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WATER RESOURCES DEVELOPMENT ACT OF 2016

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Mr. INHOFE, from the Committee on Environment and Public Works, submitted the following

R E P O R T

[To accompany S. 2848]

[Including cost estimate of the Congressional Budget Office]

The Committee on Environment and Public Works, to which was referred the bill (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, having considered the same, reports favorably thereon with amendments and recommends that the bill, as amended, do pass.

GENERAL STATEMENT AND BACKGROUND

The Water Resources Development Act of 2016 (WRDA 2016), addresses both the civil works program of the Army Corps of Engineers and the Safe Drinking Water Act and Clean Water Act programs implemented by the Environmental Protection Agency, as well as certain innovative technology and regional restoration programs.

Corps of Engineers Civil Works Program

The Secretary of the Army, acting through the Army Corps of Engineers ("Corps") implements the Corps' civil works program, which is the nations' largest water resources program. The Corps' civil works responsibilities include navigation, flood control, shoreline protection, hydropower, dam safety, water supply, recreation, environmental restoration and protection, and disaster response recovery.

Over all, Corps projects help to generate $109.83 billion in net annual economic benefits and generate $34.16 billion in revenue to the U.S. Treasury.

The Corps operates and/or maintains 13,000 miles of commercial deep draft ship channels and 12,000 miles of commercial inland waterways, which serve 41 states and transports much of the cargo moved by waterways.

Approximately $1.4 trillion worth of goods move each year through our ports, from and to every corner of America and the world. $200 billion in federal, state, and local tax revenue is generated by our ports every year. Expansion of the Panama Canal is 98% complete, allowing more and larger ships to call on America's ports. By 2030, post-Panamax vessels will account for 62% of the global container fleet. According to the Corps' Institute for Water Resources, imports and exports are expected to grow more than fourfold and sevenfold, respectively, over the next 30 years. Our infrastructure must be ready for this expected growth in order for the U.S. to remain globally competitive.

Nationwide, the benefits-to-cost ratio for flood protection projects is 7.95-to-1. Average annual flood damage prevented through the Corps mission is estimated at $47.7 billion (between FY 2005–2014).

Corps reservoirs are authorized to hold 9.8 million acre feet of municipal and industrial water supply and produce 25% of the nation's hydropower (3% of total U.S. electric capacity).

In a February 10, 2016 hearing on "The Importance of Enacting a Water Resources Development Act," the Committee heard from users of water resources infrastructure about the need to improve and maintain that infrastructure, and the need for innovative ways to let project sponsors help keep that infrastructure operational. The Committee also heard about the tremendous economic benefits the nation derives from water resources infrastructure, as well as the jobs created and economic benefits derived when the federal government invests in water resources infrastructure.

In a March 16, 2016, hearing on "The Water Resources Development Act—Policies and Projects," the Committee heard from the Assistant Secretary of the Army and the Chief of Engineers regarding the projects submitted to Congress.

Implementing the reforms of Water Resources Reform and Development Act of 2014

The most recent WRDA bill was the Water Resources Reform and Development Act of 2014 (WRRDA 2014), enacted as P.L. 113–121 in June 2014.

One of the reforms enacted in WRRDA 2014 is a new process for initiating the authorization of water resources development projects, project modifications, and studies. Under Section 7001 of that legislation, Congress called for the Secretary of the Army to submit an annual report to the congressional authorizing committees of potential and publicly submitted study and project authorizations and revisions for Congress to consider for authorization. WRRDA 2014 further required the Corps to include in the annual report an identification of those study and project authorizations and revisions that are related to the mission of the Corps of Engineers and require Congressional authorization. The first annual re-

port was delivered to Congress in February 2015. The second annual report was delivered in February 2016. Implementing this new process, WRDA 2016 authorizes 26 new studies and modifications approved by the Secretary for submission to Congress under section 7001 of WRRDA 2014, as well as 27 new projects and 4 project modifications recommended in reports of the Chief of Engineers and Director of Civil Works.

WRRDA 2014 also included important reforms to increase flexibility for non-Federal sponsors of Corps projects and accelerate project delivery. Not all of those reforms have been implemented. In particular, the Corps has not yet issued implementation guidance relating to acceleration of project delivery, expediting the approval of modifications and alterations of Corps projects, vegetation management, levee certifications, and levee safety. WRRDA 2014 also included significant changes to the Harbor Maintenance Trust Fund which are also awaiting implementation guidance. The Committee also is concerned about the Corps' failure to reach out to interested stakeholders regarding implementation guidance. For example, the Committee expects the Corps to reach out to levee districts when developing guidance related to levee systems, such as vegetation management.

As described below, WRDA 2016 builds on the reforms of WRRDA 2014 and, through authorities under the Corps of Engineers civil works program, addresses the projects and policies necessary to meet our nation's navigation, flood control, ecosystem restoration, and water supply needs.

Given the importance of Corps' programs and projects, the Committee places a high priority on enactment of a Water Resources Development Act (WRDA) every two years. The biennial WRDA authorization is also important to the non-federal stakeholders who rely on the predictability of WRDA for the timely authorization of Chief's Reports, and needed project modifications. S. 2848 meets that objective.

EPA Safe Drinking Water Act and Clean Water Act programs

The Federal Water Pollution Control Act (Clean Water Act or CWA), first enacted in 1948 and significantly amended in 1972 to take its current form, establishes a framework for protecting water quality based on a comprehensive State-Federal program to control the discharges of pollutants into waterways and to provide Federal financial assistance to improve water quality and comply with the requirements of the Act.

Our nation's wastewater infrastructure includes 16,000 publicly owned wastewater treatment plants, 100,000 major pumping stations, 600,000 miles of sanitary sewers, and 200,000 miles of storm sewers. Initial efforts under the CWA focused on bringing all communities into compliance with secondary treatment standards for the discharge of sewage. This effort was supported by federal grants totaling over $60 billion between 1973 and 1987.

The 1987 amendments to the CWA shifted federal assistance away from grants and created state revolving loan funds. Under these amendments, each state receives a grant each year from Congress to capitalize its own state revolving fund. The states then use these funds to make low interest loans to communities to help with CWA compliance. States also may use a portion of the funding to

provide additional subsidies for disadvantaged communities (as determined by the State).

Through Fiscal Year 2016, Congress has provided $40.4 billion in capitalization grants for the state SRFs, including $1.394 billion in FY 2016. States provide an additional 20% in matching funds.

The Safe Drinking Water Act (SDWA), first enacted in 1974, authorizes EPA to establish maximum contaminant levels for drinking water to protect public health. SDWA standards apply to community water systems that have at least 15 service connections or serve at least 25 people per day for 60 days of the year.

To help communities meet the health based requirements of the SDWA, in 1996, that statute was amended to add a state revolving loan fund program, the Drinking Water SRFs. Like the Clean Water SRFs, the Drinking Water SRFs provide low interest loans to community water systems. States also may use a portion of the funding to provide additional subsidies for disadvantaged communities (as determined by the State).

Through Fiscal Year 2016, Congress has provided $19.86 billion in capitalization grants for the state SRFs, including $863 million in FY 2016. States provide an additional 20% in matching funds.

In its "needs surveys," EPA has identified $384 billion in drinking water needs and $271 billion in wastewater needs over the next 20 years based on capital improvement plans developed by local utilities.

For sewer infrastructure, the needs are especially urgent for many areas trying to remedy the problem of combined sewer overflows (CSOs) and sanitary sewer overflows (SSOs), often associated with systems with insufficient capacity to address wet weather conditions, and for communities lacking sufficient independent financing ability.

In an April 7, 2016 on "The Federal Role in Keeping Water and Wastewater Infrastructure Affordable," the Committee heard that our nation's ability to provide clean water and safe drinking water is being challenged, as our existing national wastewater infrastructure is aging, deteriorating, and in need of repair, replacement, and upgrading.

The Committee also heard suggestions for improving EPA's approach to evaluating the affordability of infrastructure improvements.

Witnesses recommended financial support through grants and the state revolving loan funds, a different approach to determining the affordability of infrastructure investments, and the use of integrated planning and green infrastructure to help make infrastructure more affordable. Witnesses also recommended that federal grant assistance be targeted to those most in need. Finally, witnesses expressed support for innovative financing, like the Water Infrastructure Finance and Innovations Act (WIFIA), enacted as part of WRRDA 2014. WIFIA allows EPA to make secured loans for drinking water and wastewater infrastructure, desalination, water recycling, and aquifer recharge and allows the Corps of Engineers to make secured loans for flood control, navigation, and ecosystem restoration.

Investments in water infrastructure are essential for protecting public health and the environment. However, these investments also have economic benefits. In addition to recommendations for

making infrastructure improvements affordable, the Committee received the results of a study carried out by the Water Environment Federation (WEF) and the WaterReuse Association regarding the economic benefits of investing in water and sewer infrastructure through the state revolving loan funds. This study used the IMPLAN model, which was originally developed by the U.S. Forest Service in 1972 and is used by thousands of federal, state, and local government agencies to help make informed decisions and assess the potential impacts of policy and tax decisions on the economy. According to the WEF/WaterReuse Association study, the IMPLAN captures the effect of spending as it ripples through the economy:

For example, utility spending of SRF funds results in direct spending on construction contractors (direct effect). The construction contractors then spend this money on goods and services that they need to operate their businesses (indirect effect). Direct and indirect spending generate employment, creating additional income for households that generates even more spending (the induced effect). The total economic impact is the sum of direct, indirect, and induced effects. This generates federal, state, and local tax revenues.

Assuming $34.7 billion in combined Clean Water and Safe Drinking Water SRF federal investments between 2017 and 2021, the IMPLAN model estimates that this level of investment will generate $7.43 billion in federal tax revenues. "Thus, for every federal dollar of federal SRF spending, 21.4% is returned to the federal government in the form of taxes."

The federal investment is only 23% of total SRF spending, which includes state matching funds and program loan repayments. Thus, $34.7 billion in federal capitalization grants would leverage an additional $116.2 billion in state spending ($151 billion total). The IMPLAN model shows that this overall investment, made possible by the initial federal investment, would result in $32.3 billion in federal tax revenue. "Thus, when leveraged state program funds are taken into account, every dollar of federal SRF spending results in $0.93 in federal tax revenue."

The WEF/WaterReuse Association study also evaluated increased employment and labor income, and economic output resulting from federal investments in the SRFs. They concluded the following:

- On average, 16.5 jobs are generated for every million dollars in SRF spending. The proposed $34.7 billion federal allocation will result in 506,000 jobs.
- SRF spending generates high-paying jobs each job is estimated to bring about $60,000 in labor income.
- Every million dollars of SRF spending results in $2.95 million in output for the U.S. economy. Thus, the proposed $34.7 billion federal allocation will generate $102.7 billion in total economic output.

This study and others demonstrate that investments in drinking water and wastewater infrastructure are not only beneficial to public health and the environment, they have significant economic benefits.

As described below, WRDA 2016 includes authorities and programs to support drinking water and wastewater infrastructure and to make investments in that infrastructure more affordable.

The legislation also includes a measure to address lead in drinking water.

Water supply and innovative technology

Many states, particularly in the west, have experienced a prolonged drought. That has led to calls for ways to increase available supplies of water. In an April 20, 2016, hearing on "New Approaches and Innovative Technologies to Improve Water Supply" the Committee heard from witnesses about the benefits of innovative technologies, including desalination and water reuse and recycling, as well as the authorities of the Corps of Engineers to assist with water supply needs.

As described below, WRDA 2016 supports the use of innovative technologies, increasing water supplies, and addressing drought.

OBJECTIVES OF THE LEGISLATION

The objectives of S. 2848 are to meet the nation's needs for navigation, flood control, ecosystem restoration, drinking water, and clean water infrastructure, while also expanding drinking water supplies through innovative technologies and drought preparedness.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title; Table of contents

Section 1 states that the Act may be cited as the "Water Resources Development Act of 2016" and includes a Table of Contents.

Sec. 2. Definition of Secretary

Section 2 defines the term "Secretary" for the purposes of the Act as the Secretary of the Army.

Sec. 3. Limitations

Section 3 makes it clear that the Act does not supersede written agreements with the Federal government; supersede or modify any multistate water control plan; affect water rights; preempt or affect State water law or interstate compacts governing water; or affect any other authority of a State to manage water resources within the State.

TITLE I—PROGRAM REFORMS

Sec. 1001. Study of water resources development projects by non-federal interests

Section 1001 authorizes the Secretary to provide technical assistance to a non-federal sponsor that is developing its own feasibility study under section 203 of WRDA 1986.

Sec. 1002. Advanced funds for water resources development studies and projects

Section 1002 expands the existing authority of the Secretary to accept funds from states and local governments to carry out water resources projects to apply to all projects (not just flood control)

and expands the definition of state to include territories and Indian Tribes.

Sec. 1003. Authority to accept and use materials and services

Section 1003 amends the section 1024 authority of the Secretary in WRRDA 2014 to accept and use materials and services donated by non-federal interests to include funds and to allow the donated funds, materials and services to address any risks to the functioning of the project, not just emergencies.

Sec. 1004. Partnerships with non-federal entities to protect the federal investment

Section 1004 authorizes the Secretary to establish partnerships with non-federal interests to allow the non-federal interests to help address the backlog of maintenance at Corps projects by maintaining the projects at their own expense.

Sec. 1005. Non-federal study and construction of projects

Section 1005 authorizes the Secretary to accept non-federal funds to help non-federal sponsors that are developing their own feasibility study under section 203 of WRDA 1986 or carrying out the construction of an authorized federal water resources project under section 204 of WRDA 1985 with related environmental reviews and other federal requirements. Such funds would be eligible for credit or reimbursement.

Sec. 1006. Munitions disposal

Section 1006 clarifies the Corps of Engineers' authority to dispose of munitions that may be found washed up on beaches in the area where the Corps of Engineers is carrying out a water resources project by allowing the Corps to proceed using its own funding and seek reimbursement from responsible Department of Defense elements.

Sec. 1007. Challenge cost-sharing program for management of recreation facilities

Section 1007 authorizes the Secretary to allow service providers to operate Corps recreation facilities and collect and keep user fees for that purpose, allowing parks closed due to budget cuts to reopen.

Sec. 1008. Structures and facilities constructed by the secretary

Section 14 of the Rivers and Harbors Act of 1899, codified at 33 U.S.C. 408, prohibits certain activities that take possession of, use, damage, or "in any manner whatever impair the usefulness of" certain features at a Corps of Engineers project. The statute references "any sea wall, bulkhead, jetty, dike, levee, wharf, pier, or other work built by the United States" and certain other objects serving particular functions. Under the Corps' implementation of the statute, non-federal entities seeking to alter, use, or cross a federal water resources project must obtain permission from the Secretary (known as a section 408 permit). Section 1007 of WRRDA 2014 requires the Secretary to establish benchmark goals for completing section 408 permits in a timely fashion. This is another section of WRRDA 2014 that the Corps has not yet implemented.

Until recently, the District Engineer could approve alterations to local flood control projects under 33 C.F.R. 208.10. In July 2014, the Corps issued Engineering Circular No. 1165–2–216, which purports to supersede the regulation promulgated at 33 C.F.R. 208.10, and require all alterations of Corps projects to receive a 408 permit. The Committee has heard concerns from stakeholders about the new process.

Under section 1008 of WRDA 2016 if section 408 applies to a proposal to alter a local flood control works a decision may be made at the District level. If a review under the National Environmental Policy Act of 1969 (NEPA) is required and the Corps is not the lead agency for the review, this section requires the Corps, to the maximum extent practicable, to conduct its review concurrently, as a cooperating agency, using the same environmental documents.

The Committee also notes that the Corps has many authorities that protect Corps projects. The Committee directs the Corps to ensure coordination of these authorities, including section 10 of the Rivers and Harbors Act of 1899, with any review under section 408.

The Committee is aware of concerns that the Corps in some instances does not allow the use of electronic signatures for 408 permits even though federal law recognizes the validity of electronic signatures and in 1998 Congress passed legislation, the Government Paperwork Elimination Act (44 U.S.C. 3504 note; P.L. 105–277) to encourage agencies to use electronic signatures. The Committee directs the Secretary to provide an explanation to the Committee why electronic signatures are not being used by all Corps Districts, consistent with the Government Paperwork Elimination Act.

Sec. 1009. Project completion

Section 1009 raises the authorization ceiling for projects authorized under Section 219 of WRDA 1992 that are already under construction and need an increased authorization to allow completion of the project.

Sec. 1010. Contributed funds

Section 1010 amends the authority of the Secretary under 33 U.S.C. 701h to accept funds from non-Federal interests to allow the Secretary to accept non-Federal funds whether or not Federal funds have been appropriated for a project. This section also streamlines the approval process for acceptance of funds by replacing Congressional pre-notification with notification in an annual report.

Sec. 1011. Application of certain benefits and costs included in final feasibility studies

Section 1011 requires the Corps to use the economic analyses conducted under section 6009 of the 2005 Emergency Supplemental Appropriations Act (Public Law 109–13), which directed the Corps to include the value of energy exploration and production and transportation cost savings resulting from larger navigation channels in their analysis of project benefits.

Sec. 1012. Leveraging federal infrastructure for increased water supply

The Committee heard concerns about the need to increase available supplies of water and the potential to use existing water resources infrastructure to increase water supplies. To facilitate consideration of such use, section 1012 directs the Secretary to review proposals to increase water supplies by increasing storage capacity, modifying project management, or accessing water that has been released. The non-Federal interest can contribute funds to the Corps to defray the costs of review of a proposal. Proposals can only be approved under existing Corps authorities (no new authority is created). This section does not supersede any requirements of current law, including public participation requirements under WRDA 1988 and WRDA 1990. The Committee notes that under current law separate Congressional approval is required if a project would seriously affect project purposes or involve major structural or operational changes. This section does not authorize the Secretary to approve such projects.

If a proposal is approved under the existing authorities listed in subsection (c), 100 percent of the cost of implementation is borne by the non-Federal interest. Future operation and maintenance paid the non-Federal interest is only the separable cost attributable to the alternation. The provision does not apply to the Upper Missouri River reservoirs or reservoirs in the Apalachicola-Chattahoochee-Flint river system and the Alabama-Coosa-Tallapoosa river system.

This section applies only to proposals to increase available water supplies. Proposals to reallocate existing supplies of water are not eligible for consideration under this section so no existing project sponsors or beneficiaries would be affected. Further, as provided in section 3 of this Act, this authority does not supersede written agreements with the Federal government; supersede or modify any multistate water control plan; affect water rights; preempt or affect State water law or interstate compacts governing water; or affect any other authority of a State to manage water resources within the State.

Sec. 1013. New England District Headquarters

The Corps of Engineers has funding available to upgrade its facilities. However, to use those funds, it needs Congressional authorization. Section 1013 authorizes use of the Plant Replacement Improvement Program Revolving Fund to construct a new headquarters for the New England District.

Sec. 1014. Buffalo District Headquarters

The Corps of Engineers has funding available to upgrade its facilities. However, to use those funds, it needs Congressional authorization. Section 1014 authorizes use of the Plant Replacement Improvement Program Revolving Fund (these are existing funds) to construct a new headquarters for the Buffalo District.

Sec. 1015. Completion of ecosystem restoration projects

The Committee heard concerns from non-Federal sponsors about the requirement to maintain ecosystem restoration projects in perpetuity. As with compensatory mitigation projects under the Clean

Water Act, the Committee believes that ecosystem restoration can be completed, alleviating the need for perpetual maintenance. Section 1015 establishes a process for determining when an ecosystem restoration project is complete by amending the requirement for monitoring ecosystem restoration projects in section 2039 of WRDA 2007 to develop ecological success criteria and to allow operation and maintenance of the project to be concluded 10 years after the ecological success criteria are met.

Sec. 1016. Credit for donated goods

The Committee heard concern that the Corps is refusing to credit towards a non-Federal share of project costs the value of lands or other materials if the non-Federal sponsor received the lands or materials as donations. This section requires the Corps to use the value of in-kind contributions, rather than the cost incurred by the non-Federal sponsor, when calculating the amount of credit a non-Federal interest will receive for in-kind contributions.

Sec. 1017. Structural health monitoring

Section 1017 directs the Secretary to develop a structural health monitoring program to assess and improve the condition of water resources infrastructure. The Committee expects the Secretary to consult with academic and other experts and use models and research to carry out this section.

Sec. 1018. Fish and wildlife mitigation

Section 1018 amends section 906 of WRDA 1996 to include habitat connectivity as a component of voluntary programmatic mitigation plans authorized under that section. Nothing in this section requires consideration of habitat connectivity when developing mitigation plans under any other section of law. In adding habitat connectivity to these voluntary plans, the Committee does not intend to the Secretary to require any retrofitting or modification of existing projects.

Under current law a voluntary programmatic mitigation plan may include standard measures for mitigating impacts. This section amends that provision of law to include habitat connectivity. To assist in the development of voluntary programmatic mitigation plans that include habitat connectivity, the Committee directs the Secretary to convene a workshop that is open to all interested members of the public as well as representatives of the U.S. Fish and Wildlife Service, States, including State fish and game departments, and interested local governments. This workshop should be used to obtain input on metrics that reflect the best available scientific information for evaluating habitat connectivity and incorporating such measures in voluntary programmatic mitigation plans.

Section 1018 also authorizes the use of preconstruction engineering and design funds for fish and wildlife mitigation.

Sec. 1019. Non-Federal interests

Section 1019 amends section 221 of the Flood Control Act of 1970 to allow Alaska Native villages and regional and village corporations to be non-Federal sponsors of Corps projects.

Sec. 1020. Discrete segment

Section 204 of WRDA 1986 allows non-Federal interests to construct Corps projects and seek credit for or reimbursement of the funds they expend if they meet the requirements of section 204(d) (which include a determination of feasibility and compliance with all Federal laws and regulations, approval of the construction plans, and a written partnership agreement under section 221 of the Flood Control Act of 1970). Section 211 of WRDA 1996 provides similar authority for flood control projects only. Section 204 authorizes credit or reimbursement for "a projects or separable element." Section 211 authorizes credit or reimbursement for "work." Under Policy Guidance Letter No. 53—Implementation of Section 211 of the Water Resources Development Act of 1996, dated December 9, 1997, the Corps interprets the term "work" to mean a discrete segment of a project for the purpose of credit or reimbursement. Section 1020 amends section 204 of WRDA 1986 to make the credit and reimbursement authority under that section consistent with section 211 of WRDA 1996 by authorizing credit or reimbursement for discrete segments, as defined in Policy Guidance Letter No. 53.

Sec. 1021. Funding to process permits

Section 1021 amends section 214 of WRDA 2000 to allow rail carriers to provide funding to the Corps to defray costs of reviewing permits under jurisdiction of the Department of the Army.

Sec. 1022. International outreach program

Section 1022 amends 401 of WRDA 1992 to authorize the Secretary to facilitate transfer of technology from other countries that could improve water resources development in the United States.

Sec. 1023. Wetlands mitigation

Section 1023 amends section 2036 of WRDA 2007 to require the Secretary to issue guidance regarding credits available from mitigation banks and in-lieu fee programs and provides that mitigation banks and in-lieu fee programs be considered reasonable alternatives when planning water resources development projects.

Sec. 1024. Use of youth service and conservation corps

Section 1024 amends section 213 of WRDA 2000 to direct the Secretary to encourage cooperative agreements with youth service and conservation corps.

Sec. 1025. Debris removal

Section 1025 amends section 3 of the Rivers and Harbors Act of March 2, 1945 to expand the Corps' debris removal authority to include debris adjacent to the Federal channel that would affect the navigability of the channel.

Sec. 1026. Aquaculture study

The Committee has heard concern about the regulation of shellfish hatcheries, particularly by the Seattle District of the Corps of Engineers and the Districts with jurisdiction over the Chesapeake Bay. Section 1026 requires the Government Accountability Office (GAO) to study the differing regulatory treatment of shellfish hatcheries across Corps districts.

In addition to the other requirements included in this section, while undertaking review of the Chesapeake Bay study area the Comptroller General shall also include a review of the National Oceanic and Atmospheric Agency's (NOAA) 2004 Chesapeake Bay Oyster Management Plan and the Regional General Permit (RGP) developed by the U.S. Army Corps of Engineers and the State of Maryland in 2011 and the effectiveness in oyster aquaculture permitting. This review shall consider differences in the oyster aquaculture application process and industry in different areas of the Chesapeake Bay.

Sec. 1027. Levee vegetation

Section 1027 amends section 3013 of WRRDA 2014 to clarify the levee vegetation management policy adopted under that section by prohibiting the Corps from requiring or carrying out vegetation removal (unless there is an unacceptable safety risk) until they issue new guidelines. The Committee is concerned about the Corps' failure to issue new vegetation management guidelines and this section requires the Corps to explain why they have failed to develop the new guidelines required in WRRDA 2014.

Sec. 1028. Planning assistance to States

Section 1028 amends section 22 of WRDA 1974 to clarify that the authority under that section to provide planning assistance to states also includes authority to provide assistance to regional or national consortia of states.

Sec. 1029. Prioritization

Section 1029 amends section 1011 of WRRDA 2014 to clarify that the prioritization of hurricane and storm damage reduction efforts in that section includes restoration of wetlands as well as loss of wetlands. This section also updates the deadline for a report to Congress on implementation of this section and requires an additional report on the implementation of the ecosystem restoration prioritization requirements of that section, including a list of programmatic ecosystem restoration authorities that meet the prioritization requirements in this section.

Sec. 1030. Kennewick Man

Section 1030 requires the Corps to repatriate the Kennewick Man (a 9000 year old skeleton found by the Corps of Engineers) to the tribes that scientific studies have demonstrated are descendants.

Sec. 1031. Review of Corps of Engineers assets

Section 1031 requires the review of Corps assets required in section 6002 of WRRDA 2014 to include a review of the economic, cultural, historic, or recreational significance of the assets.

Sec. 1032. Review of reservoir operations

The purpose of section 1032 is to encourage the Corps to update reservoir management based on best available science to better address drought conditions, without adversely affecting any other authorized purpose.

Under Corps guidance these manuals are to be reviewed every ten years and revised as needed to account for demographic, hydrologic, environmental, and technological changes that have occurred within the basins. Updates must comply with regulatory requirements, NEPA and the public involvement requirements of section 5 of WRDA 1988 and section 310 of WRDA 1990.

The Committee is concerned that the Corps does not regularly update its water control manuals and as a result many manuals may include flood forecasting rule curves that may be outdated. This is a concern in areas that are enduring prolonged drought conditions because an outdated flood forecasting rule curve may result in the release of more water to create flood storage than is necessary to provide flood protection, making that water unavailable to address other authorized purposes, including water supply needs aggravated by drought.

Section 1032 directs the Secretary to review Corps reservoir operations, upon the request of a non-Federal interest, with a priority for areas with prolonged drought and reservoirs for which no review has occurred in the prior 10 years. The review is to evaluate improving weather forecasting and run-off forecasting. If the Secretary determines that use of best available science will improve one or more authorized purposes of the reservoir, the Secretary is directed to update the manual to incorporate such best available science. The Secretary is authorized to accept non-Federal funds to review reservoir operations and update operation manuals.

This section requires consultation with project sponsors with operation and maintenance responsibilities, entities with storage entitlements, and agencies with downstream flood control responsibilities. This section does not supersede any requirements of current law, including public participation requirements under WRDA 1988 and WRDA 1990. This section does not permit a manual update that negatively affects the authorized project purposes, including flood control and navigation purposes. It does not authorize any project or activity not already authorized, and does not modify any obligation under current law. Further, as provided in section 3, this section does not supersede written agreements with the Federal government; supersede or modify any multistate water control plan; affect water rights; preempt or affect State water law or interstate compacts governing water; or affect any other authority of a State to manage water resources within the State. Finally, this section does not apply to the Upper Missouri River reservoirs or reservoirs in the Apalachicola-Chattahoochee-Flint river system and the Alabama-Coosa-Tallapoosa river system.

Sec. 1033. Transfer of excess credit

Section 1033 modifies section 1020 of WRRDA 2014 to clarify the authority to transfer credit between projects.

Sec. 1034. Surplus water storage

Section 1049(c) of WRRDA 2014 prohibits the Secretary from charging for surplus water stored in the Upper Missouri Mainstem Reservoirs for 10 years. The Committee has heard concerns about access to water in those reservoirs and the time required for new contracts for surplus water. Section 1034 places time limits on the

response of the Corps to requests for contracts for surplus water from these reservoirs.

Sec. 1035. Hurricane and storm damage reduction

Section 1035 amends section 3 of the Act of August 13, 1946 to increase the per project limit for the continuing authority for hurricane and storm damage reduction projects from $5 million to $10 million.

Sec. 1036. Fish hatcheries

Section 1036 authorizes the Secretary to carry out additional activities at fish hatcheries at 100 percent non-Federal cost.

Sec. 1037. Feasibility studies and watershed assessments

Section 1037 amends the reporting requirement in section 1001(d) of WRRDA 2014 for studies that exceed 3 years or $3 million to be an annual report.

This section also amends sections 105 and 729 of WRDA 1986 to authorize the Secretary to expend the first $100,000 in costs for a feasibility study or a watershed assessment at federal expense. The Committee heard from non-Federal interests that because the Corps is funded on a project basis, the Corps could not even talk to non-Federal interests about prospective projects without signing a feasibility study cost-sharing agreement. The Committee intends the Secretary to use this authority to communicate with prospective non-Federal sponsors to identify the scope of a prospective project and identify the federal interest, not to reinstate the reconnaissance phase of a project that was repealed in WRRDA 2014.

Sec. 1038. Shore damage prevention or mitigation

Section 1038 amends section 111 of the River and Harbor Act of 1968 to clarify that feasibility studies under this authority are cost-shared in the same proportion as construction of projects. The section also provides that if a non-Federal interest expends more than its share of those study costs, it is eligible for reimbursement of those excess costs.

TITLE II—NAVIGATION

Sec. 2001. Projects funded by the Inland Waterways Trust Fund

Because Olmsted Lock and Dam is the only inland waterways project for which the President is budgeting and that high cost project will not be completed until 2022, section 2001 prevents other inland waterways projects from being automatically deauthorized under section 102 of WRDA 1986 until after Olmsted is substantially complete, which will free up funding for other inland waterways projects.

Sec. 2002. Operation and maintenance of fuel-taxed inland waterways

Section 2002 amends section 102 of WRDA 1986 to allow a non-Federal interest to receive credit or reimbursement for carrying out the Federal operations and maintenance responsibility for structures associated with authorized hurricane and storm damage risk reduction projects that bisect an inland or intracoastal waterway.

Sec. 2003. Funding for Harbor Maintenance programs

Section 2003 amends section 2101 of WRRDA 2014 to clarify the target appropriations from the Harbor Maintenance Trust Fund in the event that appropriations in the prior year decrease.

Sec. 2004. Dredged material disposal

33 C.F.R. 335.7 defines the Federal standard for dredged material disposal as follows: "Federal standard means the dredged material disposal alternative or alternatives identified by the Corps which represent the least costly alternatives consistent with sound engineering practices and meeting the environmental standards established by the 404(b)(1) evaluation process or ocean dumping criteria."

The section 404(b)(1) guidelines found in 40 C.F.R. 230 state in subsection (b) that "No discharge of dredged or fill material shall be permitted if it:

(1) Causes or contributes, after consideration of disposal site dilution and dispersion, to violations of any applicable State water quality standard".

Under 33 C.F.R. 336.1(c)(1) "[i]t is the Corps' policy to regulate the discharge of dredged material from its projects to assure that dredged material disposal occurs in the least costly, environmentally acceptable manner, consistent with engineering requirements established for the project."

Section 2004 affirms and enforces these existing requirements by requiring dredged material disposal to meet applicable state water quality standards.

Sec. 2005. Cape Arundel Disposal Site, Maine

Section 2005 extends the temporary authorization to use a dredged material disposal site for an additional 5 years. This provides time for the non-Federal interests in the two New England states that rely on this site to obtain a permanent designation by the EPA for this site or another to replace it and avoid shutting down maintenance of navigation projects in New England.

Sec. 2006. Maintenance of harbors of refuge

Section 2006 clarifies that the Corps has authority to maintain all federally authorized harbors of refuge. This authority exists regardless of whether the authorization of an individual project expressly includes maintenance authority and, in the case of harbors that no longer meet their authorized dimensions, authorizes maintenance to restore the authorized dimensions of the harbor.

Sec. 2007. Aids to navigation

Section 2007 directs the Secretary to consult with the Coast Guard regarding aids to navigation on the Ouachita-Black Rivers and report to Congress on the outcome of that consultation.

Sec. 2008. Beneficial use of dredged material

Section 204 of WRDA 1992 authorizes cost-shared projects for the beneficial use of sediment obtained from a Federal water resources projects. This section was amended by section 1038 of WRRDA 2014 to modify subsection (d), which authorizes cost-shared disposal of sediment from a Federal water resources project

for purposes related to environmental restoration or storm damage and flood reduction.

The Committee has heard concerns that Corps Districts are not aware that subsection (d) is a disposal authority, not a project development authority, and therefore does not include requirements for perpetual operation and maintenance or renourishment of projects.

Section 2008 clarifies that under section 204(d) dredged material disposal is not a project that requires operation and maintenance and can be a single application of sediment.

Section 2008 also clarifies that the Secretary may accept funds to dispose of dredged material at 100 percent non-Federal cost if the disposal area is not eligible for Federal cost-sharing (such as a private beach).

Sec. 2009. Operation and maintenance of harbor projects

Section 2009 extends the 10% set aside from the Harbor Maintenance Trust Fund for emerging harbors in section 210 of WRDA 1986 to 2025.

Sec. 2010. Additional measures at donor ports and energy transfer ports

Section 2010 extends the authority to provide additional funds for donor ports and energy transfer ports in section 2106 of WRRDA 2014 to 2025.

Sec. 2011. Harbor deepening

Section 2011 amends section 101 of WRDA 1986 to align the cost share for construction of harbors with the change in WRRDA 2014 modifying the cost-share for maintenance of harbors.

Sec. 2012. Operations and maintenance of inland Mississippi River ports

Section 2012 authorizes dredging of shallow draft ports located on the inland Mississippi River to the respective authorized widths and depths.

Sec. 2013. Implementation guidance

Section 2013 requires the Corps to issue guidance to implement section 2102 of WRRDA 2014 (relating to maintenance of emerging ports and Great Lakes ports).

Sec. 2014. Remote and subsistence harbors

Section 2014 amends the authority to that provides special considerations for remote and subsistence harbors under section 2006 of WRDA 2007 to expand consideration of the benefits of such harbors to include benefits to communities that will rely on the project.

Sec. 2015. Non-Federal interest dredging authority

Section 2015 establishes a pilot program authorizing a non-Federal interest to maintain a federal navigation project with its own equipment and personnel and be eligible for reimbursement directly related to performance of the work. Reimbursement is not to exceed the actual fiscal year appropriations for maintaining the

project. All work carried out by the non-Federal interest must be done pursuant to a written agreement with the Secretary. This provision does not change any Federal law or requirement applicable to maintenance of a Federal navigation project. Therefore, a non-Federal interest carrying out maintenance of a Federal navigation project must comply with all requirements that would apply to the Secretary if the Secretary were performing the work.

Sec. 2016. Transportation cost savings

Section 2016 requires a one-time requirement to identify transportation cost savings achieved from maintaining harbors and inland ports in the next report to Congress on harbor and inland harbor needs required under WRDA 1986.

Sec. 2017. Dredged material

Section 2017 authorizes the placement of dredged material in a location that does not meet the Federal standard under 33 C.F.R. 335 if any additional upfront costs will be offset by the resulting environmental, flood protection, and resiliency benefits. This section also bars the Secretary from requiring a non-Federal entity to pay the increased costs associated with such placement.

TITLE III—SAFETY IMPROVEMENTS

Sec. 3001. Rehabilitation assistance for non-Federal flood control projects

Subsection (a) amends P.L. 84–99 to authorize the Secretary to increase the level of protection when rebuilding a levee under P.L. 84–99, if the additional costs are paid by the non-Federal interest and the Chief of Engineers determines it is in the public interest, including consideration of whether the same levee has had to be rebuilt multiple times, whether there is an opportunity to reduce risk of loss of life and property, and whether there is an opportunity to reduce life cycle rehabilitation costs.

In making a "public interest" determination related to improvements to increase levels of protection, the Committee directs the Chief of Engineers to consider whether the increased level of protection could result from a realignment or alteration of the levee section that would allow increased conveyance of flood waters; and make a determination that the action taken to increase the level of protection does not increase flood risk on neighboring systems or communities, including undertaking modeling to ensure that the increase in flood protection will not increase flood risk for neighboring systems or communities.

Subsection (a) also adds a definition of nonstructural alternative to P.L. 84–99 that includes wetland, stream, and coastal restoration and requires the Corps to notify non-Federal interests of the opportunity to use non-structural measures when implementing P.L. 84–99.

Subsection (b) authorizes the Secretary to carry out flood control projects in coordination with work carried out under P.L. 84–99, if the project has a completed report of the Chief of Engineers determining that the project is feasible, and the Secretary determines that the action is in the public interest.

Sec. 3002. Rehabilitation of existing levees

Section 3002 amends section 3017 of WRDA 2014 to authorize the Secretary to carry out a pilot program for the Corps to immediately address authorized hurricane and storm damage risk reduction projects that are experiencing a reduction in the authorized level of protection due to settlement, subsidence, or sea-level rise.

Sec. 3003. Maintenance of high risk flood control projects

Section 3003 directs the Secretary to continue maintaining high risk flood control projects, if the Secretary is already responsible for such maintenance, until the risk is reduced.

Sec. 3004. Rehabilitation of high hazard potential dams

Section 3004 amends the National Dam Safety Program Act to authorize FEMA to provide assistance to non-Federal sponsors for the rehabilitation of high hazard potential dams in States with a dam safety program, subject to a non-Federal cost share of at least 35 percent.

TITLE IV—RIVER BASINS, WATERSHEDS, AND COASTAL AREAS

Sec. 4001. Gulf Coast oyster bed recovery plan

Section 4001 authorizes the Secretary, in coordination with the Gulf States, to develop and implement a plan to assist in the recovery of oyster beds along the Gulf coast that were damaged by recent catastrophic events.

Sec. 4002. Columbia River

Subsection (a) amends section 536 of WRDA 2000 to increase the authorization ceiling for ecosystem restoration studies and projects for the Lower Columbia River in Oregon and Washington. This authorization level is based on the Army Corps of Engineers estimate to fulfill its obligations under the biological opinion that is in place for recovery of endangered salmon.

Subsection (b) amends section 104 of the River and Harbor Act of 1958 to clarify that watercraft inspection stations authorized to protect the Columbia River Basin from invasive species may be located outside of the basin, if that is necessary to prevent introduction of invasive species.

Subsection (c) fulfills an unmet Federal obligation by authorizing assistance to the number of Indian families displaced due to the construction of Bonneville Dam identified in a report of the Corps of Engineers as having not previously received relocation assistance. This subsection also authorizes a study of Indian families displaced due to the construction of John Day Dam to determine if there is an unmet obligation for assistance associated with that dam.

Assistance authorized in this section includes authority for the Secretary to provide housing and infrastructure assistance to relocate the identified Indian families upon the land transferred by the Department of Army to the Department of Interior.

Subsection (d) authorizes a study of the Columbia River, to address safety risks.

Sec. 4003. Missouri River

Subsection (a) directs the Corps to carry out a pilot program, in partnership with the Bureau of Reclamation, for the development and implementation of sediment management plans for reservoirs in the Upper Missouri River Basin.

Subsection (b) directs the Corps to be the lead agency for the drought monitoring program authorized in section 4003 of WRRDA 2014.

Sec. 4004. Puget Sound nearshore ecosystem restoration

Section 4004 increases the per project limit for ecosystem restoration studies and projects for the Lower Columbia River in Puget Sound, authorized in section 544 of WRDA 2000, without increasing the overall authorization ceiling.

Sec. 4005. Ice jam prevention and mitigation

Section 4005 authorizes the Secretary to carry out pilot projects under the section 205 small flood control project continuing authority program to address ice jam prevention and mitigation, with a priority for the Upper Missouri River Basin.

Sec. 4006. Chesapeake Bay oyster restoration

Section 4006 increases the authorization ceiling for fish and wildlife conservation studies and projects, including projects in the Chesapeake Bay, authorized under section 704 of WRDA 1986.

Sec. 4007. North Atlantic Coastal Region

Section 4007 clarifies the intent that the initial study of aquatic ecosystem restoration projects along the Atlantic Coast authorized in section 4009 of WRRDA 2014 be carried out at federal expense.

Sec. 4008. Rio Grande environmental management program, Colorado, New Mexico, and Texas

Section 4008 extends the authority for the Rio Grande environmental management program in Colorado, New Mexico and Texas, authorized in section 5056 of WRDA 2007, until 2024. Initial studies are not expected to be completed until 2019 when the current authority expires.

Sec. 4009. Texas coastal area

Section 4009 directs the Secretary to consider information developed by the Gulf Coast Community Protection and Recovery District when carrying out a study authorized in section 4091 of WRDA 2007.

Sec. 4010. Upper Mississippi and Illinois Rivers comprehensive flood risk management

Section 4010 authorizes a study of the levees along the upper Mississippi and Illinois Rivers on a system-wide basis, to evaluate the flood damage risks on a system-wide rather than local basis, and justify projects on the system-wide basis. This review was recommended by the Corps in a 2008 study and by the Secretary in a 2009 letter to Congress. The purpose of a system-wide study is to address the fact that a rehabilitation of a levee at a single location often cannot be cost-justified but each location is an integral

part of a levee system that provides essential flood protection benefits. The Midwest flooding in 1993 caused 47 deaths and $15 billion in damages.

Sec. 4011. Salton Sea, California

Section 4011 removes the pilot designation from the Salton Sea program authorized by section 3032 of WRDA 2007 and expands the list of non-Federal interests that may cost-share a project under this authority.

Sec. 4012. Adjustment

Section 4012 adjusts the boundaries of a project without changing authorization of appropriations.

Sec. 4013. Coastal resiliency

Section 4013 amends the coastal resiliency program authorized by section 4014 of WRRDA 2014 to give a priority to areas threatened by sea level rise and to require interagency coordination on coastal resilience.

Sec. 4014. Regional intergovernmental collaboration on coastal resilience

Section 4014 authorizes the Secretary to conduct regional assessments of coastal and back bay protection.

TITLE V—DEAUTHORIZATIONS

Sec. 5001. Deauthorizations

Section 5001 deauthorizes obsolete Federal water resources projects or portions thereof.

(a) Valdez, Alaska

(b) Red River Below Dennison Dam, Arkansas, Louisiana, and Texas

(c) Sutter Basin, California

(d) Stonington Harbor, Connecticut

(e) Green River Lock and Dam 3, Ohio and Muhlenberg Counties, Kentucky

(f) Green River Lock and Dam 5, Butler and Warren Counties, Kentucky

(g) Green River Lock and Dam 6, Edmonson County, Kentucky

(h) Barren River Lock and Dam 1, Warren County, Kentucky

(i) Port of Cascade Locks, Oregon

(j) Declaration of non-navigability for portions of the Delaware River, Philadelphia, Pennsylvania

(k) Salt Creek, Graham, Texas

Sec. 5002. Conveyances

Subsections (a) and (b) authorize the Secretary to convey real property owned by the Federal Government to non-Federal interests at fair market value, subject to conditions ascribed in the section.

(a) Pearl River, Mississippi and Louisiana

(b) Sardis Lake, Mississippi

Subsection (c) fulfills the non-Federal interest obligation for a water supply contract.

(c) Joe Pool Lake, Texas

TITLE VI—WATER RESOURCES INFRASTRUCTURE

Sec. 6001. Authorization of final feasibility studies

These are projects that have a final signed Chief of Engineers' Report indicating that the project is feasible, i.e., it is in the federal interest, has a positive benefit to cost ratio, and is technically and environmentally sound. These projects are authorized to be carried out by the Secretary substantially in accordance with the plan, and subject to the conditions described in the respective reports designated in this section and any provisions included in this Act.

(1) NAVIGATION.—

1. Brazos Island Harbor, Texas
2. Calcasieu Lock, Louisiana
3. Portsmouth Harbor and Piscataqua River, New Hampshire and Maine
4. Green and Barren Rivers, Kentucky
5. Port Everglades, Florida
6. Little Diomede, Alaska
7. Charleston Harbor, Charleston, South Carolina
8. Craig Harbor, Alaska

(2) FLOOD RISK MANAGEMENT.—

1. Leon Creek Watershed, San Antonio, Texas
2. Armourdale and Central Industrial District Levee Units, Missouri River and Tributaries, Kansas City, Kansas and Kansas City, Missouri
3. City of Manhattan, Kansas
4. Upper Turkey Creek Basin, Merriam, Kansas
5. Princeville, North Carolina

(3) HURRICANE AND STORM DAMAGE RISK REDUCTION.—

1. Town of Edisto Beach, Colleton County, South Carolina
2. Flagler County, Florida—The project for hurricane and storm damage reduction, Flagler County, Florida
3. Bogue Banks, Carteret County, North Carolina
4. Hereford Inlet to Cape May Inlet, New Jersey Shoreline Protection, Cape May County, New Jersey
5. West Shore Lake Pontchartrain, Louisiana
6. Encinitas-Solana Beach Coastal Storm Damage Reduction, California

(4) FLOOD RISK MANAGEMENT AND ENVIRONMENTAL RESTORATION.—

1. Upper Des Plaines River and Tributaries, Illinois and Wisconsin
2. South San Francisco Bay, California

(5) ENVIRONMENTAL RESTORATION.—

1. Central Everglades Planning Project, Florida
2. Lower Willamette River Environmental Dredging, Oregon
3. Skokomish River, Mason County, Washington
4. Los Angeles River, California

Sec. 6002. Authorization of project modifications recommended by the Secretary

Section 6002 authorizes project modifications for water resources development and conservation and other purposes to be carried out by the Secretary substantially in accordance with the recommendations specified in the reports designated in this section.

1. Turkey Creek Basin, Kansas and Missouri
2. Blue River Basin, (Dodson Industrial District) Kansas City, Missouri
3. Picayune Strand, Florida
4. Ohio River Shoreline, Paducah, Kentucky

Sec. 6003. Authorization of study and modification proposals submitted to Congress by the Secretary

Section 6003 authorizes feasibility studies and project modifications for water resources development and conservation and other purposes to be carried out by the Secretary in accordance with proposals submitted to Congress under the requirements of section 7001 of the WRRDA 2014.

Section 7001 of WRRDA 2014 requires the Secretary to annually publish a notice in the Federal Register requesting proposals from non-federal interests for project authorizations, studies, and modifications to existing Corps of Engineers projects. Further, it requires the Secretary to submit to Congress and make publicly available an annual report listing those activities received from non-federal interests that are related to the missions of the Corps of Engineers and require specific authorization by law. Additionally, section 7001 of WRRDA 2014 requires the Secretary to certify the proposals included in the annual report meet the criteria established by Congress in this section.

To date, the Secretary has provided Congress with two reports, dated February 2015 and February 2016. In future reports, the Committee directs the Secretary to provide additional information related to the items included in the report, including information on how the proposed projects, studies, or modifications relate to the mission of the Corps of Engineers, prior studies, and existing authorizations. Such information will assist Congress in evaluating which projects, studies, or modifications to authorize.

The information and recommendations contained in the reports submitted to Congress is meant to assist Congress in setting priorities and authorizing studies, projects, and modifications of existing projects. The Committee reviewed both reports submitted by the Secretary to Congress and has included studies and modifications based on those submissions.

(a) Arctic Deep Draft Port Development Partnerships.
(b) Ouachita-Black Rivers, Arkansas and Louisiana.
(c) Cache Creek Basin, California.
(d) Coyote Valley Dam, California.
(e) Del Rosa Drainage Area, California.
(f) Merced County, California.
(g) Mission-Zanja Drainage Area, California.
(h) Santa Ana River Basin, California.
(i) Delaware Bay Coastline, Delaware and New Jersey-Roosevelt Inlet-Lewes Beach, Delaware.
(j) Mispillion Inlet, Conch Bar, Delaware.

(k) Daytona Beach Flood Protection, Florida.
(l) Brunswick Harbor, Georgia.
(m) Savannah River Below Augusta, Georgia.
(n) Dubuque, Iowa.
(o) Mississippi River Ship Channel, Gulf to Baton Rouge, Louisiana.
(p) St. Tammany Parish Government Comprehensive Coastal Master Plan, Louisiana.
(q) Cayuga Inlet, Ithaca, New York.
(r) Chautauqua County, New York.
(s) Cincinnati, Ohio.
(t) Tulsa and West Tulsa, Arkansas River, Oklahoma.
(u) Johnstown, Pennsylvania.
(v) Chacon Creek, Texas.
(w) Corpus Christi Ship Channel, Texas.
(x) Trinity River and Tributaries, Texas.
(y) Chincoteague Island, Virginia.
(z) Burley Creek Watershed, Washington.

ADDITIONAL MATTERS RELATING TO THE CORPS OF ENGINEERS CIVIL WORKS PROGRAM

The Committee is concerned that many Corps Districts appear to be unaware that under Section 100226 of Public Law (P.L.) 112–141 (MAP–21), the Corps and the Federal Emergency Management Agency (FEMA) were directed to form a Task Force to establish processes to align the information and data collected by or for the Corps Inspection of Completed Works (ICW) program so it is sufficient to satisfy the FEMA National Flood Insurance Program accreditation requirements specified in 44 Code of Federal Regulations (CFR) 65.10. Many Corps Districts also are unaware of a 2014 Memorandum of Understanding between FEMA and the Corps to implement the policy set forth in MAP–21. In particular, Corps districts appear to be unaware that under this MOU, "[e]ach time USACE conducts a levee inspection, USACE will identify when a levee system meets or does not meet a specified subset of requirements in 44 CRF Section 65.10." Finally, Corps Districts appear to be unaware of the requirement under Section 3014 of WRRDA 2014 to align the Corps ICW program with the FEMA national flood insurance levee certification program to the maximum extent practicable. These obligations have been in place for several years. The Committee expects Corps Headquarters to ensure that all Districts are aware of their obligations under WRRDA 2014 and the MOU.

The Committee encourages the Corps of Engineers to remain engaged in the design and construction of the project for ecosystem restoration at the Lower Yellowstone project of the Bureau of Reclamation, Intake, Montana, authorized by section 3109 of WRDA 2007.

The Committee requests the Secretary continue to work with the Commonwealth of Massachusetts, the City of Boston, and the Town of Brookline on outstanding issues related to the Muddy River, Brookline, and Boston, Massachusetts project authorized by Section 522 of the Water Resources Development Act of 2000.

TITLE VII—SAFE DRINKING WATER AND CLEAN WATER INFRASTRUCTURE

Sec. 7001. Definition of Administrator

Section 7001 defines the term "Administrator" as the Administrator of the Environmental Protection Agency.

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

Subsection (a) of section 7002 states that it is the Sense of the Senate that Congress should provide robust funding levels for the Safe Drinking Water and Clean Water State Revolving Loan Funds.

Subsection (b) makes findings regarding the federal income tax revenue, jobs, and economic output resulting from state revolving loan fund capitalization grants, based on a study by Water Environment Federation and WaterReuse Association using the IMPLAN model that captures the effect of spending as it moves through the United States economy. This study demonstrates that investment in drinking water and wastewater infrastructure provides significant economic benefits.

SUBTITLE A—DRINKING WATER

Sec. 7101. Preconstruction work

Section 7101 amends section 1452(a) of the Safe Drinking Water Act to make planning, design, and associated preconstruction activities, replacement or rehabilitation of aging treatment, storage, or distribution facilities, and public water system security measures eligible for assistance under State drinking water revolving funds. This section also affirms the use of state revolving loan funds as security for state bonds.

Sec. 7102. Priority system requirements

Section 7102 amends section 1452(b) of the Safe Drinking Water Act to add sustainability to the priorities under a State intended use plan, and to give greater weight to loan applications that include asset management plans and review of restructuring options, as well as a demonstration of consistency with watershed plans, water conservation plans, and sustainability approaches.

Sec. 7103. Administration of State Loan Funds

Section 7103, amends section 1452(g) to authorize the use of fees collected and the greatest of 4% of the capitalization grant, 1/5th of the valuation of the fund, or $400,000, to be used to administer a state fund.

Sec. 7104. Other authorized activities

Section 7104 amends section 1452(k) of the Safe Drinking Water Act to make implementation of source water protection plans an eligible use of assistance from a State revolving fund.

Sec. 7105. Negotiation of contracts

Section 7105 amends section 1452 of the Safe Drinking Water Act to apply the Brooks Act (which requires qualifications based se-

lection of architects and engineers) to contracts funded by monies provided from a State revolving fund, if the assistance is for a community with a population of more than 10,000.

Sec. 7106. Assistance for small and disadvantaged communities

Subsection (a) of section 7106 amends the Safe Drinking Water Act to add a grant program to assist small and disadvantaged communities in complying with the requirements of the Safe Drinking Water Act. A priority is given to underserved communities without basic drinking water or wastewater services. This section authorizes $230 million for fiscal year 2017, and $300 million for each of fiscal years 2018 through 2021, for a total of $1.4 billion over five years.

Subsection (b) directs the Secretary of the Treasury to transfer $20 million to EPA to begin implementation of this program immediately.

Sec. 7107. Reducing lead in drinking water

Subsection (a) of section 7107 amends the Safe Drinking Water Act to add a grant program for replacement of lead service lines, testing, planning, corrosion control, and education. Partial lead service line replacement is not eligible for assistance. Assistance to low income homeowners to remove the privately owned portion of the service line is eligible for assistance. This section authorizes $60 million for each of fiscal years 2017 through 2021, for a total of $300 million over five years.

Subsection (b) directs the Secretary of the Treasury to transfer $20 million to EPA to begin implementation of this program immediately.

Sec. 7108. Regional liaisons for minority, tribal, and low-income communities

Section 7108 directs EPA to appoint liaisons for minority, tribal, and low-income communities in each EPA region.

Sec. 7109. Notice to persons served

Section 7109 amends section 1414 of the Safe Drinking Water Act to require the public water system, or the State, or EPA, to notify the public of exceedances of lead action levels within 15 days of the exceedence.

If there is a violation of the Act has the potential for serious health effects, this amendment also requires notice to the Center for Disease Control (CDC) and state and county health agencies.

EPA also is authorized to provide notice of any lead monitoring results to any person served by the public water system and the local or State health department in a form that protects individual consumer information.

Sec. 7110. Electronic reporting of drinking water data

Section 7110 amends section 1414 of the Safe Drinking Water Act to require electronic reporting of compliance monitoring data, where practicable, as a condition of the receipt of funds.

Sec. 7111. Lead testing in school and child care drinking water

Section 7111 amends section 1464 of the Safe Drinking Water Act to establish a voluntary school and child care lead testing program and authorize $20 million a year for five years to carry out that program.

Sec. 7112. WaterSense program

Section 7112 authorizes EPA's voluntary WaterSense program that allows water efficient products, buildings, landscapes, facilities, processes, and service to bear a "WaterSense" label.

When developing the criteria for the WaterSense label, consideration should be given to ensure that the performance criteria do not directly or indirectly contribute to the degradation of waste streams treated by community sewer systems.

Sec. 7113. Water supply cost savings

Section 7113 establishes a drinking water technology clearinghouse to disseminate information on cost-effective, innovative, and alternative drinking water delivery systems, including systems that are supported by wells. This section requires systems serving 500 or fewer persons to self-certify that they have considered alternative drinking water supplies, including wells, as a condition of receipt of Federal funds.

SUBTITLE B—CLEAN WATER

Sec. 7201. Sewer overflow control grants

Section 7201 reauthorizes section 221 of the Clean Water Act, which authorizes grants for addressing combined sewer overflows, sanitary sewer overflows, and stormwater discharges, totaling $1.8 billion over five years.

Sec. 7202. Small and medium treatment works

Section 7202 adds new section 222 to the Clean Water Act to establish a technical assistance program for small and medium treatment works, to be carried out by qualified nonprofit technical service providers tailored to meet the separate needs of small and medium systems. This section authorizes $15 million a year for five years, totaling $75 million, to carry out the small treatment works assistance program and $10 million a year for five years, totaling $50 million, to carry out the medium treatment works assistance program.

This section also amends section 603 of the Clean Water Act to authorize States to use up to 2 percent of their Clean Water Act SRF allocation grant to support small and medium treatment works technical assistance providers.

Sec. 7203. Integrated plans

Municipalities have long urged EPA to provide communities with increased flexibility to comply with the Clean Water Act's requirements. In January 2012, EPA responded to requests for flexibility with a proposed framework, entitled Draft Integrated Planning Approach Framework, to provide EPA, states, and local governments with guidance to develop and implement effective integrated planning approaches to municipal wastewater and stormwater manage-

ment. After taking public comment, in June 2012, EPA released its final framework, entitled *Integrated Municipal Stormwater and Wastewater Planning Approach Framework*. The seven-page document outlines principles for allowing communities to structure plans for addressing multiple CWA obligations over time in an effort to address the most serious water quality issues first and optimize infrastructure investments.

EPA's framework is intended to provide EPA regional offices and states with a guide on how to help cities prioritize wastewater and stormwater infrastructure improvements that are needed to address water quality issues, including preventing CSOs, SSOs, and other pollution releases during heavy precipitation events.

The document indicates that the Agency will rely on both permits and enforcement actions to implement the new integrated approach. While plans developed using the framework cannot be the basis for delaying either permits or enforcement actions, a new or revised consent decree may incorporate an integrated plan with the involvement of all necessary parties.

At an April 7, 2016 hearing, the Committee heard testimony about the usefulness of the Integrated Planning Framework and the desire for broader implementation.

Subsection (a) of section 7203 supports EPA's Integrated Planning Framework and ensures that it is available for any municipality that wishes to develop an integrated plan by adding new subsection (s) to section 402 of the Clean Water Act.

Under this new subsection EPA must inform municipalities of the opportunity to prepare an integrated plan. This subsection also specifies that integrated plans can be incorporated into permits and may address requirements related to a combined sewer overflow; a capacity, management, operation, and maintenance program for sanitary sewer collection systems; a municipal stormwater discharge; a municipal wastewater discharge; and a water quality-based effluent limitation to implement an applicable wasteload allocation in a total maximum daily load.

This subsection specifies that permits incorporating an integrated plan may include compliance schedules for any water quality standard, if authorized by a State as part of its applicable water quality standards, and may include green infrastructure to meet water quality based effluent limitations.

This subsection also specifies that the applicable State water quality standards may authorize the issuance of compliance schedules for use in permits that incorporate integrated plans, applicable to any water quality standard, whether the standard was adopted before or after 1977. As a transition rule, compliance schedules issued pursuant to the applicable state water quality standards cannot revise or affect a schedule of compliance under a judicial order or consent decree that is in effect on the date of enactment of WRDA 2016, unless the order or decree is modified by agreement of the parties and the court.

Subsection (b) of section 7203 establishes within EPA an Office of Municipal Ombudsman to ensure that EPA Regions implement EPA's Integrated Planning Framework, and make communities aware of other available flexibilities.

Subsection (c) of section 7203 amends section 309 of the Clean Water Act to direct EPA to notify communities of the opportunity

to prepare integrated plans in the context of consent decrees or administrative orders and establish an integrated plan as a basis for a request to modify an administrative order or consent decree.

Sec. 7204. Green infrastructure promotion

Section 7204 adds new section 519 to the Clean Water Act to direct EPA to ensure that EPA offices promote the integration of green infrastructure into permitting programs, planning efforts, research, technical assistance, and funding guidance.

Sec. 7205. Financial capability guidance

At its April 7, 2016 hearing the Committee heard testimony about the evaluation of the affordability of measures to upgrade wastewater infrastructure. Section 7205 creates definitions of affordability and financial capability, and prohibits the use of median household income as the sole indicator of affordability for a residential household.

Section 7205 also requires EPA to update its 1997 Financial Capability guidance and 2014 Financial Capability Assessment Framework, in consultation with interested parties, within one year of the completion of a National Academy of Public Administration study to establish a definition and framework for community affordability required by Senate Report 114–70. This section identifies certain elements that EPA must consider in updating the Guidance. As the NAPA study is due on December 18, 2016, the Committee expects EPA to complete action on the updated guidance by the end of 2017.

SUBTITLE C—INNOVATIVE FINANCING AND PROMOTION OF INNOVATIVE TECHNOLOGIES

Sec. 7301. Water infrastructure public-private partnership pilot program

Section 7301 amends section 5014(c) of WRRDA 2014 to clarify that section 5014 authorizes the Secretary to enter into a public-private partnership but does not obligate the Secretary to expend funds unless provided for in an appropriations act.

Sec. 7302. Water infrastructure finance and innovation

Section 7302 amends subtitle C of WRRDA 2014, which established the Water Infrastructure Finance and Innovation Act (WIFIA) loan program.

Subsection (a) is a technical change to ensure consistent terminology is used throughout.

Subsection (b) makes it clear that projects eligible for assistance from EPA include chloride control and projects for alternative water supplies to reduce aquifer depletion.

Subsection (c) authorizes the Secretary or the Administrator to allow loan fees to be financed along with the loan principal if the applicant is a community of not more than 10,000 in population. This subsection also makes it clear that eligible project costs incurred and in kind contributions made before receipt of a WIFIA loan will count towards the 51 percent of project costs that must be provided from sources other than WIFIA.

Subsection (d) removes the designation of the WIFIA program as a pilot, signaling Congress' strong support for this program.

Sec. 7303. Water infrastructure investment trust fund

Section 7303 establishes a trust fund for water infrastructure, funded by fees collected for a voluntary labeling system, and to be divided equally between capitalization grants for the Clean Water and Safe Drinking Water State Revolving Funds. This section also requires an EPA study on water pricing.

The Committee believes the Trust Fund should be supplemental to other existing sources of water infrastructure financing. Accordingly, the water infrastructure trust fund in no way is intended to displace federal capitalization of state revolving loan funds or WIFIA.

Further, the Committee notes that the trust fund is funded by fees collected on a voluntary basis.

Sec. 7304. Innovative water technology grant program

At an April 20, 1016 hearing, the EPW Committee received testimony about the potential benefits from using innovative technologies to address drought and other water supply issues. Section 7304 authorizes a new EPA grant program to accelerate the development of innovative technologies to address pressing water challenges, with a priority for projects that provide substantial cost savings, significantly improve human health and the environment, or provide additional water supplies with minimal environmental impact. The authorization level is $50 million a year. In addition, this section directs the Secretary of the Treasury to transfer $10 million to EPA to allow implementation of this new program to begin immediately.

Sec. 7305. Water Resources Research Act amendments

Section 7305 reauthorizes the Water Resources Research Act at $1.5 million for each of fiscal years 2017 through 2021 for a total of $7.5 million.

Sec. 7306. Reauthorization of Water Desalination Act of 1996

Section 7306 reauthorizes the Water Desalination Act of 1986 at $8 million for each of fiscal years 2017 through 2021, for a total of $40 million.

Sec. 7307. National drought resilience guidelines

Section 7307 directs EPA, in conjunction with the Secretary of the Interior, the Secretary of Agriculture, the Director of NOAA, and other appropriate Federal agency heads along with State and local governments, to develop non-regulatory national drought resilience guidelines relating to drought preparedness planning and investments for communities, water utilities, and other water users and providers.

Sec. 7308. Innovation in Clean Water State Revolving Funds

Section 7308 amends section 603 of the Clean Water Act to make projects that employ innovative technologies eligible for additional subsidization under a Clean Water State Revolving Fund. This section also authorizes EPA to provide technical assistance to facili-

tate and encourage financial assistance for innovative water technologies and requires a report to Congress on such assistance and use.

Sec. 7309. Innovation in Drinking Water State Revolving Funds

Section 7309 amends section 1452 of the Safe Drinking Water Act to make projects that employ innovative technologies eligible for additional subsidization under a Drinking Water State Revolving Fund. This section also authorizes EPA to provide technical assistance to facilitate and encourage financial assistance for innovative water technologies and requires a report to Congress on such assistance and use.

SUBTITLE D—DRINKING WATER DISASTER RELIEF AND INFRASTRUCTURE INVESTMENTS

Sec. 7401. Drinking water infrastructure

(a) DEFINITIONS.—Through the definitions in this subsection, eligibility for emergency assistance is limited to States and public drinking water systems that have been the subject of a Presidential declaration of emergency due to the presence of lead or other contaminants in a public drinking water supply system.

(b) STATE REVOLVING LOAN FUND ASSISTANCE.—

(1) Under paragraph (1), a community with a public water supply system that is the subject of an emergency declaration is considered to be a disadvantaged community eligible for additional subsides from Safe Drinking Water Act Revolving Funds, including forgiveness of the principal of a loan, negative interest rate loans, or grants.

(2) Paragraph (2) authorizes loans to eligible public water supply systems from the state drinking water revolving loan fund to address lead and other contaminants in drinking water, including repair and replacement of private as well as public drinking water infrastructure. This assistance may include principal forgiveness, negative interest rate loans, or grants.

(3) Paragraph (3) waives the 20% cap on use of funding for principal forgiveness for loans to communities with an emergency.

(c) WATER INFRASTRUCTURE FINANCING.—

(1) Paragraph (1) Authorizes EPA to use the new WIFIA authority to make secured loans.

Under subparagraph (A) the funding is available for both emergency situations related to drinking water contaminants under clause (i) and generally for all infrastructure that is eligible for WIFIA loans from EPA under clause (ii).

Under subparagraph (B), for emergency projects only, a WIFIA loan may exceed 49% of project costs, but may not exceed 80% of reasonably anticipated project costs.

(2) Paragraph (2) provides that any remaining costs for emergency projects (above the 80% covered by the secured loan) may be paid for with an SRF loan.

(d) NONDUPLICATION OF WORK.—This subsection prohibits use of the authorities under this section to duplicate work that is already

going on, so it can fill gaps in emergency response measures, not displace them.

(e) FUNDING.—

(1) SRF FUNDING.—Paragraph (1) directs the Secretary of the Treasury to transfer $100 million to EPA to immediately provide assistance to States with emergency drinking water situations through the drinking water state revolving fund program. As a condition of receiving the additional funding, a State must supplement its intended use plan to describe how the additional funding will be used to address the emergency. Any funds not obligated after 18 months to address emergencies are to be used to increase funding for the drinking water SRFs of all states, under the allotment formula set in existing law.

(2) WIFIA FUNDING.—Paragraph (2) directs the Secretary of the Treasury to transfer $70,000,000 to EPA for credit subsidies to allow EPA to immediately make secured loans for infrastructure investments under the WIFIA program. The funding covers the credit risk of secured loans issued under this program. If there is a 10% credit risk, $70,000,000 will support loans of up to $700,000,000. If the credit risk is less, more loans can be made. OMB has estimated a credit risk for WIFIA as low as 1.53% in its FY 2017 budget proposal, which would allow this investment to subsidize up to $4.2 billion in loans.

Subparagraph (B) cross-references the uses of the WIFIA funding, for both emergencies and other eligible infrastructure.

Subparagraph (C) prevents $20,000,000 of the funds provided under subparagraph (A) from being used for a project that also receives funding from tax exempt financing.

(3) APPLICABILITY.—This paragraph makes it clear that the requirements under the Safe Drinking Water Act and WIFIA apply to assistance under this Act, unless specifically waived.

(f) HEALTH EFFECTS EVALUATION.—Subsection (f) directs ATSDR to use its current authorities under section 104(i) of CERCLA to establish a lead exposure registry for communities with drinking water related emergencies and to provide health consultations for the citizens of such communities, if requested.

Sec. 7402. Loan forgiveness

Section 7402 lifts the cap on additional subsidies applicable to fiscal year 2016 funds if a Federal or State emergency declaration has been issued due to a threat to public health from heightened exposure to lead in a municipal drinking water supply.

Sec. 7403. Registry for Lead Exposure and Advisory Committee

Section 7403 authorizes the Secretary of Health and Human Services to establish a voluntary lead exposure registry using ATSDR or another relevant agency, or through a grant or contract, applicable to any city whose citizens are exposed to lead contamination in drinking water. The Secretary of the Treasury is directed to transfer to the Secretary of HHS $17,500,000 for this activity.

Section 7403 also authorizes an advisory committee coordinated through CDC or other relevant agencies to review federal programs that address lead exposure, and identify research needs, best practices, and effective services. The Secretary of the Treasury is di-

rected to transfer to the Secretary of HHS $2,500,000 for this activity.

Sec. 7404. Additional funding for certain childhood health programs

Section 7404 directs the Secretary of the Treasury to transfer funding for the following authorized programs:

•To CDC, $10,000,000 for the Childhood Lead Poisoning Prevention Program authorized under section 317A of the Public Health Service Act (42 U.S.C. 247b–1).

•To the Secretary of Housing and Urban Development, $10,000,000 to carry out the Healthy Homes Initiative of the Department of Housing and Urban Development.

•To the Administrator of Health Resources and Service Administration, $10,000,000 to carry out the Healthy Start Initiative under section 330H of the Public Health Service Act (42 U.S.C. 254c–8).

Sec. 7405. Review and report

Section 7405 requires a GAO report on the status of ongoing investigations into the Flint drinking water situation, and the response to that situation.

SUBTITLE E—REPORT ON GROUNDWATER CONTAMINATION

Subtitle E addresses a miles-long plume of contaminated groundwater emanating from Navy property in Bethpage, New York, that is threatening the an aquifer that provides drinking water to approximately 250,000 people in Nassau County, New York. Under this subtitle, the Navy must provide a report to Congress outlining a comprehensive strategy to remediate the plume under CERCLA or take corrective action under RCRA. As required under those statutes, the Committee expects the Navy to include in the report an analysis of alternatives, including alternatives that would restore the groundwater resource to beneficial use. The Committee understands that, when complying with CERCLA or RCRA, the Navy takes action under the Defense Environmental Restoration Program (DERP). However, as provided in 10 U.S.C. 2701(a)(2), nothing in DERP affects the responsibility of the Navy under section 120 of CERCLA. Further, nothing in DERP affects the responsibility of the Navy under section 6001 of RCRA. Accordingly, the Committee expects the alternatives evaluated in the report to Congress under this subtitle to be based on the requirements of CERCLA and RCRA, which include consideration of cost-effectiveness and practicability, but not availability of funding.

The Committee is aware that the New York State legislature passed legislation in 2014 requiring the State Department of Environmental Conservation to conduct an evaluation of options for intercepting and remediating the plume. The Committee expects the Navy to consider the recommendations of the State report and to consult with the State of New York and local water districts when preparing the report and strategy for remediation required by this subtitle. Nothing in this subtitle affects the jurisdiction of the State Department of Environmental Conservation, as the lead agency for the addressing contamination from the Navy Bethpage property, to select remedies at this site or to modify any previously adopted remedies.

SUBTITLE F—RESTORATION

This subtitle includes the text of three bills, as they were reported by the Committee on January 20, 2016.

PART I—GREAT LAKES RESTORATION INITIATIVE

Part I consists of the text of S. 1024, which authorizes $300 million a year for each of fiscal years 2017 through 2021, for a total of $1.5 billion, for the Great Lakes Restoration Initiative, as described in S. Rept. 114–211.

PART II—LAKE TAHOE RESTORATION

Part II consists of the text of S. 1724, which reauthorizes the Lake Tahoe Restoration Act at $415 million over the next 10 years, as described in S. Rept. 114–256.

PART III—LONG ISLAND SOUND RESTORATION

Part III consists of the text of S. 1674, which reauthorizes the Long Island Sound Restoration program, authorizing a total of $65 million a year in grants for each of fiscal years 2016 through 2020, as described in S. Rept. 114–212.

SUBTITLE G—OFFSET

Sec. 7701. Offset

Section 7701 prohibits new loan commitments under the Advanced Technology Vehicles Manufacturing (ATVM) loan program after October 1, 2020. This prohibition reduces direct spending by $300 million, which, in addition to other provisions in the bill, more than offsets the direct spending and other revenue impacts in S. 2848.

LEGISLATIVE HISTORY

S. 2848, the Water Resources Development Act of 2016, was introduced by Sen. James M. Inhofe and Sen. Barbara Boxer on April 25, 2016. The bill was received, read twice, and referred to the Committee on Environment and Public Works. On April 28, 2016, the full Committee on Environment and Public Works met to consider the bill. A manager's amendment making technical and noncontroversial changes to the bill was adopted by voice vote. The bill, as amended, was ordered reported favorably by a rollcall vote of 19 to 1.

HEARINGS

The Committee held four hearings this Congress on issues addressed in the Water Resources Development Act of 2016.

- February 10, 2016, Full Committee Hearing entitled, "The Importance of Enacting a Water Resources Development Act."
- March 16, 2016, Full Committee Hearing entitled, "The Water Resources Development Act—Policies and Projects."
- April 7, 2016, Full Committee Hearing entitled, "The Federal Role in Keeping Water and Wastewater Infrastructure Affordable."
- April 20, 2016, Full Committee Hearing entitled, "New Approaches and Innovative Technologies to Improve Water Supply."

ROLLCALL VOTES

The Committee on Environment and Public Works met to consider S. 2848 on April 28, 2016. A manager's amendment making technical and non-controversial changes to the bill was adopted by voice vote. The bill, as amended, was ordered reported favorably by a rollcall vote of 19 to 1.

REGULATORY IMPACT STATEMENT

In compliance with section 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee finds that any regulatory impacts would be minimal. While S. 2848 requires owners and operators of public water systems to notify the public when measurements of lead in drinking water exceed safe levels prescribed by federal regulations under the Safe Drinking Water Act, most public water systems currently provide notices to the public when levels of lead and other regulated contaminants exceed allowable levels so the Congressional Budget Office estimates that the incremental cost of making the notifications required by the bill would be small. In addition, while S. 2848 requires owners and operators of watercraft launched in the waters of the Lake Tahoe Basin to submit their watercraft for inspection before launching in waters of the Lake Tahoe Basin, because the Tahoe Regional Planning Agency currently subjects watercraft to inspection requirements most owners and operators would already be in compliance with the bill's requirement and the Congressional Budget Office estimates that the cost to comply with the inspection requirements under the bill would be negligible. The Committee finds that S. 2848 will not cause any adverse impact on the personal privacy of individuals.

MANDATES ASSESSMENT

In compliance with the Unfunded Mandates Reform Act of 1995 (Public Law 104–4), the Committee notes that the Congressional Budget Office found that the aggregate costs of the mandates in S. 2848 would fall below the annual thresholds established in UMRA for intergovernmental and private-sector mandates ($77 million and $154 million in 2016, respectively, adjusted annually for inflation). The bill also would authorize federal grant, technical assistance, and loan programs that would benefit state, local, and tribal governments.

COST OF LEGISLATION

Section 403 of the Congressional Budget and Impoundment Control Act requires that a statement of the cost of the reported bill, prepared by the Congressional Budget Office, be included in the report. That statement follows:

JUNE 17, 2016.

Hon. JIM INHOFE,
Chairman, Committee on Environment and Public Works,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 2848, the Water Resources Development Act of 2016.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Aurora Swanson.

Sincerely,

KEITH HALL.

Enclosure.

S. 2848—Water Resources Development Act of 2016

Summary: S. 2848 would authorize the U.S. Army Corps of Engineers (Corps) to construct projects to mitigate storm and hurricane damage, to improve navigation and flood management, and to assist state and local governments with safety programs for dams and levees. The bill also would authorize the Environmental Protection Agency (EPA) to provide grants and loans to state and local governments, public water systems, and nonprofit organizations to support a wide range of water quality projects and programs.

CBO estimates that implementing this legislation would cost about $4.8 billion over the next five years and $10.6 billion over the 2017–2026 period, assuming appropriation of the authorized and necessary amounts.

In addition, CBO estimates that enacting the bill would reduce direct spending by $59 million over the 2017–2026 period and the staff of the Joint Committee on Taxation (JCT) estimates that enacting the bill would reduce revenues by $53 million over that same period. Because enacting S. 2848 would affect direct spending and revenues, pay-as-you-go procedures apply. CBO estimates that enacting the bill would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2027.

S. 2848 would impose intergovernmental and private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA). Because the number of affected entities and the cost of compliance would probably be small, CBO expects that the costs of the mandates would fall below the annual thresholds established in UMRA for intergovernmental and private-sector mandates ($77 million and $154 million in 2016, respectively, adjusted annually for inflation).

Estimated cost to the Federal Government: The estimated budgetary effects of S. 2848 are shown in Table 1. The costs of this legislation fall within budget function 300 (natural resources and environment).

TABLE 1.—ESTIMATED BUDGETARY EFFECTS OF S. 2848, THE WATER RESOURCES DEVELOPMENT ACT OF 2016

	By fiscal year, in millions of dollars—												
	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2016–2021	2016–2026
INCREASES IN SPENDING SUBJECT TO APPROPRIATION													
Estimated Authorization Level	0	1,262	1,405	1,591	1,724	1,901	635	707	767	734	775	7,883	11,501
Estimated Outlays	0	395	591	942	1,245	1,666	1,574	1,308	1,132	896	869	4,838	10,618
INCREASES OR DECREASES (−) IN DIRECT SPENDING													
Estimated Budget Authority	−31	269	*	*	*	*	*	*	*	*	*	238	238
Estimated Outlays	−31	44	90	69	21	−42	−42	−42	−42	−42	−42	152	−59
DECREASES IN REVENUES													
Estimated Revenues	0	−1	−1	−2	−3	−4	−6	−7	−8	−10	−11	−11	−53
NET INCREASE OR DECREASE (−) IN DEFICITS FROM CHANGES IN DIRECT SPENDING AND REVENUES													
Estimated Effect on the Deficit	−31	45	91	71	24	−38	−36	−35	−34	−32	−31	163	−6

Note: Amounts may not sum to totals because of rounding; * = between zero and $500,000.

Basis of Estimate: For this estimate, CBO assumes that S. 2848 will be enacted near the end of fiscal year 2016 and that the authorized and necessary amounts will be appropriated for each fiscal year. Estimates of amounts necessary to implement the bill are based on information from the Corps, EPA, and other agencies; estimated outlays are based on historical spending patterns for similar projects and programs. Major components of the estimated costs are described below.

Spending Subject to Appropriation

CBO estimates that S. 2848 would authorize appropriations totaling about $11.5 billion over the 2017–2026 period for water infrastructure projects and grant programs administered by the Corps and EPA. We estimate that implementing those provisions would cost $10.6 billion over the 2017–2026 period (see Table 2).

TABLE 2.—ESTIMATED EFFECTS ON SPENDING SUBJECT TO APPROPRIATION OF S. 2848, THE WATER RESOURCES DEVELOPMENT ACT OF 2016

	By fiscal year, in millions of dollars—											
	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2017–2021	2017–2026
INCREASES IN SPENDING SUBJECT TO APPROPRIATION												
Title VII: Safe Drinking Water and Clean Water Infrastructure:												
Estimated Authorization Level	1,042	1,162	1,212	1,262	1,362	92	92	92	92	92	6,038	6,495
Estimated Outlays	272	395	672	892	1,242	1,105	791	552	295	240	3,473	6,456
Title VI: Water Resources Infrastructure:												
Estimated Authorization Level	70	98	196	236	290	335	426	488	497	541	890	3,177
Estimated Outlays	28	60	118	175	226	276	338	402	443	481	607	2,548
Title II: Navigation:												
Estimated Authorization Level	54	56	72	80	89	95	74	71	66	68	351	725
Estimated Outlays	38	55	67	77	87	93	81	72	68	67	324	705
Title III: Dam and Levee Safety:												
Estimated Authorization Level	21	21	41	57	77	78	78	78	60	60	217	571
Estimated Outlays	11	17	20	25	34	46	58	69	62	59	108	401
Title IV: River Basins, Watersheds, and Coastal Areas:												
Estimated Authorization Level	37	30	31	50	52	20	21	21	4	4	200	269
Estimated Outlays	20	29	28	38	45	32	24	22	13	8	160	259
Other Provisions:												
Estimated Authorization Level	39	39	39	39	31	16	16	16	17	11	187	263
Estimated Outlays	25	34	37	38	32	21	17	16	16	14	166	249
Total Costs:												
Estimated Authorization Level	1,262	1,405	1,591	1,724	1,901	635	707	767	734	775	7,883	11,501
Estimated Outlays	395	591	942	1,245	1,666	1,574	1,308	1,132	896	869	4,838	10,618

Note: Amounts may not sum to totals because of rounding.

Title VII: Safe Drinking Water and Clean Water Infrastructure. CBO estimates that implementing title VII would cost about $6.5 billion over the 2017–2026 period, assuming appropriation of the necessary amounts. The legislation would authorize the appropriation of the following amounts for water infrastructure and conservation programs, with the bulk authorized for 2017 through 2021:

- $1.8 billion for EPA to make grants to help municipalities address the cost of controlling sewer overflows and stormwater discharges;
- $1.5 billion for EPA to support the Great Lakes Restoration Initiative;
- $1.43 billion for EPA to make grants to assist small and disadvantaged communities with the cost of complying with drinking water regulations.
- $500 million for EPA to make grants to public water systems and other entities to develop innovative water technologies;
- $415 million for several federal agencies to perform ecological restoration activities in the Lake Tahoe Basin;
- $325 million to support conservation and research activities for Long Island Sound;
- $300 million for EPA to make grants to public water systems to fund projects, such as replacing service lines, that reduce lead in drinking water;
- $125 million for EPA to provide technical assistance grants to small and medium water treatment works; and
- $100 million for EPA to make grants to fund lead testing programs in schools and child care centers.

Title VI: Water Resources Infrastructure. CBO estimates that implementing title IV would cost about $2.5 billion over the 2017–2026 period, assuming appropriation of estimated amounts and accounting for anticipated inflation. This title would authorize the Corps to construct 27 new projects and would modify the existing authorization of another five projects; those projects would aim to improve the nation's navigation system, strengthen flood-risk management, and restore the environment. Based on information from the Corps, CBO estimates that the total cost to complete those projects would be $10.5 billion over the next 15 years and beyond. S. 2848 would authorize the appropriation of $5.8 billion to cover the federal share of those costs and nonfederal entities would be responsible for the remaining share, totaling an estimated $4.7 billion.

To estimate the federal costs of those projects, CBO used information from the Corps about when construction for each project would begin, how long it would take to complete each project, and what funding would be necessary to complete each project over the anticipated construction period. Because of the size and complexity of some Corps projects, larger projects can take several years to commence and more than ten years to complete. CBO estimates that the federal share of the projects and modifications authorized by this title would require the appropriation of about $3.2 billion over the 2017–2026 period; the remainder of the federal share to complete the projects would be needed after 2026.

The estimated cost of the five largest projects authorized by S. 2848 totals $6.9 billion; the federal share would total about $3.5 billion. Those projects are:

- The Central Everglades Planning Project to restore the Everglades in central and southern Florida ($1 billion);
- The American River Watershed Common Features project to reduce the risk of floods along the American and Sacramento Rivers near Sacramento, California ($880 million);
- The West Sacramento project to reduce the risk of floods in the City of West Sacramento, California ($780 million);
- The West Shore Lake Pontchartrain project to reduce the risk of hurricane and storm damages in St. Charles, St. John the Baptist and St. James Parishes in Louisiana ($480 million); and
- The Los Angeles River Ecosystem Restoration project to restore ecosystems along the Los Angeles River in Los Angeles County, California ($380 million).

Assuming appropriation of the necessary amounts, CBO estimates that about $1.1 billion of those costs would be incurred over the 2017–2026 period. Based on information from the Corps, CBO estimates that construction costs for the other 22 projects and 5 modifications authorized by the bill would total about $1.4 billion over the next 10 years.

Title II: Navigation. CBO estimates that implementing title II would cost $705 million over the 2017–2026 period, assuming appropriation of the necessary amounts.

Title II would increase from 50 percent to 75 percent the federal share of project costs for dredging coastal and inland harbors to depths between 45 feet and 50 feet. Under current law, the federal share of the cost for dredging to depths between 20 feet to 45 feet is 75 percent and for dredging beyond 45 feet, 50 percent. Under the bill, the federal cost share for the portion of dredging between 45 feet to 50 feet would increase to 75 percent. Based on information from the Corps, eight dredging projects would be affected by this provision. The total estimated cost for those projects is $3.7 billion. Under the bill, the federal share of those costs would increase by about $430 million over the 2017–2026 period, including adjustments for anticipated inflation. (Nonfederal costs for those projects would decrease by a corresponding amount.)

Title II also would authorize the appropriation of $25 million each year for dredging along the lower half of Mississippi River at shallow draft ports that require depths of 14 feet or less to operate. Finally, this title would direct the Corps to prepare a report on potential transportation savings that would result from maintaining harbors at their required width and depth for each Corps project. CBO estimates that implementing those provisions would cost $275 million over the 2017–2026 period.

Title III—Dam and Levee Safety. CBO estimates that implementing title III would cost about $400 million over the 2017–2026 period, assuming appropriation of the necessary amounts.

S. 2848 would authorize the appropriation of $435 million over 10 years for a new program within the Federal Emergency Management Agency (FEMA) to provide grants to states to rehabilitate dams that would pose unacceptable risks to the public. Based on

information provided by FEMA, CBO estimates that implementing that provision would cost $265 million over the 2017–2026 period.

The bill also would authorize the appropriation of $125 million for mitigating hurricane and storm damage by restoring levees at certain facilities to address subsiding land and rising sea levels. Under current law, the Corps' authority to perform those activities expires in 2024; CBO assumes that the authorized amounts would be provided before 2024 in equal amounts over the next eight years. Accounting for anticipated inflation, CBO estimates that restoring eligible levees would cost $136 million over the 2017–2026 period.

Title IV—River Basins, Watersheds, and Coastal Areas. CBO estimates that implementing title IV would cost about $260 million over the 2017–2026 period, assuming appropriation of the necessary amounts and accounting for anticipated inflation.

S. 2848 would authorize the appropriation of $172 million for several activities including restoring ecosystems along the Columbia River in Oregon and Washington; mitigating flood damage arising from ice jams in the Upper Missouri River Basin; restoring fish and oyster habitat in the Chesapeake Bay tributaries of Virginia and Maryland; rehabilitating fish and wildlife habitat along the Rio Grande in Colorado, New Mexico, and Texas; and developing a plan for oyster bed recovery in Alabama, Florida, Louisiana, Mississippi, and Texas. Based on information from the Corps, CBO estimates that those activities would cost $178 million over the 2017–2026 period.

Title IV also would authorize the Corps to assess coastal regions in the United States for the risks of flooding and erosion areas. According to information from the Corps, there are five coastal regions in the United States that would qualify for such an assessment. CBO estimates that each assessment would cost $8 million. Assuming appropriation of the necessary amounts and accounting for anticipated inflation, CBO estimates that implementing this provision would cost $42 million over the 2017–2026 period.

This title also would authorize the Corps to provide assistance to Indian families displaced by construction of the Bonneville Dam that have not already received assistance. Based on information from the Corps, CBO estimates that there are at least 40 families that would qualify for assistance. Assistance provided to Indian families a few years ago in a similar situation totaled about $750,000 per family. Assuming a similar level of assistance, and accounting for anticipated inflation, CBO estimates that implementing the provision would cost $31 million over the 2017–2026 period.

Finally, the bill would authorize the Corps to conduct studies and develop plans to:

- Assess the number of tribal families displaced by the John Day Dam on the border of Oregon and Washington;
- Assess the feasibility of including navigation as an authorized purpose for the Columbia and lower Willamette Rivers in Washington and Oregon;
- Develop a plan in collaboration with the Bureau of Reclamation to manage sediment removal at reservoirs along the Missouri River; and

- Assess the feasibility of carrying out projects to reduce the risk of flooding in the Upper Mississippi and Illinois River Basins.

Based on information from the Corps, CBO estimates that completing those studies would cost $9 million over the 2017–2026 period.

Other Provisions. CBO estimates that implementing the remaining provisions in the bill would cost about $250 million over the 2017–2026 period, assuming the appropriation of authorized and estimated amounts. Those provisions would:

- Reauthorize the Water Resources Research Act, which allows federal agencies to provide grants to colleges and universities to support research to improve water supply, address water problems, and train researchers;
- Reauthorize the Water Desalination Act of 1986, which supports the research and development of technologies to reduce the cost of water desalination;
- Require federal agencies to produce a variety of studies and reports on water-related issues;
- Increase the authorization of appropriations by an estimated $95 million for an ongoing project to expand the wastewater infrastructure in Desoto County, Mississippi; and
- Direct the Corps to develop a system to monitor the condition of infrastructure it maintains.

Changes in Direct Spending

On net, CBO estimates that enacting S. 2848 would decrease direct spending by $59 million over the 2017–2026 period (see Table 3).

Several provisions, taken together, would increase direct spending by $270 million over the 2017–2026 period because they would appropriate to EPA and other agencies:

- $100 million to provide grants through EPA's State Revolving Fund program to assist states with drinking water emergencies;
- $70 million to subsidize loans to eligible entities under the Water Infrastructure Finance and Innovation Act (WIFIA) for water infrastructure projects;
- $50 million to provide grants to help small and disadvantaged communities comply with drinking water standards, address combined sewer overflows, and develop innovative water technologies;
- $30 million to provide grants through several programs to reduce lead exposure among children; and
- $20 million to develop a national lead exposure registry.

Another provision would reduce direct spending by $300 million over the 10-year period by permanently prohibiting, after 2020, the Department of Energy from obligating existing balances available to cover the subsidy costs of loans issued through the Advanced Technology Vehicle Manufacturing program.

Finally, based on information from the Corps, CBO estimates that enacting three other provisions in the bill would decrease net direct spending by $29 million over the 2017–2026 period. Those provisions would:

- Require the Trinity River Authority in Texas to repay $31 million owed to the federal government in a lump sum by the end of fiscal year 2016;
- Direct the Corps to enter into agreements with nonfederal entities to jointly manage parks and recreational facilities and allow those entities to collect fees that the Corps currently remits to the Treasury (totaling about $4 million) and to spend those fees for operation and maintenance expenses at those sites; and
- Direct the Corps to transfer land adjacent to Sardis Lake in Mississippi to a nonfederal entity in exchange for the market value of the land, which has an estimated value of $1 million.

TABLE 3.—ESTIMATED EFFECT ON DIRECT SPENDING AND REVENUES OF S. 2848, THE WATER RESOURCES DEVELOPMENT ACT OF 2016

	By fiscal year, in millions of dollars—												
	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2016–2021	2016–2026
INCREASES OR DECREASES (−) IN DIRECT SPENDING													
SRF Capitalization Grants:													
Estimated Budget Authority	0	100	0	0	0	0	0	0	0	0	0	100	100
Estimated Outlays	0	10	50	40	0	0	0	0	0	0	0	100	100
WIFA Loan Credit Subsidy:													
Estimated Budget Authority	0	70	0	0	0	0	0	0	0	0	0	70	70
Estimated Outlays	0	5	6	7	7	8	8	8	8	8	8	33	70
Community Grants:													
Estimated Budget Authority	0	50	0	0	0	0	0	0	0	0	0	50	50
Estimated Outlays	0	6	14	16	14	0	0	0	0	0	0	50	50
Childhood Lead Exposure Prevention Programs:													
Estimated Budget Authority	0	30	0	0	0	0	0	0	0	0	0	30	30
Estimated Outlays	0	11	15	4	0	0	0	0	0	0	0	30	30
National Lead Exposure Registry:													
Estimated Budget Authority	0	20	0	0	0	0	0	0	0	0	0	20	20
Estimated Outlays	0	13	5	2	0	0	0	0	0	0	0	20	20
Advanced Technology Vehicle Manufacturing Program:													
Estimated Budget Authority	0	0	0	0	0	0	0	0	0	0	0	0	0
Estimated Outlays	0	0	0	0	0	−50	−50	−50	−50	−50	−50	−50	−300
Other Provisions:													
Estimated Budget Authority	−31	−1	*	*	*	*	*	*	*	*	*	−31	−28
Estimated Outlays	−31	−1	*	*	*	*	*	*	*	*	*	−31	−29
Total Change in Direct Spending:													
Estimated Budget Authority	−31	269	*	*	*	*	*	*	*	*	*	239	242
Estimated Outlays	−31	44	90	69	21	−42	−42	−42	−42	−42	−42	152	−59
DECREASES IN REVENUES													
Estimated Revenues	0	−1	−1	−2	−3	−4	−6	−7	−8	−10	−11	−11	−53
NET INCREASE OR DECREASE (−) IN DEFICITS FROM CHANGES IN DIRECT SPENDING AND REVENUES													
Estimated Effect on the Deficit	−31	45	91	71	24	−38	−36	−35	−34	−32	−31	163	−6

Notes: Amounts may not sum to totals because of rounding; SRF = State Revolving Fund; WIFIA = Water Infrastructure Finance and Innovation Act; * = between zero and $500,000.

Revenues

JCT expects that some of the funds authorized and appropriated in S. 2848 for grants to capitalize State Revolving Funds and direct loans under the WIFIA program would be used by state and local governments to leverage additional funds by issuing tax-exempt bonds. JCT estimates that the issuance of additional tax-exempt bonds would reduce federal revenues by $53 million over the 2017–2026 period, as shown in Table 3.

Pay-As-You-Go considerations: The Statutory Pay-As-You-Go Act of 2010 establishes budget-reporting and enforcement procedures for legislation affecting direct spending or revenues. The net changes in outlays and revenues that are subject to those pay-as-you-go procedures are shown in Table 4.

TABLE 4.—CBO ESTIMATE OF PAY-AS-YOU-GO EFFECTS OF S. 2848, THE WATER RESOURCES DEVELOPMENT ACT OF 2016, AS ORDERED REPORTED BY THE SENATE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS ON APRIL 28, 2016

	By fiscal year, in millions of dollars—												
	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2016–2021	2016–2026
NET INCREASE OR DECREASE (−) IN THE DEFICIT													
Statutory Pay-As-You-Go Impact	−31	45	91	71	24	−38	−36	−35	−34	−32	−31	163	−6
Memorandum:													
Changes in Outlays	−31	44	90	69	21	−42	−42	−42	−42	−42	−42	152	−59
Changes in Revenues	0	−1	−1	−2	−3	−4	−6	−7	−8	−10	−11	−11	−53

Increase in long-term net direct spending and deficits: CBO estimates that enacting the bill would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2027.

Intergovernmental and private-sector impact: The bill would impose intergovernmental and private-sector mandates as defined in UMRA; however, CBO estimates that the aggregate costs of the mandates would fall below the annual thresholds established in UMRA for intergovernmental and private-sector mandates ($77 million and $154 million in 2016, respectively, adjusted annually for inflation). The bill also would authorize federal grant, technical assistance, and loan programs that would benefit state, local, and tribal governments.

Mandates that apply to both public and private entities

The bill would impose a mandate on owners and operators of public water systems by requiring those entities to notify the public when measurements of lead in drinking water exceed safe levels prescribed by federal regulations under the Safe Drinking Water Act. Information from public water systems, state agencies, and EPA indicates that most public water systems currently provide notices to the public when levels of lead and other regulated contaminants exceed allowable levels. Therefore, CBO estimates that the incremental cost of making the notifications required by the bill would be small.

The bill also would impose a mandate on owners and operators of watercraft launched in the waters of the Lake Tahoe Basin. The bill would require those owners and operators to submit their watercraft for inspection before launching in waters of the Lake Tahoe Basin. Because the Tahoe Regional Planning Agency currently subjects watercraft to inspection requirements, most owners and operators would already be in compliance with the bill's requirements. Therefore, CBO estimates that the cost to comply with the inspection requirements under the bill would be negligible.

Other effects on public entities

The bill would benefit state, local, and tribal governments by authorizing federal grant and loan programs to improve water infrastructure and reduce contaminants such as lead in drinking water systems. The bill also would benefit those governments by providing greater flexibility in the administration and financing of water infrastructure projects supported by EPA and the Corps through State Revolving Funds and other federal programs. Any costs incurred by those entities, including matching contributions for federal grants and loan repayments, would be incurred voluntarily.

The bill would benefit state, local, and tribal governments, as well as public institutions of higher education, that participate in federal conservation programs for the Great Lakes and Long Island Sound. The bill also would benefit state, local and tribal governments in California and Nevada by authorizing federal grants and technical assistance for fire prevention, forest management activities, and environmental improvement projects located in the Lake Tahoe Basin. Finally, the bill would authorize conveyances of fed-

eral land to California and Nevada. Any costs to those entities, including matching contributions, would be incurred voluntarily.

Estimate prepared by: Federal spending: Aurora Swanson and Jon Sperl; Federal revenues: Staff of the Joint Committee on Taxation; Impact on State, Local, and Tribal Governments: Jon Sperl; Impact on the Private Sector: Amy Petz.

Estimate approved by: H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis.

CHANGES IN EXISTING LAW

In compliance with section 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill as reported are shown as follows: Existing law proposed to be omitted is enclosed in [black brackets], new matter is printed in *italic*, existing law in which no change is proposed is shown in roman:

* * * * * * *

WATER RESOURCES DEVELOPMENT ACT OF 1986

* * * * * * *

SEC. 101. HARBORS.

(a) CONSTRUCTON.—

(1) PAYMENTS DURING CONSTRUCTION.—The non-Federal interests for a navigation project for a harbor or inland harbor, or any separable element thereof, on which a contract for physical construction has not been awarded before [the date of enactment of this Act] *the date of enactment of the Water Resources Reform and Development Act of 2014 (Public Law 113-121; 128 Stat. 1193)* shall pay, during the period of construction of the project, the following costs associated with general navigation features:

(A) 10 percent of the cost of construction of the portion of the project which has a depth not in excess of 20 feet; plus

(B) 25 percent of the cost of construction of the portion of the project which has a depth is excess of 20 feet but not in excess of [45 feet] *50 feet*; plus

(C) 50 percent of the cost of construction of the portion of the project which has a depth in excess of [45 feet] *50 feet*.

* * * * * * *

SEC. 102. INLAND WATERWAY TRANSPORTATION.

(a) CONSTRUCTION.—One-half of the costs of construction—

(1) of each project authorized by title III of this Act,

(2) of the project authorized by section 1103(j) of this Act, and

(3) allocated to inland navigation for the project authorized by section 844 of this Act,

shall be paid only from amounts appropriated from the general fund of the Treasury. One-half of such costs shall be paid only from amounts appropriated from the Inland Waterways Trust Fund. For purposes of this subsection, the term "contruction" shall include planning, designing, engineering, surveying, the acquisition of all

lands, easements, and rights-of-way necessary for the project, including lands for disposal of dredged material, and relocations necessary for the project.

(b) OPERATON AND MAINTENANCE.—The Federal share of the cost of operation and maintenance of any project for navigation on the inland waterways is 100 percent.

(c) FLOODGATES ON THE INLAND WATERWAYS.—

(1* * *

* * * * * * *

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

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

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

* * * * * * *

FEASIBILITY STUDIES; PLANNING, ENGINEERING, AND DESIGN.

(a) FEASIBILITY STUDIES.—

(1) COST SHARING.—

[(A) IN GENERAL.— The Secretary]

(A) REQUIREMENT.—

(i) IN GENERAL.—*Except as provided in clause (ii), the Secretary"shall not initiate any feasibility study for a water resources project after November 17, 1986, until appropriate non-Federal interests agree, by contract, to contribute 50 percent of the cost of the study.*]

(ii) EXCEPTION.—*For the purpose of meeting or otherwise communicating with prospective non-Federal sponsors to identify the scope of a potential water resources project feasibility study, identifying the Federal interest, developing the cost sharing agreement, and developing the project management plan, the first $100,000 of the feasibility study shall be a Federal expense.*

* * * * * * *

SEC. 203. STUDIES OF PROJECTS BY NON-FEDERAL INTERESTS.

(a) SUBMISSION TO SECRETARY.—A non-Federal interest may on its own undertake a feasibility study of a proposed harbor or inland harbor project and submit it to the Secretary. To assist non-Federal interests, the Secretary shall, as soon as practicable, promulgate guidelines for studies of harbors or inland harbors to provide sufficient information for the formulation of studies.

(b) REVIEW BY SECRETARY.—The Secretary shall review each study submitted under subsection (a) for the purpose of determining whether or not such study and the process under which such study was developed comply with Federal laws and regulations applicable to feasibility studies of navigation projects for harbors or inland harbors.

(c) SUBMISSION TO CONGRESS.—Not later than 180 days after receiving any study submitted under subsection (a), the Secretary shall transmit to the Congress, in writing, the results of such review and any recommendations the Secretary may have concerning the project described in such plan and design.

(d) CREDIT AND REIMBURSEMENT.—If a project for which a study has been submitted under subsection (a) is authorized by any provision of Federal law enacted after the date of such submission, the Secretary shall credit toward the non-Federal share of the cost of construction of such project an amount equal to the portion of the cost of developing such study that would be the responsibility of the United States if such study were developed by the Secretary.

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

* * * * * * *

SEC. 204. [33 U.S.C. 2232] CONSTRUCTION OF WATER RESOURCES DEVELOPMENT PROJECTS BY NON-FEDERAL INTERESTS.

[(a) WATER RESOURCES DEVELOPMENT PROJECT DEFINED.—In this section, the**]**

(a) DEFINITIONS.—*In this section:*

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

(2) WATER RESOURCES DEVELOPMENT PROJECT.—*The* term "water resources development project" means a project recommendation that results from—

[(1)**]**

(A) a feasibility report, as such term is defined in section 7001(f) of the Water Resources Reform and Development Act of 2014;

[(2)**]**

(B) a completed feasibility study developed under section 203; or

[(3)**]**

(C) a final feasibility study for water resources development and conservation and other purposes that is specifically authorized by Congress to be carried out by the Secretary.

(b) AUTHORITY.—

(1) IN GENERAL.—A non-Federal interest may carry out a water resources development **[**project, or separable element thereof**]** *project, separable element, or discrete segment of a project*—

(A) in accordance with a plan approved by the Secretary for the **[**project or separable element**]** *project, separable element, or discrete segment*; and

(B) subject to any conditions that the Secretary may require, including any conditions specified under section 203(c)(3).

(2) CONDITIONS.— Before carrying out a water resources development [project, or separable element thereof,] *project, separable element, or discrete segment of a project* under this section, a non-Federal interest shall—

(A) obtain any permit or approval required in connection with the [project or separable element] *project, separable element, or discrete segment* under Federal or State law; and

(B) ensure that a final environmental impact statement or environmental assessment, as appropriate, for the [project or separable element] *project, separable element, or discrete segment* has been filed.

(c) STUDIES AND ENGINEERING.—When requested by an appropriate non-Federal interest, the Secretary may undertake all necessary studies and engineering for any construction to be undertaken under subsection (b), and provide technical assistance in obtaining all necessary permits for the construction, if the non-Federal interest contracts with the Secretary to furnish the United States funds for the studies, engineering, or technical assistance in the period during which the studies and engineering are being conducted.

(d) CREDIT OR REIMBURSEMENT.—

(1) GENERAL RULE.—Subject to paragraph (3), a [project or separable element] *project, separable element, or discrete segment* of a project carried out by a non-Federal interest under this section shall be eligible for credit or reimbursement for the Federal share of work carried out on a [project or separable element] *project, separable element, or discrete segment* of a project if—

(A) before initiation of construction of the [project or separable element] *project, separable element, or discrete segment*—

(i) the Secretary approves the plans for construction of the [project or separable element] *project, separable element, or discrete segment* of the project by the non-Federal interest;

(ii) the Secretary determines, before approval of the plans, that the [project or separable element] *project, separable element, or discrete segment* of the project is feasible; and

(iii) the non-Federal interest enters into a written agreement with the Secretary under section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), including an agreement to pay the non-Federal share, if any, of the cost of operation and maintenance of the project; and

(B) the Secretary determines that all Federal laws and regulations applicable to the construction of a water resources development project, and any conditions identified under subsection (b)(1)(B), were complied with by the non-Federal interest during construction of the [project or sep-

arable element] *project, separable element, or discrete segment* of the project.

(2) APPLICATION OF CREDIT.—The Secretary may apply credit toward—

(A) the non-Federal share of authorized separable elements of the same project; or

(B) subject to the requirements of this section and section 1020 of the Water Resources Reform and Development Act of 2014, at the request of the non-Federal interest, the non-Federal share of a different water resources development project.

(3) REQUIREMENTS.—The Secretary may only apply credit or provide reimbursement under paragraph (1) if—

(A) Congress has authorized construction of the [project or separable element] *project, separable element, or discrete segment* of the project; and

(B) the Secretary certifies that the [project] *project, separable element, or discrete segment* has been constructed in accordance with—

(i) all applicable permits or approvals; and

(ii) this section.

(4) MONITORING.—The Secretary shall regularly monitor and audit any water resources development [project, or separable element of a water resources development project,] *project, separable element, or discrete segment of a project* constructed by a non-Federal interest under this section to ensure that—

(A) the construction is carried out in compliance with the requirements of this section; and

(B) the costs of the construction are reasonable.

(5) REPAYMENT OF REIMBURSEMENT.—*If the non-Federal interest receives reimbursement for a discrete segment of a project and fails to complete the entire project or separable element of the project, the non-Federal interest shall repay to the Secretary the amount of the reimbursement, plus interest.*

(e) NOTIFICATION OF COMMITTEES.—If a non-Federal interest notifies the Secretary that the non-Federal interest intends to carry out a project, or separable element thereof, *project, separable element, or discrete segment of a project* under this section, the Secretary shall provide written notice to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives concerning the intent of the non-Federal interest.

(f) OPERATION AND MAINTENANCE.—Whenever a non-Federal interest carries out improvements to a federally authorized harbor or inland harbor, the Secretary shall be responsible for operation and maintenance in accordance with section 101(b) if—

(1) before construction of the improvements—

(A) the Secretary determines that the improvements are feasible and consistent with the purposes of this title; and

(B) the Secretary and the non-Federal interest execute a written agreement relating to operation and maintenance of the improvements;

(2) the Secretary certifies that the [project or separable element] *project, separable element, or discrete segment* of the

project is constructed in accordance with applicable permits and appropriate engineering and design standards; and

(3) the Secretary does not find that the [project or separable element] *project, separable element, or discrete segment* is no longer feasible.

* * * * * * *

SEC. 210. AUTHORIZATION OF APPROPRIATIONS.

(a) TRUST FUND.—* * *

* * * * * * *

(c) OPERATION AND MAINTENANCE OF HARBOR PROJECTS.—

(1) IN GENERAL.—To the maximum extent practicable, the Secretary shall make expenditures to pay for operation and maintenance costs of the harbors and inland harbors referred to in subsection (a)(2), including expenditures of funds appropriated from the Harbor Maintenance Trust Fund, based on an equitable allocation of funds among all such harbors and inland harbors.

(2) CRITERIA.—

(A) IN GENERAL.—In determining an equitable allocation of funds under paragraph (1), the Secretary shall—

(i) consider the information obtained in the assessment conducted under subsection (e);

(ii) consider the national and regional significance of harbor operations and maintenance; and

(iii) as appropriate, consider national security and military readiness needs.

(B) LIMITATION.—The Secretary shall not allocate funds under paragraph (1) based solely on the tonnage transiting through a harbor.

(3) EMERGING HARBOR PROJECTS.—Notwithstanding any other provision of this subsection, in making expenditures under paragraph (1) for each of fiscal years 2015 through [2022] *2025*, the Secretary shall allocate for operation and maintenance costs of emerging harbor projects an amount that is not less than 10 percent of the funds made available under this section for fiscal year [2012] *2015* to pay the costs described in subsection (a)(2).

* * * * * * *

(e) ASSESSMENT OF HARBORS AND INLAND HARBORS.—

(1) IN GENERAL.—* * *

* * * * * * *

(3) REPORT TO CONGRESS.—

(A) IN GENERAL.—For fiscal year 2016, and biennially thereafter, in conjunction with the President's annual budget submission to Congress under section 1105(a) of title 31, United States Code, the Secretary shall submit to the Committee on Environment and Public Works and the Committee on Appropriations of the Senate and the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives a report that, with respect to harbors and inland harbors referred to in subsection (a)(2)—

(i) identifies the operation and maintenance costs associated with the harbors and inland harbors, including those costs required to achieve and maintain the constructed width and depth for the harbors and inland harbors and the costs for expanded uses at eligible harbors and inland harbors, on a project-by-project basis;

(ii) identifies the amount of funding requested in the President's budget for the operation and maintenance costs associated with the harbors and inland harbors, on a project-by-project basis;

(iii) identifies the unmet operation and maintenance needs associated with the harbors and inland harbors, on a project-by-project basis; and

(iv) identifies the harbors and inland harbors for which the President will allocate funding over the subsequent 5 fiscal years for operation and maintenance activities, on a project-by-project basis, including the amounts to be allocated for such purposes.

(B) ADDITIONAL REQUIREMENT.—*For the first report following the date of enactment of the Water Resources Development Act of 2016, in the report submitted under subparagraph (A), the Secretary shall identify, to the maximum extent practicable, transportation cost savings realized by achieving and maintaining the constructed width and depth for the harbors and inland harbors referred to in subsection (a)(2), on a project-by-project basis.*

[(B)**]** *(C)* PUBLIC AVAILABILITY.—The Secretary shall make the report submitted under subparagraph (A) available to the public, including on the Internet.

* * * * * * *

SEC. 214. DEFINITIONS.

For purposes of this title—

(1) DEEP-DRAFT HARBOR.—The term "deep-draft harbor" means a harbor which is authorized to be constructed to a depth of more than **[**45 feet**]** *50 feet* (other than a project which is authorized by section 202 of this title).

* * * * * * *

SEC. 704. [33 U.S.C. 2263(b)(1)]

(b) Projects

(1) In generalThe Secretary is further authorized to conduct projects of alternative or beneficially modified habitats for fish and wildlife, including but not limited to man-made reefs for fish. There is authorized to be appropriated not to exceed**[**$60,000,000**]** *$100,000,000* to carry out such projects.

* * * * * * *

SEC. 729. [33 U.S.C. 2267a] WATERSHED AND RIVER BASIN ASSESSMENTS.

(a) IN GENERAL.—The Secretary may assess the water resources needs of river basins and watersheds of the United States, including needs relating to—

(1)* * *

* * * * * * *

(f) COST-SHARING REQUIREMENTS.—

(1) NON-FEDERAL SHARE.—The non-Federal share of the costs of an assessment carried out under this section on or after December 11, 2000, shall be 25 percent, *except that the first $100,000 of the assessment shall be a Federal expense*.

* * * * * * *

SEC. 906. FISH AND WILDLIFE MITIGATION.

(a) (1)* * *

* * * * * * *

(h) PROGRAMMATIC MITIGATION PLANS.-

(1) IN GENERAL.-* * *

* * * * * * *

(4) SCOPE.-A programmatic mitigation plan developed by the Secretary or an entity described in paragraph (3) to address potential impacts of existing or future water resources development projects shall, to the maximum extent practicable-

(A) be developed on a regional, ecosystem, watershed, or statewide scale;

(B) include specific goals for aquatic resource and fish and wildlife habitat restoration, establishment, enhancement, or preservation;

(C) identify priority areas for aquatic resource and fish and wildlife habitat protection or restoration;

(D) include measures to protect or restore habitat connectivity

[(D)**]** *(E)* encompass multiple environmental resources within a defined geographical area or focus on a specific resource, such as aquatic resources or wildlife habitat; and

[(E)**]** *(F)* address impacts from all projects in a defined geographical area or focus on a specific type of project.

* * * * * * *

(6) CONTENTS.-A programmatic environmental mitigation plan may include-

(A) an assessment of the condition of environmental resources in the geographical area covered by the plan, including an assessment of recent trends and any potential threats to those resources;

(B) an assessment of potential opportunities to improve the overall quality of environmental resources in the geographical area covered by the plan through strategic mitigation for impacts of water resources development projects;

(C) standard measures for mitigating certain types of **[**impacts**]** *impacts, including impacts to habitat connectivity*;

* * * * * * *

(j) USE OF FUNDS.—*The Secretary may use funds made available for preconstruction engineering and design prior to authorization of project construction to satisfy mitigation requirements through*

third-party arrangements or to acquire interests in land necessary for meeting mitigation requirements under this section.

* * * * * * *

[33 U.S.C. 701H-1]

ACT OF OCTOBER 15, 1940

* * * * * * *

SEC. 701h-1. CONTRIBUTIONS BY STATES AND POLITICAL SUBDIVISIONS FOR IMMEDIATE USE ON AUTHORIZED FLOOD-CONTROL WORK; REPAYMENT.

[Whenever any]

(a) IN GENERAL.—*Whenever any* State or political subdivision thereof shall offer to advance funds for [a flood-control project duly adopted and authorized by law] *an authorized water resources development study or project,* the Secretary of the Army may in his discretion, receive such funds and expend the same in the immediate prosecution of [such work] *such study or project*. [The Secretary of the Army]

(b) REPAYMENT.—*The Secretary of the Army* ;is authorized and directed to repay without interest, [from appropriations which may be provided by Congress for flood-control work] *if specific appropriations are provided by Congress for such purpose*, the moneys so contributed and expended: Provided, however, That no repayment of funds which may be contributed for the purpose of meeting any conditions of local cooperation imposed by Congress, or under the authority of section 701h of this title, shall be made.

(c) DEFINITION OF STATE.—*In this section, the term 'State' means—*

(1) a State;

(2) the District of Columbia;

(3) the Commonwealth of Puerto Rico;

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

(5) a federally recognized Indian tribe or a Native village, Regional Corporation, or Village Corporation (as those terms are defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602)).

* * * * * * *

WATER RESOURCES REFORM AND DEVELOPMENT ACT OF 2014

* * * * * * *

SEC. 1001. [33 U.S.C. 2282c] VERTICAL INTEGRATION AND ACCELERATION OF STUDIES.

(a) IN GENERAL.—* * *

* * * * * * *

(d) EXCEPTION.—

(1) IN GENERAL.—Notwithstanding the requirements of subsection (c), the Secretary may extend the timeline of a study by a period not to exceed 3 years, if the Secretary determines that the feasibility study is too complex to comply with the requirements of subsections (a) and (c).

(2) * * *

* * * * * * *

[(3) NOTIFICATION.— Each time the Secretary makes a determination under this subsection, the Secretary shall provide written notice to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives as to the results of that determination, including an identification of the specific 1 or more factors used in making the determination that the project is complex.]

(3) REPORT.—*Not later than February 1 of each year, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that identifies any feasibility study for which the Secretary in the preceding fiscal year approved an increase in cost or extension in time as provided under this section, including an identification of the specific 1 or more factors used in making the determination that the project is complex.*

* * * * * * *

SEC. 1011. [33 U.S.C. 2341a] PRIORITIZATION.

(a) PRIORITIZATION OF HURRICANE AND STORM DAMAGE RISK REDUCTION EFFORTS.—

(1) PRIORITY.—For authorized projects and ongoing feasibility studies with a primary purpose of hurricane and storm damage risk reduction, the Secretary shall give funding priority to projects and ongoing studies that—

(A) address an imminent threat to life and property;

(B) prevent storm surge from inundating populated areas;

(C) *restore or* prevent the loss of coastal wetlands that help reduce the impact of storm surge;

(D) protect emergency hurricane evacuation routes or shelters;

(E) prevent adverse impacts to publicly owned or funded infrastructure and assets;

(F) minimize disaster relief costs to the Federal Government; and

(G) address hurricane and storm damage risk reduction in an area for which the President declared a major disaster in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170).

(2) EXPEDITED CONSIDERATION OF CURRENTLY AUTHORIZED PROJECTS.—Not later than 180 days after [the date of enactment of this Act] *the date of enactment of the Water Resources Development Act of 2016*, the Secretary shall—

(A) 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 list of all—

(i) ongoing hurricane and storm damage reduction feasibility studies that have signed feasibility cost-

share agreements and have received Federal funds since 2009; and

(ii) authorized hurricane and storm damage reduction projects [that—

[(I) have been authorized for more than 20 years but are less than 75 percent complete; or

(II)] *that* are undergoing a post-authorization change report, general reevaluation report, or limited reevaluation report;

(B) identify those projects on the list required under subparagraph (A) that meet the criteria described in paragraph (1); and

(C) provide a plan for expeditiously completing the projects identified under subparagraph (B), subject to available funding.

(b) PRIORITIZATION OF ECOSYSTEM RESTORATION EFFORTS.—[For]

(1) IN GENERAL.—*For* authorized projects with a primary purpose of ecosystem restoration, the Secretary shall give funding priority to projects—

[(1)]

(A) that—

[(A)]

(i) address an identified threat to public health, safety, or welfare;

[(B)]

(ii) preserve or restore ecosystems of national significance; or

[(C)]

(iii) preserve or restore habitats of importance for federally protected species, including migratory birds; and

[(2)]

(B) for which the restoration activities will contribute to other ongoing or planned Federal, State, or local restoration initiatives.

(2) EXPEDITED CONSIDERATION OF CURRENTLY AUTHORIZED PROGRAMMATIC AUTHORITIES.—*Not later than 180 days after the date of enactment of the Water Resources Development Act of 2016, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that contains—*

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

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

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

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

* * * * * * *

SEC. 1015. CONTRIBUTIONS BY NON-FEDERAL INTERESTS.

(a) IN GENERAL.—* * *

* * * * * * *

(b) [33 U.S.C. 701h note] NOTIFICATION FOR CONTRIBUTED FUNDS.—Prior to accepting funds contributed under section 5 of the Act of June 22, 1936 (33 U.S.C. 701h), the Secretary shall provide written notice of the funds to the Committee on Environment and Public Works and the Committee on Appropriations of the Senate and the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives.

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

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

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

* * * * * * *

SEC. 1020. [33 U.S.C. 2223] TRANSFER OF EXCESS CREDIT.

[(a) IN GENERAL.—Subject to subsection (b)]

(a) APPLICATION OF CREDIT.—

(1) IN GENERAL.—*Subject to subsection (b)*, the Secretary may apply credit for in-kind contributions provided by a non-Federal interest that are in excess of the required non-Federal cost share for a water resources development study or project toward the required non-Federal cost share for a different water resources development study or project.

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

* * * * * * *

[(d) TERMINATION OF AUTHORITY.—The authority provided in this section shall terminate 10 years after the date of enactment of this Act.]

[(e)] *(d)* REPORT.—

(1) DEADLINES.—

(A) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, and once every 2 years thereafter, 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 and make publicly available an interim report on the use of the authority under this section.

(B) FINAL REPORT.—Not later than 10 years 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 and make publicly available a final report on the use of the authority under this section.

(2) INCLUSIONS.—The reports described in paragraph (1) shall include—

(A) a description of the use of the authority under this section during the reporting period;

(B) an assessment of the impact of the authority under this section on the time required to complete projects; and

(C) an assessment of the impact of the authority under this section on other water resources projects.

* * * * * * *

SEC. 1024. [33 U.S.C. 2325a] AUTHORITY TO ACCEPT AND USE MATERIALS AND SERVICES.

[(a) IN GENERAL.—Subject to subsection (b), the Secretary is authorized to accept and use materials and services contributed by a non-Federal public entity, a nonprofit entity, or a private entity for the purpose of repairing, restoring, or replacing a water resources development project that has been damaged or destroyed as a result of an emergency if the Secretary determines that the acceptance and use of such materials and services is in the public interest.]

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

(1) there is a risk of adverse impacts to the functioning of the project for the authorized purposes of the project; and

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

* * * * * * *

(c) REPORT.—[Not later than 60 days after initiating an activity under this section,] *Not later than February 1 of each year after the first fiscal year in which materials, services, or funds are accepted under this section,* 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] *an annual report* that includes—

* * * * * * *

SEC. 1027. [33 U.S.C. 426e-2] CLARIFICATION OF MUNITION DISPOSAL AUTHORITIES.

(a) IN GENERAL.—The Secretary may*, at full Federal expense,* implement any response action the Secretary determines to be necessary at a site where—

* * * * * * *

(b) RESPONSE ACTION FUNDING.—A response action described in subsection (a) shall be [funded] *reimbursed* from amounts made available to the agency within the Department of Defense responsible for the original release of the munitions.

* * * * * * *

SEC. 1046. [33 U.S.C. 2319 note] RESERVOIR OPERATIONS AND WATER SUPPLY.

(a) DAM OPTIMIZATION.—* * *

* * * * * * *

(c) SURPLUS WATER STORAGE.—

(1) IN GENERAL.—The Secretary shall not charge a fee for surplus water under a contract entered into pursuant to section 6 of the Act of December 22, 1944 (commonly known as the "Flood Control Act of 1944") (33 U.S.C. 708) if the contract is for surplus water stored in the Upper Missouri Mainstem Reservoirs.

(2) OFFSET.—* * *

* * * * * * *

(5) TIME LIMIT.—

(A) IN GENERAL.—*If the Secretary has documented the volume of surplus water available, not later than 60 days after the date on which the Secretary receives a request for a contract and easement, the Secretary shall issue a decision on the request.*

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

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

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

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

* * * * * * *

SEC. 2101. [33 U.S.C. 2238b] FUNDING FOR HARBOR MAINTENANCE PROGRAMS.

(a) DEFINITIONS.—In this section:

(1) TOTAL AMOUNT OF HARBOR MAINTENANCE TAXES RECEIVED.—The term "total amount of harbor maintenance taxes received" means, with respect to a fiscal year, the aggregate of amounts appropriated, transferred, or credited to the Harbor Maintenance Trust Fund under section 9505(a) of the Internal Revenue Code of 1986 for that fiscal year as set forth in the current year estimate provided in the President's budget request for the subsequent fiscal year, submitted pursuant to section 1105 of title 31, United States Code.

(2) TOTAL BUDGET RESOURCES.—The term "total budget resources" means the total amount made available by appropriations Acts from the Harbor Maintenance Trust Fund for a fiscal year for making expenditures under section 9505(c) of the Internal Revenue Code of 1986.

(b) TARGET APPROPRIATIONS.—

(1) IN GENERAL.—**[**The target total**]** *Except as provided in subsection (c), the target total* budget resources made available to the Secretary from the Harbor Maintenance Trust Fund for a fiscal year shall be not less than the following:

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

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

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

* * * * * * *

[(c)**]** *(d)* IMPACT ON OTHER FUNDS.—

(1) SENSE OF CONGRESS.—It is the sense of Congress that any increase in funding for harbor maintenance programs under this section shall result from an overall increase in appropriations for the civil works program of the Corps of Engineers and not from reductions in the appropriations for other programs, projects, and activities carried out by the Corps of Engineers for other authorized purposes.

(2) APPLICATION.—The target total budget resources for a fiscal year specified in subsection (b)(1) shall only apply in a fiscal year for which the level of appropriations provided for the civil works program of the Corps of Engineers in that fiscal year is increased, as compared to the previous fiscal year, by a dollar amount that is at least equivalent to the dollar amount necessary to address such target total budget resources in that fiscal year.

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SEC. 2102. OPERATION AND MAINTENANCE OF HARBOR PROJECTS.

(a) IN GENERAL.—* * *

* * * * * * *

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

* * * * * * *

SEC. 2105. [33 U.S.C. 2243] ARCTIC DEEP DRAFT PORT DEVELOPMENT PARTNERSHIPS.

(a) IN GENERAL.—The Secretary may provide technical assistance to non-Federal public entities, including Indian tribes (as defined in section 4 of the Indian Self-Determination and Education Assistance Act **[**(25 U.S.C. 450b))**]** *(25 U.S.C. 250b)) and a Native village, Regional Corporation, or Village Corporation (as those terms are defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602)*, for the development, construction, operation, and maintenance of channels, harbors, and related infrastructure associated with deep draft ports for purposes of dealing with Arctic development and security needs.

(b) ACCEPTANCE OF FUNDS.—The Secretary is authorized to accept and expend funds provided by non-Federal public entities, including Indian tribes (as defined in section 4 of the Indian Self-Determination and Education Assistance Act **[**(25 U.S.C. 450b))**]** *(25*

U.S.C. 250b)) and a Native village, Regional Corporation, or Village Corporation (as those terms are defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602), to carry out the technical assistance activities described in subsection (a).

(c) LIMITATION.—No assistance may be provided under this section until after the date on which the entity to which that assistance is to be provided enters into a written agreement with the Secretary that includes such terms and conditions as the Secretary determines to be appropriate and in the public interest.

(d) PRIORITIZATION.—The Secretary shall prioritize technical assistance provided under this section for Arctic deep draft ports identified by the Secretary, the Secretary of Homeland Security, and the Secretary of Defense as important for Arctic development and security.

(e) CONSIDERATION OF NATIONAL SECURITY INTERESTS.—*In carrying out a study of the feasibility of an Arctic deep draft port, the Secretary—*

(1) shall consult with the Secretary of Homeland Security and the Secretary of Defense to identify national security benefits associated with an Arctic deep draft port; and

(2) if appropriate, as determined by the Secretary, may determine a port described in paragraph (1) is feasible based on the benefits described in that paragraph.

* * * * * * *

SEC. 2106. [33 U.S.C. 2238c] ADDITIONAL MEASURES AT DONOR PORTS AND ENERGY TRANSFER PORTS.

(a) DEFINITIONS.—In this section:

(1) CARGO CONTAINER.—* * *

* * * * * * *

(4) ENERGY TRANSFER PORT.—The term "energy transfer port" means a port—

(A) that is subject to the harbor maintenance fee under section 24.24 of title 19, [Code of Federal Regulation] *Code of Federal Regulations* (or any successor regulation); and

* * * * * * *

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $50,000,000 for each of fiscal years 2015 through [2018] *2025*.

(2) DIVISION BETWEEN DONOR PORTS AND ENERGY TRANSFER PORTS.—For each fiscal year, amounts made available to carry out this section shall be provided in equal amounts to donor ports and energy transfer ports.

(3) ADDITIONAL APPROPRIATIONS.—If the target total budget resources under subparagraphs (A) through (D) of section 2101(b)(1) are met for each of fiscal years [2015 through 2018] *2016 through 2020*, there is authorized to be appropriated to carry out this section $50,000,000 for each of fiscal years [2019 through 2022] *2021 through 2025*.

* * * * * * *

SEC. 3013. [33 U.S.C. 701n note] VEGETATION MANAGEMENT POLICY.

(a) DEFINITION OF GUIDELINES.—In this section, the term "guidelines" means the Corps of Engineers policy guidelines for management of vegetation on levees, including—

(1)* * *

* * * * * * *

(g) INTERIM ACTIONS.—

(1) IN GENERAL.—Until the date on which revisions to the guidelines are adopted in accordance with subsection (f), the Secretary shall not *remove existing vegetation or* require the removal of existing vegetation [as a condition or requirement for any approval or funding of a project, or any other action], unless the specific vegetation has been demonstrated to present an unacceptable safety risk.

(2) REVISIONS.—Beginning on the date on which the revisions to the guidelines are adopted in accordance with subsection (f), the Secretary shall reconsider, on request of an affected entity, any previous action of the Corps of Engineers in which the outcome was affected by the former guidelines.

* * * * * * *

SEC. 3017. [33 U.S.C. 3303a note] REHABILITATION OF EXISTING LEVEES.

(a) IN GENERAL.—The Secretary shall carry out measures that address consolidation, settlement, subsidence, sea level rise, and new datum to restore federally authorized hurricane and storm damage reduction projects that were constructed as of the date of enactment of this Act to the authorized levels of protection of the projects [if the Secretary determines the necessary work is technically feasible, environmentally acceptable, and economically justified].

(b) LIMITATION.—[This section]

(1) IN GENERAL.—*This section* shall only apply to those projects for which the executed project partnership agreement provides that the non-Federal interest is not required to perform future measures to restore the project to the authorized level of protection of the project to account for subsidence and sea-level rise as part of the operation, maintenance, repair, replacement, and rehabilitation responsibilities.

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

(c) COST SHARE.—

(1) IN GENERAL.—[The non-Federal] *Notwithstanding subsection (b)(2), the non-Federal* share of the cost of construction of a project carried out under this section shall be determined as provided in subsections (a) through (d) of section 103 of the Water Resources Development Act of 1986 (33 U.S.C. 2213).

* * * * * * *

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

* * * * * * *

SEC. 4003. MISSOURI RIVER.

(a) UPPER MISSOURI BASIN FLOOD AND DROUGHT MONITORING.—

(1) IN GENERAL.—* * *

* * * * * * *

(5) LEAD AGENCY.—*The Corps of Engineers shall be the lead agency for carrying out and coordinating the activities described in paragraph (1).*

* * * * * * *

SEC. 4009. NORTH ATLANTIC COASTAL REGION.

(a) IN GENERAL.—The Secretary shall conduct a study *at Federal expense* to determine the feasibility of carrying out projects to restore aquatic ecosystems within the coastal waters of the Northeastern United States from the State of Virginia to the State of Maine, including associated bays, estuaries, and critical riverine areas.

* * * * * * *

SEC. 4014. [33 U.S.C. 2803a] OCEAN AND COASTAL RESILIENCY.

(a) IN GENERAL.—The Secretary shall conduct studies to determine the feasibility of carrying out Corps of Engineers projects in coastal zones to enhance ocean and coastal ecosystem resiliency.

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

(1) as appropriate, coordinate with the heads of other appropriate Federal agencies, the Governors and other chief executive officers of the coastal states, nonprofit organizations, and other interested parties;

(2) identify Corps of Engineers projects in coastal zones for enhancing ocean and coastal ecosystem resiliency based on an assessment of the need and opportunities for, and feasibility of, the projects;

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

[(3)] *(4)* to the maximum extent practicable, use any existing Corps of Engineers plans and data; and

[(4)] *(5)* not later than 365 days after initial appropriations for this section, and every five years thereafter subject to the availability of appropriations, complete a study authorized under subsection (a).

* * * * * * *

TITLE V—WATER INFRASTRUCTURE FINANCING

* * * * * * *

[Subtitle C—Innovative Financing Pilot Projects]

Subtitle C—Innovative Financing Projects.

SEC. 5023. [33 U.S.C. 3902] AUTHORITY TO PROVIDE ASSISTANCE.

(a) IN GENERAL.—The Secretary and the Administrator may provide financial assistance under this subtitle to carry out [pilot] projects, which shall be selected to ensure a diversity of project types and geographical locations.

(b) RESPONSIBILITY.—

(1) SECRETARY.—The Secretary shall carry out all [pilot] projects under this subtitle that are eligible projects under section 5026(1).

(2) ADMINISTRATOR.—The Administrator shall [carry out] *provide financial assistance to carry out* all [pilot] projects under this subtitle that are eligible projects under paragraphs (2), (3), (4), (5), (6), and (8) of section 5026.

(3) OTHER PROJECTS.—The Secretary or the Administrator, as applicable, may carry out eligible projects under paragraph (7) or (9) of section 5026.

* * * * * * *

SEC. 5026. [33 U.S.C. 3905] PROJECTS ELIGIBLE FOR ASSISTANCE.

The following projects may be carried out with amounts made available under this subtitle:

(1) Any project for flood damage reduction, hurricane and storm damage reduction, environmental restoration, coastal or inland harbor navigation improvement, or inland and intracoastal waterways navigation improvement that the Secretary determines is technically sound, economically justified, and environmentally acceptable, including—

(A) a project to reduce flood damage;

(B) a project to restore aquatic ecosystems;

(C) a project to improve the inland and intracoastal waterways navigation system of the United States; and

(D) a project to improve navigation of a coastal or inland harbor of the United States, including channel deepening and construction of associated general navigation features.

(2) 1 or more activities that are eligible for assistance under section 603(c) of the Federal Water Pollution Control Act (33 U.S.C. 1383(c)), notwithstanding the public ownership requirement under paragraph (1) of that subsection.

(3) 1 or more activities described in section 1452(a)(2) of the Safe Drinking Water Act (42 U.S.C. 300j-12(a)(2)).

(4) A project for enhanced energy efficiency in the operation of a public water system or a publicly owned treatment works.

(5) A project for repair, rehabilitation, or replacement of a treatment works, community water system, or aging water distribution or waste collection facility (including a facility that serves a population or community of an Indian reservation).

(6) A brackish or sea water [desalination project] *desalination project, including chloride control*, a managed aquifer recharge project, [or a water recycling project] *a water recycling*

project, or a project to provide alternative water supplies to reduce aquifer depletion.

* * * * * * *

SEC. 5029. [33 U.S.C. 3908] SECURED LOANS.

(a) AGREEMENTS.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), the Secretary or the Administrator, as applicable, may enter into agreements with 1 or more obligors to make secured loans, the proceeds of which shall be used to finance eligible project costs of any project selected under section 5028.

(2) FINANCIAL RISK ASSESSMENT.—Before entering into an agreement under this subsection for a secured loan, the Secretary or the Administrator, as applicable, in consultation with the Director of the Office of Management and Budget and each rating agency providing a rating opinion letter under section 5028(a)(1)(D), shall determine an appropriate capital reserve subsidy amount for the secured loan, taking into account each such rating opinion letter.

(3) INVESTMENT-GRADE RATING REQUIREMENT.—The execution of a secured loan under this section shall be contingent on receipt by the senior obligations of the project of an investment-grade rating.

(b) TERMS AND LIMITATIONS.—

(1) IN GENERAL.—* * *

* * * * * * *

(7) FEES.—[The Secretary]

(A) IN GENERAL.—*Except as provided in subparagraph (B), the Secretary* or the Administrator, as applicable, may establish fees at a level sufficient to cover all or a portion of the costs to the Federal Government of making a secured loan under this section.

(B) FINANCING FEES.—*On request of a community with a population of not more than 10,000 individuals, the Secretary or the Administrator, as applicable, shall allow the fees under subparagraph (A) to be financed as part of the loan.*;

* * * * * * *

(10) CREDIT.—*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).*

* * * * * * *

[SEC. 5034. [33 U.S.C. 3913] REPORTS ON PILOT PROGRAM IMPLEMENTATION.]

SEC. 5034. REPORTS ON PROGRAM IMPLEMENTATION.

(a) AGENCY REPORTING.—As soon as practicable after each fiscal year for which amounts are made available to carry out this subtitle, the Secretary and the Administrator shall publish on a dedicated, publicly accessible Internet site—

(1) each application received for assistance under this subtitle; and

(2) a list of the projects selected for assistance under this subtitle, including—

(A) a description of each project;

(B) the amount of financial assistance provided for each project; and

(C) the basis for the selection of each project with respect to the requirements of this subtitle.

(b) REPORTS TO CONGRESS.—

* * * * * * *

Subtitle B—General Provisions

SEC. 5014. [33 U.S.C. 2201 note] WATER INFRASTRUCTURE PUBLIC-PRIVATE PARTNERSHIP PILOT PROGRAM.

(a) IN GENERAL.—The Secretary shall establish a pilot program to evaluate the cost effectiveness and project delivery efficiency of allowing non-Federal pilot applicants to carry out authorized water resources development projects for coastal harbor improvement, channel improvement, inland navigation, flood damage reduction, aquatic ecosystem restoration, and hurricane and storm damage reduction.

(b) PURPOSES.—The purposes of the pilot program established under subsection (a) are—

(1) to identify cost-saving project delivery alternatives that reduce the backlog of authorized Corps of Engineers projects; and

(2) to evaluate the technical, financial, and organizational benefits of allowing a non-Federal pilot applicant to carry out and manage the design or construction (or both) of 1 or more of such projects.

(c) SUBSEQUENT APPROPRIATIONS.—[Any activity undertaken under this section is authorized only to the extent] *Nothing in this section obligates the Secretary to expend funds unless* specifically provided for in subsequent appropriations Acts.

* * * * * * *

SEC. 6002. REVIEW OF CORPS OF ENGINEERS ASSETS.

(a) ASSESSMENT AND INVENTORY.—Not later than 1 year after the date of enactment of this Act, the Secretary shall conduct an assessment of all properties under the control of the Corps of Engineers and develop an inventory of the properties that are not needed for the missions of the Corps of Engineers.

(b) CRITERIA.—In conducting the assessment and developing the inventory under subsection (a), the Secretary shall use the following criteria:

(1) The extent to which the property aligns with the current missions of the Corps of Engineers.

(2) The economic impact of the property on existing communities in the vicinity of the property.

(3) The extent to which the utilization rate for the property is being maximized and is consistent with nongovernmental industry standards for the given function or operation.

(4) The extent to which the reduction or elimination of the property could reduce operation and maintenance costs of the Corps of Engineers.

(5) The extent to which the reduction or elimination of the property could reduce energy consumption by the Corps of Engineers.

(6) The extent to which the property has economic, cultural, historic, or recreational significance or impacts at the national, State, or local level.

* * * * * * *

Sec. 1. Short title; table of contents.

TITLE V—WATER INFRASTRUCTURE FINANCING

* * * * * * *

[SUBTITLE C—INNOVATIVE FINANCING PILOT PROJECTS]

Subtitle C—Innovative Financing Projects

* * * * * * *

[Sec. 5034. Reports on pilot program implementation.]
Sec. 5034. Reports on program implementation.

* * * * * * *

WATER RESOURCES DEVELOPMENT ACT OF 1992

* * * * * * *

SEC. 203. VOLUNTARY CONTRIBUTIONS FOR ENVIRONMENTAL AND RECREATION PROJECTS.

(a) ACCEPTANCE.—* * *

* * * * * * *

SEC. 204. REGIONAL SEDIMENT MANAGEMENT.

(a) IN GENERAL.—

(1) SEDIMENT USE.—* * *

* * * * * * *

(d) SELECTION OF DREDGED MATERIAL DISPOSAL METHOD FOR ENVIRONMENTAL PURPOSES.—

(1) IN GENERAL.—In developing and carrying out a Federal water resources project involving the disposal of dredged material, the Secretary may select, with the consent of the non-Federal interest, a disposal method that is not the least cost option if the Secretary determines that the incremental costs of the disposal method are reasonable in relation to the environmental benefits, including the benefits to the aquatic environment to be derived from the creation of wetlands and control of shoreline erosion.

(2) FEDERAL SHARE.—The Federal share of such incremental costs shall be determined in accordance with subsection (c).

(3) SPECIAL RULE.—*Disposal of dredged material under this subsection may include a single or periodic application of sediment for beneficial use and shall not require operation and maintenance.*

(4) DISPOSAL AT NON-FEDERAL COST.—*The Secretary may accept funds from a non-Federal interest to dispose of dredged*

material as provided under section 103(d)(1) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(d)(1)).

* * * * * * *

SEC. 219. ENVIRONMENTAL INFRASTRUCTURE.

(a) IN GENERAL.—* * *

* * * * * * *

(f) ADDITIONAL ASSISTANCE.—The Secretary may provide assistance under subsection (a) and assistance for construction for the following:

(1) ATLANTA, GEORGIA.—* * *

* * * * * * *

(25) LAKES MARION AND MOULTRIE, SOUTH CAROLINA.—$60,000,000 for wastewater treatment and water supply treatment and distribution projects in the counties of *Berkeley* Calhoun, Clarendon, Colleton, Dorchester, [Orangeberg, and Sumter] *and Orangeberg*, South Carolina.

* * * * * * *

SEC. 225. CHALLENGE COST-SHARING PROGRAM FOR THE MANAGEMENT OF RECREATION FACILITIES.

(a) IN GENERAL.—The Secretary is authorized to develop and implement a program to share the cost of managing recreation facilities and natural resources at water resource development projects under the Secretary's jurisdiction.

(b) COOPERATIVE AGREEMENTS.—To implement the program under this section, the Secretary is authorized to enter into cooperative agreements with non-Federal public and private entities to provide for operation and management of recreation facilities and natural resources at civil works projects under the Secretary's jurisdiction where such facilities and resources are being maintained at complete Federal expense.

(c) USER FEES.—

(1) COLLECTION OF FEES.—

(A) IN GENERAL.—*The Secretary may allow a non-Federal public or private entity that has entered into an agreement pursuant to subsection (b) to collect user fees for the use of developed recreation sites and facilities, whether developed or constructed by that entity or the Department of the Army.*

(B) USE OF VISITOR RESERVATION SERVICES.—*A public or private entity described in subparagraph (A) may use to manage fee collections and reservations under this section any visitor reservation service that the Secretary has provided for by contract or interagency agreement, subject to such terms and conditions as the Secretary determines to be appropriate.*

(2) USE OF FEES.—*A non-Federal public or private entity that collects user fees under paragraph (1) may—*

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

(B) notwithstanding section 210(b)(4) of the Flood Control Act of 1968 (16 U.S.C. 460d–3(b)(4)), use that amount

for operation, maintenance, and management at the recreation site at which the fee is collected.

(3) TERMS AND CONDITIONS.—*The authority of a non-Federal public or private entity under this subsection shall be subject to such terms and conditions as the Secretary determines necessary to protect the interests of the United States.*

[(c)] *(d)* CONTRIBUTIONS.—For purposes of carrying out this section the Secretary may accept contributions of funds, materials, and services from non-Federal public and private entities. Any funds received by the Secretary under this section shall be deposited into the account in the Treasury of the United States entitled "Contributions and Advances, Rivers and Harbors, Corps of Engineers (8662)" and shall be available until expended to carry out the purposes of this section.

* * * * * * *

SEC. 401. INTERNATIONAL OUTREACH PROGRAM.

[(a) IN GENERAL.—The Secretary is authorized to engage in activities to inform the United States maritime industry and port authorities of technological innovations abroad that could significantly improve waterborne transportation in the United States, both inland and deep draft. Such activities may include—

[(1) development, monitoring, assessment, and dissemination of information about foreign water transportation and port facilities that could significantly improve water transportation in the United States;

[(2) research, development, training, and other forms of technology transfer and exchange; and

[(3) offering technical services which cannot be readily obtained in the private sector to be incorporated in the proposals of port authorities or other water transportation developers if the costs for assistance will be recovered under the terms of each project.]

(a) AUTHORIZATION.—

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

(2) INCLUSIONS.—*Activities under paragraph (1) may include—*

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

(B) research, development, training, and other forms of technology transfer and exchange; and

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

(b) COOPERATION.—The Secretary may carry out the provisions of this section in cooperation with Federal departments and agencies, State and local agencies, authorities, institutions, corporations (profit or nonprofit), foreign governments, or other organizations.

(c) FUNDING.—The funds to carry out the provisions of this section shall include funds deposited in a special account with the Secretary of the Treasury for such purposes by any cooperating entity or organization according to cost-sharing agreements proscribed by the Secretary. Reimbursement for services provided under this section shall be credited to the appropriation concerned.

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[33 U.S.C. 408]

ACT OF MARCH 3, 1899

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SEC. 14. [It shall not be lawful]

(a) PROHIBITIONS AND PERMISSIONS.—*It shall not be lawful* to construct or commence the construction of any bridge, causeway, dam, or dike over or in any port, roadstead, haven, harbor, canal, navigable river, or other navigable water of the United States until the consent of Congress to the building of such structures shall have been obtained and until the plans for (1) the bridge or causeway shall have been submitted to and approved by the Secretary of the department in which the Coast Guard is operating, or (2) the dam or dike shall have been submitted to and approved by the Chief of Engineers and Secretary of the Army. However, such structures may be built under authority of the legislature of a State across rivers and other waterways the navigable portions of which lie wholly within the limits of a single State, provided the location and plans thereof are submitted to and approved by the Secretary of the department in which the Coast Guard is operating or by the Chief of Engineers and Secretary of the Army before construction is commenced. When plans for any bridge or other structure have been approved by the Secretary of the department in which the Coast Guard is operating or by the Chief of Engineers and Secretary of the Army, it shall not be lawful to deviate from such plans either before or after completion of the structure unless modification of said plans has previously been submitted to and received the approval of the Secretary of the department in which the Coast Guard is operating or the Chief of Engineers and the Secretary of the Army. The approval required by this section of the location and plans or any modification of plans of any bridge or causeway does not apply to any bridge or causeway over waters that are not subject to the ebb and flow of the tide and that are not used and are not susceptible to use in their natural condition or by reasonable improvement as a means to transport interstate or foreign commerce.

(b) LOCAL FLOOD PROTECTION WORKS.—*Permission under subsection (a) for alterations to a Federal levee, floodwall, or flood risk management channel project may be granted by a District Engineer of the Department of the Army.*

(c) CONCURRENT REVIEW.—

(1) IN GENERAL.—*In any case in which an activity subject to this section requires a review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), review and approval under this section shall, to the maximum extent practicable, occur concurrently with any review and decisions made under that Act.*

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

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

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

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

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

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ACT OF JUNE 22, 1936

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SEC. 5. [33 U.S.C. 701h] That pursuant to the policy outlined in sections 1 and 3, the following works of improvement, for the benefit of navigation and the control of destructive flood waters and other purposes, are hereby adopted and authorized to be prosecuted, in order of their emergency as may be designated by the President, under the direction of the Secretary of War and supervision of the Chief of Engineers in accordance with the plans in the respective reports and records hereinafter designated: *Provided*, That penstocks or other similar facilities, adapted to possible future use in the development of adequate electric power may be installed in any dam herein authorized when approved by the Secretary of War upon the recommendation of the Chief of Engineers. *Provided further*, That the Secretary of War is authorized to receive from States and political subdivisions thereof and other non-Federal interests, such funds as may be contributed by them for work, which includes planning and design, to be expended in connection with [funds appropriated by the United States for] any authorized water resources development study or project, including a project for navigation on the inland waterways, whenever such work and expenditure may be considered by the Secretary of War, on recommendation of the Chief of Engineers, as advantageous in the public interest, and the plans for any reservoir project may, in the discretion of the Secretary of War, on recommendation of the Chief of Engineers, be modified to provide additional storage capacity for domestic water supply or other conservation storage, on condition that the cost of such increased storage capacity is contributed by local agencies and that the local agencies agree to utilize such additional storage capacity in a manner consistent with Federal uses and purposes: *And provided further*, That when ntributions made by States and political subdivisions thereof and other non-Federal interests, are in excess of the actual cost of the work contemplated and properly chargeable to such contributions, such excess contributions may, with the approval of the Secretary of War, be returned to the proper representatives of the con-

tributing interests: *Provided further*, That the term "States" means the several States, the District of Columbia, the commonwealths, territories, and possessions of the United States, and Federally recognized Indian tribes: *Provided further*, That the term "non-Federal interest" has the meaning given that term in section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b).

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WATER RESOURCES DEVELOPMENT ACT OF 2007

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SEC. 2006. [33 U.S.C. 2242] REMOTE AND SUBSISTENCE HARBORS.

(a) IN GENERAL.—In conducting a study of harbor and navigation improvements, the Secretary may recommend a project without the need to demonstrate that the project is justified solely by national economic development benefits if the Secretary determines that—

(1)(A) the community to be served by the project is at least 70 miles from the nearest surface accessible commercial port and has no direct rail or highway link to another community served by a surface accessible port or harbor; or

(B) the project would be located in the State of Hawaii, the Commonwealth of Puerto Rico, Guam, the Commonwealth of the Northern Mariana Islands, the United States Virgin Islands, or American Samoa;

(2) the harbor is economically critical such that over 80 percent of the goods transported through the harbor would be consumed within the community served by the harbor and navigation improvement; and

(3) the long-term viability of the community *in which the project is located or of a community that is located in the region that is served by the project and that will rely on the project* would be threatened without the harbor and navigation improvement.

(b) JUSTIFICATION.—In considering whether to recommend a project under subsection (a), the Secretary shall consider the benefits of the project to—

(1) public health and safety of the local community *or of a community that is located in the region to be served by the project and that will rely on the project*, including access to facilities designed to protect public health and safety;

(2) access to natural resources for subsistence purposes;

(3) local and regional economic opportunities;

(4) welfare of the [local population] *regional population to be served by the project*; and

(5) social and cultural value to the [community] *local community or to a community that is located in the region to be served by the project and that will rely on the project*.

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SEC. 2036. MITIGATION FOR FISH AND WILDLIFE AND WETLANDS LOSSES.

* * * * * * *

(c) WETLANDS MITIGATION.—

(1) IN GENERAL.—In carrying out a water resources project that involves wetlands mitigation and that has impacts that

occur within the service area of a mitigation bank, the Secretary, where appropriate, shall first consider the use of the mitigation bank if the bank contains sufficient available credits to offset the impact and the bank is approved in accordance with the Federal Guidance for the Establishment, Use and Operation of Mitigation Banks (60 Fed. Reg. 58605) or other applicable Federal law (including regulations).

(2) SERVICE AREA.—To the maximum extent practicable, the service area of the mitigation bank under paragraph (1) shall be in the same watershed as the affected habitat.

(3) RESPONSIBILITY FOR MONITORING.—

(A) IN GENERAL.—Purchase of credits from a mitigation bank for a water resources project relieves the Secretary and the non-Federal interest from responsibility for monitoring or demonstrating mitigation success.

(B) APPLICABILITY.—The relief of responsibility under subparagraph (A) applies only in any case in which the Secretary determines that monitoring of mitigation success is being conducted by the Secretary or by the owner or operator of the mitigation bank.

(4) MITIGATION BANKS.—

(A) IN GENERAL.—*Not later than 180 days after the date of enactment of this paragraph, the Secretary shall issue implementation guidance that provides for the consideration of the entire amount of potential credits available at in-kind, in-basin mitigation banks and in-lieu fee programs for water resource development project feasibility studies.*

(B) REQUIREMENTS.—*All potential mitigation bank and in-lieu fee credits shall be considered a reasonable alternative for planning purposes if the applicable mitigation bank—*

(i) has an approved mitigation banking instrument; and

(ii) has completed a functional analysis of the potential credits using the approved Corps of Engineers certified habitat assessment model specific to the region.

* * * * * * *

SEC. 2039. [33 U.S.C. 2330a] MONITORING ECOSYSTEM RESTORATION.

(a) IN GENERAL.—In conducting a feasibility study for a project (or a component of a project) for ecosystem restoration, the Secretary shall ensure that the recommended project includes, as an integral part of the project, a plan for monitoring the success of the ecosystem restoration.

(b) MONITORING PLAN.—The monitoring plan shall—

(1) include a description of the monitoring activities to be carried out, the criteria for ecosystem restoration success, and the estimated cost and duration of the monitoring; and

(2) specify that the monitoring shall continue until such time as the Secretary determines that the criteria for ecosystem restoration success will be met.

(c) COST SHARE.—For a period of 10 years from completion of construction of a project (or a component of a project) for ecosystem restoration, the Secretary shall consider the cost of carrying out the monitoring as a project cost. If the monitoring plan under sub-

section (b) requires monitoring beyond the 10-year period, the cost of monitoring shall be a non-Federal responsibility.

(d) INCLUSIONS.—*A monitoring plan under subsection (b) shall include a description of—*

(1) the types and number of restoration activities to be conducted;

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

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

(4) a contingency plan for taking corrective actions in cases in which monitoring demonstrates that restoration measures are not achieving ecological success in accordance with criteria described in the monitoring plan.

(e) CONCLUSION OF OPERATION AND MAINTENANCE RESPONSIBILITY.—*The responsibility of the non-Federal sponsor for operation, maintenance, repair, replacement, and rehabilitation of the ecosystem restoration project shall cease 10 years after the date on which the Secretary makes a determination of success under subsection (b)(2).*

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SEC. 3032. SALTON SEA RESTORATION, CALIFORNIA.

(a) DEFINITIONS.—In this section, the following definitions apply:

(1) SALTON SEA AUTHORITY.—The term "Salton Sea Authority" means the joint powers authority established under the laws of the State by a joint power agreement signed on June 2, 1993.

(2) SALTON SEA SCIENCE OFFICE.—The term "Salton Sea Science Office" means the office established by the United States Geological Survey and located on the date of enactment of this Act in La Quinta, California.

(3) STATE.—The term "State" means the State of California.

(b) [Pilot Projects]PROJECTS.—

(1) IN GENERAL.—

(A) REVIEW.—The Secretary shall review the plan approved by the State, entitled the "Salton Sea Ecosystem Restoration Program Preferred Alternative Report and Funding Plan", and dated May 2007 to determine whether [the pilot] projects described in the plan are feasible.

(B) IMPLEMENTATION.—

(i) IN GENERAL.—Subject to clause (ii), if the Secretary determines that [the pilot] projects referred to in subparagraph (A) meet the requirements described in that subparagraph, the Secretary may—

(I) enter into an agreement with the State*, Salton Sea Authority, or other non-Federal interest*; and

(II) in consultation with the Salton Sea Authority and the Salton Sea Science Office, carry out [pilot] projects for improvement of the environment in the area of the Salton Sea.

(ii) REQUIREMENT.—The Secretary shall be a party to each contract for construction entered into under this subparagraph.

(2) LOCAL PARTICIPATION.—In prioritizing [pilot] projects under this section, the Secretary shall—

(A) consult with the State, the Salton Sea Authority, and the Salton Sea Science Office; and

(B) take into consideration the priorities of the State and the Salton Sea Authority.

(3) COST SHARING.—Before carrying out a [pilot] project under this section, the Secretary shall enter into a written agreement with the State*, Salton Sea Authority, or other non-Federal interest* that requires the non-Federal interest for the [pilot] project to pay 35 percent of the total costs of the [pilot] project.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out subsection (b) $30,000,000, of which not more than $5,000,000 shall be used for any one [pilot] project under this section.

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SEC. 5056. RIO GRANDE ENVIRONMENTAL MANAGEMENT PROGRAM, COLORADO, NEW MEXICO, AND TEXAS.

(a) DEFINITIONS.—* * *

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(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $15,000,000 for each of fiscal years 2008 through 2011.

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FLOOD CONTROL ACT OF 1970

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SEC. 221. [42 U.S.C. 1962d-5b] WRITTEN AGREEMENT REQUIREMENT FOR WATER RESOURCES PROJECTS.

(a) COOPERATION OF NON-FEDERAL INTEREST.—

(1) IN GENERAL.—* * *

* * * * * * *

(4) CREDIT FOR IN-KIND CONTRIBUTIONS.—

(A) IN GENERAL.—A partnership agreement described in paragraph (1) may provide with respect to a project that the Secretary shall credit toward the non-Federal share of the cost of the project, including a project implemented without specific authorization in law or a project under an environmental infrastructure assistance program, the value of in-kind contributions made by the non-Federal interest, including—

(i)* * *

* * * * * * *

(D) LIMITATIONS.—Credit authorized under this paragraph for a project—

(i) shall not exceed the non-Federal share of the cost of the project;

(ii) shall not alter any requirement that a non-Federal interest pay a portion of the costs of construction of the project under sections 101(a)(2) and 103(a)(1)(A) of the Water Resources Development Act of 1986 (33

U.S.C. 2211(a)(2); 33 U.S.C. 2213(a)(1)(A)) of the Water Resources Development Act of 1986 (33 U.S.C. 2211; 33 U.S.C. 2213); and

(iii) shall not alter any requirement that a non-Federal interest pay a portion of the costs of construction of the project under sections 101 and 103 of the Water Resources Development Act of 1986 (33 U.S.C. 2211; 33 U.S.C. 2213); and

(iv) *regardless of the cost incurred by the non-Federal interest,* shall not exceed the actual and reasonable [costs] *value* of the materials, services, or other things provided by the non-Federal interest, as

* * * * * * *

(b) DEFINITION OF NON-FEDERAL INTEREST.—The term "non-Federal interest" means—

(1) a legally constituted public body (including a federally recognized Indian tribe *or a Native village, Regional Corporation, or Village Corporation (as those terms are defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602))*); or

* * * * * * *

[PUBLIC LAW 106–541—DEC. 11, 2000]

WATER RESOURCES DEVELOPMENT ACT OF 2000

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act many be cited as the "Water Resources Development Act of 2000".

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SEC. 101. PROJECT AUTHORIZATIONS.

(a) * * *

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SEC. 203. TRIBAL PARTNERSHIP PROGRAM.

(a) * * *

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SEC. 213. [33 U.S.C. 2339] ASSISTANCE PROGRAMS.

(a) CONSERVATION AND RECREATION MANAGEMENT.—To further training and educational opportunities about water resources development projects under the jurisdiction of the Secretary, the Secretary may enter into cooperative agreements with non-Federal public and nonprofit entities for services relating to natural resources conservation or recreation management.

(b) RURAL COMMUNITY ASSISTANCE.—In carrying out studies and projects under the jurisdiction of the Secretary, the Secretary may enter into cooperative agreements with multistate regional private nonprofit rural community assistance entities for services, including water resource assessment, community participation, planning, development, and management activities.

(c) COOPERATIVE AGREEMENTS.—A cooperative agreement entered into under this section shall not be considered to be, or treat-

ed as being, a cooperative agreement to which chapter 63 of title 31, United States Code, applies.

(d) YOUTH SERVICE AND CONSERVATION CORPS.—*The Secretary shall encourage each district of the Corps of Engineers to enter into cooperative agreements authorized under this section with qualified youth service and conservation corps to perform appropriate projects.*

SEC. 214. FUNDING TO PROCESS PERMITS.

(a) FUNDING TO PROCESS PERMITS.—

(1) DEFINITIONS.—In this subsection:

(A) NATURAL GAS COMPANY.—The term "natural gas company" has the meaning given the term in section 1262 of the Public Utility Holding Company Act of 2005 (42 U.S.C. 16451), except that the term also includes a person engaged in the transportation of natural gas in intrastate commerce.

(B) PUBLIC-UTILITY COMPANY.—The term "public-utility company" has the meaning given the term in section 1262 of the Public Utility Holding Company Act of 2005 (42 U.S.C. 16451).

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

(2) PERMIT PROCESSING.—The Secretary, after public notice, may accept and expend funds contributed by a non-Federal public entity or a public-utility company ⟦or natural gas company⟧ , natural gas company, or rail carrier to expedite the evaluation of a permit of that entity or company related to a project or activity for a public purpose under the jurisdiction of the Department of the Army.

(3) LIMITATION FOR PUBLIC-UTILITY AND NATURAL GAS COMPANIES.—The authority provided under paragraph (2) to a public-utility company ⟦or natural gas company⟧ *, natural gas company, or rail carrier* shall expire on the date that is 7 years after the date of enactment of this paragraph.

(4) EFFECT ON OTHER ENTITIES.—To the maximum extent practicable, the Secretary shall ensure that expediting the evaluation of a permit through the use of funds accepted and expended under this section does not adversely affect the timeline for evaluation (in the Corps district in which the project or activity is located) of permits under the jurisdiction of the Department of the Army of other entities that have not contributed funds under this section.

(5) GAO STUDY.—Not later than 4 years after the date of enactment of this paragraph, the Comptroller General of the United States shall carry out a study of the implementation by the Secretary of the authority provided under paragraph (2) to public-utility companies ⟦and natural gas companies⟧ *, natural gas companies, and rail carriers, including an evaluation of the compliance with all requirements of this section and, with respect to a permit for those entities, the requirements of all applicable Federal laws.*

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SEC. 536. LOWER COLUMBIA RIVER AND TILLAMOOK BAY ECOSYSTEM RESTORATION, OREGON AND WASHINGTON.

(a) IN GENERAL.—* * *

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(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section [$50,000,000] *$75,000,000*.

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SEC. 544. PUGET SOUND AND ADJACENT WATERS RESTORATION, WASHINGTON.

(a)* * *

* * * * * * *

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $40,000,000, of which not more than [$5,000,000] *$10,000,000* may be used to carry out any 1 critical restoration project.

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[33 U.S.C. 603A]

ACT OF MARCH 2,1945

SEC. 603a. REMOVAL OF SNAGS AND DEBRIS, AND STRAIGHTENING, CLEARING, AND PROTECTING CHANNELS IN NAVIGABLE WATERS

The Secretary of the Army is authorized to allot not to exceed [1,000,000] *$5,000,000* from any appropriations made prior to or after March 2, 1945, for any one fiscal year for improvement of rivers and harbors, for removing [accumulated snags and other debris] *accumulated snags, obstructions, and other debris located in or adjacent to a Federal channel* and other debris, and for protecting, clearing, and straightening channels in navigable harbors and navigable streams and tributaries thereof, when in the opinion of the Chief of Engineers such work is advisable in the interest of navigation [or flood control]*, flood control, or recreation*.

* * * * * * *

WATER RESOURCES DEVELOPMENT ACT OF 1974

SEC. 22. (a) FEDERAL STATE COOPERATION.—

(1) COMPREHENSIVE PLANS.—The Secretary of the Army, acting through the Chief of Engineers, is authorized to cooperate with any State or other non-Federal interest working with a State *, a group of States, or a regional or national consortia of States* in the preparation of comprehensive plans for the development, utilization, and conservation of the water and related resources of drainage basins, watersheds, or ecosystems [located within the boundaries of such State], including plans to comprehensively address water resources challenges, and to submit to Congress reports and recommendations with respect to appropriate Federal participation in carrying out such plans.

* * * * * * *

(c) AUTHORIZATION OF APPROPRIATIONS—.

(1) IN GENERAL—Subject to paragraph (2), the Secretary may expend, from any appropriations made available to the Secretary for the purpose of carrying out civil works, not more than $30,000,000 during any fiscal year to pay the Federal share of the costs of construction of small shore and beach restoration and protection projects or small projects under this section.

(2) LIMITATION—The total amount expended for a project under this section shall-

(A) be sufficient to pay the cost of Federal participation in the project (including periodic nourishment as provided for under section 426e of this title), as determined by the Secretary; and

(B) be not more than [$5,000,000] *$10,000,000*.

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RIVER AND HARBOR ACT OF 1958-(Section 104)

* * * * * * *

SEC. 104. [33 U.S.C. 610] (a)(1) IN GENERAL.—There is hereby authorized a comprehensive program to provide for prevention, control, and progressive eradication of noxious aquatic plant growths and aquatic invasive species from the navigable waters, tributary streams, connecting channels, and other allied waters of the United States, in the combined interest of navigation, flood control, drainage, agriculture, fish and wildlife conservation, public health, and related purposes, including continued research for development of the most effective and economic control measures, to be administered by the Chief of Engineers, under the direction of the Secretary of the Army, in cooperation with other Federal and State agencies.

(2) * * *

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(d) WATERCRAFT INSPECTION STATIONS.—

(1) IN GENERAL.—In carrying out this section, the Secretary may establish watercraft inspection [stations in the Columbia River Basin to be located in the States of Idaho, Montana, Oregon, and Washington] *stations to protect the Columbia River Basin* at locations, as determined by the Secretary, with the highest likelihood of preventing the spread of aquatic invasive species at reservoirs operated and maintained by the Secretary.

(3) COORDINATION.— In carrying out this subsection, the Secretary shall consult and coordinate with—

[(A) the States described in paragraph (1);]

(A) the Governor of each State in which a station is established under paragraph (1);

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RIVER AND HARBOR ACT OF 1968 (Secs. 111 and 117)

* * * * * * *

SEC. 111. [33 USC 426i] (a) IN GENERAL.—The Secretary of the Army is authorized to investigate, study, plan, and implement structural and nonstructural measures for the prevention or mitigation of shore damages attributable to Federal navigation works and shore damage attributable to the Atlantic Intracoastal Waterway and the Gulf Intracoastal Waterway, if a non-Federal public body agrees to operate and maintain such measures, and, in the case of interests in real property acquired in conjunction with nonstructural measures, to operate and maintain the property for public purposes in accordance with regulations prescribed by the Secretary.

(b) COST SHARING.—The costs of implementing [measures under this section shall be cost-shared in the same proportion as the cost-sharing provisions applicable to the project] *measures, including a study, shall be cost-shared in the same proportion as the cost-sharing provisions applicable to construction of the project* causing the shore damage.

(c) REQUIREMENT FOR SPECIFIC AUTHORIZATION.—No such project shall be initiated without specific authorization by Congress if the Federal first cost exceeds $10,000,000.

(d) COORDINATION.—The Secretary shall—

(1) coordinate the implementation of the measures under this section with other Federal and non-Federal shore protection projects in the same geographic area; and

(2) to the extent practicable, combine mitigation projects with other shore protection projects in the same area into a comprehensive regional project.

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

* * * * * * *

[Act Aug. 18, 1941, ch. 377]

* * * * * * *

SEC. 5. [33 USC 701n] (a)(1) That there is authorized an emergency fund to be expended in preparation for emergency response to any natural disaster, in flood fighting and rescue operations, or in the repair or restoration of any flood control work threatened or destroyed by flood, including the strengthening, raising, extending, or other modification thereof as may be necessary in the discretion of the Chief of Engineers for the adequate functioning of the work for flood control and subject to the condition that the Chief of Engineers may include modifications to the structure or project, or in implementation of nonstructural alternatives to the repair or restoration of such flood control work if requested by the non-Federal sponsor; in the emergency protection of federally authorized hurricane or shore protection being threatened when in the discretion of the Chief of Engineers such protection is warranted to protect against imminent and substantial loss to life and property; in the

repair and restoration of any federally authorized hurricane or shore protective structure or project damaged or destroyed by wind, wave, or water action of other than an ordinary nature to the design level of protection when, in the discretion of the Chief of Engineers, such repair and restoration is warranted for the adequate functioning of the structure or project for hurricane or shore protection, subject to the condition that the Chief of Engineers may include modifications to the structure or project to address major deficiencies or implement nonstructural alternatives to the repair or restoration of the structure if requested by the non-Federal sponsor. The emergency fund may also be expended for emergency dredging for restoration of authorized project depths for Federal navigable channels and waterways made necessary by flood, drought, earthquake, or other natural disasters. In any case in which the Chief of Engineers is otherwise performing work under this section in an area for which the Governor of the affected State has requested a determination that an emergency exists or a declaration that a major disaster exists under the Disaster Relief and Emergency Assistance Act, the Chief of Engineers is further authorized to perform on public and private lands and waters for a period of ten days following the Governor's request any emergency work made necessary by such emergency or disaster which is essential for the preservation of life and property, including, but not limited to, channel clearance, emergency shore protection, clearance and removal of debris and wreckage endangering public health and safety, and temporary restoration of essential public facilities and services. The Chief of Engineers, in the exercise of his discretion, is further authorized to provide emergency supplies of clean water, on such terms as he determines to be advisable, to any locality which he finds is confronted with a source of contaminated water causing or likely to cause a substantial threat to the public health and welfare of the inhabitants of the locality. The appropriation of such moneys for the initial establishment of this fund and for its replenishment on an annual basis, is authorized: *Provided*, That pending the appropriation of sums to such emergency fund, the Secretary of the Army may allot, from existing flood-control appropriations, such sums as may be necessary for the immediate prosecution of the work herein authorized, such appropriations to be reimbursed from the appropriation herein authorized when made. The Chief of Engineers is authorized, in the prosecution of work in connection with rescue operations, or in conducting other flood emergency work, to acquire on a rental basis such motor vehicles, including passenger cars and buses, as in his discretion are deemed necessary.

(2) In preparing a cost and benefit feasibility assessment for any emergency project described in paragraph (1), the Chief of Engineers shall consider the benefits to be gained by such project for the protection of—

(A) residential establishments;

(B) commercial establishments, including the protection of inventory; and

(C) agricultural establishments, including the protection of crops.

(3) DEFINITION OF NONSTRUCTURAL ALTERNATIVES.—*In this subsection, 'nonstructural alternatives' includes efforts to restore*

or protect natural resources including streams, rivers, floodplains, wetlands, or coasts, if those efforts will reduce flood risk.

(c) LEVEE OWNERS MANUAL.—

(1) IN GENERAL.—* * *

* * * * * * *

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

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

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

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

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

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

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

NATIONAL DAM SAFETY PROGRAM ACT

(33 U.S.C. 467 NT)

* * * * * * *

SEC. 2. DEFINITIONS.

In this Act, the following definitions apply:

(1) BOARD.—The term "Board" means a National Dam Safety Review Board established under section 8(f).

(2) DAM.—The term "dam"—

(A) means any artificial barrier that has the ability to impound water, wastewater, or any liquid-borne material, for the purpose of storage or control of water, that—

(i) is 25 feet or more in height from—

(I) the natural bed of the stream channel or watercourse measured at the downstream toe of the barrier; or

(II) if the barrier is not across a stream channel or watercourse, from the lowest elevation of the outside limit of the barrier;

to the maximum water storage elevation; or

(ii) has an impounding capacity for maximum storage elevation of 50 acre-feet or more; but

(B) does not include—

(i) a levee; or

(ii) a barrier described in subparagraph (A) that—

(I) is 6 feet or less in height regardless of storage capacity; or

(II) has a storage capacity at the maximum water storage elevation that is 15 acre-feet or less regardless of height;

unless the barrier, because of the location of the barrier or another physical characteristic of the barrier, is likely to pose a significant threat to human life or property if the barrier fails (as determined by the Director).

(3) DIRECTOR.—The term "Director" means the Director of FEMA.

(4) ELIGIBLE HIGH HAZARD POTENTIAL DAM.—

(A) IN GENERAL.—*The term 'eligible high hazard potential dam' means a non-Federal dam that—*

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

(ii) is classified as 'high hazard potential' by the State dam safety agency in the State in which the dam is located;

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

(iv) the State in which the dam is located determines—

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

(II) poses an unacceptable risk to the public.

(B) EXCLUSION.—*The term 'eligible high hazard potential dam' does not include—*

(i) a licensed hydroelectric dam; or

(ii) a dam built under the authority of the Secretary of Agriculture.

[(4)**]** *(5)* FEDERAL AGENCY.—The term "Federal agency" means a Federal agency that designs, finances, constructs, owns, operates, maintains, or regulates the construction, operation, or maintenance of a dam.

[(5)**]** *(6)* FEDERAL GUIDELINES FOR DAM SAFETY.—The term "Federal Guidelines for Dam Safety" means the FEMA publication, numbered 93 and dated June 1979, that defines management practices for dam safety at all Federal agencies.

[(6)**]** *(7)* FEMA.—The term "FEMA" means the Federal Emergency Management Agency.

[(7)**]** *(8)* HAZARD REDUCTION.—The term "hazard reduction" means the reduction in the potential consequences to life and property of dam failure.

[(8)**]** *(9)* ICODS.—The term "ICODS" means the Interagency Committee on Dam Safety established by section 7.

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

(A) a governmental organization; and

(B) a nonprofit organization.

[(9)**]** *(11)* PROGRAM.—The term "Program" means the national dam safety program established under section 8.

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

[(10)**]** *(13)* STATE.—The term "State" means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any other territory or possession of the United States.

[(11)**]** *(14)* STATE DAM SAFETY AGENCY.—The term "State dam safety agency" means a State agency that has regulatory authority over the safety of non-Federal dams.

[(12)**]** *(15)* STATE DAM SAFETY PROGRAM.—The term "State dam safety program" means a State dam safety program approved and assisted under section 8(e).

[(13)**]** *(16)* UNITED STATES.—The term "United States", when used in a geographical sense, means all of the States.

* * * * * * *

SEC. 8. NATIONAL DAM SAFETY PROGRAM.

(a) IN GENERAL.—The Director, in consultation with ICODS and State dam safety agencies, and the Board shall establish and maintain, in accordance with this section, a coordinated national dam safety program. The Program shall—

(1)* * *

* * * * * * *

SEC. 8A. REHABILITATION OF HIGH HAZARD POTENTIAL DAMS.

(a) ESTABLISHMENT OF PROGRAM.—*The Administrator shall establish, within FEMA, a program to provide technical, planning, design, and construction assistance in the form of grants to non-Federal sponsors for rehabilitation of eligible high hazard potential dams.*

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

(1) repair;

(2) removal; or

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

(c) AWARD OF GRANTS.—

(1) APPLICATION.—

(A) IN GENERAL.—*A non-Federal sponsor interested in receiving a grant under this section may submit to the Administrator an application for the grant.*

(B) REQUIREMENTS.—*An application submitted to the Administrator under this section shall be submitted at such time, be in such form, and contain such information as the Administrator may prescribe by regulation pursuant to section 3004(c) of the Water Resources Development Act of 2016.*

(2) GRANT.—

(A) IN GENERAL.—*The Administrator may make a grant in accordance with this section for rehabilitation of a high hazard potential dam to a non-Federal sponsor that sub-*

mits an application for the grant in accordance with the regulations prescribed by the Administrator.

(B) PROJECT GRANT AGREEMENT.—*The Administrator shall enter into a project grant agreement with the non-Federal sponsor to establish the terms of the grant and the project, including the amount of the grant.*

(C) GRANT ASSURANCE.—*As part of a project grant agreement under subparagraph (B), the Administrator shall require the non-Federal sponsor to provide an assurance, with respect to the dam to be rehabilitated under the project, that the owner of the dam has developed and will carry out a plan for maintenance of the dam during the expected life of the dam.*

(D) LIMITATION.—*A grant provided under this section shall not exceed the lesser of—*

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

(ii) $7,500,000.

(d) REQUIREMENTS.—

(1) APPROVAL.—*A grant awarded under this section for a project shall be approved by the relevant State dam safety agency.*

(2) NON-FEDERAL SPONSOR REQUIREMENTS.—*To receive a grant under this section, the non-Federal sponsor shall—*

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

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

(i) includes all dam risks; and

(ii) complies with the Disaster Mitigation Act of 2000 (Public Law 106–390; 114 Stat. 1552);

(C) commit to provide operation and maintenance of the project for the 50-year period following completion of rehabilitation;

(D) comply with such minimum eligibility requirements as the Administrator may establish to ensure that each owner and operator of a dam under a participating State dam safety program—

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

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

(E) comply with section 611(j)(9) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5196(j)(9)) (as in effect on the date of enactment of this section) with respect to projects receiving assistance under this section in the same manner as recipients are required to comply in order to receive financial contributions from the Administrator for emergency preparedness purposes.

(e) FLOODPLAIN MANAGEMENT PLANS.—

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

(A) is in place; or

(B) will be—

(i) developed not later than 1 year after the date of execution of a project agreement for assistance under this section; and

(ii) implemented not later than 1 year after the date of completion of construction of the project.

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

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

(B) plans for flood fighting and evacuation; and

(C) public education and awareness of flood risks.

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

(f) PRIORITY SYSTEM.*—The Administrator, in consultation with the Board, shall develop a risk-based priority system for use in identifying high hazard potential dams for which grants may be made under this section.*

(g) FUNDING.*—*

(1) COST SHARING.*—*

(A) IN GENERAL.*—Any assistance provided under this section for a project shall be subject to a non-Federal cost-sharing requirement of not less than 35 percent.*

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

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

(A) EQUAL DISTRIBUTION.*—1/3 shall be distributed equally among the States in which the projects for which applications are submitted under subsection (c)(1) are located.*

(B) NEED-BASED.*—2/3 shall be distributed among the States in which the projects for which applications are submitted under subsection (c)(1) are located based on the proportion that—*

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

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

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

(1) to rehabilitate a Federal dam;

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

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

(4) to increase water supply storage capacity; or

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

(i) CONTRACTUAL REQUIREMENTS.*—*

(1) IN GENERAL.*—Subject to paragraph (2), as a condition on the receipt of a grant under this section of an amount greater*

than $1,000,000, a non-Federal sponsor that receives the grant shall require that each contract and subcontract for program management, construction management, planning studies, feasibility studies, architectural services, preliminary engineering, design, engineering, surveying, mapping, and related services entered into using funds from the grant be awarded in the same manner as a contract for architectural and engineering services is awarded under—

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

(B) an equivalent qualifications-based requirement prescribed by the relevant State.

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

(j) AUTHORIZATION OF APPROPRIATIONS.—*There are authorized to be appropriated to carry out this section—*

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

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

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

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

* * * * * * *

SAFE DRINKING WATER ACT-(TITLE XIV OF PUBLIC HEALTH SERVICE ACT)

SEC. 1414. (a)(1)(A) Whenever the Administrator finds during a period during which a State has primary enforcement responsibility for public water systems (within the meaning of section 1413(a)) that any public water system—

(i)* * *

* * * * * * *

(c) NOTICE TO PERSONS SERVED.—

(1) IN GENERAL.—Each owner or operator of a public water system shall give notice of each of the following to the persons served by the system:

(A)* * *

* * * * * * *

(C) Notice of the concentration level of any unregulated contaminant for which the Administrator has required public notice pursuant to ⟦paragraph (2)(E)⟧ *paragraph (2)(F)*.

(D) Notice of any exceedance of a lead action level or any other prescribed level of lead in a regulation issued under section 1412, including the concentrations of lead found in a monitoring activity.

(2) FORM, MANNER, AND FREQUENCY OF NOTICE.—

(A) IN GENERAL.—* * *

* * * * * * *

(B) STATE REQUIREMENTS.—

(i) IN GENERAL.—A State may, by rule, establish alternative notification requirements—

(I) with respect to the form and content of notice given under and in a manner in accordance with subparagraph (C); and

(II) with respect to the form and content of notice given under [subparagraph (D)] *subparagraph (E)*.

* * * * * * *

(C) VIOLATIONS WITH POTENTIAL TO HAVE SERIOUS ADVERSE EFFECTS ON HUMAN HEALTH.—Regulations issued under subparagraph (A) shall specify notification procedures for each violation by a public water system that has the potential to have serious adverse effects on human health as a result of short-term exposure. Each notice of violation provided under this subparagraph shall—

(i) be distributed as soon as practicable after the occurrence of the violation, but not later than 24 hours after the occurrence of the violation;

(ii) provide a clear and readily understandable explanation of—

(I) the violation;

(II) the potential adverse effects on human health;

(III) the steps that the public water system is taking to correct the violation; and

(IV) the necessity of seeking alternative water supplies until the violation is corrected;

(iii) be provided to the [Administrator or] *Administrator, the Director of the Centers for Disease Control and Prevention, and, if applicable,* the head of the State agency that has primary enforcement responsibility under section 1413 *and the appropriate State and county health agencies* as soon as practicable, but not later than 24 hours after the occurrence of the violation; and

(D) EXCEEDANCE OF LEAD ACTION LEVEL.—*Regulations issued under subparagraph (A) shall specify notification procedures for an exceedance of a lead action level or any other prescribed level of lead in a regulation issued under section 1412.*

[(D)] *(E)* WRITTEN NOTICE.—

(i) IN GENERAL.—Regulations issued under subparagraph (A) shall specify notification procedures for violations other than the violations covered by subparagraph (C). The procedures shall specify that a public water system shall provide written notice to each person served by the system by notice (I) in the first bill (if any) prepared after the date of occurrence of the violation, (II) in an annual report issued not later than 1 year after the date of occurrence of the violation, or (III) by mail or direct delivery as soon as practicable, but not later than 1 year after the date of occurrence of the violation.

(ii) FORM AND MANNER OF NOTICE.—The Administrator shall prescribe the form and manner of the notice to provide a clear and readily understandable ex-

planation of the violation, any potential adverse health effects, and the steps that the system is taking to seek alternative water supplies, if any, until the violation is corrected.

[(E)] *(F)* UNREGULATED CONTAMINANTS.—The Administrator may require the owner or operator of a public water system to give notice to the persons served by the system of the concentration levels of an unregulated contaminant required to be monitored under section 1445(a).

(3) NOTIFICATION OF THE PUBLIC RELATING TO LEAD.—

(A) EXCEEDANCE OF LEAD ACTION LEVEL.—*Not later than 15 days after the date of an exceedance of a lead action level or any other prescribed level of lead in a regulation issued under section 1412, the Administrator shall notify the public of the concentrations of lead found in the monitoring activity conducted by the public water system if the public water system or the State does not notify the public of the concentrations of lead found in a monitoring activity.*

(B) RESULTS OF LEAD MONITORING.—

(i) IN GENERAL.—*The Administrator may provide notice of any result of lead monitoring conducted by a public water system to—*

(I) any person that is served by the public water system; or

(II) the local or State health department of a locality or State in which the public water system is located.

(ii) FORM OF NOTICE.—*The Administrator may provide the notice described in clause (i) by—*

(I) press release; or

(II) other form of communication, including local media.

(C) PRIVACY.—*Notice to the public shall protect the privacy of individual customer information.*

[(3)] *(4)* REPORTS.—

(A) ANNUAL REPORT BY STATE.—

(i) IN GENERAL.—Not later than January 1, 1998, and annually thereafter, each State that has primary enforcement responsibility under section 1413 shall prepare, make readily available to the public, and submit to the Administrator an annual report on violations of national primary drinking water regulations by public water systems in the State, including violations with respect to (I) maximum contaminant levels, (II) treatment requirements, (III) variances and exemptions, and (IV) monitoring requirements determined to be significant by the Administrator after consultation with the States.

(ii) DISTRIBUTION.—The State shall publish and distribute summaries of the report and indicate where the full report is available for review.

(B) ANNUAL REPORT BY ADMINISTRATOR.—Not later than July 1, 1998, and annually thereafter, the Administrator shall prepare and make available to the public an annual report summarizing and evaluating reports submitted by

States pursuant to subparagraph (A) and notices submitted by public water systems serving Indian Tribes provided to the Administrator pursuant to subparagraph (C) or [(D)] *(E)* of paragraph (2) and making recommendations concerning the resources needed to improve compliance with this title. The report shall include information about public water system compliance on Indian reservations and about enforcement activities undertaken and financial assistance provided by the Administrator on Indian reservations, and shall make specific recommendations concerning the resources needed to improve compliance with this title on Indian reservations.

[(4)] *(5)* CONSUMER CONFIDENCE REPORTS BY COMMUNITY WATER SYSTEMS.—

(A) ANNUAL REPORTS TO CONSUMERS.—The Administrator, in consultation with public water systems, environmental groups, public interest groups, risk communication experts, and the States, and other interested parties, shall issue regulations within 24 months after the date of enactment of this paragraph to require each community water system to mail to each customer of the system at least once annually a report on the level of contaminants in the drinking water purveyed by that system (referred to in this paragraph as a "consumer confidence report"). Such regulations shall provide a brief and plainly worded definition of the terms "maximum contaminant level goal", "maximum contaminant level", "variances", and "exemptions" and brief statements in plain language regarding the health concerns that resulted in regulation of each regulated contaminant. The regulations shall also include a brief and plainly worded explanation regarding contaminants that may reasonably be expected to be present in drinking water, including bottled water. The regulations shall also provide for an Environmental Protection Agency toll-free hotline that consumers can call for more information and explanation.

(B) CONTENTS OF REPORT.—The consumer confidence reports under this paragraph shall include, but not be limited to, each of the following:

(i) Information on the source of the water purveyed.

(ii) A brief and plainly worded definition of the terms "maximum contaminant level goal", "maximum contaminant level", "variances", and "exemptions" as provided in the regulations of the Administrator.

(iii) If any regulated contaminant is detected in the water purveyed by the public water system, a statement setting forth (I) the maximum contaminant level goal, (II) the maximum contaminant level, (III) the level of such contaminant in such water system, and (IV) for any regulated contaminant for which there has been a violation of the maximum contaminant level during the year concerned, the brief statement in plain language regarding the health concerns that resulted in regulation of such contaminant, as provided

by the Administrator in regulations under subparagraph (A).

(iv) Information on compliance with national primary drinking water regulations, as required by the Administrator, and notice if the system is operating under a variance or exemption and the basis on which the variance or exemption was granted.

(v) Information on the levels of unregulated contaminants for which monitoring is required under section 1445(a)(2) (including levels of cryptosporidium and radon where States determine they may be found).

(vi) A statement that the presence of contaminants in drinking water does not necessarily indicate that the drinking water poses a health risk and that more information about contaminants and potential health effects can be obtained by calling the Environmental Protection Agency hotline.

A public water system may include such additional information as it deems appropriate for public education. The Administrator may, for not more than 3 regulated contaminants other than those referred to in subclause (IV) of clause (iii), require a consumer confidence report under this paragraph to include the brief statement in plain language regarding the health concerns that resulted in regulation of the contaminant or contaminants concerned, as provided by the Administrator in regulations under subparagraph (A).

(C) COVERAGE.—The Governor of a State may determine not to apply the mailing requirement of subparagraph (A) to a community water system serving fewer than 10,000 persons. Any such system shall—

(i) inform, in the newspaper notice required by clause (iii) or by other means, its customers that the system will not be mailing the report as required by subparagraph (A);

(ii) make the consumer confidence report available upon request to the public; and

(iii) publish the report referred to in subparagraph (A) annually in one or more local newspapers serving the area in which customers of the system are located.

(D) ALTERNATIVE TO PUBLICATION.—For any community water system which, pursuant to subparagraph (C), is not required to meet the mailing requirement of subparagraph (A) and which serves 500 persons or fewer, the community water system may elect not to comply with clause (i) or (iii) of subparagraph (C). If the community water system so elects, the system shall, at a minimum—

(i) prepare an annual consumer confidence report pursuant to subparagraph (B); and

(ii) provide notice at least once per year to each of its customers by mail, by door-to-door delivery, by posting or by other means authorized by the regulations of the Administrator that the consumer confidence report is available upon request.

(E) ALTERNATIVE FORM AND CONTENT.—A State exercising primary enforcement responsibility may establish, by rule, after notice and public comment, alternative requirements with respect to the form and content of consumer confidence reports under this paragraph.

* * * * * * *

(i) DEFINITION OF APPLICABLE REQUIREMENT.—In this section, the term "applicable requirement" means—

(1)* * *

* * * * * * *

(j) ELECTRONIC REPORTING OF COMPLIANCE MONITORING DATA.—

(1) IN GENERAL.—*As a condition on the receipt of funds under this Act, the Administrator shall require electronic submission of available compliance monitoring data, if practicable—*

(A) by public water systems—

(i) to the Administrator; or

(ii) with respect to a public water system in a State that has primary enforcement responsibility under section 1413, to that State; and

(B) by each State that has primary enforcement responsibility under section 1413 to the Administrator.

(2) CONSIDERATIONS.—*In determining whether the condition referred to in paragraph (1) is practicable, the Administrator shall consider—*

(A) the ability of a public water system or State to meet the requirements of sections 3.1 through 3.2000 of title 40, Code of Federal Regulations (or successor regulations);

(B) information system compatibility;

(C) the size of the public water system; and

(D) the size of the community served by the public water system.

* * * * * * *

SEC. 1452. (a) GENERAL AUTHORITY.—

(1) GRANTS TO STATES TO ESTABLISH STATE LOAN FUNDS.—

(A) IN GENERAL.—* * *

* * * * * * *

(2) USE OF FUNDS.—

(A) Except as otherwise authorized by this title, amounts deposited in a State loan fund, including loan repayments and interest earned on such amounts, shall be used only for providing loans or loan guarantees, or as a source of reserve and security for leveraged loans, the proceeds of which are deposited in a State loan fund established under paragraph (1), or other financial assistance authorized under this section to community water systems and nonprofit noncommunity water systems, other than systems owned by Federal agencies.

(B) Financial assistance under this section may be used by a public water system only for expenditures **[**(not**]** *(including expenditures for planning, design, and associated preconstruction activities, including activities relating to the siting of the facility, but not* including monitoring, operation, and maintenance expenditures) of a type or category

which the Administrator has determined, through guidance, will facilitate compliance with national primary drinking water regulations applicable to the system under section 1412 or otherwise significantly further the health protection objectives of this title *or to replace or rehabilitate aging treatment, storage, or distribution facilities of public water systems or provide for capital projects (excluding any expenditure for operations and maintenance) to upgrade the security of public water systems*;.

(C) SALE OF BONDS.—*Funds may also be used by a public water system as a source of revenue (restricted solely to interest earnings of the applicable State loan fund) or security for payment of the principal and interest on revenue or general obligation bonds issued by the State to provide matching funds under subsection (e), if the proceeds of the sale of the bonds will be deposited in the State loan fund.*

(D) The funds may also be used to provide loans to a system referred to in section 1401(4)(B) for the purpose of providing the treatment described in section 1401(4)(B)(i)(III).

(E) The funds shall not be used for the acquisition of real property or interests therein, unless the acquisition is integral to a project authorized by this paragraph and the purchase is from a willing seller.

(F) Of the amount credited to any State loan fund established under this section in any fiscal year, 15 percent shall be available solely for providing loan assistance to public water systems which regularly serve fewer than 10,000 persons to the extent such funds can be obligated for eligible projects of public water systems.

* * * * * * *

(b) INTENDED USE PLANS.—

(1) IN GENERAL.—After providing for public review and comment, each State that has entered into a capitalization agreement pursuant to this section shall annually prepare a plan that identifies the intended uses of the amounts available to the State loan fund of the State.

(2) CONTENTS.—An intended use plan shall include—

(A) a list of the projects to be assisted in the first fiscal year that begins after the date of the plan, including a description of the project, the expected terms of financial assistance, and the size of the community served;

(B) the criteria and methods established for the distribution of funds; and

(C) a description of the financial status of the State loan fund and the short-term and long-term goals of the State loan fund.

(3) USE OF FUNDS.—

[(A) IN GENERAL.—An intended use plan shall provide, to the maximum extent practicable, that priority for the use of funds be given to projects that—

[(i) address the most serious risk to human health;

[(ii) are necessary to ensure compliance with the requirements of this title (including requirements for filtration); and

[(iii) assist systems most in need on a per household basis according to State affordability criteria.]

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

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

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

(ii) are necessary to ensure compliance with this title (including requirements for filtration);

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

(iv) improve the sustainability of systems.

(C) WEIGHT GIVEN TO APPLICATIONS.—*After determining project priorities under subparagraph (B), an intended use plan shall provide that the State shall give greater weight to an application for assistance by a community water system if the application includes such information as the State determines to be necessary and contains—*

(i) a description of utility management best practices undertaken by a treatment works applying for assistance, including—

(I) an inventory of assets, including a description of the condition of the assets;

(II) a schedule for replacement of assets;

(III) a financing plan that factors in all lifecycle costs indicating sources of revenue from ratepayers, grants, bonds, other loans, and other sources to meet the costs; and

(IV) a review of options for restructuring the public water system;

(ii) demonstration of consistency with State, regional, and municipal watershed plans;

(iii) a water conservation plan consistent with guidelines developed for those plans by the Administrator under section 1455(a); and

(iv) approaches to improve the sustainability of the system, including—

(I) water efficiency or conservation, including the rehabilitation or replacement of existing leaking pipes;

(II) use of reclaimed water;

(III) actions to increase energy efficiency; and

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

[(B)] *(D)* LIST OF PROJECTS.—Each State shall, after notice and opportunity for public comment, publish and [periodically] *at least biennially* update a list of projects in the State that are eligible for assistance under this section, including the priority assigned to each project and, to the extent known, the expected funding schedule for each project.

* * * * * * *

(d) [Assistance for Disadvantaged Communities] *Additional Assistance.*—

(1) LOAN SUBSIDY.—[Notwithstanding]

(A) IN GENERAL.—*Notwithstanding* any other provision of this section, in any case in which the State makes a loan pursuant to subsection (a)(2) to a disadvantaged community or to a community that the State expects to become a disadvantaged community as the result of a proposed project, the State may provide additional subsidization (including forgiveness of principal).

(B) INNOVATIVE WATER TECHNOLOGY.—*Notwithstanding any other provision of this section, in the case of a State that makes a loan under subsection (a)(2) to carry out an eligible activity through the use of an innovative water technology (including technologies to improve water treatment to ensure compliance with this title and technologies to identify and mitigate sources of drinking water contamination, including lead contamination), the State may provide additional subsidization, including forgiveness of principal that is not more than 50 percent of the cost of the portion of the project associated with the innovative technology.*

(2) TOTAL AMOUNT OF SUBSIDIES.—[For each fiscal year]

(A) IN GENERAL.—*For each fiscal year*, the total amount of loan subsidies made by a State pursuant to paragraph (1) may not exceed 30 percent of the amount of the capitalization grant received by the State for the year.

(B) INNOVATIVE WATER TECHNOLOGY.—*For each fiscal year, not more than 20 percent of the loan subsidies that may be made by a State under paragraph (1) may be used to provide additional subsidization under subparagraph (B) of that paragraph.*

(3) DEFINITION OF DISADVANTAGED COMMUNITY.—In this subsection, the term "disadvantaged community" means the service area*, or portion of a service area,* of a public water system that meets affordability criteria established after public review and comment by the State in which the public water system is located. The Administrator may publish information to assist States in establishing affordability criteria.

* * * * * * *

(g) ADMINISTRATION OF STATE LOAN FUNDS.—

(1) COMBINED FINANCIAL ADMINISTRATION.—Notwithstanding subsection (c), a State may (as a convenience and to avoid unnecessary administrative costs) combine, in accordance with State law, the financial administration of a State loan fund established under this section with the financial administration of any other revolving fund established by the State if otherwise not prohibited by the law under which the State loan fund was established and if the Administrator determines that—

(A) the grants under this section, together with loan repayments and interest, will be separately accounted for and used solely for the purposes specified in subsection (a); and

(B) the authority to establish assistance priorities and carry out oversight and related activities (other than finan-

cial administration) with respect to assistance remains with the State agency having primary responsibility for administration of the State program under section 1413, after consultation with other appropriate State agencies (as determined by the State): *Provided*, That in nonprimacy States eligible to receive assistance under this section, the Governor shall determine which State agency will have authority to establish priorities for financial assistance from the State loan fund.

(2) COST OF ADMINISTERING FUND.—Each State may annually use [up to 4 percent of the funds allotted to the State under this section], *for each fiscal year, an amount that does not exceed the sum of the amount of any fees collected by the State for use in covering reasonable costs of administration of programs under this section, regardless of the source, and an amount equal to the greatest of $400,000, 1/5 percent of the current valuation of the fund, or 4 percent of all grant awards to the fund under this section for the fiscal year,* to cover the reasonable costs of administration of the programs under this section, including the recovery of reasonable costs expended to establish a State loan fund which are incurred after the date of enactment of this section, and to provide technical assistance to public water systems within the State. For fiscal year 1995 and each fiscal year thereafter, each State may use up to an additional 10 percent of the funds allotted to the State under this section—

(A) for public water system supervision programs under section 1443(a);

(B) to administer or provide technical assistance through source water protection programs;

(C) to develop and implement a capacity development strategy under section 1420(c); and

(D) for an operator certification program for purposes of meeting the requirements of section [1419,

if the State matches the expenditures with at least an equal amount of State funds. At least half of the match must be additional to the amount expended by the State for public water supervision in fiscal year 1993.] *1419.* An additional 2 percent of the funds annually allotted to each State under this section may be used by the State to provide technical assistance to public water systems serving 10,000 or fewer persons in the State. Funds utilized under subparagraph (B) shall not be used for enforcement actions.

* * * * * * *

(k) OTHER AUTHORIZED ACTIVITIES.—

(1) IN GENERAL.—Notwithstanding subsection (a)(2), a State may take each of the following actions:

(A) Provide assistance, only in the form of a loan, to one or more of the following:

(i) Any public water system described in subsection (a)(2) to acquire land or a conservation easement from a willing seller or grantor, if the purpose of the acquisition is to protect the source water of the system from contamination and to ensure compliance with national primary drinking water regulations.

(ii) Any community water system to implement local, voluntary source water protection measures to protect source water in areas delineated pursuant to section 1453, in order to facilitate compliance with national primary drinking water regulations applicable to the system under section 1412 or otherwise significantly further the health protection objectives of this title. Funds authorized under this clause may be used to fund only voluntary, incentive-based mechanisms.

(iii) Any community water system to provide funding in accordance with section 1454(a)(1)(B)(i).

(B) Provide assistance, including technical and financial assistance, to any public water system as part of a capacity development strategy developed and implemented in accordance with section 1420(c).

(C) Make expenditures from the capitalization grant of the State for fiscal years 1996 and 1997 to delineate and assess source water protection areas in accordance with section 1453, except that funds set aside for such expenditure shall be obligated within 4 fiscal years.

(D) Make expenditures from the fund for the establishment and implementation of wellhead protection programs under section 1428.

(2) LIMITATION.—For each fiscal year, the total amount of assistance provided and expenditures made by a State under this subsection may not exceed 15 percent of the amount of the capitalization grant received by the State for that year and may not exceed 10 percent of that amount for any one of the following activities:

(A) To acquire land or conservation easements pursuant to paragraph (1)(A)(i).

(B) To provide funding to implement voluntary, incentive-based source water quality protection measures pursuant to clauses (ii) and (iii) of paragraph (1)(A).

(C) To provide assistance through a capacity development strategy pursuant to paragraph (1)(B).

(D) To make expenditures to delineate or assess source water protection areas pursuant to paragraph (1)(C)*(including implementation of source water protection plans)*.

(E) To make expenditures to establish and implement wellhead protection programs pursuant to paragraph (1)(D).

* * * * * * *

(r) EVALUATION.—The Administrator shall conduct an evaluation of the effectiveness of the State loan funds through fiscal year 2001. The evaluation shall be submitted to the Congress at the same time as the President submits to the Congress, pursuant to section 1108 of title 31, United States Code, an appropriations request for fiscal year 2003 relating to the budget of the Environmental Protection Agency.

(s) NEGOTIATION OF CONTRACTS.—*For communities with populations of more than 10,000 individuals, a contract to be carried out using funds directly made available by a capitalization grant under this section for program management, construction management,*

feasibility studies, preliminary engineering, design, engineering, surveying, mapping, or architectural or related services shall be negotiated in the same manner as—

(1) a contract for architectural and engineering services is negotiated under chapter 11 of title 40, United States Code; or

(2) an equivalent State qualifications-based requirement (as determined by the Governor of the State).

* * * * * * *

(t) TECHNICAL ASSISTANCE.—*The Administrator may provide technical assistance to facilitate and encourage the provision of financial assistance for the deployment of innovative water technologies.*

(u) REPORT.—*Not later than 1 year after the date of enactment of the Water Resources Development Act of 2016, and not less frequently than every 5 years thereafter, the Administrator shall submit to Congress a report that describes—*

(1) the amount of financial assistance provided by State loan funds to deploy innovative water technologies;

(2) the barriers impacting greater use of innovative water technologies; and

(3) the cost-saving potential to cities and future infrastructure investments from emerging technologies.

* * * * * * *

DRINKING WATER STUDIES

SEC. 1458. (a) SUBPOPULATIONS AT GREATER RISK.—

* * * * * * *

SEC. 1459A. ASSISTANCE FOR SMALL AND DISADVANTAGED COMMUNITIES.

(a) DEFINITION OF UNDERSERVED COMMUNITY.—*In this section:*

(1) IN GENERAL.—*The term 'underserved community' means a local political subdivision that, as determined by the Administrator, has an inadequate drinking water or wastewater system.*

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

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

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

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

(ii) a treatment technique violation; and

(iii) an action level exceedance.

(b) ESTABLISHMENT.—

(1) IN GENERAL.—*The Administrator shall establish a program under which grants are provided to eligible entities for use in carrying out projects and activities the primary purposes of which are to assist community water systems in meeting the requirements of this Act.*

(2) INCLUSIONS.—*Projects and activities under paragraph (1) include—*

(A) infrastructure investments necessary to comply with the requirements of this Act,

(B) assistance that directly and primarily benefits the disadvantaged community on a per-household basis, and

(C) programs to provide water quality testing.

(c) ELIGIBLE ENTITIES.—*An entity eligible to receive a grant under this section—*

(1) is—

(A) a community water system as defined in section 1401; or

(B) a system that is located in an area governed by an Indian Tribe (as defined in section 1401); and

(2) serves a community that, under affordability criteria established by the State under section 1452(d)(3), is determined by the State—

(A) to be a disadvantaged community;

(B) to be a community that may become a disadvantaged community as a result of carrying out an eligible activity; or

(C) to serve a community with a population of less than 10,000 individuals that the Administrator determines does not have the capacity to incur debt sufficient to finance the project under subsection (b).

(d) PRIORITY.—*In prioritizing projects for implementation under this section, the Administrator shall give priority to systems that serve underserved communities.*

(e) LOCAL PARTICIPATION.—*In prioritizing projects for implementation under this section, the Administrator shall consult with, and consider the priorities of, affected States, Indian Tribes, and local governments.*

(f) COST SHARING.—*Before carrying out any project under this section, the Administrator shall enter into a binding agreement with 1 or more non-Federal interests that shall require the non-Federal interests—*

(1) to pay not less than 45 percent of the total costs of the project, which may include services, materials, supplies, or other in-kind contributions;

(2) to provide any land, easements, rights-of-way, and relocations necessary to carry out the project; and

(3) to pay 100 percent of any operation, maintenance, repair, replacement, and rehabilitation costs associated with the project.

(g) WAIVER.—*The Administrator may waive the requirement to pay the non-Federal share of the cost of carrying out an eligible activity using funds from a grant provided under this section if the Administrator determines that an eligible entity is unable to pay, or would experience significant financial hardship if required to pay, the non-Federal share.*

(h) AUTHORIZATION OF APPROPRIATIONS.—*There are authorized to be appropriated to carry out this section—*

(1) $230,000,000 for fiscal year 2017; and

(2) $300,000,000 for each of fiscal years 2018 through 2021.

SEC. 1459B. REDUCING LEAD IN DRINKING WATER.

(a) DEFINITIONS.—*In this section:*

(1) ELIGIBLE ENTITY.—*The term 'eligible entity' means—*

(A) a community water system;

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

(C) a nontransient noncommunity water system;

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

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

(2) LEAD REDUCTION PROJECT.—

(A) IN GENERAL.—*The term 'lead reduction project' means a project or activity the primary purpose of which is to reduce the level of lead in water for human consumption by—*

(i) replacement of publicly owned lead service lines;

(ii) testing, planning, or other relevant activities, as determined by the Administrator, to identify and address conditions (including corrosion control) that contribute to increased lead levels in water for human consumption;

(iii) assistance to low-income homeowners to replace privately owned service lines, pipes, fittings, or fixtures that contain lead; and

(iv) education of consumers regarding measures to reduce exposure to lead from drinking water or other sources.

(B) LIMITATION.—*The term 'lead reduction project' does not include a partial lead service line replacement if, at the conclusion of the service line replacement, drinking water is delivered to a household through a publicly or privately owned portion of a lead service line.*

(3) LOW-INCOME.—*The term 'low-income', with respect to an individual provided assistance under this section, has such meaning as may be given the term by the head of the municipality or State, interstate, or intermunicipal agency with jurisdiction over the area to which assistance is provided.*

(4) MUNICIPALITY.—*The term 'municipality' means—*

(A) a city, town, borough, county, parish, district, association, or other public entity established by, or pursuant to, applicable State law; and

(B) an Indian tribe (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)).

(b) GRANT PROGRAM.—

(1) ESTABLISHMENT.—*The Administrator shall establish a grant program to provide assistance to eligible entities for lead reduction projects in the United States.*

(2) PRECONDITION.—*As a condition of receipt of assistance under this section, before receiving the assistance the eligible entity shall take steps to identify—*

(A) the source of lead in water for human consumption; and

(B) the means by which the proposed lead reduction project would reduce lead levels in the applicable water system.

(3) PRIORITY APPLICATION.—*In providing grants under this subsection, the Administrator shall give priority to an eligible entity that—*

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

(B) proposes to—

(i) carry out a lead reduction project at a public water system or nontransient noncommunity water system that has exceeded the lead action level established by the Administrator at any time during the 3-year period preceding the date of submission of the application of the eligible entity;

(ii) address lead levels in water for human consumption at a school, daycare, or other facility that primarily serves children or another vulnerable human subpopulation; or

(iii) address such priority criteria as the Administrator may establish, consistent with the goal of reducing lead levels of concern.

(4) COST SHARING.—

(A) IN GENERAL.—*Subject to subparagraph (B), the non-Federal share of the total cost of a project funded by a grant under this subsection shall be not less than 20 percent.*

(B) WAIVER.—*The Administrator may reduce or eliminate the non-Federal share under subparagraph (A) for reasons of affordability, as the Administrator determines to be appropriate.*

(5) LOW-INCOME ASSISTANCE.—

(A) IN GENERAL.—*Subject to subparagraph (B), an eligible entity may use a grant provided under this subsection to provide assistance to low-income homeowners to carry out lead reduction projects.*

(B) LIMITATION.—*The amount of a grant provided to a low-income homeowner under this paragraph shall not exceed the cost of replacement of the privately owned portion of the service line.*

(6) SPECIAL CONSIDERATION FOR LEAD SERVICE LINE REPLACEMENT.—*In carrying out lead service line replacement using a grant under this subsection, an eligible entity shall—*

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

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

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

(i) the cost of replacement; and

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

(D) notify each customer that a planned replacement of any publicly owned portion of a lead service line that is

funded by a grant made under this subsection will not be carried out unless the customer agrees to the simultaneous replacement of the privately owned portion of the lead service line; and

(E) demonstrate that the eligible entity has considered multiple options for reducing lead in drinking water, including an evaluation of options for corrosion control.

(c) AUTHORIZATION OF APPROPRIATIONS.—*There is authorized to be appropriated to carry out this section $60,000,000 for each of fiscal years 2017 through 2021.*

* * * * * * *

LEAD CONTAMINATION IN SCHOOL DRINKING WATER

SEC. 1464. (a) DISTRIBUTION OF DRINKING WATER COOLER LIST.—Within 100 days after the enactment of this section, the Administrator shall distribute to the States a list of each brand and model of drinking water cooler identified and listed by the Administrator under section 1463(a).

(b) GUIDANCE DOCUMENT AND TESTING PROTOCOL.—The Administrator shall publish a guidance document and a testing protocol to assist schools in determining the source and degree of lead contamination in school drinking water supplies and in remedying such contamination. The guidance document shall include guidelines for sample preservation. The guidance document shall also include guidance to assist States, schools, and the general public in ascertaining the levels of lead contamination in drinking water coolers and in taking appropriate action to reduce or eliminate such contamination. The guidance document shall contain a testing protocol for the identification of drinking water coolers which contribute to lead contamination in drinking water. Such document and protocol may be revised, republished and redistributed as the Administrator deems necessary. The Administrator shall distribute the guidance document and testing protocol to the States within 100 days after the enactment of this section.

(c) DISSEMINATION TO SCHOOLS, ETC.—Each State shall provide for the dissemination to local educational agencies, private nonprofit elementary or secondary schools and to day care centers of the guidance document and testing protocol published under subsection (b), together with the list of drinking water coolers published under section 1463(a).

[(d) REMEDIAL ACTION PROGRAM.—

[(1) TESTING AND REMEDYING LEAD CONTAMINATION.—Within 9 months after the enactment of this section, each State shall establish a program, consistent with this section, to assist local educational agencies in testing for, and remedying, lead contamination in drinking water from coolers and from other sources of lead contamination at schools under the jurisdiction of such agencies.

[(2) PUBLIC AVAILABILITY.—A copy of the results of any testing under paragraph (1) shall be available in the administrative offices of the local educational agency for inspection by the public, including teachers, other school personnel, and parents. The local educational agency shall notify parent, teacher, and

employee organizations of the availability of such testing results.

[(3) COOLERS.—In the case of drinking water coolers, such program shall include measures for the reduction or elimination of lead contamination from those water coolers which are not lead free and which are located in schools. Such measures shall be adequate to ensure that within 15 months after the enactment of this subsection all such water coolers in schools under the jurisdiction of such agencies are repaired, replaced, permanently removed, or rendered inoperable unless the cooler is tested and found (within the limits of testing accuracy) not to contribute lead to drinking water.]

(d) VOLUNTARY SCHOOL AND CHILD CARE LEAD TESTING GRANT PROGRAM.—

(1) DEFINITIONS.—*In this subsection:*

(A) CHILD CARE PROGRAM.—*The term 'child care program' has the meaning given the term 'early childhood education program' in section 103 of the Higher Education Act of 1965 (20 U.S.C. 1003).*

(B) LOCAL EDUCATIONAL AGENCY.—*The term 'local educational agency' means—*

(i) a local educational agency (as defined in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801));

(ii) a tribal education agency (as defined in section 3 of the National Environmental Education Act (20 U.S.C. 5502)); and

(iii) an operator of a child care program facility.

(2) ESTABLISHMENT.—

(A) IN GENERAL.—*Not later than 180 days after the date of enactment of the Water Resources Development Act of 2016, the Administrator shall establish a voluntary school and child care lead testing grant program to make grants available to States to assist local educational agencies in voluntary testing for lead contamination in drinking water at schools and child care programs under the jurisdiction of the local educational agencies.*

(B) GRANTS TO LOCAL EDUCATIONAL AGENCIES.—*The Administrator may make grants directly available to local educational agencies for the voluntary testing described in subparagraph (A) in—*

(i) any State that does not participate in the voluntary school and child care lead testing grant program established under that subparagraph; and

(ii) any direct implementation area.

(3) APPLICATION.—*To be eligible to receive a grant under this subsection, a State or local educational agency shall submit to the Administrator an application at such time, in such manner, and containing such information as the Administrator may require.*

(4) USE OF FUNDS.—

(A) IN GENERAL.—*A State or local educational agency that receives a grant under this subsection may use grant funds for the voluntary testing described in paragraph (2)(A).*

(B) LIMITATION.—*Not more than 4 percent of grant funds accepted under this subsection shall be used to pay the administrative costs of carrying out this subsection.*

(5) GUIDANCE; PUBLIC AVAILABILITY.—*As a condition of receiving a grant under this subsection, the State or local educational agency shall ensure that each local educational agency to which grant funds are distributed shall—*

(A) expend grant funds in accordance with—

(i) the guidance of the Environmental Protection Agency entitled '3Ts for Reducing Lead in Drinking Water in Schools: Revised Technical Guidance' and dated October 2006 (or any successor guidance); or

(ii) applicable State regulations or guidance regarding reducing lead in drinking water in schools and child care programs that is not less stringent than the guidance referred to in clause (i); and

(B)(i) make available in the administrative offices, and to the maximum extent practicable, on the Internet website, of the local educational agency for inspection by the public (including teachers, other school personnel, and parents) a copy of the results of any voluntary testing for lead contamination in school and child care program drinking water that is carried out with grant funds under this subsection; and

(ii) notify parent, teacher, and employee organizations of the availability of the results described in clause (i).

(6) MAINTENANCE OF EFFORT.—*If resources are available to a State or local educational agency from any other Federal agency, a State, or a private foundation for testing for lead contamination in drinking water, the State or local educational agency shall demonstrate that the funds provided under this subsection will not displace those resources.*

(7) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $20,000,000 for each of fiscal years 2017 through 2021.

[FEDERAL ASSISTANCE FOR STATE PROGRAMS REGARDING LEAD CONTAMINATION IN SCHOOL DRINKING WATER

[Sec. 1465. (a) SCHOOL DRINKING WATER PROGRAMS.—The Administrator shall make grants to States to establish and carry out State programs under section 1464 to assist local educational agencies in testing for, and remedying, lead contamination in drinking water from drinking water coolers and from other sources of lead contamination at schools under the jurisdiction of such agencies. Such grants may be used by States to reimburse local educational agencies for expenses incurred after the enactment of this section for such testing and remedial action.

[(b) LIMITS.—Each grant under this section shall be used by the State for testing water coolers in accordance with section 1464, for testing for lead contamination in other drinking water supplies under section 1464, or for remedial action under State programs under section 1464. Not more than 5 percent of the grant may be used for program administration.

[(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section not more than

$30,000,000 for fiscal year 1989, $30,000,000 for fiscal year 1990, and $30,000,000 for fiscal year 1991.]

* * * * * * *

FEDERAL WATER POLLUTION CONTROL ACT

TITLE I—RESEARCH AND RELATED PROGRAMS

DECLARATION OF GOALS AND POLICY

SEC. 101. (a) The objective of this Act is to restore and maintain the chemical, physical, and biological integrity of the Nation's waters. In order to achieve this objective it is hereby declared that, consistent with the provisions of this Act—

* * * * * * *

SEC. 118. GREAT LAKES.

(a) FINDINGS, PURPOSE, AND DEFINITIONS.—

(1) FINDINGS.—The Congress finds that—

(A)* * *

* * * * * * *

(c) GREAT LAKES MANAGEMENT.—

(1) FUNCTIONS.—The Program Office shall—

(A)* * *

* * * * * * *

[(7) GREAT LAKES RESTORATION INITIATIVE.—

[(A) ESTABLISHMENT.—There is established in the Agency a Great Lakes Restoration Initiative (referred to in this paragraph as the "Initiative") to carry out programs and projects for Great Lakes protection and restoration.

[(B) FOCUS AREAS.—The Initiative shall prioritize programs and projects carried out in coordination with non-Federal partners and programs and projects that address priority areas each fiscal year, 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.—Under the Initiative, the Agency shall collaborate with Federal partners, including the Great Lakes Interagency Task Force, to select the best combination of programs and projects for Great Lakes protection and restoration using appropriate principles and criteria, including whether a program or project provides—

[(i) the ability to achieve strategic and measurable environmental outcomes that implement the Great

Lakes Action Plan and the Great Lakes Water Quality Agreement;

[(ii) the feasibility of—

[(I) prompt implementation;

[(II) timely achievement of results; and

[(III) resource leveraging; and

[(iii) the opportunity to improve interagency and inter-organizational coordination and collaboration to reduce duplication and streamline efforts.

[(D) IMPLEMENTATION OF PROJECTS.—

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

[(I) Federal projects; and

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

[(ii) TRANSFER OF FUNDS.—With amounts made available for the Initiative each fiscal year, the Administrator may—

[(I) transfer not more than the total amount appropriated under subparagraph (G)(i) for the fiscal year to the head of any Federal department or agency, with the concurrence of the department or agency head, to carry out activities to support the Initiative and the Great Lakes Water Quality Agreement; and

[(II) enter into an interagency agreement with the head of any Federal department or agency to carry out activities described in subclause (I).

[(E) SCOPE.—

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

[(I) Great Lakes-wide; and

[(II) 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 amounts are made available from—

[(I) a State water pollution control revolving fund established under title VI; or

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

[(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) FUNDING.—There are authorized to be appropriated to carry out this paragraph for fiscal year 2016, $300,000,000.]

(7) GREAT LAKES RESTORATION INITIATIVE.—

(A) ESTABLISHMENT.—*There is established in the Agency a Great Lakes Restoration Initiative (referred to in this paragraph as the 'Initiative') to carry out programs and projects for Great Lakes protection and restoration.*

(B) FOCUS AREAS.—*Each fiscal year under a 5-year Initiative Action Plan, the Initiative shall prioritize programs and projects, carried out in coordination with non-Federal partners, that address priority areas, such as—*

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

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

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

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

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

(C) PROJECTS.—*Under the Initiative, the Agency shall collaborate with Federal partners, including the Great Lakes Interagency Task Force, to select the best combination of programs and projects for Great Lakes protection and restoration using appropriate principles and criteria, including whether a program or project provides—*

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

(ii) the feasibility of—

(I) prompt implementation;

(II) timely achievement of results; and

(III) resource leveraging; and

(iii) the opportunity to improve interagency and inter-organizational coordination and collaboration to reduce duplication and streamline efforts.

(D) IMPLEMENTATION OF PROJECTS.—

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

(I) Federal projects; and

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

(ii) TRANSFER OF FUNDS.—*With amounts made available for the Initiative each fiscal year, the Administrator may—*

(I) transfer not more than 300,000,000 to the head of any Federal department or agency, with the concurrence of the department or agency head,

to carry out activities to support the Initiative and the Great Lakes Water Quality Agreement;

(II) enter into an interagency agreement with the head of any Federal department or agency to carry out activities described in subclause (I); and

(III) make grants to governmental entities, nonprofit organizations, institutions, and individuals for planning, research, monitoring, outreach, and implementation of projects in furtherance of the Initiative and the Great Lakes Water Quality Agreement.

(E) SCOPE.—

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

(I) Great Lakes-wide; and

(II) 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 amounts are made available from—*

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

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

(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 and the Great Lakes Water Quality Agreement.

(G) 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.

* * * * * * *

Sec. 119. LONG ISLAND SOUND.—

(a) The Administrator shall continue the Management Conference of the Long Island Sound Study (hereinafter referred to as the "Conference") as established pursuant to section 320 of this Act, and shall establish an office (hereinafter referred to as the "Office") to be located on or near Long Island Sound.

[(b) ADMINISTRATION AND STAFFING OF OFFICE.—The Office shall**]**

(b) OFFICE.—

(1) ESTABLISHMENT.—*The Administrator shall—*

(A) continue to carry out the conference study; and

(B) establish an office, to be located on or near Long Island Sound.

(2) ADMINISTRATION AND STAFFING.—*The Office shall*; be headed by a Director, who shall be detailed by the Administrator, following consultation with the Administrators of EPA regions I and II, from among the employees of the Agency who are in civil service. The Administrator shall delegate to the Director such authority and detail such additional staff as may be necessary to carry out the duties of the Director under this section.

(c) DUTIES OF THE OFFICE.—The Office shall assist the **[**Management Conference of the Long Island Sound Study**]** *conference study* in carrying out its goals. Specifically, the Office shall—

(1) assist and support the implementation of the Comprehensive Conservation and Management Plan for Long Island Sound developed pursuant to section 320 of this Act, including efforts to establish, within the process for granting watershed general permits, a system for promoting innovative methodologies and technologies that are cost-effective and consistent with the goals of the Plan;

(2) conduct or commission studies deemed necessary for strengthened implementation of the Comprehensive Conservation and Management Plan including, but not limited to—

(A) population growth and the adequacy of wastewater treatment facilities**[**,**]** *;*

(B) the use of biological methods for nutrient removal in sewage treatment plants**[**,**]** *;*

(C) contaminated sediments, and dredging activities**[**,**]** *;*

(D) nonpoint source pollution abatement and land use activities in the Long Island Sound watershed**[**,**]** *;*

(E) wetland protection and restoration**[**,**]** *;*

(F) atmospheric deposition of acidic and other pollutants into Long Island Sound**[**,**]** *;*

(G) water quality requirements to sustain fish, shellfish, and wildlife populations, and the use of indicator species to assess environmental quality**[**,**]** *;*

(H) State water quality programs, for their adequacy pursuant to implementation of the Comprehensive Conservation and Management Plan**[**, and**]** *;*

(I) options for long-term financing of wastewater treatment projects and water pollution control programs**[**.**]** *;*

(J) environmental impacts on the Long Island Sound watershed, including—

(i) the identification and assessment of vulnerabilities in the watershed;

(ii) the development and implementation of adaptation strategies to reduce those vulnerabilities; and

(iii) the identification and assessment of the impacts of sea level rise on water quality, habitat, and infrastructure; and

(K) planning initiatives for Long Island Sound that identify the areas that are most suitable for various types or classes of activities in order to reduce conflicts among uses, reduce adverse environmental impacts, facilitate compatible uses, or preserve critical ecosystem services to meet economic, environmental, security, or social objectives;

(3) coordinate the grant, research and planning programs authorized under this section;

[(4) coordinate activities and implementation responsibilities with other Federal agencies which have jurisdiction over Long Island Sound and with national and regional marine monitoring and research programs established pursuant to the Marine Protection, Research, and Sanctuaries Act;]

(4) develop and implement strategies to increase public education and awareness with respect to the ecological health and water quality conditions of Long Island Sound;

(5) provide administrative and technical support to the conference *study*;

(6) collect and make available to the public *(including on the Internet) publications, and other forms of information the conference study* determines to be appropriate, relating to the environmental quality of Long Island Sound;

[(7) not more than two years after the date of the issuance of the final Comprehensive Conservation and Management Plan for Long Island Sound under section 320 of this Act, and biennially thereafter, issue a report to the Congress which—

[(A) summarizes the progress made by the States in implementing the Comprehensive Conservation and Management Plan;

[(B) summarizes any modifications to the Comprehensive Conservation and Management Plan in the twelve-month period immediately preceding such report; and

[(C) incorporates specific recommendations concerning the implementation of the Comprehensive Conservation and Management Plan; and]

(7) monitor the progress made toward meeting the identified goals, actions, and schedules of the Comprehensive Conservation and Management Plan, including through the implementation and support of a monitoring system for the ecological health and water quality conditions of Long Island Sound; and

(8) convene conferences and meetings for legislators from State governments and political subdivisions thereof for the purpose of making recommendations for coordinating legislative efforts to facilitate the environmental restoration of Long Island Sound and the implementation of the Comprehensive Conservation and Management Plan.

(d) GRANTS.—(1) The Administrator is authorized to make grants for projects and studies which will help implement the Long Island Sound Comprehensive Conservation and Management Plan. Special emphasis shall be given to implementation, research and planning, enforcement, and citizen involvement and education.

(2) State, interstate, and regional water pollution control agencies, and other public or nonprofit private agencies, institutions, and organizations held to be eligible for grants pursuant to this subsection.

(3) Citizen involvement and citizen education grants under this subsection shall not exceed 95 per centum of the costs of such work. All other grants under this subsection shall not exceed [50 per centum] *60 percent* of the research, studies, or work. All grants shall be made on the condition that the non-Federal share of such costs are provided from non-Federal sources.

(e) ASSISTANCE TO DISTRESSED COMMUNITIES.—

(1) ELIGIBLE COMMUNITIES.—For the purposes of this subsection, a distressed community is any community that meets affordability criteria established by the State in which the community is located, if such criteria are developed after public review and comment.

(2) PRIORITY.—In making assistance available under this section for the upgrading of wastewater treatment facilities, the Administrator may give priority to a distressed community.

(f) REPORT.—

(1) IN GENERAL.—*Not later than 2 years after the date of enactment of the Water Resources Development Act of 2016, and biennially thereafter, the Director of the Office, in consultation with the Governor of each Long Island Sound State, shall submit to Congress a report that—*

(A) summarizes and assesses the progress made by the Office and the Long Island Sound States in implementing the Long Island Sound Comprehensive Conservation and Management Plan, including an assessment of the progress made toward meeting the performance goals and milestones contained in the Plan;

(B) assesses the key ecological attributes that reflect the health of the ecosystem of the Long Island Sound watershed;

(C) describes any substantive modifications to the Long Island Sound Comprehensive Conservation and Management Plan made during the 2-year period preceding the date of submission of the report;

(D) provides specific recommendations to improve progress in restoring and protecting the Long Island Sound watershed, including, as appropriate, proposed modifications to the Long Island Sound Comprehensive Conservation and Management Plan;

(E) identifies priority actions for implementation of the Long Island Sound Comprehensive Conservation and Management Plan for the 2-year period following the date of submission of the report; and

(F) describes the means by which Federal funding and actions will be coordinated with the actions of the Long Island Sound States and other entities.

(2) PUBLIC AVAILABILITY.—*The Administrator shall make the report described in paragraph (1) available to the public, including on the Internet.*

(g) ANNUAL BUDGET PLAN.—*The President shall submit, together with the annual budget of the United States Government submitted under section 1105(a) of title 31, United States Code, information regarding each Federal department and agency involved in the protection and restoration of the Long Island Sound watershed, including—*

(1) an interagency crosscut budget that displays for each department and agency—

(A) the amount obligated during the preceding fiscal year for protection and restoration projects and studies relating to the watershed;

(B) the estimated budget for the current fiscal year for protection and restoration projects and studies relating to the watershed; and

(C) the proposed budget for succeeding fiscal years for protection and restoration projects and studies relating to the watershed; and

(2) a summary of any proposed modifications to the Long Island Sound Comprehensive Conservation and Management Plan for the following fiscal year.

(h) FEDERAL ENTITIES.—

(1) COORDINATION.—*The Administrator shall coordinate the actions of all Federal departments and agencies that impact water quality in the Long Island Sound watershed in order to improve the water quality and living resources of the watershed.*

(2) METHODS.—*In carrying out this section, the Administrator, acting through the Director of the Office, may—*

(A) enter into interagency agreements; and

(B) make intergovernmental personnel appointments.

(3) FEDERAL PARTICIPATION IN WATERSHED PLANNING.—*A Federal department or agency that owns or occupies real property, or carries out activities, within the Long Island Sound watershed shall participate in regional and subwatershed planning, protection, and restoration activities with respect to the watershed.*

(4) CONSISTENCY WITH COMPREHENSIVE CONSERVATION AND MANAGEMENT PLAN.—*To the maximum extent practicable, the head of each Federal department and agency that owns or occupies real property, or carries out activities, within the Long Island Sound watershed shall ensure that the property and all activities carried out by the department or agency are consistent with the Long Island Sound Comprehensive Conservation and Management Plan (including any related subsequent agreements and plans).*

[(f)**]** *(i)* AUTHORIZATIONS.—(1) There is authorized to be appropriated to the Administrator for the implementation of this section, other than subsection (d), such sums as may be necessary for each of the fiscal years 2001 through 2010.

(2) There is authorized to be appropriated to the Administrator for the implementation of subsection (d) not to exceed $40,000,000 for each of fiscal years 2001 through 2010.

* * * * * * *

SEC. 221. SEWER OVERFLOW CONTROL GRANTS.

[(a) IN GENERAL.—In any fiscal year in which the Administrator has available for obligation at least $1,350,000,000 for the purposes of section 601—

[(1) the Administrator may make grants to States for the purpose of providing grants to a municipality or municipal entity for planning, design, and construction of treatment works

to intercept, transport, control, or treat municipal combined sewer overflows and sanitary sewer overflows; and

[(2) subject to subsection (g), the Administrator may]

(a) AUTHORITY.—*The Administrator may—*

(1) make grants to States for the purpose of providing grants to a municipality or municipal entity for planning, designing, and constructing—

(A) treatment works to intercept, transport, control, or treat municipal combined sewer overflows and sanitary sewer overflows; and

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

(2) subject to subsection (g), make a direct grant to a municipality or municipal entity for the purposes described in paragraph (1).

(b) PRIORITIZATION.—In selecting from among municipalities applying for grants under subsection (a), a State or the Administrator shall give priority to an applicant that—

(1) is a municipality that is a financially distressed community under subsection (c)[;] *; or*

[(2) has implemented or is complying with an implementation schedule for the nine minimum controls specified in the CSO control policy referred to in section 402(q)(1) and has begun implementing a long-term municipal combined sewer overflow control plan or a separate sanitary sewer overflow control plan;

[(3) is requesting a grant for a project that is on a State's intended use plan pursuant to section 606(c); or]

[(4)] *(2)* is an Alaska Native Village.

* * * * * * *

(d) COST-SHARING.—The Federal share of the cost of activities carried out using amounts from a grant made under subsection (a) shall be not less than 55 percent of the cost. The non-Federal share of the cost may include, in any amount, public and private funds and in-kind services, and may include, notwithstanding section [603(h)] *section 603(i)*, financial assistance, including loans, from a State water pollution control revolving fund.

[(e) ADMINISTRATIVE REPORTING REQUIREMENTS.—If a project receives grant assistance under subsection (a) and loan assistance from a State water pollution control revolving fund and the loan assistance is for 15 percent or more of the cost of the project, the project may be administered in accordance with State water pollution control revolving fund administrative reporting requirements for the purposes of streamlining such requirements.

[(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section 750,000,000 for each of fiscal years 2002 and 2003. Such sums shall remain available until expended.

[(g) ALLOCATION OF FUNDS.—

[(1) FISCAL YEAR 2002.—Subject to subsection (h), the Administrator shall use the amounts appropriated to carry out this section for fiscal year 2002 for making grants to municipalities and municipal entities under subsection (a)(2), in accordance with the criteria set forth in subsection (b).

[(2) FISCAL YEAR 2003.— Subject to subsection (h), the Administrator shall use the amounts appropriated to carry out this section for fiscal year 2003 as follows:

[(A) Not to exceed 250,000,000 for making grants to municipalities and municipal entities under subsection (a)(2), in accordance with the criteria set forth in subsection (b).

[(B) All remaining amounts for making grants to States under subsection (a)(1), in accordance with a formula to be established by the Administrator, after providing notice and an opportunity for public comment, that allocates to each State a proportional share of such amounts based on the total needs of the State for municipal combined sewer overflow controls and sanitary sewer overflow controls identified in the most recent survey conducted pursuant to section 516(b)(1).]

(e) ADMINISTRATIVE REQUIREMENTS.—

(1) IN GENERAL.—*Subject to paragraph (2), a project that receives grant assistance under subsection (a) shall be carried out subject to the same requirements as a project that receives assistance from a State water pollution control revolving fund established pursuant to title VI.*

(2) DETERMINATION OF GOVERNOR.—*The requirement described in paragraph (1) shall not apply to a project that receives grant assistance under subsection (a) to the extent that the Governor of the State in which the project is located determines that a requirement described in title VI is inconsistent with the purposes of this section.*

(f) AUTHORIZATION OF APPROPRIATIONS.—*There are authorized to be appropriated to carry out this section, to remain available until expended—*

(1) $250,000,000 for fiscal year 2017;
(2) $300,000,000 for fiscal year 2018;
(3) $350,000,000 for fiscal year 2019;
(4) $400,000,000 for fiscal year 2020; and
(5) $500,000,000 for fiscal year 2021.

(g) ALLOCATION OF FUNDS.—

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

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

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

(i) nonstructural, low-impact development;
(ii) water conservation, efficiency, or reuse; or
(iii) other decentralized stormwater or wastewater approaches to minimize flows into the sewer systems.

(2) FISCAL YEAR 2019 AND THEREAFTER.—*For fiscal year 2019 and each fiscal year thereafter, subject to subsection (h), the Administrator shall use the amounts made available to carry out this section to provide grants to States under subsection (a)(1) in accordance with a formula that—*

(A) shall be established by the Administrator, after providing notice and an opportunity for public comment; and

(B) allocates to each State a proportional share of the amounts based on the total needs of the State for municipal combined sewer overflow controls and sanitary sewer overflow controls, as identified in the most recent survey—

(i) conducted under section 210; and

(ii) included in a report required under section 516(b)(1)(B).

* * * * * * *

[(i) REPORTS.—Not later than December 31, 2003, and periodically thereafter, the Administrator shall transmit to Congress a report containing recommended funding levels for grants under this section. The recommended funding levels shall be sufficient to ensure the continued expeditious implementation of municipal combined sewer overflow and sanitary sewer overflow controls nationwide.]

* * * * * * *

SEC. 222. TECHNICAL ASSISTANCE FOR SMALL AND MEDIUM TREATMENT WORKS.

(a) DEFINITIONS.—*In this section:*

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

(2) QUALIFIED NONPROFIT MEDIUM TREATMENT WORKS TECHNICAL ASSISTANCE PROVIDER.—*The term 'qualified nonprofit medium treatment works technical assistance provider' means a qualified nonprofit technical assistance provider of water and wastewater services to medium-sized communities that provides technical assistance (including circuit rider technical assistance programs, multi-State, regional assistance programs, and training and preliminary engineering evaluations) to owners and operators of medium treatment works, which may include State agencies.*

(3) QUALIFIED NONPROFIT SMALL TREATMENT WORKS TECHNICAL ASSISTANCE PROVIDER.—*The term 'qualified nonprofit small treatment works technical assistance provider' means a nonprofit organization that, as determined by the Administrator—*

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

(B) the small treatment works in the State finds to be the most beneficial and effective.

(4) SMALL TREATMENT WORKS.—*The term 'small treatment works' means a publicly owned treatment works serving not more than 10,000 individuals.*

(b) TECHNICAL ASSISTANCE.—*The Administrator may use amounts made available to carry out this section to provide grants or cooperative agreements to qualified nonprofit small treatment works technical assistance providers and grants or cooperative agreements to qualified nonprofit medium treatment works technical assistance providers to provide to owners and operators of small and medium treatment works onsite technical assistance, cir-*

cuit-rider technical assistance programs, multi-State, regional technical assistance programs, and onsite and regional training, to assist the treatment works in achieving compliance with this Act or obtaining financing under this Act for eligible projects.

(c) AUTHORIZATION OF APPROPRIATIONS.—*There are authorized to be appropriated to carry out this section—*

(1) for grants for small treatment works technical assistance, $15,000,000 for each of fiscal years 2017 through 2021; and

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

* * * * * * *

SEC. 309. (a)(1) Whenever, on the basis of any information available to him, the Administrator finds that any person is in violation of any condition or limitation which implements section 301, 302, 306, 307, 308, 318, or 405 of this Act in a permit issued by a State under an approved permit program under section 402 or 404 of this Act, he shall proceed under his authority in paragraph (3) of this subsection or he shall notify the person in alleged violation and such State of such finding. If beyond the thirtieth day after the Administrator's notification the State has not commenced appropriate enforcement action, the Administrator shall issue an order requiring such person to comply with such condition or limitation or shall bring a civil action in accordance with subsection (b) of this section.

* * * * * * *

(g) ADMINISTRATIVE PENALTIES.—

(1) VIOLATIONS.—Whenever on the basis of any information available—

(A) the Administrator finds that any person has violated section 301, 302, 306, 307, 308, 318, or 405 of this Act, or has violated any permit condition or limitation implementing any of such sections in a permit issued under section 402 of this Act by the Administrator or by a State, or in a permit issued under section 404 by a State, or

(B) the Secretary of the Army (hereinafter in this subsection referred to as the "Secretary") finds that any person has violated any permit condition or limitation in a permit issued under section 404 of this Act by the Secretary,

the Administrator or Secretary, as the case may be, may, after consultation with the State in which the violation occurs, assess a class I civil penalty or a class II civil penalty under this subsection.

(2) CLASSES OF PENALTIES.—* * *

* * * * * * *

(h) IMPLEMENTATION OF INTEGRATED PLANS THROUGH ENFORCEMENT TOOLS.—

(1) IN GENERAL.—*In conjunction with an enforcement action under subsection (a) or (b) relating to municipal discharges, the Administrator shall inform a municipality of the opportunity to develop an integrated plan, as defined in section 402(s).*

(2) MODIFICATION.—*Any municipality under an administrative order under subsection (a) or settlement agreement under subsection (b) that has developed an integrated plan consistent*

with section 402(s) may request a modification of the administrative order or settlement agreement based on that integrated plan.

* * * * * * *

SEC. 402. (a)(1) Except as provided in sections 318 and 404 of this Act, the Administrator may, after opportunity for public hearing, issue a permit for the discharge of any pollutant, or combination of pollutants, notwithstanding section 301(a), upon condition that such discharge will meet either (A) all applicable requirements under sections 301, 302, 306, 307, 308, and 403 of this Act, or (B) prior to the taking of necessary implementing actions relating to all such requirements, such conditions as the Administrator determines are necessary to carry out the provisions of this Act.

* * * * * * *

(s) INTEGRATED PLAN PERMITS.—

(1) DEFINITIONS.—*In this subsection:*

(A) GREEN INFRASTRUCTURE.—*The term 'green infrastructure' means the range of measures that use plant or soil systems, permeable pavement or other permeable surfaces or substrates, stormwater harvest and reuse, or landscaping to store, infiltrate, or evapotranspirate stormwater and reduce flows to sewer systems or to surface waters.*

(B) INTEGRATED PLAN.—*The term 'integrated plan' has the meaning given in Part III of the Integrated Municipal Stormwater and Wastewater Planning Approach Framework, issued by the Environmental Protection Agency and dated May 2012.*

(C) MUNICIPAL DISCHARGE.—

(i) IN GENERAL.—*The term 'municipal discharge' means a discharge from a treatment works (as defined in section 212) or a discharge from a municipal storm sewer under subsection(p).*

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

(2) INTEGRATED PLAN.—

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

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

(i) a combined sewer overflow;

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

(iii) a municipal stormwater discharge;

(iv) a municipal wastewater discharge; and

(v) a water quality-based effluent limitation to implement an applicable wasteload allocation in a total maximum daily load.

(3) COMPLIANCE SCHEDULES.—

(A) IN GENERAL.—*A permit for a municipal discharge by a municipality that incorporates an integrated plan may include a schedule of compliance, under which actions taken to meet any applicable water quality-based effluent limitation may be implemented over more than 1 permit term if the compliance schedules are authorized by State water quality standards.*

(B) INCLUSION.—*Actions subject to a compliance schedule under subparagraph (A) may include green infrastructure if implemented as part of a water quality-based effluent limitation.*

(C) REVIEW.—*A schedule of compliance may be reviewed each time the permit is renewed.*

(4) EXISTING AUTHORITIES RETAINED.—

(A) APPLICABLE STANDARDS.—*Nothing in this subsection modifies any obligation to comply with applicable technology and water quality-based effluent limitations under this Act.*

(B) FLEXIBILITY.—*Nothing in this subsection reduces or eliminates any flexibility available under this Act, including the authority of a State to revise a water quality standard after a use attainability analysis under section 131.10(g) of title 40, Code of Federal Regulations (as in effect on the date of enactment of this subsection), subject to the approval of the Administrator under section 303(c).*

(5) CLARIFICATION OF STATE AUTHORITY.—

(A) IN GENERAL.—*Nothing in section 301(b)(1)(C) precludes a State from authorizing in the water quality standards of the State the issuance of a schedule of compliance to meet water quality-based effluent limitations in permits that incorporate provisions of an integrated plan.*

(B) TRANSITION RULE.—*In any case in which a discharge is subject to a judicial order or consent decree as of the date of enactment of the Water Resources Development Act of 2016 resolving an enforcement action under this Act, any schedule of compliance issued pursuant to an authorization in a State water quality standard shall not revise or otherwise affect a schedule of compliance in that order or decree unless the order or decree is modified by agreement of the parties and the court.*

* * * * * * *

SEC. 518. INDIAN TRIBES.

(a) POLICY.—Nothing in this section shall be construed to affect the application of section 101(g) of this Act, and all of the provisions of this section shall be carried out in accordance with the provisions of such section 101(g). Indian tribes shall be treated as States for purposes of such section 101(g).

(b) ASSESSMENT OF SEWAGE TREATMENT NEEDS; REPORT.—* * *

* * * * * * *

SEC. 519. ENVIRONMENTAL PROTECTION AGENCY GREEN INFRASTRUCTURE PROMOTION.

(a) IN GENERAL.—*The Administrator shall ensure that the Office of Water, the Office of Enforcement and Compliance Assurance, the Office of Research and Development, and the Office of Policy of the Environmental Protection Agency promote the use of green infrastructure in and coordinate the integration of green infrastructure into, permitting programs, planning efforts, research, technical assistance, and funding guidance.*

(b) DUTIES.—*The Administrator shall ensure that the Office of Water—*

(1) promotes the use of green infrastructure in the programs of the Environmental Protection Agency; and

(2) coordinates efforts to increase the use of green infrastructure with—

(A) other Federal departments and agencies;

(B) State, tribal, and local governments; and

(C) the private sector.

(c) REGIONAL GREEN INFRASTRUCTURE PROMOTION.—*The Administrator shall direct each regional office of the Environmental Protection Agency, as appropriate based on local factors, and consistent with the requirements of this Act, to promote and integrate the use of green infrastructure within the region that includes—*

(1) outreach and training regarding green infrastructure implementation for State, tribal, and local governments, tribal communities, and the private sector; and

(2) the incorporation of green infrastructure into permitting and other regulatory programs, codes, and ordinance development, including the requirements under consent decrees and settlement agreements in enforcement actions.

(d) GREEN INFRASTRUCTURE INFORMATION-SHARING.—*The Administrator shall promote green infrastructure information-sharing, including through an Internet website, to share information with, and provide technical assistance to, State, tribal, and local governments, tribal communities, the private sector, and the public regarding green infrastructure approaches for—*

(1) reducing water pollution;

(2) protecting water resources;

(3) complying with regulatory requirements; and

(4) achieving other environmental, public health, and community goals.

SEC. ⟦519⟧ *520*. This Act may be cited as the "Federal Water Pollution Control Act" (commonly referred to as the Clean Water Act).

* * * * * * *

SEC. 603. WATER POLLUTION CONTROL REVOLVING LOAN FUNDS.

(a) REQUIREMENTS FOR OBLIGATION OF GRANT FUNDS.—Before a State may receive a capitalization grant with funds made available under this title and section 205(m) of this Act, the State shall first establish a water pollution control revolving fund which complies with the requirements of this section.

* * * * * * *

(d) TYPES OF ASSISTANCE.—Except as otherwise limited by State law *and as provided in subsection (e)*, a water pollution control revolving fund of a State under this section may be used only—

* * * * * * *

(e) ADDITIONAL USE OF FUNDS.—*A State may use an additional 2 percent of the funds annually allotted to the State under this section for qualified nonprofit small treatment works technical assistance providers and qualified nonprofit medium treatment works technical assistance providers (as those terms are defined in section 222) to provide technical assistance to small treatment works and medium treatment works in the State.*

* * * * * * *

[(e)**]** *(f)* LIMITATION TO PREVENT DOUBLE BENEFITS.—If a State makes, from its water pollution revolving fund, a loan which will finance the cost of facility planning and the preparation of plans, specifications, and estimates for construction of publicly owned treatment works, the State shall ensure that if the recipient of such loan receives a grant under section 201(g) of this Act for construction of such treatment works and an allowance under section 201(l)(1) of this Act for non-federal funds expended for such planning and preparation, such recipient will promptly repay such loan to the extent of such allowance.

[(f)**]** *(g)* CONSISTENCY WITH PLANNING REQUIREMENTS.—A State may provide financial assistance from its water pollution control revolving fund only with respect to a project which is consistent with plans, if any, developed under sections 205(j), 208, 303(e), 319, and 320 of this Act.

[(g)**]** *(h)* PRIORITY LIST REQUIREMENT.—The State may provide financial assistance from its water pollution control revolving fund only with respect to a project for construction of a treatment works described in subsection (c)(1) if such project is on the State's priority list under section 216 of this Act. Such assistance may be provided regardless of the rank of such project on such list.

[(h)**]** *(i)* ELIGIBILITY OF NON-FEDERAL SHARE OF CONSTRUCTION GRANT PROJECTS.—A State water pollution control revolving fund may provide assistance (other than under subsection (d)(1) of this section) to a municipality or intermunicipal or interstate agency with respect to the non-Federal share of the costs of a treatment works project for which such municipality or agency is receiving assistance from the Administrator under any other authority only if such assistance is necessary to allow such project to proceed.

[(i)**]** *(j)* ADDITIONAL SUBSIDIZATION.—

(1) IN GENERAL.—In any case in which a State provides assistance to a municipality or intermunicipal, interstate, or State agency under subsection (d), the State may provide additional subsidization, including forgiveness of principal and negative interest loans—

(A) to benefit a municipality that—

(i) meets the affordability criteria of the State established under paragraph (2); or

(ii) does not meet the affordability criteria of the State if the recipient—

(I) seeks additional subsidization to benefit individual ratepayers in the residential user rate class;

(II) demonstrates to the State that such ratepayers will experience a significant hardship from the increase in rates necessary to finance the project or activity for which assistance is sought; and

(III) ensures, as part of an assistance agreement between the State and the recipient, that the additional subsidization provided under this paragraph is directed through a user charge rate system (or other appropriate method) to such ratepayers; or

(B) to implement a process, material, technique, or technology—

(i) to address water-efficiency goals;

(ii) to address energy-efficiency goals;

(iii) to mitigate stormwater runoff; [or]

(iv) to encourage sustainable project planning, design, and construction[.] *;or*

(v) to encourage the use of innovative water technologies related to any of the issues identified in clauses (i) through (iv) or, as determined by the State, any other eligible project and activity eligible for assistance under subsection (c).

(2) AFFORDABILITY CRITERIA.—

(A) ESTABLISHMENT.—

(i) IN GENERAL.—Not later than September 30, 2015, and after providing notice and an opportunity for public comment, a State shall establish affordability criteria to assist in identifying municipalities that would experience a significant hardship raising the revenue necessary to finance a project or activity eligible for assistance under subsection (c)(1) if additional subsidization is not provided.

(ii) CONTENTS.—The criteria under clause (i) shall be based on income and unemployment data, population trends, and other data determined relevant by the State, including whether the project or activity is to be carried out in an economically distressed area, as described in section 301 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3161).

(B) EXISTING CRITERIA.—If a State has previously established, after providing notice and an opportunity for public comment, affordability criteria that meet the requirements of subparagraph (A)—

(i) the State may use the criteria for the purposes of this subsection; and

(ii) those criteria shall be treated as affordability criteria established under this paragraph.

(C) INFORMATION TO ASSIST STATES.—The Administrator may publish information to assist States in establishing affordability criteria under subparagraph (A).

(3) LIMITATIONS.—

(A) IN GENERAL.—A State may provide additional subsidization in a fiscal year under this subsection only if the total amount appropriated for making capitalization grants to all States under this title for the fiscal year exceeds $1,000,000,000.

(B) ADDITIONAL LIMITATION.—

(i) GENERAL RULE.—Subject to clause (ii), a State may use not more than 30 percent of the total amount received by the State in capitalization grants under this title for a fiscal year for providing additional subsidization under this subsection.

(ii) EXCEPTION.—If, in a fiscal year, the amount appropriated for making capitalization grants to all States under this title exceeds $1,000,000,000 by a percentage that is less than 30 percent, clause (i) shall be applied by substituting that percentage for 30 percent.

(C) APPLICABILITY.—The authority of a State to provide additional subsidization under this subsection shall apply to amounts received by the State in capitalization grants under this title for fiscal years beginning after September 30, 2014.

(D) CONSIDERATION.—If the State provides additional subsidization to a municipality or intermunicipal, interstate, or State agency under this subsection that meets the criteria under paragraph (1)(A), the State shall take the criteria set forth in section 602(b)(5) into consideration.

(k) TECHNICAL ASSISTANCE.—*The Administrator may provide technical assistance to facilitate and encourage the provision of financial assistance for innovative water technologies.*

(l) REPORT.—*Not later than 1 year after the date of enactment of the Water Resources Development Act of 2016, and not less frequently than every 5 years thereafter, the Administrator shall submit to Congress a report that describes—*

(1) the amount of financial assistance provided by State water pollution control revolving funds to deploy innovative water technologies;

(2) the barriers impacting greater use of innovative water technologies; and

(3) the cost-saving potential to cities and future infrastructure investments from emerging technologies.

* * * * * * *

CHAPTER 109-WATER RESOURCES RESEARCH

(42 U.S.C. 10301)

SEC. 10301. Congressional findings and declarations

The Congress finds and declares that-

(1) the existence of an adequate supply of water of good quality for the production of materials and energy for the Nation's needs and for the efficient use of the Nation's energy and water resources is essential to national economic stability and growth, and to the well-being of the people;

(2) the management of water resources is closely related to maintaining environmental quality, productivity of natural resources and agricultural systems, and social well-being;

(3) there is an increasing threat of impairment to the quantity and quality of surface and groundwater resources;

(4) the Nation's capabilities for technological assessment and planning and for policy formulation for water resources must be strengthened at the Federal, State, and local governmental levels;

(5) there should be a continuing national investment in water and related research and technology commensurate with growing national needs;

(6) it is necessary to provide for the research and development of technology for the conversion of saline and other impaired waters to a quality suitable for municipal, industrial, agricultural, recreational, and other beneficial uses;

(7) additional research is required to increase the effectiveness and efficiency of new and existing treatment works through alternative approaches, including—

(A) nonstructural alternatives;

(B) decentralized approaches;

(C) water use efficiency and conservation; and

(D) actions to reduce energy consumption or extract energy from wastewater;

[(7)**]** *(8)* the Nation must provide programs to strengthen research and associated graduate education because the pool of scientists, engineers, and technicians trained in fields related to water resources constitutes an invaluable natural resource which should be increased, fully utilized, and regularly replenished; **[**and**]**

[(8)**]** *(9)* long-term planning and policy development are essential to ensure the availability of an abundant supply of high quality water for domestic and other uses; and

[(9)**]** *(10)* the States must have the research and problem-solving capacity necessary to effectively manage their water resources.

* * * * * * *

(42 U.S.C. 10303)

SEC. 10303. WATER RESOURCES RESEARCH AND TECHNOLOGY INSTITUTES

(a) Establishment; designation of site by State legislature or Governor

* * * * * * *

(b) Scope of research; other activities; cooperation and coordinationEach institute shall-

(1) plan, conduct, or otherwise arrange for competent applied and peer reviewed research that fosters-

(A) improvements in water supply reliability;

(B) the exploration of new ideas that-

(i) address water problems; or

(ii) expand understanding of water and **[**water-related phenomena**]** *water resources*;

(C) the entry of new research scientists, engineers, and technicians into water resources fields; and

(D) the dissemination of research results to water managers and the public[.] *;and*

* * * * * * *

(c) Grants; matching funds

[From the]

(1) IN GENERAL.—From the sums appropriated pursuant to subsection (f) of this section, the Secretary shall make grants to each institute to be matched on a basis of no less than 2 non-Federal dollars for every 1 Federal dollar, such sums to be used only for the reimbursement of the direct cost expenditures incurred for the conduct of the water resources research program.

(2) REPORT.—*Not later than December 31 of each fiscal year, the Secretary shall submit to the Committee on Environment and Public Works of the Senate, the Committee on the Budget of the Senate, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on the Budget of the House of Representatives a report regarding the compliance of each funding recipient with this subsection for the immediately preceding fiscal year.*

* * * * * * *

[(e) Evaluation of water resources research program

[The Secretary shall conduct a careful and detailed evaluation of each institute at least once every 3 years to determine that the quality and relevance of its water resources research and its effectiveness at producing measured results and applied water supply research as an institution for planning, conducting, and arranging for research warrants its continued support under this section. If, as a result of any such evaluation, the Secretary determines that an institute does not qualify for further support under this section, then no further grants to the institute may be made until the institute's qualifications are reestablished to the satisfaction of the Secretary.]

(e) EVALUATION OF WATER RESOURCES RESEARCH PROGRAM.—

(1) IN GENERAL.—*The Secretary shall conduct a careful and detailed evaluation of each institute at least once every 3 years to determine—*

(A) the quality and relevance of the water resources research of the institute;

(B) the effectiveness of the institute at producing measured results and applied water supply research; and

(C) whether the effectiveness of the institute as an institution for planning, conducting, and arranging for research warrants continued support under this section.

(2) PROHIBITION ON FURTHER SUPPORT.—*If, as a result of an evaluation under paragraph (1), the Secretary determines that an institute does not qualify for further support under this section, no further grants to the institute may be provided until the qualifications of the institute are reestablished to the satisfaction of the Secretary.*

* * * * * * *

(f) Authorization of appropriations in general

(1) There is authorized to be appropriated to carry out this section, to remain available until expended, [$12,000,000 for each of fiscal years 2007 through 2011] *$7,500,000 for each of fiscal years 2017 through 2021*.

* * * * * * *

(g) Additional appropriations where research focused on water problems of interstate nature

(1) There is further authorized to be appropriated to the Secretary of the Interior the sum of [6,000,000 for each of fiscal years 2007 through 2011] *1,500,000 for each of fiscal years 2017 through 2021* only for reimbursement of the direct cost expenses of additional research or synthesis of the results of research by institutes which focuses on water problems and issues of a regional or interstate nature beyond those of concern only to a single State and which relate to specific program priorities identified jointly by the Secretary and the institutes. Such funds when appropriated shall be matched on a not less than dollar-for-dollar basis by funds made available to institutes or groups of institutes, by States or other non-Federal sources. Funds made available under this subsection shall remain available until expended.

* * * * * * *

WATER DESALINATION ACT OF 1996

[42 U.S.C. 10301; PUBLIC LAW 104–298—OCT. 11, 1996]

SEC. 3. AUTHORIZATION OF RESEARCH AND STUDIES.

(a) In General.--In order to determine the most cost-effective and technologically efficient means by which usable water can be produced from saline water or water otherwise impaired or contaminated, the Secretary is authorized to award grants and to enter into contracts, to the extent provided in advance in appropriation Acts, to conduct, encourage, and assist in the financing of research to develop processes for converting saline water into water suitable for beneficial uses. Awards of research grants and contracts under this section shall be made on the basis of a competitive, merit-reviewed process. Research and study topics authorized by this section include--

(1) * * *

* * * * * * *

(e) PRIORITIZATION.*—In carrying out this section, the Secretary shall prioritize funding for research—*

(1) to reduce energy consumption and lower the cost of desalination, including chloride control;

(2) to reduce the environmental impacts of seawater desalination and develop technology and strategies to minimize those impacts;

(3) to improve existing reverse osmosis and membrane technology;

(4) to carry out basic and applied research on next generation desalination technologies, including improved energy recovery

systems and renewable energy-powered desalination systems that could significantly reduce desalination costs;

(5) to develop portable or modular desalination units capable of providing temporary emergency water supplies for domestic or military deployment purposes; and

(6) to develop and promote innovative desalination technologies, including chloride control, identified by the Secretary.

SEC. 4. DESALINATION DEMONSTRATION AND DEVELOPMENT.

(a) In General.--In order to further demonstrate the feasibility of desalination processes investigated either independently or in research conducted pursuant to section 3, the Secretary shall administer and conduct a demonstration and development program for water desalination and related activities, including the following:

(1) * * *

* * * * * * *

(c) PRIORITIZATION.—*In carrying out demonstration and development activities under this section, the Secretary shall prioritize projects—*

(1) in drought-stricken States and communities;

(2) in States that have authorized funding for research and development of desalination technologies and projects;

(3) that can reduce reliance on imported water supplies that have an impact on species listed under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); and

(4) that demonstrably leverage the experience of international partners with considerable expertise in desalination, such as the State of Israel.

* * * * * * *

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

(a) Section 3.-There are authorized to be appropriated to carry out section 3 of this Act **[**5,000,000**]** *8,000,000* per year for fiscal years 1997 through **[**2013**]** *2021*. Of these amounts, up to 1,000,000 in each fiscal year may be awarded to institutions of higher education, including United States-Mexico binational research foundations and interuniversity research programs established by the two countries, for research grants without any cost-sharing requirement.

(b) Section 4.-There are authorized to be appropriated to carry out section 4 of this Act 3,000,000 **[**for each of fiscal years 2012 through 2013**]** *for each of fiscal years 2017 through 2021*.

[SEC. 9. CONSULTATION.

In carrying out**]**

SEC. 9. CONSULTATION AND COORDINATION.

(a) CONSULTATION.—*In carrying out*the provisions of this Act, the Secretary shall consult with the heads of other Federal agencies, including the Secretary of the Army, which have experience in conducting desalination research or operating desalination facilities. **[**The authorization**]**

(b) COORDINATION OF FEDERAL DESALINATION RESEARCH AND DEVELOPMENT.—

(1) IN GENERAL.—*The White House Office of Science and Technology Policy shall develop a coordinated strategic plan that—*

(A) establishes priorities for future Federal investments in desalination;

(B) coordinates the activities of Federal agencies involved in desalination, including the Bureau of Reclamation, the Corps of Engineers, the United States Army Tank Automotive Research, Development and Engineering Center, the National Science Foundation, the Office of Naval Research of the Department of Defense, the National Laboratories of the Department of Energy, the United States Geological Survey, the Environmental Protection Agency, and the National Oceanic and Atmospheric Administration; and

(C) strengthens research and development cooperation with international partners, such as the State of Israel, in the area of desalination technology.

(c) OTHER DESALINATION PROGRAMS.—*The authorization* provided for in this Act shall not prohibit other agencies from carrying out separately authorized programs for desalination research or operations.

* * * * * * *

CONSOLIDATED APPROPRIATIONS ACT, 2016

[PUBLIC LAW 114–113—129 STAT. 2242]

DIVISION G--DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2016

TITLE II

ENVIRONMENTAL PROTECTION AGENCY

State and Tribal Assistance Grants

(1) $1,393,887,000 shall be for making capitalization grants for the Clean Water State Revolving Funds under title VI of the Federal Water Pollution Control Act; and of which 863,233,000 shall be for making capitalization grants for the Drinking Water State Revolving Funds under section 1452 of the Safe Drinking Water Act: Provided, That for fiscal year 2016, to the extent there are sufficient eligible project applications and projects are consistent with State Intended Use Plans, not less than 10 percent of the funds made available under this title to each State for Clean Water State Revolving Fund capitalization grants shall be used by the State for projects to address green infrastructure, water or energy efficiency improvements, or other environmentally innovative activities: Provided further, That for fiscal year 2016, funds made available under this title to each State for Drinking Water State Revolving Fund capitalization grants may, at the discretion of each State, be used for projects to address green infrastructure, water or energy efficiency improvements, or other environmentally innovative activities: Provided further, That notwithstanding section 603(d)(7) of the Federal Water Pollu-

tion Control Act, the limitation on the amounts in a State water pollution control revolving fund that may be used by a State to administer the fund shall not apply to amounts included as principal in loans made by such fund in fiscal year 2016 and prior years where such amounts represent costs of administering the fund to the extent that such amounts are or were deemed reasonable by the Administrator, accounted for separately from other assets in the fund, and used for eligible purposes of the fund, including administration: Provided further, That for fiscal year 2016, notwithstanding the limitation on amounts in section 518(c) of the Federal Water Pollution Control Act, up to a total of 2 percent of the funds appropriated, or $30,000,000, whichever is greater, and notwithstanding the limitation on amounts in section 1452(i) of the Safe Drinking Water Act, up to a total of 2 percent of the funds appropriated, or $20,000,000, whichever is greater, for State Revolving Funds under such Acts may be reserved by the Administrator for grants under section 518(c) and section 1452(i) of such Acts: Provided further, That for fiscal year 2016, notwithstanding the amounts specified in section 205(c) of the Federal Water Pollution Control Act, up to 1.5 percent of the aggregate funds appropriated for the Clean Water State Revolving Fund program under the Act less any sums reserved under section 518(c) of the Act, may be reserved by the Administrator for grants made under title II of the Federal Water Pollution Control Act for American Samoa, Guam, the Commonwealth of the Northern Marianas, and United States Virgin Islands: Provided further, That for fiscal year 2016, notwithstanding the limitations on amounts specified in section 1452(j) of the Safe Drinking Water Act, up to 1.5 percent of the funds appropriated for the Drinking Water State Revolving Fund programs under the Safe Drinking Water Act may be reserved by the Administrator for grants made under section 1452(j) of the Safe Drinking Water Act: Provided further, That 10 percent of the funds made available under this title to each State for Clean Water State Revolving Fund capitalization grants and 20 percent of the funds made available under this title to each State for Drinking Water State Revolving Fund capitalization grants shall be used by the State to provide additional subsidy to eligible recipients in the form of forgiveness of principal, negative interest loans, or grants (or any combination of these), and shall be so used by the State only where such funds are provided as initial financing for an eligible recipient or to buy, refinance, or restructure the debt obligations of eligible recipients only where such debt was incurred on or after the date of enactment of this Act**[**;**]** *or, if a Federal or State emergency declaration has been issued due to a threat to public health from heightened exposure to lead in a municipal drinking water supply, before the date of enactment of this Act: Provided further*, that in a State in which such an emergency declaration has been issued, the State may use more than 20 percent of the funds made available under this title to the State for Drinking Water State Revolving Fund capitalization grants to provide additional subsidy to eligible recipients;

* * * * * * *

LAKE TAHOE RESTORATION ACT

* * * * * * *

[SEC. 2. FINDINGS AND PURPOSES.

[(a) FINDINGS.—Congress finds that—

[(1) Lake Tahoe, one of the largest, deepest, and clearest lakes in the world, has a cobalt blue color, a unique alpine setting, and remarkable water clarity, and is recognized nationally and worldwide as a natural resource of special significance;

[(2) in addition to being a scenic and ecological treasure, Lake Tahoe is one of the outstanding recreational resources of the United States, offering skiing, water sports, biking, camping, and hiking to millions of visitors each year, and contributing significantly to the economies of California, Nevada, and the United States;

[(3) the economy in the Lake Tahoe basin is dependent on the protection and restoration of the natural beauty and recreation opportunities in the area;

[(4) Lake Tahoe is in the midst of an environmental crisis; the Lake's water clarity has declined from a visibility level of 105 feet in 1967 to only 70 feet in 1999, and scientific estimates indicate that if the water quality at the Lake continues to degrade, Lake Tahoe will lose its famous clarity in only 30 years;

[(5) sediment and algae-nourishing phosphorous and nitrogen continue to flow into the Lake from a variety of sources, including land erosion, fertilizers, air pollution, urban runoff, highway drainage, streamside erosion, land disturbance, and ground water flow;

[(6) methyl tertiary butyl ether—

[(A) has contaminated and closed more than one-third of the wells in South Tahoe; and

[(B) is advancing on the Lake at a rate of approximately 9 feet per day;

[(7) destruction of wetlands, wet meadows, and stream zone habitat has compromised the Lake's ability to cleanse itself of pollutants;

[(8) approximately 40 percent of the trees in the Lake Tahoe basin are either dead or dying, and the increased quantity of combustible forest fuels has significantly increased the risk of catastrophic forest fire in the Lake Tahoe basin;

[(9) as the largest land manager in the Lake Tahoe basin, with 77 percent of the land, the Federal Government has a unique responsibility for restoring environmental health to Lake Tahoe;

[(10) the Federal Government has a long history of environmental preservation at Lake Tahoe, including—

[(A) congressional consent to the establishment of the Tahoe Regional Planning Agency in 1969 (Public Law 91-148; 83 Stat. 360) and in 1980 (Public Law 96-551; 94 Stat. 3233);

[(B) the establishment of the Lake Tahoe Basin Management Unit in 1973; and

[(C) the enactment of Public Law 96-586 (94 Stat. 3381) in 1980 to provide for the acquisition of environmentally sensitive land and erosion control grants;

[(11) the President renewed the Federal Government's commitment to Lake Tahoe in 1997 at the Lake Tahoe Presidential Forum, when he committed to increased Federal resources for environmental restoration at Lake Tahoe and established the Federal Interagency Partnership and Federal Advisory Committee to consult on natural resources issues concerning the Lake Tahoe basin;

[(12) the States of California and Nevada have contributed proportionally to the effort to protect and restore Lake Tahoe, including—

[(A) expenditures—

[(i) exceeding 200,000,000 by the State of California since 1980 for land acquisition, erosion control, and other environmental projects in the Lake Tahoe basin; and

[(ii) exceeding $30,000,000 by the State of Nevada since 1980 for the purposes described in clause (i); and

[(B) the approval of a bond issue by voters in the State of Nevada authorizing the expenditure by the State of an additional $20,000,000; and

[(13) significant additional investment from Federal, State, local, and private sources is needed to stop the damage to Lake Tahoe and its forests, and restore the Lake Tahoe basin to ecological health.

[(b) PURPOSES.—The purposes of this Act are—

[(1) to enable the Forest Service to plan and implement significant new environmental restoration activities and forest management activities to address the phenomena described in paragraphs (4) through (8) of subsection (a) in the Lake Tahoe basin;

[(2) to ensure that Federal, State, local, regional, tribal, and private entities continue to work together to improve water quality and manage Federal land in the Lake Tahoe Basin Management Unit; and

[(3) to provide funding to local governments for erosion and sediment control projects on non-Federal land if the projects benefit the Federal land.]

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) Lake Tahoe—

(A) is one of the largest, deepest, and clearest lakes in the world;

(B) has a cobalt blue color, a biologically diverse alpine setting, and remarkable water clarity; and

(C) is recognized nationally and worldwide as a natural resource of special significance;

(2) in addition to being a scenic and ecological treasure, the Lake Tahoe Basin is one of the outstanding recreational resources of the United States, which—

(A) offers skiing, water sports, biking, camping, and hiking to millions of visitors each year; and

(B) contributes significantly to the economies of California, Nevada, and the United States;

(3) the economy in the Lake Tahoe Basin is dependent on the conservation and restoration of the natural beauty and recreation opportunities in the area;

(4) the ecological health of the Lake Tahoe Basin continues to be challenged by the impacts of land use and transportation patterns developed in the last century;

(5) the alteration of wetland, wet meadows, and stream zone habitat have compromised the capacity of the watershed to filter sediment, nutrients, and pollutants before reaching Lake Tahoe;

(6) forests in the Lake Tahoe Basin suffer from over a century of fire damage and periodic drought, which have resulted in—

(A) high tree density and mortality;

(B) the loss of biological diversity; and

(C) a large quantity of combustible forest fuels, which significantly increases the threat of catastrophic fire and insect infestation;

(7) the establishment of several aquatic and terrestrial invasive species (including perennial pepperweed, milfoil, and Asian clam) threatens the ecosystem of the Lake Tahoe Basin;

(8) there is an ongoing threat to the economy and ecosystem of the Lake Tahoe Basin of the introduction and establishment of other invasive species (such as yellow starthistle, New Zealand mud snail, Zebra mussel, and quagga mussel);

(9) 78 percent of the land in the Lake Tahoe Basin is administered by the Federal Government, which makes it a Federal responsibility to restore ecological health to the Lake Tahoe Basin;

(10) the Federal Government has a long history of environmental stewardship at Lake Tahoe, including—

(A) congressional consent to the establishment of the Planning Agency with—

(i) the enactment in 1969 of Public Law 91–148 (83 Stat. 360); and

(ii) the enactment in 1980 of Public Law 96–551 (94 Stat. 3233);

(B) the establishment of the Lake Tahoe Basin Management Unit in 1973;

(C) the enactment of Public Law 96–586 (94 Stat. 3381) in 1980 to provide for the acquisition of environmentally sensitive land and erosion control grants in the Lake Tahoe Basin;

(D) the enactment of sections 341 and 342 of the Department of the Interior and Related Agencies Appropriations Act, 2004 (Public Law 108–108; 117 Stat. 1317), which amended the Southern Nevada Public Land Management Act of 1998 (Public Law 105–263; 112 Stat. 2346) to provide payments for the environmental restoration programs under this Act; and

(E) the enactment of section 382 of the Tax Relief and Health Care Act of 2006 (Public Law 109–432; 120 Stat. 3045), which amended the Southern Nevada Public Land Management Act of 1998 (Public Law 105–263; 112 Stat. 2346) to authorize development and implementation of a

comprehensive 10-year hazardous fuels and fire prevention plan for the Lake Tahoe Basin;

(11) the Assistant Secretary was an original signatory in 1997 to the Agreement of Federal Departments on Protection of the Environment and Economic Health of the Lake Tahoe Basin;

(12) the Chief of Engineers, under direction from the Assistant Secretary, has continued to be a significant contributor to Lake Tahoe Basin restoration, including—

(A) stream and wetland restoration; and

(B) programmatic technical assistance;

(13) at the Lake Tahoe Presidential Forum in 1997, the President renewed the commitment of the Federal Government to Lake Tahoe by—

(A) committing to increased Federal resources for ecological restoration at Lake Tahoe; and

(B) establishing the Federal Interagency Partnership and Federal Advisory Committee to consult on natural resources issues concerning the Lake Tahoe Basin;

(14) at the 2011 and 2012 Lake Tahoe Forums, Senator Reid, Senator Feinstein, Senator Heller, Senator Ensign, Governor Gibbons, Governor Sandoval, and Governor Brown—

(A) renewed their commitment to Lake Tahoe; and

(B) expressed their desire to fund the Federal and State shares of the Environmental Improvement Program through 2022;

(15) since 1997, the Federal Government, the States of California and Nevada, units of local government, and the private sector have contributed more than $1,740,000,000 to the Lake Tahoe Basin, including—

(A) $576,300,000 from the Federal Government;

(B) $654,600,000 from the State of California;

(C) $112,500,000 from the State of Nevada;

(D) $74,900,000 from units of local government; and

(E) $323,700,000 from private interests;

(16) significant additional investment from Federal, State, local, and private sources is necessary—

(A) to restore and sustain the ecological health of the Lake Tahoe Basin;

(B) to adapt to the impacts of fluctuating water temperature and precipitation; and

(C) to prevent the introduction and establishment of invasive species in the Lake Tahoe Basin; and

(17) the Secretary has indicated that the Lake Tahoe Basin Management Unit has the capacity for at least $10,000,000 annually for the Fire Risk Reduction and Forest Management Program.

(b) PURPOSES.*—The purposes of this Act are—*

(1) to enable the Chief of the Forest Service, the Director of the United States Fish and Wildlife Service, and the Administrator, in cooperation with the Planning Agency and the States of California and Nevada, to fund, plan, and implement significant new environmental restoration activities and forest management activities in the Lake Tahoe Basin;

(2) to ensure that Federal, State, local, regional, tribal, and private entities continue to work together to manage land in the Lake Tahoe Basin;

(3) to support local governments in efforts related to environmental restoration, stormwater pollution control, fire risk reduction, and forest management activities; and

(4) to ensure that agency and science community representatives in the Lake Tahoe Basin work together—

(A) to develop and implement a plan for integrated monitoring, assessment, and applied research to evaluate the effectiveness of the Environmental Improvement Program; and

(B) to provide objective information as a basis for ongoing decisionmaking, with an emphasis on decisionmaking relating to resource management in the Lake Tahoe Basin.

* * * * * * *

[SEC. 3. DEFINITIONS.

In this Act:

[(1) ENVIRONMENTAL THRESHOLD CARRYING CAPACITY.—The term "environmental threshold carrying capacity" has the meaning given the term in article II of the Tahoe Regional Planning Compact set forth in the first section of Public Law 96-551 (94 Stat. 3235).

[(2) FIRE RISK REDUCTION ACTIVITY.—

[(A) IN GENERAL.—The term "fire risk reduction activity" means an activity that is necessary to reduce the risk of wildfire to promote forest management and simultaneously achieve and maintain the environmental threshold carrying capacities established by the Planning Agency in a manner consistent, where applicable, with chapter 71 of the Tahoe Regional Planning Agency Code of Ordinances.

[(B) INCLUDED ACTIVITIES.—The term "fire risk reduction activity" includes—

[(i) prescribed burning;

[(ii) mechanical treatment;

[(iii) road obliteration or reconstruction; and

[(iv) such other activities consistent with Forest Service practices as the Secretary determines to be appropriate.

[(3) PLANNING AGENCY.—The term "Planning Agency" means the Tahoe Regional Planning Agency established under Public Law 91-148 (83 Stat. 360) and Public Law 96-551 (94 Stat. 3233).

[(4) PRIORITY LIST.—The term "priority list" means the environmental restoration priority list developed under section 6.

[(5) SECRETARY.—The term "Secretary" means the Secretary of Agriculture, acting through the Chief of the Forest Service.]

SEC. 3. DEFINITIONS.

In this Act:

(1) ADMINISTRATOR.—*The term 'Administrator' means the Administrator of the Environmental Protection Agency.*

(2) ASSISTANT SECRETARY.—The term 'Assistant Secretary' means the Assistant Secretary of the Army for Civil Works.

(3) CHAIR.—*The term 'Chair' means the Chair of the Federal Partnership.*

(4) COMPACT.—*The term 'Compact' means the Tahoe Regional Planning Compact included in the first section of Public Law 96–551 (94 Stat. 3233).*

(5) DIRECTORS.—*The term 'Directors' means—*

(A) the Director of the United States Fish and Wildlife Service; and

(B) the Director of the United States Geological Survey.

(6) ENVIRONMENTAL IMPROVEMENT PROGRAM.—*The term 'Environmental Improvement Program' means—*

(A) the Environmental Improvement Program adopted by the Planning Agency; and

(B) any amendments to the Program.

(7) ENVIRONMENTAL THRESHOLD CARRYING CAPACITY.—*The term 'environmental threshold carrying capacity' has the meaning given the term in Article II of the Compact.*

(8) FEDERAL PARTNERSHIP.—*The term 'Federal Partnership' means the Lake Tahoe Federal Interagency Partnership established by Executive Order 13057 (62 Fed. Reg. 41249) (or a successor Executive order).*

(9) FOREST MANAGEMENT ACTIVITY.—*The term 'forest management activity' includes—*

(A) prescribed burning for ecosystem health and hazardous fuels reduction;

(B) mechanical and minimum tool treatment;

(C) stream environment zone restoration and other watershed and wildlife habitat enhancements;

(D) nonnative invasive species management; and

(E) other activities consistent with Forest Service practices, as the Secretary determines to be appropriate.

(10) MAPS.—*The term 'Maps' means the maps—*

(A) entitled—

(i) 'LTRA USFS-CA Land Exchange/North Shore';

(ii) 'USFS-CA Land Exchange/West Shore'; and

(iii) 'USFS-CA Land Exchange/South Shore'; and

(B) dated April 12, 2013, and on file and available for public inspection in the appropriate offices of—

(i) the Forest Service;

(ii) the California Tahoe Conservancy; and

(iii) the California Department of Parks and Recreation.

(11) NATIONAL WILDLAND FIRE CODE.—*The term 'national wildland fire code' means—*

(A) the most recent publication of the National Fire Protection Association codes numbered 1141, 1142, 1143, and 1144;

(B) the most recent publication of the International Wildland-Urban Interface Code of the International Code Council; or

(C) any other code that the Secretary determines provides the same, or better, standards for protection against wildland fire as a code described in subparagraph (A) or (B).

(12) PLANNING AGENCY.—*The term 'Planning Agency' means the Tahoe Regional Planning Agency established under Public Law 91–148 (83 Stat. 360) and Public Law 96–551 (94 Stat. 3233).*

(13) PRIORITY LIST.—*The term 'Priority List' means the environmental restoration priority list developed under section 5(b).*

(14) SECRETARY.—*The term 'Secretary' means the Secretary of Agriculture, acting through the Chief of the Forest Service.*

(15) STREAM ENVIRONMENT ZONE.—*The term 'Stream Environment Zone' means an area that generally owes the biological and physical characteristics of the area to the presence of surface water or groundwater.*

(16) TOTAL MAXIMUM DAILY LOAD.—*The term 'total maximum daily load' means the total maximum daily load allocations adopted under section 303(d) of the Federal Water Pollution Control Act (33 U.S.C. 1313(d)).*

(17) WATERCRAFT.—*The term 'watercraft' means motorized and non-motorized watercraft, including boats, seaplanes, personal watercraft, kayaks, and canoes.*

SEC. 4. ADMINISTRATION OF THE LAKE TAHOE BASIN MANAGEMENT UNIT.

(a) IN GENERAL.—The Lake Tahoe Basin Management Unit shall be administered by the Secretary in accordance with this Act and the laws applicable to the National Forest System.

(b) RELATIONSHIP TO OTHER AUTHORITY.—

(1) PRIVATE OR NON-FEDERAL LAND.—Nothing in this Act grants regulatory authority to the Secretary over private or other non-Federal land.

(2) PLANNING AGENCY.—Nothing in this Act affects or increases the authority of the Planning Agency.

(3) ACQUISITION UNDER OTHER LAW.—Nothing in this Act affects the authority of the Secretary to acquire land from willing sellers in the Lake Tahoe [basin] *Basin* under any other law.

(c) FOREST MANAGEMENT ACTIVITIES.—

(1) COORDINATION.—

(A) IN GENERAL.—*In conducting forest management activities in the Lake Tahoe Basin Management Unit, the Secretary shall, as appropriate, coordinate with the Administrator and State and local agencies and organizations, including local fire departments and volunteer groups.*

(B) GOALS.—*The coordination of activities under subparagraph (A) should aim to increase efficiencies and maximize the compatibility of management practices across public property boundaries.*

(2) MULTIPLE BENEFITS.—

(A) IN GENERAL.—*In conducting forest management activities in the Lake Tahoe Basin Management Unit, the Secretary shall conduct the activities in a manner that—*

(i) except as provided in subparagraph (B), attains multiple ecosystem benefits, including—

(I) reducing forest fuels;

(II) maintaining biological diversity;

(III) improving wetland and water quality, including in Stream Environment Zones; and

(IV) increasing resilience to changing water temperature and precipitation; and

(ii) helps achieve and maintain the environmental threshold carrying capacities established by the Planning Agency.

(B) EXCEPTION.—*Notwithstanding subparagraph (A)(i), the attainment of multiple ecosystem benefits shall not be required if the Secretary determines that management for multiple ecosystem benefits would excessively increase the cost of a program in relation to the additional ecosystem benefits gained from the management activity.*

(3) GROUND DISTURBANCE.—*Consistent with applicable Federal law and Lake Tahoe Basin Management Unit land and resource management plan direction, the Secretary shall—*

(A) establish post-program ground condition criteria for ground disturbance caused by forest management activities; and

(B) provide for monitoring to ascertain the attainment of the post-program conditions.

(d) WITHDRAWAL OF FEDERAL LAND.—

(1) IN GENERAL.—*Subject to valid existing rights and paragraph (2), the Federal land located in the Lake Tahoe Basin Management Unit is withdrawn from—*

(A) all forms of entry, appropriation, or disposal under the public land laws;

(B) location, entry, and patent under the mining laws; and

(C) disposition under all laws relating to mineral and geothermal leasing.

(2) EXCEPTIONS.—*A conveyance of land shall be exempt from withdrawal under this subsection if carried out under—*

(A) this Act; or

(B) Public Law 96–586 (94 Stat. 3381) (commonly known as the 'Santini-Burton Act').

(e) ENVIRONMENTAL THRESHOLD CARRYING CAPACITY.—*The Lake Tahoe Basin Management Unit shall support the attainment of the environmental threshold carrying capacities.*

(f) COOPERATIVE AUTHORITIES.—*During the 4 fiscal years following the date of enactment of the Water Resources Development Act of 2016, the Secretary, in conjunction with land adjustment programs, may enter into contracts and cooperative agreements with States, units of local government, and other public and private entities to provide for fuel reduction, erosion control, reforestation, Stream Environment Zone restoration, and similarmanagement activities on Federal land and non-Federal land within the programs.*

[SEC. 5. CONSULTATION WITH PLANNING AGENCY AND OTHER ENTITIES.

[(a) IN GENERAL.—With respect to the duties described in subsection (b), the Secretary shall consult with and seek the advice and recommendations of—

[(1) the Planning Agency;

[(2) the Tahoe Federal Interagency Partnership established by Executive Order No. 13057 (62 Fed. Reg. 41249) or a successor Executive order;

[(3) the Lake Tahoe Basin Federal Advisory Committee established by the Secretary on December 15, 1998 (64 Fed. Reg. 2876) (until the committee is terminated);

[(4) Federal representatives and all political subdivisions of the Lake Tahoe Basin Management Unit; and

[(5) the Lake Tahoe Transportation and Water Quality Coalition.

[(b) DUTIES.—The Secretary shall consult with and seek advice and recommendations from the entities described in subsection (a) with respect to—

[(1) the administration of the Lake Tahoe Basin Management Unit;

[(2) the development of the priority list;

[(3) the promotion of consistent policies and strategies to address the Lake Tahoe basin's environmental and recreational concerns;

[(4) the coordination of the various programs, projects, and activities relating to the environment and recreation in the Lake Tahoe basin to avoid unnecessary duplication and inefficiencies of Federal, State, local, tribal, and private efforts; and

[(5) the coordination of scientific resources and data, for the purpose of obtaining the best available science as a basis for decisionmaking on an ongoing basis.]

SEC. 5. AUTHORIZED PROGRAMS.

(a) IN GENERAL.—The Secretary, the Assistant Secretary, the Directors, and the Administrator, in coordination with the Planning Agency and the States of California and Nevada, may carry out or provide financial assistance to any program that—

(1) is described in subsection (d);

(2) is included in the Priority List under subsection (b); and

(3) furthers the purposes of the Environmental Improvement Program if the program has been subject to environmental review and approval, respectively, as required under Federal law, Article VII of the Compact, and State law, as applicable.

(b) PRIORITY LIST.—

(1) DEADLINE.—Not later than March 15 of the year after the date of enactment of the Water Resources Development Act of 2016, the Chair, in consultation with the Secretary, the Administrator, the Directors, the Planning Agency, the States of California and Nevada, the Federal Partnership, the Washoe Tribe, the Lake Tahoe Federal Advisory Committee, and the Tahoe Science Consortium (or a successor organization) shall submit to Congress a prioritized Environmental Improvement Program list for the Lake Tahoe Basin for each program category described in subsection (d).

(2) CRITERIA.—The ranking of the Priority List shall be based on the best available science and the following criteria:

(A) The 4-year threshold carrying capacity evaluation.

(B) The ability to measure progress or success of the program.

(C) The potential to significantly contribute to the achievement and maintenance of the environmental threshold carrying capacities identified in Article II of the Compact.

(D) The ability of a program to provide multiple benefits.

(E) The ability of a program to leverage non-Federal contributions.

(F) Stakeholder support for the program.

(G) The justification of Federal interest.

(H) Agency priority.

(I) Agency capacity.

(J) Cost-effectiveness.

(K) Federal funding history.

(3) REVISIONS.—*The Priority List submitted under paragraph (1) shall be revised every 2 years.*

(4) FUNDING.—*Of the amounts made available under section 10(a), $80,000,000 shall be made available to the Secretary to carry out projects listed on the Priority List.*

(c) RESTRICTION.—*The Administrator shall use not more than 3 percent of the funds provided under subsection (a) for administering the programs described in paragraphs (1) and (2) of subsection (d).*

(d) DESCRIPTION OF ACTIVITIES.—

(1) FIRE RISK REDUCTION AND FOREST MANAGEMENT.—

(A) IN GENERAL.—*Of the amounts made available under section 10(a), $150,000,000 shall be made available to the Secretary to carry out, including by making grants, the following programs:*

(i) Programs identified as part of the Lake Tahoe Basin Multi-Jurisdictional Fuel Reduction and Wildfire Prevention Strategy 10-Year Plan.

(ii) Competitive grants for fuels work to be awarded by the Secretary to communities that have adopted national wildland fire codes to implement the applicable portion of the 10-year plan described in clause (i).

(iii) Biomass programs, including feasibility assessments.

(iv) Angora Fire Restoration under the jurisdiction of the Secretary.

(v) Washoe Tribe programs on tribal lands within the Lake Tahoe Basin.

(vi) Development of an updated Lake Tahoe Basin multijurisdictional fuel reduction and wildfire prevention strategy, consistent with section 4(c).

(vii) Development of updated community wildfire protection plans by local fire districts.

(viii) Municipal water infrastructure that significantly improves the firefighting capability of local government within the Lake Tahoe Basin.

(ix) Stewardship end result contracting projects carried out under section 604 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6591c).

(B) MINIMUM ALLOCATION.—Of the amounts made available to the Secretary to carry out subparagraph (A), at least $100,000,000 shall be used by the Secretary for programs under subparagraph (A)(i).

(C) PRIORITY.—*Units of local government that have dedicated funding for inspections and enforcement of defensible space regulations shall be given priority for amounts provided under this paragraph.*

(D) COST-SHARING REQUIREMENTS.—

(i) IN GENERAL.—*As a condition on the receipt of funds, communities or local fire districts that receive funds under this paragraph shall provide a 25-percent match.*

(ii) FORM OF NON-FEDERAL SHARE.—

(I) IN GENERAL.—*The non-Federal share required under clause (i) may be in the form of cash contributions or in-kind contributions, including providing labor, equipment, supplies, space, and other operational needs.*

(II) CREDIT FOR CERTAIN DEDICATED FUNDING.—There shall be credited toward the non-Federal share required under clause (i) any dedicated funding of the communities or local fire districts for a fuels reduction management program, defensible space inspections, or dooryard chipping.

(III) DOCUMENTATION.—*Communities and local fire districts shall—*

(aa) maintain a record of in-kind contributions that describes—

(AA) the monetary value of the in-kind contributions; and

(BB) the manner in which the in-kind contributions assist in accomplishing program goals and objectives; and

(bb) document in all requests for Federal funding, and include in the total program budget, evidence of the commitment to provide the non-Federal share through in-kind contributions.

(2) INVASIVE SPECIES MANAGEMENT.—

(A) IN GENERAL.—*Of the amounts made available under section 10(a), $45,000,000 shall be made available to the Director of the United States Fish and Wildlife Service for the Aquatic Invasive Species Program and the watercraft inspections described in subparagraph (B).*

(B) DESCRIPTION OF ACTIVITIES.—*The Director of the United States Fish and Wildlife Service, in coordination with the Assistant Secretary, the Planning Agency, the California Department of Fish and Wildlife, and the Nevada Department of Wildlife, shall deploy strategies consistent with the Lake Tahoe Aquatic Invasive Species Management Plan to prevent the introduction or spread of aquatic invasive species in the Lake Tahoe region.*

(C) CRITERIA.—*The strategies referred to in subparagraph (B) shall provide that—*

(i) combined inspection and decontamination stations be established and operated at not less than 2 locations in the Lake Tahoe region; and

(ii) watercraft not be allowed to launch in waters of the Lake Tahoe region if the watercraft has not been inspected in accordance with the Lake Tahoe Aquatic Invasive Species Management Plan.

(D) CERTIFICATION.—*The Planning Agency may certify State and local agencies to perform the decontamination*

activities described in subparagraph (C)(i) at locations outside the Lake Tahoe Basin if standards at the sites meet or exceed standards for similar sites in the Lake Tahoe Basin established under this paragraph.

(E) APPLICABILITY.—*The strategies and criteria developed under this paragraph shall apply to all watercraft to be launched on water within the Lake Tahoe region.*

(F) FEES.—*The Director of the United States Fish and Wildlife Service may collect and spend fees for decontamination only at a level sufficient to cover the costs of operation of inspection and decontamination stations under this paragraph.*

(G) CIVIL PENALTIES.—

(i) IN GENERAL.—*Any person that launches, attempts to launch, or facilitates launching of watercraft not in compliance with strategies deployed under this paragraph shall be liable for a civil penalty in an amount not to exceed $1,000 per violation.*

(ii) OTHER AUTHORITIES.—*Any penalties assessed under this subparagraph shall be separate from penalties assessed under any other authority.*

(H) LIMITATION.—*The strategies and criteria under subparagraphs (B) and (C), respectively, may be modified if the Secretary of the Interior, in a nondelegable capacity and in consultation with the Planning Agency and State governments, issues a determination that alternative measures will be no less effective at preventing introduction of aquatic invasive species into Lake Tahoe than the strategies and criteria developed under subparagraphs (B) and (C), respectively.*

(I) SUPPLEMENTAL AUTHORITY.—*The authority under this paragraph is supplemental to all actions taken by non-Federal regulatory authorities.*

(J) SAVINGS CLAUSE.—*Nothing in this title restricts, affects, or amends any other law or the authority of any department, instrumentality, or agency of the United States, or any State or political subdivision thereof, respecting the control of invasive species.*

(3) STORMWATER MANAGEMENT, EROSION CONTROL, AND TOTAL WATERSHED RESTORATION.—Of the amounts made available under section 10(a), $113,000,000 shall be made available—

(A) to the Secretary, the Secretary of the Interior, the Assistant Secretary, or the Administrator for the Federal share of stormwater management and related programs consistent with the adopted Total Maximum Daily Load and near-shore water quality goals;

(B) for grants by the Secretary and the Administrator to carry out the programs described in subparagraph (A);

(C) to the Secretary or the Assistant Secretary for the Federal share of the Upper Truckee River restoration programs and other watershed restoration programs identified in the Priority List established under section 5(b); and

(D) for grants by the Administrator to carry out the programs described in subparagraph (C).

(4) SPECIAL STATUS SPECIES MANAGEMENT.—*Of the amounts made available under section 10(a), $20,000,000 shall be made available to the Director of the United States Fish and Wildlife Service for the Lahontan Cutthroat Trout Recovery Program.*

[SEC. 6. ENVIRONMENTAL RESTORATION PRIORITY LIST.

[(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall develop a priority list of potential or proposed environmental restoration projects for the Lake Tahoe Basin Management Unit.

[(b) DEVELOPMENT OF PRIORITY LIST.—In developing the priority list, the Secretary shall—

[(1) use the best available science, including any relevant findings and recommendations of the watershed assessment conducted by the Forest Service in the Lake Tahoe basin; and

[(2) include, in order of priority, potential or proposed environmental restoration projects in the Lake Tahoe basin that—

[(A) are included in or are consistent with the environmental improvement program adopted by the Planning Agency in February 1998 and amendments to the program;

[(B) would help to achieve and maintain the environmental threshold carrying capacities for—

[(i) air quality;
[(ii) fisheries;
[(iii) noise;
[(iv) recreation;
[(v) scenic resources;
[(vi) soil conservation;
[(vii) forest health;
[(viii) water quality; and
[(ix) wildlife.

[(c) FOCUS IN DETERMINING ORDER OF PRIORITY.—In determining the order of priority of potential and proposed environmental restoration projects under subsection (b)(2), the focus shall address projects (listed in no particular order) involving—

[(1) erosion and sediment control, including the activities described in section 2(g) of Public Law 96-586 (94 Stat. 3381) (as amended by section 7 of this Act);

[(2) the acquisition of environmentally sensitive land from willing sellers—

[(A) using funds appropriated from the land and water conservation fund established under section 2 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l-5); or

[(B) under the authority of Public Law 96-586 (94 Stat. 3381);

[(3) fire risk reduction activities in urban areas and urban-wildland interface areas, including high recreational use areas and urban lots acquired from willing sellers under the authority of Public Law 96-586 (94 Stat. 3381);

[(4) cleaning up methyl tertiary butyl ether contamination; and

[(5) the management of vehicular parking and traffic in the Lake Tahoe Basin Management Unit, especially—

[(A) improvement of public access to the Lake Tahoe basin, including the promotion of alternatives to the private automobile;

[(B) the Highway 28 and 89 corridors and parking problems in the area; and

[(C) cooperation with local public transportation systems, including—

[(i) the Coordinated Transit System; and

[(ii) public transit systems on the north shore of Lake Tahoe.

[(d) MONITORING.—The Secretary shall provide for continuous scientific research on and monitoring of the implementation of projects on the priority list, including the status of the achievement and maintenance of environmental threshold carrying capacities.

[(e) CONSISTENCY WITH MEMORANDUM OF UNDERSTANDING.—A project on the priority list shall be conducted in accordance with the memorandum of understanding signed by the Forest Supervisor and the Planning Agency on November 10, 1989, including any amendments to the memorandum as long as the memorandum remains in effect.

[(f)) Review of Priority List.—Periodically, but not less often than every 3 years, the Secretary shall—

[(1) review the priority list;

[(2) consult with—

[(A) the Tahoe Regional Planning Agency;

[(B) interested political subdivisions; and

[(C) the Lake Tahoe Water Quality and Transportation Coalition;

[(3) make any necessary changes with respect to—

[(A) the findings of scientific research and monitoring in the Lake Tahoe basin;

[(B) any change in an environmental threshold as determined by the Planning Agency; and

[(C) any change in general environmental conditions in the Lake Tahoe basin; and

[(4) submit to Congress a report on any changes made.

[(g) CLEANUP OF HYDROCARBON CONTAMINATION.—

[(1) IN GENERAL.— The Secretary shall, subject to the availability of appropriations, make a payment of 1,000,000 to the Tahoe Regional Planning Agency and the South Tahoe Public Utility District to develop and publish a plan, not later than 1 year after the date of the enactment of this Act, for the prevention and cleanup of hydrocarbon contamination (including contamination with MTBE) of the surface water and ground water of the Lake Tahoe basin.

[(2) CONSULTATION.—In developing the plan, the Tahoe Regional Planning Agency and the South Tahoe Public Utility District shall consult with the States of California and Nevada and appropriate political subdivisions.

[(3) WILLING SELLERS.—The plan shall not include any acquisition of land or an interest in land except an acquisition from a willing seller.

[(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated, for the implementation of projects on the priority list and the payment identified in subsection (g), $20,000,000 for

the first fiscal year that begins after the date of the enactment of this Act and for each of the 9 fiscal years thereafter.]

SEC. 6. PROGRAM PERFORMANCE AND ACCOUNTABILITY.

(a) PROGRAM PERFORMANCE AND ACCOUNTABILITY.—

(1) IN GENERAL.—*Of the amounts made available under section 10(a), not less than $5,000,000 shall be made available to the Secretary to carry out this section.*

(2) PLANNING AGENCY.—*Of the amounts described in paragraph (1), not less than 50 percent shall be made available to the Planning Agency to carry out the program oversight and coordination activities established under subsection (d).*

(b) CONSULTATION.—*In carrying out this Act, the Secretary, the Administrator, and the Directors shall, as appropriate and in a timely manner, consult with the heads of the Washoe Tribe, applicable Federal, State, regional, and local governmental agencies, and the Lake Tahoe Federal Advisory Committee.*

(c) CORPS OF ENGINEERS; INTERAGENCY AGREEMENTS.—

(1) IN GENERAL.—*The Assistant Secretary may enter into interagency agreements with non-Federal interests in the Lake Tahoe Basin to use Lake Tahoe Partnership-Miscellaneous General Investigations funds to provide programmatic technical assistance for the Environmental Improvement Program.*

(2) LOCAL COOPERATION AGREEMENTS.—

(A) IN GENERAL.—*Before providing technical assistance under this section, the Assistant Secretary shall enter into a local cooperation agreement with a non-Federal interest to provide for the technical assistance.*

(B) COMPONENTS.—*The agreement entered into under subparagraph (A) shall—*

(i) describe the nature of the technical assistance;

(ii) describe any legal and institutional structures necessary to ensure the effective long-term viability of the end products by the non-Federal interest; and

(iii) include cost-sharing provisions in accordance with subparagraph (C).

(C) FEDERAL SHARE.—

(i) IN GENERAL.—*The Federal share of program costs under each local cooperation agreement under this paragraph shall be 65 percent.*

(ii) FORM.—*The Federal share may be in the form of reimbursements of program costs.*

(iii) CREDIT.—*The non-Federal interest may receive credit toward the non-Federal share for the reasonable costs of related technical activities completed by the non-Federal interest before entering into a local cooperation agreement with the Assistant Secretary under this paragraph.*

(d) EFFECTIVENESS EVALUATION AND MONITORING.—*In carrying out this Act, the Secretary, the Administrator, and the Directors, in coordination with the Planning Agency and the States of California and Nevada, shall—*

(1) develop and implement a plan for integrated monitoring, assessment, and applied research to evaluate the effectiveness of the Environmental Improvement Program;

(2) include funds in each program funded under this section for monitoring and assessment of results at the program level; and

(3) use the integrated multiagency performance measures established under this section.

(e) REPORTING REQUIREMENTS.—*Not later than March 15 of each year, the Secretary, in cooperation with the Chair, the Administrator, the Directors, the Planning Agency, and the States of California and Nevada, consistent with subsection (a), shall submit to Congress a report that describes—*

(1) the status of all Federal, State, local, and private programs authorized under this Act, including to the maximum extent practicable, for programs that will receive Federal funds under this Act during the current or subsequent fiscal year—

(A) the program scope;

(B) the budget for the program; and

(C) the justification for the program, consistent with the criteria established in section 5(b)(2);

(2) Federal, State, local, and private expenditures in the preceding fiscal year to implement the Environmental Improvement Program;

(3) accomplishments in the preceding fiscal year in implementing this Act in accordance with the performance measures and other monitoring and assessment activities; and

(4) public education and outreach efforts undertaken to implement programs authorized under this Act.

(f) ANNUAL BUDGET PLAN.—*As part of the annual budget of the President, the President shall submit information regarding each Federal agency involved in the Environmental Improvement Program (including the Forest Service, the Environmental Protection Agency, the United States Fish and Wildlife Service, the United States Geological Survey, and the Corps of Engineers), including—*

(1) an interagency crosscut budget that displays the proposed budget for use by each Federal agency in carrying out restoration activities relating to the Environmental Improvement Program for the following fiscal year;

(2) a detailed accounting of all amounts received and obligated by Federal agencies to achieve the goals of the Environmental Improvement Program during the preceding fiscal year; and

(3) a description of the Federal role in the Environmental Improvement Program, including the specific role of each agency involved in the restoration of the Lake Tahoe Basin.

* * * * * * *

[SEC. 8. FIRE RISK REDUCTION ACTIVITIES.

[(a) IN GENERAL.—In conducting fire risk reduction activities in the Lake Tahoe basin, the Secretary shall, as appropriate, coordinate with State and local agencies and organizations, including local fire departments and volunteer groups.

[(b) GROUND DISTURBANCE.—The Secretary shall, to the maximum extent practicable, minimize any ground disturbances caused by fire risk reduction activities.

[SEC. 9. AVAILABILITY AND SOURCE OF FUNDS.

[(a) IN GENERAL.—Funds authorized under this Act and the amendment made by this Act—

[(1) shall be in addition to any other amounts available to the Secretary for expenditure in the Lake Tahoe basin; and

[(2) shall not reduce allocations for other Regions of the Forest Service.

[(b) MATCHING REQUIREMENT.—Except as provided in subsection (c), funds for activities under section 6 and section 7 of this Act shall be available for obligation on a 1-to-1 basis with funding of restoration activities in the Lake Tahoe basin by the States of California and Nevada.

[(c) RELOCATION COSTS.—The Secretary shall provide two-thirds of necessary funding to local utility districts for the costs of relocating facilities in connection with environmental restoration projects under section 6 and erosion control projects under section 2 of Public Law 96-586.]

SEC. [10] *8.* **AMENDMENT OF PUBLIC LAW 96-586.**

Section 3(a) of Public Law 96-586 (94 Stat. 3383) is amended by adding at the end the following:

"(5) WILLING SELLERS. Land within the Lake Tahoe Basin Management Unit subject to acquisition under this section that is owned by a private person shall be acquired only from a willing seller.".

SEC. [11] *9.* **RELATIONSHIP TO OTHER LAWS.**

Nothing in this Act exempts the Secretary *, Director, or Administrator* from the duty to comply with any applicable Federal law.

[SEC. [12] *10.* **AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated such sums as are necessary to carry out this Act.]

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS.*—There is authorized to be appropriated to carry out this Act $415,000,000 for a period of 10 fiscal years beginning the first fiscal year after the date of enactment of the Water Resources Development Act of 2016.*

(b) EFFECT ON OTHER FUNDS.*—Amounts authorized under this section and any amendments made by this Act—*

(1) shall be in addition to any other amounts made available to the Secretary, the Administrator, or the Directors for expenditure in the Lake Tahoe Basin; and

(2) shall not reduce allocations for other Regions of the Forest Service, the Environmental Protection Agency, or the United States Fish and Wildlife Service.

(c) COST-SHARING REQUIREMENT.*—Except as provided in subsection (d) and section 5(d)(1)(D), funds for activities carried out under section 5 shall be available for obligation on a 1-to-1 basis with funding of restoration activities in the Lake Tahoe Basin by the States of California and Nevada.*

(d) RELOCATION COSTS.*—Notwithstanding subsection (c), the Secretary shall provide to local utility districts 2/3 of the costs of relocating facilities in connection with—*

(1) environmental restoration programs under sections 5 and 6; and

(2) erosion control programs under section 2 of Public Law 96–586 (94 Stat. 3381).

(e) SIGNAGE.—*To the maximum extent practicable, a program provided assistance under this Act shall include appropriate signage at the program site that—*

(1) provides information to the public on—

(A) the amount of Federal funds being provided to the program; and

(B) this Act; and

(2) displays the visual identity mark of the Environmental Improvement Program.

* * * * * * *

TAHOE REGIONAL PLANNING COMPACT

[PUBLIC LAW 96–551; 94 STAT. 3240]

(a) It is found and declared that:

(1)* * *

* * * * * * *

ARTICLE V.-PLANNING

* * * * * * *

(c) Within 1 year after the adoption of the environmental threshold carrying capacities for the region, the agency shall amend the regional plan so that, at a minimum, the plan and all of its elements, as implemented through agency ordinances, rules and regulations, achieves and maintains the adopted environmental threshold carryingcapacities. Each element of the plan shall contain implementation provisions and time schedules for such implementation by ordinance. The planning commission and governing body shall continuously review and maintain the regional plan *and, in so doing, shall ensure that the regional plan reflects changing economic conditions and the economic effect of regulation on commerce*. The regional plan shall consist of a diagram, or diagrams, and text, or texts setting forth the projects and proposals for implementation of the regional plan, a description of the needs and goals of the region and a statement of the policies, standards and elements of the regional plan. The regional plan shall be a single enforceable plan and includes all of the following correlated elements:

* * * * * * *

TITLE 49, UNITED STATES CODE — TRANSPORTATION

§ 5303. Metropolitan transportation planning

(a) POLICY.—It is in the national interest—

(1)* * *

* * * * * * *

(r) Bi-State Metropolitan Planning Organization.-

(1) Definition of bi-state mpo region.-In this subsection, the term ″Bi-State Metropolitan Planning Organization″ has the

meaning given the term ″region″ in subsection (a) of Article II of the Lake Tahoe Regional Planning Compact (Public Law 96-551; 94 Stat. 3234).

(2) Treatment.-For the purpose of this title, the Bi-State Metropolitan Planning Organization shall be treated as-

(A) a metropolitan planning organization;

(B) a transportation management area under subsection (k); and

(C) an urbanized area, which is comprised of a population of 145,000 *and 25 square miles of land area* in the State of California and a population of 65,000 *and 12 square miles of land area* in the State of Nevada.

* * * * * * *

SANTINI-BURTON ACT

[PUBLIC LAW 96–586—94 STAT. 3384]

SEC. 3. (a) * * *

* * * * * * *

[(b) Lands]

(b) ADMINISTRATION OF ACQUIRED LAND.—

(1) IN GENERAL.—*Land* acquired under this section shall be administered as a part of the Unit'ed States Forest System; except 7 that the Secretary of Agriculture, a.cting through the Chief of 8 the Forest Service, may, in the case of lands (1) which are 9 not contiguous to other lands within the National Forest 10 System and (2) which are unsuitable for forest service administration, transfer such lands or interests therein to an appropriate unit of State or local government with appropriate deed restrictions to protect the environmental quality and public recreational use of the lands concerned.

(2) CALIFORNIA CONVEYANCES.—

(A) IN GENERAL.—*If the State of California (acting through the California Tahoe Conservancy and the California Department of Parks and Recreation) offers to donate to the United States acceptable title to the non-Federal land described in subparagraph (B)(i), the Secretary—*

(i) may accept the offer; and

(ii) not later than 180 days after the date on which the Secretary receives acceptable title to the non-Federal land described in subparagraph (B)(i), convey to the State of California, subject to valid existing rights and for no consideration, all right, title, and interest of the United States in and to the Federal land that is acceptable to the State of California.

(B) DESCRIPTION OF LAND.—

(i) NON-FEDERAL LAND.—*The non-Federal land referred to in subparagraph (A) includes—*

(I) the approximately 1,981 acres of land administered by the California Tahoe Conservancy and identified on the Maps as 'Conservancy to the United States Forest Service'; and

(II) the approximately 187 acres of land administered by California State Parks and identified on

the Maps as 'State Parks to the U.S. Forest Service'.

(ii) FEDERAL LAND.—*The Federal land referred to in subparagraph (A) includes the approximately 1,995 acres of Forest Service land identified on the Maps as 'U.S. Forest Service to Conservancy and State Parks'.*

(C) CONDITIONS.—*Any land conveyed under this paragraph shall—*

(i) be for the purpose of consolidating Federal and State ownerships and improving management efficiencies;

(ii) not result in any significant changes in the uses of the land; and

(iii) be subject to the condition that the applicable deed include such terms, restrictions, covenants, conditions, and reservations as the Secretary determines necessary—

(I) to ensure compliance with this Act; and

(II) to ensure that the transfer of development rights associated with the conveyed parcels shall not be recognized or available for transfer under chapter 51 of the Code of Ordinances for the Tahoe Regional Planning Agency.

(3) NEVADA CONVEYANCES.—

(A) IN GENERAL.—*In accordance with this section and on request by the Governor of Nevada, the Secretary may transfer the land or interests in land described in subparagraph (B) to the State of Nevada without consideration, subject to appropriate deed restrictions to protect the environmental quality and public recreational use of the land transferred.*

(B) DESCRIPTION OF LAND.—*The land referred to in subparagraph (A) includes—*

(i) the approximately 38.68 acres of Forest Service land identified on the map entitled 'State of Nevada Conveyances' as 'Van Sickle Unit USFS Inholding'; and

(ii) the approximately 92.28 acres of Forest Service land identified on the map entitled 'State of Nevada Conveyances' as 'Lake Tahoe Nevada State Park USFS Inholding'.

(C) CONDITIONS.—*Any land conveyed under this paragraph shall—*

(i) be for the purpose of consolidating Federal and State ownerships and improving management efficiencies;

(ii) not result in any significant changes in the uses of the land; and

(iii) be subject to the condition that the applicable deed include such terms, restrictions, covenants, conditions, and reservations as the Secretary determines necessary—

(I) to ensure compliance with this Act; and

(II) to ensure that the development rights associated with the conveyed parcels shall not be recog-

nized or available for transfer under section 90.2 of the Code of Ordinances for the Tahoe Regional Planning Agency.

(4) REVERSION.—*If a parcel of land transferred under paragraph (2) or (3) is used in a manner that is inconsistent with the use described for the parcel of land in paragraph (2) or (3), respectively, the parcel of land, shall, at the discretion of the Secretary, revert to the United States.*

(5) FUNDING.—

(A) IN GENERAL.—*Of the amounts made available under section 10(a) of the Lake Tahoe Restoration Act (Public Law 106–506; 114 Stat. 2351), $2,000,000 shall be made available to the Secretary to carry out the activities under paragraphs (2) and (3).*

(B) OTHER FUNDS.—*Of the amounts available to the Secretary under paragraph (1), not less than 50 percent shall be provided to the California Tahoe Conservancy to facilitate the conveyance of land described in paragraphs (2) and (3).*

* * * * * * *

LONG ISLAND SOUND STEWARDSHIP

[33 U.S.C. 1269; PUBLIC LAW 109–359]

SECTION 1. SHORT TITLE.

"This Act may be cited as the 'Long Island Sound Stewardship Act of 2006'.

* * * * * * *

SEC. 8. LONG ISLAND SOUND STEWARDSHIP ADVISORY COMMITTEE.

(a) Establishment.-There is established a committee to be known as the 'Long Island Sound Stewardship Advisory Committee'.

(b) * * *

* * * * * * *

(g) Termination of Advisory Committee.-The Advisory Committee shall terminate on December 31, [2011] *2021.*

(h) NONAPPLICABILITY OF FACA.—*The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to—*

(1) the Advisory Committee; or

(2) any board, committee, or other group established under this Act.

SEC. 9. REPORTS.

(a) Administrator.-The Administrator shall publish and make available to the public on the Internet and in paper form-

(1) * * *

* * * * * * *

(b) Advisory Committee.-

(1) Report.-For each of fiscal years 2007 through [2011] *2021*, the Advisory Committee shall submit to the Administrator and the decisionmaking body of the Long Island Sound Study Management Conference established under section 320

of the Federal Water Pollution Control Act (33 U.S.C. 1330), an annual report that contains-

* * * * * * *

SEC. 11. AUTHORIZATION OF APPROPRIATIONS.

[(a) In General.-There is authorized to be appropriated to the Administrator $25,000,000 for each of fiscal years 2007 through 2011 to carry out this Act, including for-

[(1) acquisition of land and interests in land;

[(2) development and implementation of site management plans;

[(3) site enhancements to reduce threats or promote stewardship; and

[(4) administrative expenses of the Advisory Committee and the Administrator.]

[(b)] *(a)* Use of Funds.-Amounts made available to the Administrator [under this section each] *to carry out this Act for a* fiscal year shall be used by the Administrator after reviewing the recommendations included in the annual reports of the Advisory Committee under section 9.

[(c)] *(b)* Authorization of Gifts, Devises, and Bequests for System.-In furtherance of the purpose of this Act, the Administrator may accept and use any gift, devise, or bequest of real or personal property, proceeds therefrom, or interests therein, to carry out this Act. Such acceptance may be subject to the terms of any restrictive or affirmative covenant, or condition of servitude, if such terms are considered by the Administrator to be in accordance with law and compatible with the purpose for which acceptance is sought.

[(d)] *(c)* Limitation on Administrative Costs.-Of the amount available each fiscal year to carry out this Act, not more than 8 percent may be used for administrative costs.″

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