas, as described in subsection (e).

(b) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary may require that any release under this section be subject to such additional terms and conditions as the Secretary considers appropriate and necessary to protect the interests of the United States.

(c) **COSTS OF CONVEYANCE.**—The Brownsville Navigation District shall be responsible for all reasonable and necessary costs, includ-

ing real estate transaction and environmental documentation costs, associated with the releases.

(d) DESCRIPTION.—The Secretary shall release all or portions of the interests in the following tracts as determined by a survey to be paid for by the Brownsville Navigation District, that is satisfactory to the Secretary:

(1) Tract No. 1: Being approximately 1,277.80 acres as conveyed by the Brownsville Navigation District of Cameron County, Texas, to the United States by instrument dated September 22, 1932, and recorded at volume 238, pages 578 through 580, in the Deed Records of Cameron County, Texas, to be released and abandoned in its entirety, save and except the approximately 347.40 acres.

(2) Tract No. 2: Being approximately 842.28 acres as condemned by the United States by the Final Report of Commissioners dated May 6, 1938, and recorded at volume 281, pages 486 through 488, in the Deed Records of Cameron County, Texas, to be released and abandoned in its entirety, save and except approximately 158.14 acres comprised of an approximately 500 ft. wide strip centered on the centerline of the Brownsville Ship Channel.

(3) Tract No. 3: Being approximately 362.00 acres as conveyed by the Manufacturing and Distributing University to the United States by instrument dated March 3, 1936, and recorded at volume "R", page 123, in the Miscellaneous Deed Records of Cameron County, Texas, to be released and abandoned in its entirety.

(4) Tract No. 5: Being approximately 10.91 acres as conveyed by the Brownsville Navigation District of Cameron County, Texas, by instrument dated March 6, 1939, and recorded at volume 293, pages 113 through 115, in the Deed Records of Cameron County, Texas (said 10.91 acres are identified in said instrument as the "Third Tract"), to be partially released as to the land portion of the tract.

(5) Tract No. 9: Being approximately 552.82 acres as condemned by the United States by the Final Report of Commissioners dated May 6, 1938, and recorded at volume 281, pages 483 through 486, in the Deed Records of Cameron County, Texas, to be released and abandoned in its entirety, save and except approximately 88.04 acres comprised of an approximately 450 ft. wide strip along the new centerline of the Brownsville Ship Channel.

(6) Tract No. 10: Being approximately 325.02 acres as condemned by the United States by the Final Report of Commissioners dated May 7, 1935, and recorded at volume 281, pages 476 through 483, in the Deed Records of Cameron County, Texas, to be released and abandoned in its entirety, save and except approximately 61.58 acres comprised of an approximately 500 ft. wide strip centered on the new centerline of the Brownsville Ship Channel.

(7) Tract No. 11: Being approximately 8.85 acres as conveyed by the Brownsville Navigation District of Cameron County, Texas, to the United States by instrument dated January 23, 1939, and recorded at volume 293, pages 115 through 118, in the Deed Records of Cameron County, Texas (said 8.85 acres

are identified in said instrument as the “First Tract”), to be released and abandoned in its entirety, save and except a narrow area along the channel.

14. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE HUIZENGA OF MICHIGAN OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title I, add the following:

SEC. ____ . GREAT LAKES NAVIGATION SYSTEM.

Section 210(d)(1)(B) of the Water Resources Development Act of 1986 (33 U.S.C. 2238(d)(1)(B)) is amended in the matter preceding clause (i) by striking “For each of fiscal years 2015 through 2024” and inserting “For each fiscal year”.

15. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE JOYCE OF OHIO OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title I, add the following:

SEC. ____ . GREAT LAKES RESTORATION INITIATIVE.

Section 118(c)(7) of the Federal Water Pollution Control Act (33 U.S.C. 1268(c)(7)) is amended—

(1) by striking subparagraphs (B) and (C) and inserting the following:

“(B) FOCUS AREAS.—In carrying out the Initiative, the Administrator shall prioritize programs and projects, to be carried out in coordination with non-Federal partners, that address the priority areas described in the Initiative Action Plan, including—

“(i) the remediation of toxic substances and areas of concern;

“(ii) the prevention and control of invasive species and the impacts of invasive species;

“(iii) the protection and restoration of nearshore health and the prevention and mitigation of nonpoint source pollution;

“(iv) habitat and wildlife protection and restoration, including wetlands restoration and preservation; and

“(v) accountability, monitoring, evaluation, communication, and partnership activities.

“(C) PROJECTS.—

“(i) IN GENERAL.—In carrying out the Initiative, the Administrator shall collaborate with other Federal partners, including the Great Lakes Interagency Task Force established by Executive Order No. 13340 (69 Fed. Reg. 29043), to select the best combination of programs and projects for Great Lakes protection and restoration using appropriate principles and criteria, including whether a program or project provides—

“(I) the ability to achieve strategic and measurable environmental outcomes that implement the Initiative Action Plan and the Great Lakes Water Quality Agreement;

“(II) the feasibility of—

“(aa) prompt implementation;

“(bb) timely achievement of results; and

“(cc) resource leveraging; and

“(III) the opportunity to improve interagency, intergovernmental, and inter-organizational coordination and collaboration to reduce duplication and streamline efforts.

“(ii) OUTREACH.—In selecting the best combination of programs and projects for Great Lakes protection and restoration under clause (i), the Administrator shall consult with the Great Lakes States and Indian tribes and solicit input from other non-Federal stakeholders.

“(iii) HARMFUL ALGAL BLOOM COORDINATOR.—The Administrator shall designate a point person from an appropriate Federal partner to coordinate, with Federal partners and Great Lakes States, Indian tribes, and other non-Federal stakeholders, projects and activities under the Initiative involving harmful algal blooms in the Great Lakes.”;

(2) in subparagraph (D)—

(A) by striking clause (i) and inserting the following:

“(i) IN GENERAL.—Subject to subparagraph (J)(ii), funds made available to carry out the Initiative shall be used to strategically implement—

“(I) Federal projects;

“(II) projects carried out in coordination with States, Indian tribes, municipalities, institutions of higher education, and other organizations; and

“(III) operations and activities of the Program Office, including remediation of sediment contamination in areas of concern.”;

(B) in clause (ii)(I), by striking “(G)(i)” and inserting “(J)(i)”; and

(C) by inserting after clause (ii) the following:

“(iii) AGREEMENTS WITH NON-FEDERAL ENTITIES.—

“(I) IN GENERAL.—The Administrator, or the head of any other Federal department or agency receiving funds under clause (ii)(I), may make a grant to, or otherwise enter into an agreement with, a qualified non-Federal entity, as determined by the Administrator or the applicable head of the other Federal department or agency receiving funds, for planning, research, monitoring, outreach, or implementation of a project selected under subparagraph (C), to support the Initiative Action Plan or the Great Lakes Water Quality Agreement.

“(II) QUALIFIED NON-FEDERAL ENTITY.—For purposes of this clause, a qualified non-Federal entity may include a governmental entity, nonprofit organization, institution, or individual.”; and

(3) by striking subparagraphs (E) through (G) and inserting the following:

“(E) SCOPE.—

“(i) IN GENERAL.—Projects may be carried out under the Initiative on multiple levels, including—

“(I) locally;

“(II) Great Lakes-wide; or

“(III) Great Lakes basin-wide.

“(ii) LIMITATION.—No funds made available to carry out the Initiative may be used for any water infrastructure activity (other than a green infrastructure project that improves habitat and other ecosystem functions in the Great Lakes) for which financial assistance is received—

“(I) from a State water pollution control revolving fund established under title VI;

“(II) from a State drinking water revolving loan fund established under section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j–12); or

“(III) pursuant to the Water Infrastructure Finance and Innovation Act of 2014 (33 U.S.C. 3901 et seq.).

“(F) ACTIVITIES BY OTHER FEDERAL AGENCIES.—Each relevant Federal department or agency shall, to the maximum extent practicable—

“(i) maintain the base level of funding for the Great Lakes activities of that department or agency without regard to funding under the Initiative; and

“(ii) identify new activities and projects to support the environmental goals of the Initiative.

“(G) REVISION OF INITIATIVE ACTION PLAN.—

“(i) IN GENERAL.—Not less often than once every 5 years, the Administrator, in conjunction with the Great Lakes Interagency Task Force, shall review, and revise as appropriate, the Initiative Action Plan to guide the activities of the Initiative in addressing the restoration and protection of the Great Lakes system.

“(ii) OUTREACH.—In reviewing and revising the Initiative Action Plan under clause (i), the Administrator shall consult with the Great Lakes States and Indian tribes and solicit input from other non-Federal stakeholders.

“(H) MONITORING AND REPORTING.—The Administrator shall—

“(i) establish and maintain a process for monitoring and periodically reporting to the public on the progress made in implementing the Initiative Action Plan;

“(ii) make information about each project carried out under the Initiative Action Plan available on a public website; and

“(iii) provide to the House Committee on Transportation and Infrastructure and the Senate Committee on Environment and Public Works a yearly detailed description of the progress of the Initiative and amounts transferred to participating Federal departments and agencies under subparagraph (D)(ii).

“(I) INITIATIVE ACTION PLAN DEFINED.—In this paragraph, the term ‘Initiative Action Plan’ means the comprehensive, multi-year action plan for the restoration of the Great Lakes, first developed pursuant to the Joint Explanatory Statement of the Conference Report accompanying the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2010 (Public Law 111–88).

“(J) FUNDING.—

“(i) IN GENERAL.—There is authorized to be appropriated to carry out this paragraph \$300,000,000 for each of fiscal years 2017 through 2021.

“(ii) LIMITATION.—Nothing in this paragraph creates, expands, or amends the authority of the Administrator to implement programs or projects under—

“(I) this section;

“(II) the Initiative Action Plan; or

“(III) the Great Lakes Water Quality Agreement.”.

16. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BRIDENSTINE OF OKLAHOMA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 72, strike lines 19 through 21.

At the end of title II, add the following:

SEC. 2 . TULSA AND WEST TULSA, ARKANSAS RIVER, OKLAHOMA.

(1) IN GENERAL.—The Secretary shall conduct a study to determine the feasibility of modifying the projects for flood risk management, Tulsa and West Tulsa, Oklahoma, authorized by section 3 of the Act of August 18, 1941 (55 Stat. 645; chapter 377).

(2) REQUIREMENTS.—

(A) IN GENERAL.—In carrying out the study under paragraph (1), the Secretary shall address project deficiencies, uncertainties, and significant data gaps, including material, construction, and subsurface, which render the project at risk of overtopping, breaching, or system failure.

(B) ADDRESSING DEFICIENCIES.—In addressing deficiencies under subparagraph (A), the Secretary shall incorporate current design standards and efficiency improvements, including the replacement of mechanical and electrical components at pumping stations, if the incorporation does not significantly change the scope, function, or purpose of the project.

(3) PRIORITIZATION TO ADDRESS SIGNIFICANT RISKS.—In any case in which a levee or levee system (as defined in section 9002 of the Water Resources Reform and Development Act of 2007 (33 U.S.C. 3301)) is classified as a Class I or II under the levee safety action classification tool developed by the Corps of Engineers, the Secretary shall expedite the project for budget consideration.

17. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE COURTNEY OF CONNECTICUT OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title III, add the following:

SEC. ____ . STONINGTON HARBOR, CONNECTICUT.

The portion of the project for navigation, Stonington Harbor, Connecticut, authorized by the Act of May 23, 1828 (4 Stat. 288; chapter 73) that consists of the inner stone breakwater that begins at coordinates N. 682,146.42, E. 1231,378.69, running north 83.587 degrees west 166.79' to a point N. 682,165.05, E. 1,231,212.94, running north 69.209 degrees west 380.89' to a point N. 682,300.25, E. 1,230,856.86, is no longer authorized as a Federal project beginning on the date of enactment of this Act.

18. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE NEWHOUSE OF WASHINGTON OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title I, add the following:

SEC. ____ . KENNEWICK MAN.

(a) DEFINITIONS.—In this section:

(1) CLAIMANT TRIBES.—The term “claimant tribes” means the Confederated Tribes of the Colville Reservation, the Confederated Tribes and Bands of the Yakama Nation, the Nez Perce Tribe, the Confederated Tribes of the Umatilla Reservation, and the Wanapum Band of Priest Rapids.

(2) DEPARTMENT.—The term “Department” means the Washington State Department of Archaeology and Historic Preservation.

(3) HUMAN REMAINS.—The term “human remains” means the human remains that—

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

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

(b) TRANSFER.—Notwithstanding any other provision of Federal law, including the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.), or law of the State of Washington, not later than 90 days after the date of enactment of this Act, the Secretary, acting through the Chief of Engineers, shall transfer the human remains to the Department, on the condition that the Department, acting through the State Historic Preservation Officer, disposes of the remains and repatriates the remains to claimant tribes.

(c) TERMS AND CONDITIONS.—The transfer shall be subject to the following terms and conditions:

(1) The release of the human remains to the claimant tribes is contingent upon the claimant tribes entering into agreement with the Department.

(2) The claimant tribes are in agreement as to the final burial place of the human remains.

(3) The claimant tribes are in agreement that the human remains will be buried in the State of Washington.

(4) The claimant tribes are in agreement that the Department will take custody of the human remains upon the transfer by the Secretary.

(d) COST.—The Corps of Engineers shall be responsible for any costs associated with the transfer.

(e) LIMITATIONS.—

(1) IN GENERAL.—The transfer shall be limited solely to the human remains portion of the archaeological collection.

(2) SECRETARY.—The Secretary shall have no further responsibility for the human remains transferred pursuant to subsection (b) after the date of the transfer.

19. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE KILDEE OF MICHIGAN OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title I, add the following:

SEC. 1 . . . ADDITIONAL ASSISTANCE.

Section 219 of the Water Resources Development Act of 1992 (Public Law 102-580; 106 Stat. 4835) is amended by adding at the end the following:

“(g) ADDITIONAL ASSISTANCE.—Notwithstanding any limitation on project purposes identified in subsections (c) or (f), or limitation on authorization, the Secretary may provide additional assistance under subsection (a), and assistance for construction, to any community identified in subsection (c) or (f), in any State for which the President has declared an emergency under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), as a result of the presence of chemical, physical, or biological constituents, including lead or other contaminants in the eligible system, for the repair or replacement of public and private infrastructure.

“(h) AUTHORIZATION OF APPROPRIATIONS.—For the purposes under paragraph (g), there is authorized to be appropriated \$170,000,000 to remain available until expended.”