S 2848

Water Resources Development Act of 2016

Congress: 114 (2015–2017, Ended)
Chamber: Senate
Policy Area: Water Resources Development
Introduced: Apr 25, 2016
Current Status: Held at the desk.
Latest Action: Held at the desk. (Sep 19, 2016)
Official Text: https://www.congress.gov/bill/114th-congress/senate-bill/2848

Sponsor

Name: Sen. Inhofe, James M. [R-OK]
Party: Republican • **State:** OK • **Chamber:** Senate

Cosponsors (1 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Boxer, Barbara [D-CA]	D · CA		Apr 25, 2016

Committee Activity

Committee	Chamber	Activity	Date
Environment and Public Works Committee	Senate	Reported By	Jun 20, 2016

Subjects & Policy Tags

Policy Area:

Water Resources Development

Related Bills

Bill	Relationship	Last Action
114 S 612	Related bill	**Dec 16, 2016:** Became Public Law No: 114-322.
114 S 2717	Related bill	**Nov 17, 2016:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 686.
114 HR 5633	Related bill	**Nov 16, 2016:** Ordered to be Reported (Amended) by Unanimous Consent.
114 HR 5984	Related bill	**Nov 14, 2016:** Placed on the Union Calendar, Calendar No. 644.
114 HR 5303	Related bill	**Sep 29, 2016:** Received in the Senate.
114 S 3319	Related bill	**Sep 13, 2016:** Read twice and referred to the Committee on Environment and Public Works.
114 HR 5468	Related bill	**Sep 6, 2016:** Placed on the Union Calendar, Calendar No. 558.
114 HR 5765	Related bill	**Jul 25, 2016:** Referred to the Subcommittee on Federal Lands.
114 S 1935	Related bill	**Jul 18, 2016:** Held at the desk.
114 S 3228	Related bill	**Jul 14, 2016:** Read twice and referred to the Committee on Environment and Public Works.
114 S 921	Related bill	**Jul 7, 2016:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 548.
114 S 3131	Related bill	**Jul 6, 2016:** Read twice and referred to the Committee on Environment and Public Works.
114 S 3121	Related bill	**Jun 29, 2016:** Read twice and referred to the Committee on Environment and Public Works.
114 S 1724	Related bill	**May 18, 2016:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 470.
114 S 2949	Related bill	**May 18, 2016:** Read twice and referred to the Committee on Environment and Public Works.
114 HR 5223	Related bill	**May 16, 2016:** Referred to the Subcommittee on Water Resources and Environment.
114 HR 5070	Related bill	**Apr 29, 2016:** Referred to the Subcommittee on Environment and the Economy.
114 HR 5087	Related bill	**Apr 28, 2016:** Referred to the Subcommittee on Water Resources and Environment.
114 HR 223	Related bill	**Apr 27, 2016:** Received in the Senate. Read twice. Placed on Senate Legislative Calendar under General Orders. Calendar No. 439.
114 S 2835	Related bill	**Apr 21, 2016:** Read twice and referred to the Committee on Environment and Public Works. (Sponsor introductory remarks on measure: CR S2389-2390)
114 S 2830	Related bill	**Apr 20, 2016:** Read twice and referred to the Committee on Environment and Public Works.
114 HR 4797	Related bill	**Mar 18, 2016:** Referred to the Subcommittee on Environment and the Economy.
114 S 2588	Related bill	**Feb 25, 2016:** Read twice and referred to the Committee on Environment and Public Works.
114 S 1024	Related bill	**Feb 24, 2016:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 372.
114 S 1674	Related bill	**Feb 24, 2016:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 373.

Bill	Relationship	Last Action
114 S 2579	Related bill	**Feb 24, 2016:** Read twice and referred to the Committee on Energy and Natural Resources.
114 HR 4468	Related bill	**Feb 10, 2016:** Sponsor introductory remarks on measure. (CR H653)
114 HR 4497	Related bill	**Feb 10, 2016:** Referred to the Subcommittee on Water, Power and Oceans.
114 HR 4414	Related bill	**Feb 5, 2016:** Referred to the Subcommittee on Environment and the Economy.
114 S 1125	Related bill	**Feb 3, 2016:** Committee on Indian Affairs. Ordered to be reported with an amendment in the nature of a substitute favorably.
114 S 1983	Related bill	**Feb 3, 2016:** Committee on Indian Affairs. Ordered to be reported without amendment favorably.
114 S 2466	Related bill	**Jan 27, 2016:** Read twice and referred to the Committee on Environment and Public Works.
114 HR 4131	Related bill	**Dec 1, 2015:** Referred to the Subcommittee on Indian, Insular and Alaska Native Affairs.
114 HR 3692	Related bill	**Oct 26, 2015:** Referred to the Subcommittee on Conservation and Forestry.
114 S 1979	Related bill	**Aug 5, 2015:** Read twice and referred to the Committee on Environment and Public Works.
114 HR 1772	Related bill	**Jul 23, 2015:** Subcommittee Hearings Held.
114 HR 2930	Related bill	**Jul 14, 2015:** Referred to the Subcommittee on Water, Power and Oceans.
114 S 1642	Related bill	**Jun 22, 2015:** Read twice and referred to the Committee on Environment and Public Works.
114 S 653	Related bill	**Jun 11, 2015:** Referred to the Subcommittee on Water, Power and Oceans.
114 HR 2469	Related bill	**May 21, 2015:** Referred to the Subcommittee on Water Resources and Environment.
114 S 1394	Related bill	**May 20, 2015:** Read twice and referred to the Committee on Environment and Public Works.
114 HR 1160	Related bill	**Mar 16, 2015:** Referred to the Subcommittee on Commodity Exchanges, Energy, and Credit.
114 HR 176	Related bill	**Jan 7, 2015:** Referred to the Subcommittee on Water Resources and Environment.

Summary (as of Sep 15, 2016)

Water Resources Development Act of 2016

TITLE I--PROGRAM REFORMS

(Sec. 1001) This bill amends the Water Resources Development Act of 1986 (WRDA 1986) to allow the U.S. Army Corps of Engineers to provide technical assistance to nonfederal interests for feasibility studies of proposed water resources development projects if the nonfederal interest contracts to pay the costs of such assistance.

(Sec. 1002) The Corps of Engineers may receive and repay funds from states or political subdivisions for immediate use on authorized water resources development studies or projects (currently, only flood-control projects). The definition of "state" for such purposes is expanded to include the District of Columbia, Puerto Rico, other U.S. territories or possessions, federally recognized Indian tribes, and other native entities.

(Sec. 1003) The Water Resources Reform and Development Act of 2014 (WRRDA 2014) is amended to allow the Corps of Engineers to accept materials, services, or funds from a nonfederal public entity, a nonprofit entity, or a private entity to repair, restore, replace, or maintain a water resources project if there is a risk of adverse impacts to the functioning of the project. (Under current law, the Corps may accept only materials or services for repairing, restoring, or replacing such a project that has been damaged or destroyed as a result of an emergency.)

(Sec. 1004) The Corps of Engineers may partner with nonfederal interests to maintain a project, but nonfederal interest partners are ineligible for reimbursement for their contributed materials, services, or funds.

(Sec. 1005) The Corps of Engineers may accept and expend funds provided by nonfederal interests to undertake reviews, inspections, monitoring, and other federal activities related to nonfederal interests carrying out the study, design, or construction of water resources development projects under WRDA 1986. In determining credit or reimbursement, the Corps may include the amount of such funds provided by a nonfederal interest as a cost of the study, design, or construction.

(Sec. 1006) The Corps of Engineers' funding of response actions to address human health and environmental threats from military munitions deposited on a beach shall be reimbursed from amounts made available to the Department of Defense Agency responsible for the original release of the munitions.

(Sec. 1007) The Water Resources Development Act of 1992 (WRDA 1992) is amended to authorize the Corps of Engineers to allow a nonfederal public or private entity that has entered into a cooperative agreement for the operation and management of recreation facilities and natural resources at civil works projects under the Corps' jurisdiction to collect user fees for the use of developed recreation sites and facilities, whether developed or constructed by such entity or the Corps.

An entity may: (1) use any visitor reservation service that the Corps of Engineers has provided for by contract or interagency agreement to manage fee collections and reservations, subject to the Corps' terms and conditions; and (2) retain the fees collected to pay for operation, maintenance, and management at the recreation site where they were collected.

(Sec. 1008) If a person or entity seeks permission from the Corps of Engineers for an occupation, use, or alteration of a harbor or river public works project that also requires review under the National Environmental Policy Act of 1969 (NEPA)

or another legal authority, the reviews and approvals shall occur concurrently to the extent practicable. If the Corps is not the lead federal agency for an environmental review, the Corps shall participate as a cooperating agency and use the same documents prepared under NEPA.

The Corps of Engineers may accept funds from nonfederal public or private entities to evaluate an alteration, permanent occupation, or use of a work built by the United States.

(Sec. 1009) To complete certain environmental infrastructure projects under WRDA 1992 that are already under construction (having received more than $4 million in federal appropriations when those appropriations are greater than 80% of the authorized amount), the bill increases authorized appropriations to allow completion of projects that have made significant progress if the benefits of the federal investment will not be realized without the increase.

(Sec. 1010) The Flood Control Act of 1936 is amended to allow the Corps of Engineers to receive funds from nonfederal interests without the current requirement that federal funds be appropriated for a study or project. The Corps may receive funds from nonfederal interests to formulate, review, or revise operational documents for a Corps-owned and -operated reservoir (other than reservoirs in the Upper Missouri River, the Apalachicola-Chattahoochee-Flint river system, the Alabama-Coosa-Tallapoosa river system, and the Stones River).

(Sec. 1011) To analyze the benefits of offshore oil and gas fabrication port navigation projects authorized after November 7, 2007, the recommended plan by the Corps of Engineers must use the value of future energy exploration and production fabrication contracts and the transportation savings that would result from a larger navigation channel under the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005. These requirements also apply to: (1) a project that has undergone an economic benefits update, and (2) ongoing feasibility studies at the request of a nonfederal sponsor.

(Sec. 1012) The Corps of Engineers, at a nonfederal interest's request, may review proposals to increase the quantity of available water supplies at federal water resources projects through: (1) modification of a water resources project, (2) modification of how a project is managed, or (3) access to water released from a project. But this section shall not apply to proposals that: (1) reallocate existing water supply or hydropower storage, or (2) reduce water available for any authorized project purpose.

If a proposal relates to a federal project that is not owned by the Corps of Engineers, this section applies only to activities under the Corps' authority.

The Corps of Engineers must comply with public participation requirements and provide a copy of proposals to federal agencies that own a project, affected states, power marketing administrations, and other entities with project rights or responsibilities.

The Corps of Engineers shall not approve a proposal that: (1) is not supported by the federal agency that owns the project, (2) adversely impacts contractual or legal rights, (3) increases costs to other entities, (4) interferes with authorized project purposes, or (5) modifies federal statutory requirements without congressional authorization.

The cost of developing, reviewing, and implementing a submitted proposal shall be provided by a nonfederal entity. But if an entity working with a state is authorized to receive Corps of Engineers' assistance in the preparation of a comprehensive plan, the Corps may use those funds to pay 50% of the cost of the entity's proposal review.

Special requirements are set forth for operation and maintenance costs relating to the construction of additional water

supply storage at a reservoir for use under a water supply storage agreement.

Other entities may contribute to the costs of implementing a proposal.

The Corps of Engineers may provide technical assistance for a proposal if the nonfederal interest agrees to pay the costs of the assistance.

This section shall not apply to Corps of Engineers-owned and -operated reservoirs in the Upper Missouri River, the Apalachicola-Chattahoochee-Flint river system, the Alabama-Coosa-Tallapoosa river system, or the Stones River.

(Sec. 1013) The Corps of Engineers' revolving fund for maintenance and operation of plants and equipment may be used to construct buildings for its New England district headquarters in Bedford, Massachusetts, and its district headquarters in Buffalo, New York.

(Sec. 1015) Monitoring plans for ecosystem restoration projects must describe: (1) the types and number of restoration activities, (2) the physical action to be undertaken, (3) the functions and values that will result from the restoration plan, and (4) the contingency plan for taking any corrective actions. The nonfederal sponsor's responsibility for operation and maintenance of a restoration project shall cease 10 years after the Corps of Engineers makes a determination of success.

(Sec. 1016) In water resources projects in which a nonfederal interest has entered into a partnership agreement with the Corps of Engineers to receive a credit for the nonfederal interest's in-kind contributions, the maximum amount of credit shall be based on the value of the contributions rather than the cost incurred by the nonfederal sponsor.

(Sec. 1017) The Corps of Engineers must develop a structural health monitoring program to assess and improve the condition of Corps infrastructure, including systems and frameworks for: (1) response to floods and earthquakes, (2) pre-disaster mitigation measures, (3) lengthening the useful life of the infrastructure, and (4) identifying risks due to sea level rise.

(Sec. 1018) Habitat connectivity protection and restoration measures must be included in programmatic mitigation plans to address potential impacts to ecological resources, fish, and wildlife. The Corps of Engineers may use preconstruction engineering and design funds prior to authorization of project construction to: (1) satisfy mitigation requirements through third-party arrangements, or (2) acquire land interests necessary to meet mitigation requirements. These mitigation responsibilities do not affect the Corps' mitigation responsibilities under other laws.

The Corps of Engineers must identify standard measures that reflect the best available scientific information for evaluating habitat connectivity.

(Sec. 1019) The categories of "nonfederal interests" under the Flood Control Act of 1970 are expanded to include Alaska native villages, regional corporations, or village corporations among the entities that may enter partnership agreements with the Corps of Engineers for implementation or construction of water resources projects.

(Sec. 1020) The Corps of Engineers may credit or reimburse discrete segments of projects that function independently in advance of completion of the total project or a project element. If the nonfederal interest receives reimbursement for a discrete segment of a project and fails to complete the entire project, the nonfederal interest must repay the amount of the reimbursement, plus interest.

(Sec. 1021) The Corps of Engineers may accept funds from a rail carrier to expedite the evaluation of the rail carrier's

permits for a project under the Corps' jurisdiction.

(Sec. 1022) The Corps of Engineers' international outreach program is expanded to include informing the United States of technological innovations abroad that could improve any water resources development in the United States, including technology transfers or exchanges. (Under current law, the program is limited to informing the maritime industry and port authorities about innovations that could improve waterborne transportation.)

(Sec. 1023) The Corps of Engineers must issue implementation guidance for water resources projects involving wetlands mitigation that impacts the service area of a mitigation bank. The guidance must provide for consideration in water resources development feasibility studies of the entire amount of potential in-kind credits available at mitigation banks and in-lieu fee programs with an approved service area that includes the projected impacts of the project. All potential mitigation bank and in-lieu fee credits that meet such criteria shall be considered reasonable alternatives if the mitigation bank: (1) has an approved mitigation banking instrument, and (2) has completed a functional analysis of the potential credits using the approved Corps-certified habitat assessment model specific to the region.

(Sec. 1024) The Corps of Engineers must encourage Corps districts to enter cooperative agreements with youth service and conservation corps for natural resources conservation or recreation management services.

(Sec. 1025) The bill increases the Corps of Engineers' annual maximum allotment for debris removal from rivers, harbors, streams, and tributaries. It expands the authorized activities to include: (1) the removal of obstructions located in or adjacent to a federal channel, and (2) the clearing or straightening of channels for recreation.

(Sec. 1026) The Government Accountability Office (GAO) must report on the shellfish aquaculture industry in the Chesapeake Bay, Gulf Coast states, California, and Washington.

(Sec. 1027) The Corps of Engineers is prohibited from removing existing vegetation on levees until revised guidelines are adopted, unless the vegetation presents an unacceptable safety risk. The Corps must explain why it has not met deadlines for revising such guidelines.

(Sec. 1028) The Corps of Engineers may cooperate with nonfederal interests working with a group of states, or a consortium of states, in the preparation of comprehensive plans for drainage basins, watersheds, or ecosystems.
(Sec. 1029) The Corps of Engineers may give funding priority to projects that restore coastal wetlands that reduce the impact of storm surge.

(Sec. 1030) The Corps of Engineers must transfer the human remains known as Kennewick Man or the Ancient One to the Washington State Department of Archaeology and Historic Preservation on the condition that it dispose of and repatriate the remains to the Indian tribes and band referred to in the letter from Secretary of the Interior Bruce Babbitt to Secretary of the Army Louis Caldera, dated September 21, 2000.

(Sec. 1031) The Corps of Engineers must consider a property's economic or recreational significance or impacts at the national, state, or local level when carrying out a disposition study for a Corps project.

(Sec. 1032) The bill makes permanent the Corps of Engineers' authority to apply credit for in-kind contributions provided by a nonfederal interest that are in excess of the required nonfederal cost share for a project toward the required nonfederal cost share for a different water resources development study or project. A nonfederal interest may request that the credit be applied at reasonable intervals prior to completion of the study or project.

(Sec. 1033) The Corps of Engineers must issue a decision on requests for contracts for surplus water from Upper

Missouri reservoirs within 60 days after receiving a request. If the Corps has not documented the volume of surplus water available, the Corps must identify the outstanding information necessary to make a decision and set a date for the final decision.

(Sec. 1034) The bill increases the maximum amount that the Corps of Engineers may expend for small shore and beach restoration and protection projects not specifically authorized by Congress.

(Sec. 1035) The Corps of Engineers may operate a fish hatchery to restore a population of threatened or endangered fish species. Nonfederal entities or other federal agencies shall be responsible for all additional costs associated with managing such a fish hatchery that are not authorized as of the enactment of this bill.

(Sec. 1036) The first $100,000 of a watershed assessment or feasibility study for a water resources project shall be a federal expense.

(Sec. 1037) The River and Harbor Act of 1968 is amended to provide for: (1) feasibility studies to be cost-shared in the same proportion as construction of projects, and (2) reimbursements to nonfederal interests if they expend more than their share of study costs.

(Sec. 1038) The title makes permanent a program that demonstrates the benefits of recreation facilities and activities at Corps of Engineers' lakes primarily in Oklahoma.

(Sec. 1039) The estimated costs of the Corps of Engineers' water resources projects may affect cost-sharing responsibilities established by law.

(Sec. 1040) The Water Resources Development Act of 2000 is amended to make the tribal partnership program permanent and allow the Corps of Engineers to carry out cost-shared design and construction projects under the program.

At an Indian tribe's request, the Corps of Engineers must report on the feasibility of a water resources development project or a project for the preservation of cultural and natural resources that will substantially benefit Indian tribes. The first $100,000 of such a study shall be at federal expense.

The Corps of Engineers may carry out the design and construction of a feasible tribal partnership project if: (1) the federal share is not more than $10 million, or (2) congressional authorization is obtained for a federal share exceeding $10 million.

The Corps of Engineers is prohibited from requiring an Indian tribe to waive its sovereign immunity as a condition to entering into a cost-sharing agreement under the tribal partnership program.

The title sets forth the nonfederal cost shares for studies, design and construction, and watershed and river basin assessments under the expanded program.

(Sec. 1041) WRDA 1986 is amended to extend the waiver of up to $200,000 for local cost-sharing requirements in U.S. territories (American Samoa, Guam, the Northern Mariana Islands, the Virgin Islands, Puerto Rico, and the Trust Territory of the Pacific Islands) to planning assistance and Indian tribes. The waiver applies to comprehensive plans under the Water Resources Development Act of 1974.

(Sec. 1042) The Corps of Engineers, with the consent of nonfederal sponsors, may enter into cost-sharing agreements

under the Flood Control Act of 1970 to allow local governments in a watershed that has adopted a local or regional water management plan to participate in feasibility studies.

(Sec. 1043) The Corps of Engineers' authority to provide nonfederal interests a credit in lieu of a reimbursement for the estimated federal share of a flood damage reduction project under repealed provisions the Water Resources Development Act of 1996 (WRDA 1996) is extended to projects for which a written agreement with the Corps for construction was finalized on or before December 31, 2014. (Currently, the credit in lieu of reimbursement is limited to projects that have been constructed by a nonfederal interest before the provisions were repealed on June 10, 2014.) The credit may be applied to other water resources development projects or studies of the nonfederal interest.

(Sec. 1044) Study costs incurred before execution of a feasibility cost-sharing agreement for an aquatic ecosystem restoration project under WRDA 1996 shall be federal costs if: (1) the study was initiated before October 1, 2006, and (2) the feasibility cost-sharing agreement was not executed before January 1, 2014.

(Sec. 1045) The Corps of Engineers may not collect consideration (money or other thing of value) for easements across water resources development project land for the electric, telephone, or broadband service facilities of nonprofit organizations eligible for financing under the Rural Electrification Act of 1936.

(Sec. 1046) The Corps of Engineers must contract with the Transportation Research Board of the National Academy of Sciences to study the use and performance of innovative materials in Corps projects.

(Sec. 1047) The Corps of Engineers must publish a notice of correction removing from inactive project deauthorization lists under WRRDA 2014 any projects for which nonfederal funds have been obligated or expended for construction of integral project elements, regardless of whether the activity is pursuant to an agreement with, expenditure by, or obligation from the Corps.

(Sec. 1048) The Corps of Engineers may accept requests and funding from nonfederal entities and federal power marketing agencies to review, and update if appropriate, flood control rule curves and water operations manuals for reservoirs constructed with federal funds and regulated by the Corps for storage in western states with Bureau of Reclamation (Reclamation) projects in areas: (1) with prolonged droughts, or (2) for which no review has occurred during the previous 10 years.

The Corps of Engineers must enter agreements with affected states, reservoir owners or operators, and (if requested) nonfederal entities responsible for operation and maintenance costs before carrying out such activities.

This section does not apply to the Boulder Canyon project, initial units of the Colorado River storage project, Reclamation dam or reservoir project facilities operated and maintained by the Department of the Interior (unless requested by all nonfederal project sponsors), Corps of Engineers-owned and -operated dams or reservoirs, or Reclamation project facilities operated and maintained by nonfederal entities under a transfer contract (unless requested by the organization contractually responsible for operation and maintenance). It also sets forth requirements for public participation and the protection of existing rights.

(Sec. 1049) States, body politics deriving power from a state constitution, or government entities created by a state legislature may require that their partnership agreements with the Corps of Engineers to construct water resources projects do not obligate future appropriations for performance and payment that would be inconsistent with constitutional or statutory limitations of the state or a local government.

(Sec. 1050) The maximum cost of a project must be increased automatically for changes in construction costs applied to unconstructed features based on actual appreciation in relevant real estate markets.

The Corps of Engineers may accept in-kind contributions, land, easements, rights-of-way, relocations, and dredged material disposal areas (currently, the Corps may accept only funds) from a nonfederal interest for any authorized water resources development project that has exceeded its maximum cost if the use of such contributions does not increase the federal share of the project cost. But these accepted funds and other contributions are not eligible for credit or repayment and shall not be included in the total cost of the project.

(Sec. 1051) The title establishes procedures to continue or make permanent under the Water Supply Act of 1958 certain water supply agreements that were predicated on water that was surplus to a deauthorized purpose and that provided for: (1) contingent permanent storage rights, or (2) complete payment of the actual investment costs of storage to be used in the case of an agreement with a duration of at least 30 years.

(Sec. 1052) The title increases authorized funding for the Corps of Engineers to support federal agencies, nongovernmental organizations, international organizations, or foreign governments to address problems of national significance to the United States.

(Sec. 1053) For two years after this bill's enactment, the Corps of Engineers shall not charge a fee under a contract entered into pursuant to the Flood Control Act of 1944 for surplus water stored in the Lake Cumberland Watershed of Kentucky and Tennessee.

(Sec. 1054) The GAO must report on the implementation and effectiveness of environmental infrastructure projects carried out under WRDA 1992.

TITLE II--NAVIGATION

(Sec. 2001) Projects authorized to receive funding from the Inland Waterways Trust Fund are exempted temporarily from a process that deauthorizes unconstructed projects for which funds have not been obligated for a specified preceding period of years. The exemption for these inland waterways projects begins on June 10, 2014, and ends 15 years after enactment of this bill.

(Sec. 2002) Nonfederal interests may receive credit or reimbursement for carrying out the federal share of flood gate operations and maintenance for hurricane and storm damage reduction projects that cross an inland or intracoastal waterway.

(Sec. 2003) If the target total budget resources available to the Corps of Engineers from the Harbor Maintenance Trust Fund (HMTF) for a fiscal year is lower than the resources for the previous fiscal year, the target shall be adjusted to be the lesser of: (1) 103% of the total appropriated for the previous fiscal year, or (2) 100% of the harbor maintenance taxes received in the previous fiscal year.

(Sec. 2004) Disposal of dredged material shall not be considered environmentally acceptable for purposes of identifying the federal standard (the least costly alternative consistent with sound engineering and environmental standards) if it violates state water quality standards approved by the Environmental Protection Agency (EPA) under the Federal Water Pollution Control Act (commonly known as the Clean Water Act).

(Sec. 2005) The Cape Arundel Disposal Site located southeast of Cape Arundel, Maine, may remain open until five years after enactment of this bill, subject to certain conditions and limitations.

(Sec. 2006) The Corps of Engineers may maintain federally authorized harbors of refuge to restore and maintain authorized dimensions.

(Sec. 2007) The Corps of Engineers must consult with the Coast Guard and share information regarding assistance that the Corps can provide for the placement of aids to navigation on the Ouachita-Black Rivers.

(Sec. 2008) The Corps of Engineers may use sediment from other federal and nonfederal sources, but any nonfederal source sediment must be obtained without federal expense. Federal water resources projects involving the disposal of dredged material may include a single or periodic application of sediment for beneficial use and shall not require operation and maintenance. The Corps may accept funds from a nonfederal interest to dispose of such dredged material for private shores or lands that are ineligible for federal cost sharing.

(Sec. 2009) The bill makes permanent: (1) the requirement that the Corps of Engineers allocate for emerging harbor projects at least 10% percent of the funds made available under the HMTF for FY2015 (currently FY2012) to pay the operation and maintenance costs assigned to commercial navigation of all harbors and inland harbors within the United States, and (2) the Corps' authority to provide funds to donor ports and energy transfer ports.

(Sec. 2010) The bill revises methods of: (1) allocating payments to donor ports and energy transfer ports through the establishment of a new category of medium-sized donor ports that are eligible for funding if they annually collect between $5 million and $15 million of total HMTF funding (donor ports must currently collect at least $15 million annually to be eligible), and (2) transferring through U.S. Customs and Border Protection payments that ports elect to provide to importers or shippers by specifying that the process applies to discretionary cargo (maritime cargo destined for inland locations that can be economically shipped through multiple seaports located in different countries or regions) that is shipped through eligible ports and most at risk of diversion to seaports outside the United States. The Corps of Engineers must limit payments to top importers or shippers through an eligible port, as ranked by value of discretionary cargo.

(Sec. 2011) The bill extends to contracts for physical construction that have not been awarded before enactment of WRRDA 2014 the formula that calculates the harbor deepening costs to be paid by nonfederal interests during construction for harbor or inland harbor navigation projects. For the portion of a project that has a depth in excess of 45 feet but not in excess of 50 feet, the cost to be paid by nonfederal interests is decreased from 50% to 25% of the cost of construction for that portion.

(Sec. 2012) The Corps of Engineers must carry out dredging activities on shallow draft ports located on the inland Mississippi River to the authorized widths and depths.

(Sec. 2013) The Corps of Engineers must publish guidance for the implementation of WRRDA 2014 provisions concerning maintenance of emerging ports and Great Lakes ports.

(Sec. 2014) The Corps of Engineers' justification for a harbor and navigation improvements project may include the long-term viability of a community that is located in the region that is served by, and that will rely on, the project.

(Sec. 2015) The Corps of Engineers may permit a nonfederal interest to carry out maintenance activities necessary to ensure that a navigation project is maintained to not less than the minimum project dimensions. Costs incurred by the nonfederal interest are eligible for reimbursement up to the estimated federal cost, but are limited to costs directly related to the performance of work for the federal government and the actual fiscal year appropriations for that portion of maintenance dredging. In carrying out the maintenance activities, the nonfederal interest shall: (1) provide equipment at no cost to the federal government, and (2) hold the United States free from damages that arise from the use of the

equipment. This section terminates 10 years after enactment of this bill.

(Sec. 2016) The Corps of Engineers' next biennial HMTF report on operations and maintenance costs assigned to commercial navigation of harbors and inland harbors must identify transportation cost savings realized by achieving and maintaining the constructed width and depth for such harbors on a project-by-project basis. This requirement does not apply to subsequent reports.

(Sec. 2017) The Corps of Engineers may place dredged material from the operation and maintenance of an authorized federal water resources project at another authorized water resource project if, for a reasonable cost, the placement would: (1) enhance protection from flooding caused by storm surges or sea level rise, or (2) significantly contribute to shoreline resiliency or wetland restoration. The Corps shall not require a nonfederal entity to bear any increased costs associated with the placement of dredged material at another project if it exceeds the cost of depositing the dredged material in accordance with federal regulations.

(Sec. 2018) The bill makes permanent the Corps of Engineers' authority to use available priority funds (the difference between funds made available for operations and maintenance costs assigned to commercial navigation of harbors under WRDA 1986 each fiscal year and those funds made available for FY2012) for high- and moderate-use harbor projects and emerging harbor projects, including those within the Great Lakes Navigation System.

(Sec. 2019) The Corps of Engineers must allocate funding made available to the Corps from the HMTF in accordance with the criteria and priority percentages under WRDA 1986 concerning expenditures for operation and maintenance of harbor projects.

TITLE III--SAFETY IMPROVEMENTS

(Sec. 3001) The Corps of Engineers, at a nonfederal sponsor's request, may use the natural disaster emergency fund to repair or restore flood control work, hurricane or shore protective structures, or the depths of federal navigable channels or waterways to an increased pumping capacity or a level of protection above the system design. The nonfederal sponsor must agree to pay the difference between the cost of restoration to the original design level and the cost of achieving the higher level of protection. The Corps must notify nonfederal sponsors of the opportunity to request nonstructural alternatives to restore or protect natural resources (including streams, rivers, floodplains, wetlands, or coasts) if those efforts will reduce flood risk.

(Sec. 3002) The bill authorizes a temporary program for the Corps of Engineers to address consolidation, settlement, subsidence, sea level rise, and new data to restore federally authorized hurricane and storm damage reduction projects through cost-share agreements with nonfederal partners.

(Sec. 3003) If the Corps of Engineers has assumed (as of the enactment of this bill) responsibility for maintenance of a high risk flood control project, the Corps must continue to be responsible for such maintenance until the project is modified to reduce the risk, or until 15 years after enactment of this bill, whichever is earlier.

(Sec. 3004) The National Dam Safety Program Act is amended to direct the Federal Emergency Management Agency (FEMA) to establish a program to provide technical, planning, design, and construction assistance grants to nonfederal sponsors (subject to a nonfederal cost-sharing requirement of at least 35%) for rehabilitation of eligible high hazard potential dams.

An "eligible high hazard potential dam" is a nonfederal dam that:

is located in a state with a state dam safety program,
- is classified as high hazard potential by the dam safety agency of the state in which the dam is located,
- has an emergency action plan approved by such agency, and
- fails to meet minimum state dam safety standards and poses an unacceptable risk to the public.

An eligible high hazard potential dam does not include a licensed hydroelectric dam or a dam built under the authority of the Department of Agriculture (USDA).

FEMA shall require a grant recipient to provide an assurance that the owner of the dam has developed and will carry out a plan for maintenance of the dam during its expected life. A grant must be approved by the relevant state dam safety agency.

Grant funds shall be allocated to all states from which applications are submitted based on each state's relative number of eligible high hazard potential dams compared to all states.

Grant funds may not be used to:

- rehabilitate a federal dam,
- perform routine operation or maintenance of a dam,
- modify a dam to produce hydroelectric power,
- increase water supply storage capacity, or
- make any other modification that does not also improve the safety of the dam.

The bill sets forth requirements and conditions for nonfederal sponsors to receive such grants, including the demonstration of a floodplain management plan to reduce the impacts of future flood events.

(Sec. 3005) The Corps of Engineers must expedite completion of flood damage reduction and flood risk management projects for:

- Chicagoland Underflow Plan, Illinois, phase 2;
- Cedar River, Cedar Rapids, Iowa;
- Comite River, Louisiana; and
- Amite River and Tributaries, Louisiana.

(Sec. 3006) Repair costs to correct a seepage problem at a dam in the Cumberland River Basin (for projects for which construction has not yet begun and appropriations have not been made as of this bill's enactment) must be: (1) treated as costs for a dam safety project, and (2) subject to cost-sharing requirements under WRDA 1986.

(Sec. 3007) This bill establishes the High-Hazard Indian Dam Safety Deferred Maintenance Fund and the Low-Hazard Indian Dam Safety Deferred Maintenance Fund. The Department of the Treasury must make deposits to these funds at least monthly until the funds are terminated at the end of FY2037.

The Bureau of Indian Affairs (BIA) must establish a program to address the deferred maintenance needs of Indian dams that create flood risks or other risks to safety, natural resources, or cultural resources and impede the management and efficiency of Indian dams. To be eligible, a dam must be federally owned and included in the BIA's Safety of Dams program. The low hazard fund and high hazard fund must be used to pay for maintenance, repair, and replacement activities for dams classified under guidelines of the Federal Emergency Management Agency (FEMA) as low hazard and significant or high hazard, respectively.

The BIA must: (1) develop programmatic goals and prioritization criteria before expending funds; (2) prioritize dams that serve more than one tribe or highly populated Indian communities; (3) consult with landowners served by the dam before expending funds, except in emergencies; and (4) ensure that, each year, every dam in need of critical maintenance receives funding.

The Department of the Interior must establish in the BIA the Tribal Safety of Dams Committee to study the modernization of the Indian Dams Safety Act of 1994 and develop recommendations for legislation to improve that Act.

The BIA must: (1) request that Indian tribes report on dams on their land at least once every 180 days, and (2) report on each dam under BIA jurisdiction at least once each year.

The BIA must establish a flood plain management pilot program to provide, upon request, guidance to Indians tribes on best practices for the mitigation and prevention of floods. The program is funded through the funds for high- and low-hazard dams and is terminated four years after enactment of this bill.
(Sec. 3008) The Corps of Engineers may carry out feasible cost-sharing projects with nonfederal entities to rehabilitate nonfederally operated dams classified by states as posing a high hazard potential if the dams were: (1) constructed, in whole or in part, by the Corps for flood control purposes; and (2) completed before 1940. The Corps shall not expend more than $10 million for a project at any single dam.

TITLE IV--RIVER BASINS, WATERSHEDS, AND COASTAL AREAS

(Sec. 4001) The Corps of Engineers must coordinate with Alabama, Florida, Louisiana, Mississippi, and Texas to develop a recovery plan for Gulf Coast oyster beds damaged by: (1) Hurricane Katrina in 2005, (2) the *Deepwater Horizon* oil spill in 2010, and (3) floods in 2011 and 2016.

(Sec. 4002) The bill: (1) increases funding for ecosystem restoration projects for the lower Columbia River and Tillamook Bay estuaries in Oregon and Washington; (2) allows watercraft inspection stations to be established to protect against aquatic plant growths and invasive species in the Platte and Arkansas river basins and in additional locations of the Columbia River Basin; (3) addresses replacement housing for Indian families displaced by the construction of the Bonneville Dam and the John Day Dam; and (4) requires the Corps of Engineers to determine the feasibility of modifying projects to address safety risks for navigation of Columbia and Lower Willamette Rivers below Vancouver, Washington, and Portland, Oregon.

(Sec. 4003) The Corps of Engineers, in partnership with the Department of the Interior, must carry out a pilot program to implement sediment management plans for Corps-owned and -operated reservoirs in the Upper Missouri River Basin, on request by project beneficiaries. The program may also apply to reservoirs managed or owned by the Bureau of Reclamation.

The Corps of Engineers shall be the lead agency for soil moisture and snowpack monitoring projects in the Upper Missouri River Basin.

(Sec. 4004) The bill increases the portion of the amount of appropriations authorized under the Water Resources Development Act of 2000 for critical ecosystem restoration projects in the area of Puget Sound, Washington, that may be used to carry out a single project.

(Sec. 4005) The Corps of Engineers may carry out small flood control pilot projects with Corps laboratories, universities, government agencies, and private organizations to prevent and mitigate flood damages associated with ice jams. Priority

must be given to the Upper Missouri River Basin.

(Sec. 4006) The bill increases authorized appropriations for alternative or beneficially modified habitats for fish and wildlife, including native oysters in the Chesapeake Bay.

(Sec. 4007) The Corps of Engineers' study to determine the feasibility of projects to restore aquatic ecosystems within the coastal waters of the northeastern United States from Virginia to Maine must be developed as a comprehensive assessment and management plan at federal expense.

(Sec. 4008) The bill reauthorizes through FY2024 the Rio Grande Basin fish and wildlife habitat program in Colorado, New Mexico, and Texas.

(Sec. 4009) The Corps of Engineers must consider information developed by the Gulf Coast Community Protection and Recovery District to expedite completion of the coastal Texas ecosystem protection and restoration study.

(Sec. 4010) The Corps of Engineers must conduct a study at federal expense to determine the feasibility of projects to address systemic flood damage reduction in the upper Mississippi and Illinois River basins.

(Sec. 4011) The pilot designation is removed from California's Salton Sea restoration projects. Additional nonfederal interests may participate in cost sharing for these projects.

(Sec. 4012) The list of South Carolina counties with nonfederal interests eligible for assistance with water treatment and distribution projects for Marion and Moultrie Lakes under WRDA 1992 is adjusted to add Berkeley County and remove Sumter County.

(Sec. 4013) Corps of Engineers' studies to determine the feasibility of Corps projects in coastal zones to enhance ocean and coastal ecosystem resiliency must prioritize projects in communities whose existence is threatened by rising sea level.

An interagency working group must be convened on extreme weather and sea level rise to: (1) coordinate research and federal investments; (2) participate in state authorized studies; and (3) share physical, biological, and socioeconomic data among state organizations.

(Sec. 4014) The Corps of Engineers must report on regional assessments of coastal and back bay protection.

(Sec. 4015) The Corps of Engineers must study coastal areas within the geographical boundaries of its South Atlantic Division to identify the risks and vulnerabilities to increased hurricane and storm damage as a result of sea level rise. It must: (1) develop a long-term strategy to enhance resiliency, increase sustainability, and lower risks in populated areas, areas of concentrated economic development, and areas with vulnerable environmental resources; and (2) report within four years after enactment of this bill with recommendations to address those risks and vulnerabilities.

(Sec. 4016) The Corps of Engineers must study the feasibility of implementing projects for flood risk management, ecosystem restoration, navigation, water supply, recreation, and water resource related purposes within the Kanawha River Basin in West Virginia, Virginia, and North Carolina.

(Sec. 4017) In developing projects for coastal risk reduction, the Corps of Engineers must consider: (1) natural features created through physical, geological, biological, and chemical processes over time; (2) human-designed, natural-based features engineered and constructed to protect in concert with natural processes; and (3) nonstructural and structural

measures.

(Sec. 4018) The Department of Commerce must designate as a resilient waterfront community a unit of local government or Indian tribe that meets specified criteria and is:

- bound in part by a Great Lake or an ocean or bordered or traversed by a riverfront or an inland lake;
- self-nominated as a resilient waterfront community; and
- designated as one by Commerce on the basis of a community-developed plan.

In making such a designation for inland lake and riverfront communities, Commerce must work with the Environmental Protection Agency and the heads of other federal agencies as necessary.

A resilient waterfront community plan is a community-driven vision and plan developed:

- voluntarily at the discretion of the community to respond to local needs or take advantage of new water-oriented opportunities;
- with the leadership of the relevant governmental entity or Indian tribe and the active participation of community residents, utilities, and interested business and nongovernmental stakeholders;
- in consideration of all applicable state and federal coastal zone management planning;
- to address economic competitive strengths; and
- to complement and incorporate the objectives and recommendations of regional economic plans.

A resilient waterfront community plan shall consider all, or a portion of, the waterfront area and adjacent land and water to which it is connected ecologically, economically, or through local governmental or tribal boundaries and integrate consideration of:

- the economic opportunities resulting from water proximity and access and the community's relationship to the water;
- ecosystem challenges and projections, including extreme weather and water conditions;
- infrastructure needs and opportunities to facilitate specified strategic and sustainable capital investments; and
- such other factors that align with metrics or indicators for resiliency, considering environmental and economic changes.

After the designation of a resilient waterfront community, its plan may be effective for a 10-year period.

Commerce must: (1) develop and maintain a resilient waterfront communities network to facilitate the sharing of best practices among waterfront communities; and (2) recognize such communities formally and publicly to promote tourism, investment, or other benefits.

Commerce may use existing authority to support:

- the development of a resilient waterfront community plan, including planning and feasibility analysis; and
- the implementation of strategic components after the plan has been approved.

A lead nonfederal partner (a local government or Indian tribe) may contract with an eligible nonfederal implementation partner (a nonprofit organization, a public utility, a private entity, an institution of higher education, a state government, or a regional organization) for implementation activities, such as site preparation, environmental review, acquisition of easements or land for uses for green infrastructure, construction of public waterfront or boating amenities and public

spaces, and infrastructure upgrades to improve coastal resiliency.

In developing a plan, a resilient waterfront community, among other eligible planning activities, may:

- conduct community visioning and outreach; and
- collaborate across local agencies and work with regional, state, and federal agencies to identify, understand, and develop responses to changing ecosystem and economic circumstances.

Assistance may be furnished to:

- initiate implementation of a resilient waterfront community plan and facilitate high-quality development, including leveraging local and private sector investment; and
- address strategic community priorities identified in the plan.

The lead nonfederal partner shall ensure that assistance and resources received by it to advance its resilient waterfront community plan and for related activities are used for the purposes of any initiative advanced by Commerce to promote waterfront community revitalization and resiliency.

A resilient waterfront community that receives assistance under this bill shall furnish nonfederal funds from entities eligible to be nonfederal implementation partners toward the completion of planning or implementation activities.

At regular intervals Commerce must give a list of resilient waterfront communities to the applicable states and the heads of national and regional offices of interested federal agencies.

(Sec. 4019) The Corps of Engineers, within two years after enactment of this bill, must finalize a revision of the Table Rock Lake Master Plan and Table Rock Lake Shoreline Management Plan. The moratorium on new or modified shoreline permits based on the existing plan must be suspended until the final revision. The Corps must establish an oversight committee to review permits issued under the existing plan and advise on its revisions.

The Corps must also report on and implement revisions to Table Rock Lake permit fees.

(Sec. 4020) The Corps of Engineers must expedite its decision on whether to recommend a flood damage reduction project developed by nonfederal interests under repealed provisions of WRDA 1996 for the Pearl River Basin, Mississippi.

TITLE V--DEAUTHORIZATIONS

(Sec. 5001) This title deauthorizes specified portions of projects for:

- the Red River below Denison Dam in Arkansas, Louisiana, and Texas;
- Sutter Basin, California;
- Stonington Harbor, Connecticut;
- Green River and Barren River, Kentucky;
- Essex River, Massachusetts;
- Hannibal Small Boat Harbor, Missouri;
- New Savannah Bluff Lock and Dam, Georgia and South Carolina; and
- Salt Creek, Texas.

Project modifications are made for navigation of Savannah Harbor, Georgia.

Specified portions of the project for navigation in Valdez, Alaska, shall not be subject to navigation servitude.

Flowage easements are terminated for portions of Port of Cascade Locks, Oregon.

Unless local and regional public officials object, portions of the Delaware River in Philadelphia, Pennsylvania, are declared to be non-navigable waters of the United States.

(Sec. 5002) The Corps of Engineers may: (1) convey property in the area of Pearl River in Mississippi and Louisiana and Sardis Lake in Mississippi, and (2) accept from the Trinity River Authority of Texas certain water supply storage space in Joe Pool Lake, Texas.

The Corps must convey Pensacola Dam project interests to Oklahoma's Grand River Dam Authority for flood control purposes.

Interior must allow for the prepayment of repayment obligations under a repayment contract between the United States and the Weber Basin Water Conservancy District.

TITLE VI--WATER RESOURCES INFRASTRUCTURE

(Sec. 6001) This title authorizes the Corps of Engineers to carry out final feasibility studies for:

- navigation in Arkansas, Florida, Kentucky, Louisiana, Maine, New Hampshire, Pennsylvania, South Carolina, and Texas;
- flood risk management in California, Kansas, Missouri, North Carolina, Tennessee, and Texas;
- hurricane and storm damage risk reduction in California, Florida, Louisiana, New Jersey, North Carolina, and South Carolina;
- flood risk management and environmental restoration in California, Illinois, and Wisconsin; and
- environmental restoration in California, Florida, Oregon, and Washington.

(Sec. 6002) The Corps of Engineers may carry out project modifications in accordance with recommendations of the Director of Civil Works for certain projects in Arizona, Florida, Kansas, Kentucky, Missouri, and Texas.

(Sec. 6003) The Corps of Engineers shall conduct studies to determine the feasibility of carrying out projects or modifying proposals for navigation, flood control, flood protection, flood damage reduction, flood risk management, environmental restoration, ecosystem restoration, environmental dredging, recreation, shoreline protection, sediment management, water conservation or supply, or water quality in:

- Ouachita-Black Rivers, Arkansas and Louisiana;
- Cache Creek Basin, California;
- Coyote Valley Dam, California;
- Del Rosa Drainage Area, California;
- Merced County, California;
- Mission-Zanja Drainage Area, California;
- Santa Ana River Basin, California;
- Delaware Bay Coastline, Delaware, and New Jersey-Roosevelt Inlet-Lewes Beach, Delaware;
- Mispillion Inlet, Conch Bar, Delaware;
- Daytona Beach flood protection, Florida;
- Brunswick Harbor, Georgia;

Savannah River below Augusta, Georgia;
- Dubuque, Iowa;
- Mississippi River Ship Channel, Gulf to Baton Rouge, Louisiana;
- St. Tammany Parish Government Comprehensive Coastal Master Plan, Louisiana;
- Cayuga Inlet, Ithaca, New York;
- Chautauqua County, New York;
- Delaware River Basin, New York, New Jersey, Pennsylvania, and Delaware;
- Cincinnati, Ohio;
- Tulsa and West Tulsa, Arkansas River, Oklahoma;
- Johnstown, Pennsylvania;
- Chacon Creek, Texas;
- Corpus Christi Ship Channel, Texas;
- Trinity River and Tributaries, Texas;
- Chincoteague Island, Virginia; and
- Burley Creek Watershed, Washington.

The Corps must consult with the Department of Homeland Security and the Department of Defense when studying the feasibility of Arctic deep draft ports. Such a port may be determined feasible based on its associated national security benefits.

(Sec. 6004) The Corps of Engineers must expedite completion of reports, and if justified, proceed directly to project preconstruction, engineering, and design for:

- a navigation project in St. George Harbor, Alaska,
- a flood risk management in Rahway River Basin, New Jersey,
- the Hudson-Raritan Estuary Comprehensive Restoration Project, and
- a navigation project in Mobile Harbor, Alabama.

(Sec. 6005) The Senate's procedure for expediting consideration of Corps-recommended water resources development and conservation projects under WRRDA 2014 is extended through 2020.

(Sec. 6006) The GAO must submit a study of the methods and performance metrics used by the Corps of Engineers to calculate benefit-to-cost ratios and evaluate construction projects. It must address methods to improve metrics for small and rural geographic areas.

(Sec. 6007) The Corps of Engineers, within one year after this bill's enactment, must complete the assessment and inventory required under WRRDA 2014 of Corps-controlled properties not needed for Corps missions.

(Sec. 6008) The GAO must report on options for modernizing the Saint Lawrence Seaway for: (1) commerce and economic activity in the Great Lakes region, (2) the domestic manufacturing sector, (3) exports of domestically produced goods, (4) multimodal and global transportation, and (5) tourism.

(Sec. 6009) The Corps of Engineers' authority to carry out the flood damage reduction, bank stabilization, and sediment and erosion control project for Yazoo Basin, Mississippi, shall not be limited to watersheds referenced in reports accompanying appropriations bills for previous fiscal years.

TITLE VII--SAFE DRINKING WATER AND CLEAN WATER INFRASTRUCTURE

(Sec. 7002) The bill expresses the sense of the Senate that Congress should provide robust funding for the state drinking water treatment revolving loan funds established under the Safe Drinking Water Act and the state water pollution control revolving funds established under the Federal Water Pollution Control Act (commonly known as the Clean Water Act).

The bill sets forth congressional findings on the benefits of investment in safe drinking water and clean water, including: (1) the generation of significant federal tax revenue, (2) an increase in employment, and (3) an increase in economic output.

Subtitle A--Drinking Water

(Sec. 7101) The bill amends the Safe Drinking Water Act to: (1) make planning, design, and associated preconstruction activities eligible for assistance under state drinking water treatment revolving funds; and (2) allow the use of state revolving loan funds as security for state matching funds for water resources projects.

(Sec. 7102) The bill adds the improvement of the sustainability of systems to the priorities under a state intended use plan and requires that greater weight be given to an application for assistance by a community water system if the application includes necessary information, including: (1) a description of utility management best practices, (2) a water conservation plan consistent with EPA guidelines, and (3) approaches to improve the sustainability of the system.

(Sec. 7103) The bill revises the funding formula for the administration of state loan funds.

(Sec. 7104) The bill makes the implementation of source water protection plans an eligible use of assistance from a state revolving fund.

(Sec. 7105) The bill applies requirements under the Brooks Act (qualifications-based selection of architects and engineers) to contracts funded by state revolving funds, if the assistance is for a community with a population of more than 10,000 individuals.

(Sec. 7106) The bill amends the Safe Drinking Water Act to add grant programs to assist: (1) small (less than 10,000 individuals) and disadvantaged communities in complying with the requirements of the Safe Drinking Water Act, with priority given to underserved communities without basic drinking water or wastewater services; and (2) water systems and other entities to reduce lead in drinking water. Funding is authorized for these programs for FY2017-FY2021.

(Sec. 7108) The EPA must appoint liaisons for minority, tribal, and low-income communities in each EPA region and identity each regional liaison on the EPA websites.

(Sec. 7109) The EPA must: (1) notify the public of exceedances of lead in a public water system if such system or the state does not notify the public of the concentrations of lead found in a monitoring activity; and (2) establish a strategic plan to conduct targeted outreach, education, technical assistance, and risk communication to populations affected by lead in a public water system.

(Sec. 7110) The EPA must require electronic submission of available compliance monitoring data on water quality by public water systems and states with primary enforcement responsibility under the Clean Water Act as a condition of receiving funds under such Act.

(Sec. 7111) The EPA must establish a voluntary school and child care lead testing grant program. Funding is authorized for such program for FY2017-FY2021.

(Sec. 7112) The bill codifies the EPA's WaterSense Program that allows water-efficient products, buildings, landscapes, facilities, processes, and services to bear a "WaterSense" label.

(Sec. 7113) The EPA and the Department of Agriculture must: (1) update existing programs in their departments for providing drinking water technical assistance to include information on cost-effective, innovative, and alternative drinking water delivery systems, including systems that are supported by wells; and (2) disseminate information on the cost effectiveness of alternative drinking water delivery systems to communities and nonprofit organization seeking funding for drinking water systems that serve 500 or fewer persons.

(Sec. 7114) The bill amends the Safe Drinking Water Act to: (1) reauthorize through FY2021 the grant program for providing technical assistance to small water systems, (2) require technical assistance for tribal water systems, and (3) require the use of iron and steel products made in the United States for public water system projects.

Subtitle B--Clean Water

(Sec. 7201) The bill amends the Clean Water Act to: (1) revise and reauthorize through FY2021 the grant program for addressing combined sewer overflows, sanitary sewer overflows, and stormwater discharges; and (2) establish a technical assistance program for small and medium treatment works.

(Sec. 7203) The bill amends the Clean Water Act to provide guidance to communities in developing and implementing effective integrated planning approaches to municipal wastewater and stormwater management.

The bill establishes an Office of the Municipal Ombudsman in the EPA to provide: (1) technical assistance to municipalities seeking to comply with the Clean Water Act and the Safe Drinking Water Act; and (2) information to the EPA to ensure that agency policies are implemented by all EPA offices, including regional offices.

The EPA must notify communities that they may prepare integrated plans in the context of an administrative order or settlement agreement.

(Sec. 7204) The bill amends the Clean Water Act to direct the 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) The bill sets forth criteria for determining the ability of households to pay utility bills (affordability) and the financial capability of a community to make investments to improve water quality or drinking water. The EPA may not use median household income as the sole indicator of affordability for a residential household.

(Sec. 7206) The bill amends the Clean Water Act to direct the EPA to carry out an annual survey of sea grasses in the Chesapeake Bay.

(Sec. 7207) The EPA must appoint a coordinator to coordinate efforts to address the issue of harmful algal blooms in the Great Lakes.

Subtitle C--Innovative Financing and Promotion of Innovative Technologies

(Sec. 7301) The bill amends the Water Resources Reform and Development Act of 2014 to grant the Department of the Army discretion in obligating funds for the water infrastructure public-private partnership pilot program.

(Sec. 7302) The bill expands the water infrastructure public-private partnership pilot program to include projects to prevent, reduce, or mitigate the effects of drought, including projects that enhance the resilience of drought-stricken

watersheds and removes the designation of "pilot" from the program name, thus making such program permanent.

(Sec. 7303) The bill establishes the Water Infrastructure Investment Trust Fund to finance capitalization grants for the Clean Water and Safe Drinking Water State revolving funds.

The EPA must: (1) study, and report on, the affordability gap faced by low-income populations in urban and rural areas in obtaining services from clean water and drinking water systems; and (2) analyze options to provide incentives for rate adjustments.

(Sec. 7304) The EPA must carry out a grant program to accelerate the development of innovative water technologies that address pressing water challenges, including the improvement of water quality, minimization of contamination of drinking water, and recycling or reuse of water. Grants for such purposes are limited to $5 million per project. The EPA must report annually to Congress on progress in the development of innovative water technologies.

(Sec. 7305) The bill revises and reauthorizes the Water Resources Research Act for FY2017-FY2021. The Department of the Army must conduct an evaluation of each Water Resources Research and Technology Institute under the Act at least once every three years and terminate support to an Institute that does not meet quality and effectiveness standards.

(Sec. 7306) The bill revises and reauthorizes the Water Desalination Act of 1996 for FY2017-FY2021.

(Sec. 7307) The bill requires the Departments of the Interior and Agriculture, NOAA, the EPA, and other appropriate federal agencies and and state, local, and tribal governments to jointly develop nonregulatory national drought resilience guidelines relating to drought preparedness planning and investments for communities, water utilities, and other water users and providers.

(Sec. 7308) The bill amends the Clean Water Act to: (1) make projects that employ innovative water technologies eligible for additional assistance under a Clean Water State revolving fund; (2) authorize the EPA to provide technical assistance to facilitate and encourage financial assistance for innovative water technologies; and (3) require the EPA to report to Congress on the amount of financial assistance provided by state water pollution control revolving funds to deploy innovative water technologies, the barriers impacting greater use of innovative water technologies, and the cost-saving potential from emerging technologies.

(Sec. 7309) The bill amends the Safe Drinking Water Act to: (1) make projects that employ innovative water technologies eligible for additional assistance under a Drinking Water State revolving fund; (2) authorize the EPA to provide technical assistance to facilitate and encourage financial assistance for the deployment of innovative water technologies; and (3) require the EPA to report to Congress on the amount of financial assistance provided by state loan funds to deploy innovative water technologies, the barriers impacting greater u

Actions Timeline

- **Sep 19, 2016:** Message on Senate action sent to the House.
- **Sep 19, 2016:** Received in the House.
- **Sep 19, 2016:** Held at the desk.
- **Sep 15, 2016:** Considered by Senate. (consideration: CR S5736-5811)
- **Sep 15, 2016:** Passed/agreed to in Senate: Passed Senate with an amendment by Yea-Nay Vote. 95 - 3. Record Vote Number: 141.(text: CR S5743-5811)
- **Sep 15, 2016:** Passed Senate with an amendment by Yea-Nay Vote. 95 - 3. Record Vote Number: 141. (text: CR S5743-5811)
- **Sep 14, 2016:** Considered by Senate. (consideration: CR S5694-5718)
- **Sep 14, 2016:** Cloture on the measure invoked in Senate by Yea-Nay Vote. 94 - 3. Record Vote Number: 140. (consideration: CR S5707; text: CR S5707)
- **Sep 13, 2016:** Considered by Senate. (considered: CR S5585-5660)
- **Sep 12, 2016:** Considered by Senate. (consideration: CR S5489-5499)
- **Sep 8, 2016:** Considered by Senate. (consideration: CR S5424-5444, S5445)
- **Sep 8, 2016:** Cloture motion on the measure presented in Senate. (consideration: CR S5445; text: CR S5445)
- **Sep 7, 2016:** Motion to proceed to measure considered in Senate. (consideration: CR S5324)
- **Sep 7, 2016:** Motion to proceed to consideration of measure agreed to in Senate by Voice Vote. (consideration: CR S5324-5360; text as introduced: CR S5324-5356)
- **Sep 7, 2016:** Measure laid before Senate by motion.
- **Sep 7, 2016:** The committee amendments withdrawn by Unanimous Consent. (consideration: CR S5356)
- **Sep 6, 2016:** Motion to proceed to consideration of measure made in Senate. (consideration: CR S5240)
- **Jun 20, 2016:** Committee on Environment and Public Works. Reported by Senator Inhofe with amendments. With written report No. 114-283.
- **Jun 20, 2016:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 523.
- **Apr 28, 2016:** Committee on Environment and Public Works. Ordered to be reported with an amendment favorably.
- **Apr 25, 2016:** Introduced in Senate
- **Apr 25, 2016:** Read twice and referred to the Committee on Environment and Public Works.