

S 612

WIIN Act

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Chamber: Senate

Policy Area: Water Resources Development

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Sponsor

Name: Sen. Cornyn, John [R-TX]

Party: Republican • **State:** TX • **Chamber:** Senate

Cosponsors (1 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Cruz, Ted [R-TX]	R · TX		Feb 27, 2015

Committee Activity

Committee	Chamber	Activity	Date
Environment and Public Works Committee	Senate	Reported By	May 4, 2015
Transportation and Infrastructure Committee	House	Referred to	May 26, 2015

Subjects & Policy Tags

Policy Area:

Water Resources Development

Related Bills

Bill	Relationship	Last Action
114 HCONRES 183	Procedurally related	Dec 12, 2016: Message on Senate action sent to the House.
114 HRES 949	Related bill	Dec 8, 2016: Motion to reconsider laid on the table Agreed to without objection.
114 HR 6460	Related bill	Dec 7, 2016: Referred to the House Committee on Energy and Commerce.
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 HR 1296	Related bill	Sep 26, 2016: Received in the Senate.
114 HR 5977	Related bill	Sep 22, 2016: Received in the Senate.
114 HR 6154	Related bill	Sep 22, 2016: Referred to the House Committee on Energy and Commerce.
114 S 2848	Related bill	Sep 19, 2016: Held at the desk.
114 HR 5987	Related bill	Sep 12, 2016: Referred to the Subcommittee on Water Resources and Environment.
114 HR 4685	Related bill	Sep 7, 2016: Committee on Indian Affairs. Hearings held. Hearings printed: S.Hrg. 114-538.
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 HR 4470	Related bill	Jul 14, 2016: Read twice and referred to the Committee on Environment and Public Works.
114 HR 3079	Related bill	Jul 7, 2016: Read twice. Placed on Senate Legislative Calendar under General Orders. Calendar No. 549.
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 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 5246	Related bill	May 17, 2016: Referred to the Subcommittee on Water Resources and Environment.
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 HR 4858	Related bill	Mar 24, 2016: Referred to the Subcommittee on Water Resources and Environment.
114 HR 4859	Related bill	Mar 24, 2016: Referred to the Subcommittee on Water Resources and Environment.
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 2579	Related bill	Feb 24, 2016: Read twice and referred to the Committee on Energy and Natural Resources.
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 HR 3382	Related bill	Feb 1, 2016: Placed on the Union Calendar, Calendar No. 307.
114 S 2469	Related bill	Jan 27, 2016: Read twice and referred to the Committee on the Judiciary.
114 HR 387	Related bill	Jan 12, 2016: Placed on Senate Legislative Calendar under General Orders. Calendar No. 348.

Bill	Relationship	Last Action
114 S 1822	Related bill	Jan 12, 2016: Placed on Senate Legislative Calendar under General Orders. Calendar No. 347.
114 HR 3692	Related bill	Oct 26, 2015: Referred to the Subcommittee on Conservation and Forestry.
114 HR 1744	Related bill	Apr 14, 2015: Referred to the Subcommittee on Economic Development, Public Buildings and Emergency Management.
114 HR 176	Related bill	Jan 7, 2015: Referred to the Subcommittee on Water Resources and Environment.

Water Infrastructure Improvements for the Nation Act or the WIIN Act

TITLE I--WATER RESOURCES DEVELOPMENT

Water Resources Development Act of 2016

Subtitle A--General Provisions

(Sec. 1101) This bill requires the U.S. Army Corps of Engineers to enter cooperative agreements with youth service and conservation corps organizations for services on Corps projects.

(Sec. 1102) The Corps of Engineers must use its existing channel depths and dimensions authority under the Rivers and Harbors Appropriation Act of 1915 to carry out navigation safety activities at harbor or inland harbor projects eligible for Corps operation and maintenance under the Water Resources Development Act of 1986 (WRDA 1986), including at entrances, bends, sidings, and turning places necessary for the free movement of boats.

(Sec. 1103) The bill makes permanent a requirement under WRDA 1986 that the Corps of Engineers use at least 10% (currently, exactly 10%) of the difference between the funds made available for a fiscal year to pay operations and maintenance costs of harbors and inland harbors and the funds that were available for such costs for FY2012 as priority funding for emerging harbor projects that transit less than 1 million tons of cargo annually.

(Sec. 1104) The Corps of Engineers must report on its inventory and assessment of the structural condition of all federal breakwaters and jetties protecting harbors and inland harbors.

(Sec. 1105) The Water Resources Development Act of 2007 (WRDA 2007) is amended to require the Corps of Engineers to consider regional (currently, local) communities when it makes recommendations for harbor and navigation improvements that are not justified solely by national economic development benefits.

(Sec. 1106) The Corps of Engineers may enter agreements to assume the operation and maintenance costs of an alternative project to maintenance dredging for a federal navigation channel if the costs of the operation and maintenance of the alternative project, and any remaining costs necessary for maintaining the federal navigation channel, are less than the costs of maintaining such channel without the alternative project.

(Sec. 1107) 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 underserved harbors and projects within the Great Lakes Navigation System.

(Sec. 1108) 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. 1109) The Corps of Engineers may maintain federally authorized harbors of refuge to restore and maintain authorized dimensions.

(Sec. 1110) The bill amends the Water Resources Reform and Development Act of 2014 (WRRDA 2014) to revise the payment allocations 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).

The bill modifies the method of transferring through the U.S. Customs and Border Protection payments that ports may currently elect to provide to importers or shippers. The new process: (1) excludes shippers from being eligible recipients of such payments, and (2) requires payment calculations by the Corps of Engineers based on discretionary cargo (maritime cargo for which the U.S. port of unloading is different than the U.S. port of entry) that is shipped through the ports and that is most at risk of diversion to seaports outside the United States. The Corps of Engineers must determine the top importers at a port electing to provide such payments, as ranked by value of discretionary cargo, and payments shall be limited to those top importers.

The bill extends through FY2020, or through FY2025 if target total budget resources are met, the authorization for funding to such donor ports, medium-sized donor ports, and energy transfer ports for: (1) payments to importers, (2) maintenance dredging that benefits commercial navigation at harbors, or (3) environmental remediation related to dredging berths and federal navigation channels.

(Sec. 1111) 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. 1112) The Corps of Engineers must publish guidance for the implementation of WRRDA 2014 provisions concerning maintenance of emerging ports and Great Lakes ports.

(Sec. 1113) 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. Any reimbursement is subject to the nonfederal interest complying with all federal laws and regulations that would apply if such maintenance activities were carried out by the Corps.

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. 1114) 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. 1115) The Corps of Engineers must establish a pilot program to accept services from nonfederal interests or commercial entities for removal of sediment captured behind up to 10 U.S. dams under Corps jurisdiction for the purpose of restoring authorized storage capacity. The nonfederal interests or commercial entities may sell or otherwise dispose of the removed sediment without compensating the Corps for the sediment's value.

(Sec. 1116) In a state in which a drought emergency has been declared or was in effect during the year before enactment of this bill, the Corps of Engineers may enter agreements with nonfederal interests to carry out approved water supply conservation measures.

(Sec. 1117) Upon the request of a governor of a state with a drought emergency during the year leading up to the enactment of this bill, the Corps of Engineers may prioritize updates of water control manuals and incorporate seasonal operations for water conservation and water supply for control structures.

(Sec. 1118) 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 development projects through: (1) modification of the 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 operated 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 operate 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 operates 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 the 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 reservoirs in the Upper Missouri River, the Apalachicola-Chattahoochee-Flint river system, the Alabama-Coosa-Tallapoosa river system, or the Stones River.

(Sec. 1119) For federally recognized Indian tribes, local cost-sharing requirements for studies and projects are waived up to a specified amount.

(Sec. 1120) The Corps of Engineers must submit to Congress: (1) the Tribal Consultation Policy reports that it currently submits to the Office of Management and Budget; and (2) a report on its review of existing policies, regulations, and guidance related to consultation with Indian tribes that may have an impact on tribal cultural or natural resources.

(Sec. 1121) The Water Resources Development Act of 2000 (WRDA 2000) is amended to allow the Corps of Engineers

to carry out cost-shared design and construction of water resources development projects under the tribal partnership program.

At an Indian tribe's request, the Corps of Engineers must report on the feasibility of a water resources development project that will substantially benefit Indian tribes.

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

(Sec. 1122) The Corps of Engineers must establish a pilot program to carry out 10 cost-sharing projects for the beneficial use of dredged material. Project selections must be based solely on: (1) environmental, economic, and social benefits; and (2) diversity in project types and geographical locations. The projects are exempt from federal standards that require dredged material disposals representing the least costly alternatives. Regional teams that include local agencies and stakeholders must be established to identify and assist in implementation of projects.

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. 1123) The bill repeals provisions of WRDA 2000 concerning the authorization of appropriations for Great Lakes fishery and ecosystem restoration plans and projects.

(Sec. 1124) A Corps of Engineers coordinator and principal approving official must be designated to acquire Federal Aviation Administration authorizations for the Corps to operate small unmanned aircraft systems (drones) to support civil works and emergency response missions.

(Sec. 1125) The Corps of Engineers may accept funds from a railroad carrier to expedite the evaluation of the carrier's permits for a project under the Corps' jurisdiction. (Currently, the Corps may accept such funds from only public utility or natural gas companies to expedite such a permit.) The Corps' authority to accept such contributions for expedited permit processing is extended through June 10, 2024.

(Sec. 1126) The Corps of Engineers may provide technical assistance to nonfederal interests for feasibility studies of a proposed water resources development project if the nonfederal interest contracts to pay the costs of such assistance.

(Sec. 1127) The Corps of Engineers may authorize credits or reimbursements for discrete segments of a flood reduction project under WRDA 1986 before final completion of the project if the nonfederal interest can independently operate and maintain the segment without creating a hazard in advance of project completion.

(Sec. 1128) The Corps of Engineers may cooperate with groups of states to prepare comprehensive plans for the

development, utilization, and conservation of the water and related resources of drainage basins, watersheds, or ecosystems located within their boundaries. States may combine funds that the Corps makes available to them for such purposes.

(Sec. 1129) The cost-share assistance under the Water Resources Development Act of 1974 that is provided to Indian tribes, Puerto Rico, Guam, American Samoa, the Virgin Islands, the Northern Marianas, and the Trust Territory of the Pacific Islands to prepare comprehensive plans for the development, utilization, and conservation of the water and related resources of drainage basins, watersheds, or ecosystems shall be as provided under the local cost-sharing waivers for U.S. territories under WRDA 1986.

(Sec. 1130) State regional districts' flood damage reduction projects are eligible for assistance from: (1) the Federal Emergency Management Agency (FEMA) to establish a levee safety program, and (2) the Corps of Engineers for flood mitigation activities. The national levee database, inventory and review procedures, and safety guidelines must be updated to include regional district participation.

(Sec. 1131) The categories of "nonfederal interests" under the Flood Control Act of 1970 are expanded to include Alaska native villages, regional corporations, and village corporations among the entities that may enter partnership agreements with the Corps for implementation or construction of water resources projects.

(Sec. 1132) The Corps of Engineers' post-authorization change reports recommending modifications to authorized projects: (1) may not be delayed by policy or priority change considerations, and (2) must be submitted to Congress upon completion.

(Sec. 1133) The Corps of Engineers must establish a publicly available database on its dredging projects, including information on maintenance dredging carried out by federal and nonfederal vessels. For each project and contract, the database must include estimated and actual data on the number of private contractor bids received and the bid amounts.

(Sec. 1134) The Corps of Engineers' system for electronic submission of permit applications must: (1) allow applicants to prepare permit applications, request jurisdictional determinations, and track their status electronically; and (2) address joint applications for state and federal permits. The Corps must maintain records of each permit decision and jurisdictional determination for at least five years and then archive those records.

(Sec. 1135) The Corps of Engineers must publish data on: (1) the planning, design, construction, operation, and maintenance of water resources development projects; and (2) water quality and water management of projects owned, operated, or managed by the Corps. But disclosure is not authorized for confidential or privileged information, law enforcement or national security information, infrastructure security information, or personal information.

(Sec. 1136) Transmittal letters and attachments printed as House or Senate documents for certain proposed reports and recommendations transmitted to Congress for flood control or navigation improvements must be made publicly available.

The Corps of Engineers must provide the Library of Congress a copy of each final post-authorization change report for water resources projects.

(Sec. 1137) The Corps of Engineers must report on the amount of acquisitions it has made in the prior fiscal year for civil works projects from entities that manufactured the articles, materials, or supplies outside of the United States. The report must indicate dollar values and summarize total procurement funds spent on goods manufactured inside versus outside the United States for each category of acquisition.

(Sec. 1138) 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. 1139) The Corps of Engineers must issue guidance for dam safety repair projects to: (1) identify the types of circumstances under which WRDA 1986's requirement relating to state-of-the-art design or construction criteria deemed necessary for safety purposes would apply, (2) assist Corps district offices in communicating with nonfederal interests when entering into and implementing cost-sharing agreements, and (3) assist Corps communications with nonfederal interests concerning their estimated and final cost-share responsibilities.

(Sec. 1140) The Corps of Engineers' projects to support the fishery, ecosystem, and beneficial uses of the Great Lakes may include compatible recreation features, except that the federal cost of such features may not exceed 10% of the ecosystem restoration costs of the project.

(Sec. 1141) WRDA 2007 is amended to extend the period during which the Corps of Engineers is prohibited from taking action seeking to remove an improvement (including dwellings) within the flowage easement of Lake Kemp, Texas (below elevation 1159 feet mean sea level), until the earlier of: (1) January 1, 2025, or (2) the transfer of ownership of an improvement occurring after this bill's enactment.

(Sec. 1142) The Corps of Engineers must report on corrosion prevention actions and projects.

(Sec. 1143) The Corps of Engineers is authorized to conduct a study of the economic and noneconomic costs, benefits, and impacts of acquiring sediment from domestic and nondomestic sources for shoreline protection. The Corps must report on the results of the study.

(Sec. 1144) The Corps of Engineers must give priority to flood management projects that have executed project partnership agreements in areas where: (1) there has been loss of life due to flood events and the President has declared a major disaster or an emergency under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, or (2) there is a significant risk for catastrophic flooding.

(Sec. 1145) The Corps of Engineers must coordinate with Alabama, Florida, Louisiana, Mississippi, and Texas to assess the recovery of 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. 1146) For initiation of work on a separable element of a water resources development project that has received construction funds in the previous six years: (1) no new start or new investment decision is required, and (2) the work shall be treated as ongoing work.

(Sec. 1147) The Corps of Engineers must expedite environmental decisions and reviews related to the construction of, impoundment of water in, and operation of, the Lower Bois d'Arc Creek Reservoir Project, including any associated water transmission facilities, by the North Texas Municipal Water District in Fannin County, Texas.

(Sec. 1148) The bill revises WRRDA 2014's standards for floating cabins with overnight accommodations on Corps of Engineers' waters in the Cumberland River basin. The amended standards may not be construed to authorize the Corps to impose requirements on floating cabins or facilities (including marinas or docks located on such waters) that are different or more stringent than the requirements imposed on all recreational vessels authorized to use such waters.

(Sec. 1149) At the request of state or local officials, the Corps of Engineers must identify and allow implementation of appropriate safety measures addressing navigation hazards in federally marked or maintained Atlantic Intracoastal Waterway navigation channels adjacent to a marina. In identifying appropriate measures, the Corps must consider whether: (1) documented safety hazards are a direct result of excessive wakes from recreational vessels, (2) proposed measures will remedy safety concerns without significant impacts to the navigable capacity of the channel, and (3) the measures are consistent with any Coast Guard recommendations to ensure the safety of vessels and passengers.

(Sec. 1150) The Corps of Engineers may carry out small flood control projects under the Flood Control Act of 1948 that are not specifically authorized by Congress, including planning, design, construction, and monitoring of structural and nonstructural technologies to prevent and mitigate flood damages associated with ice jams. During FY2017-FY2022, the Corps must carry out at least 10 projects to demonstrate such technologies and designs. Projects must be selected from all cold U.S. regions, including the Upper Missouri River Basin and the Northeast region.

(Sec. 1151) 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) predisaster mitigation measures, (3) lengthening the useful life of the infrastructure, and (4) identifying risks due to sea level rise.

(Sec. 1152) 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 to dispose of and repatriate the remains through the State Historic Preservation Officer to the Confederated Tribes of the Colville Reservation, the Confederated Tribes and Bands of the Yakama Nation, the Nez Perce Tribe, the Confederated Tribes of the Umatilla Indian Reservation, and the Wanapum Band of Priest Rapids. The transfer is conditioned on the tribes: (1) following the state of Washington's requirements under state laws; and (2) verifying their agreement on a final burial place in, and legal custody of the remains by, the state of Washington.

(Sec. 1153) The bill amends WRRDA 2014 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.)

The Corps may: (1) use such accepted materials and services only if they comply with all applicable laws and regulations that would apply if they were acquired by the Corps, and (2) accept services only to provide supplementary services to existing federal employees and to perform work that would not otherwise be accomplished as a result of funding or personnel limitations.

(Sec. 1154) 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 (DOD) agency responsible for the original release of the munitions.

(Sec. 1155) The Water Resources Development Act of 1992 (WRDA 1992) is amended to authorize the Corps of Engineers to allow a nonfederal public 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.

These nonfederal public entities 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. 1156) 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 (consistent with federal laws) 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.

The bill establishes time frames for the Corps of Engineers to make decisions on applications affecting public projects. The Corps must notify Congress and explain its justification for any time frames that are extended.

(Sec. 1157) The bill authorizes funding for FY2017-FY2021 for the Corps of Engineers to carry out to completion certain environmental infrastructure projects or programs of assistance under WRDA 1992 if: (1) a project has already received more than \$4 million in federal appropriations and those appropriations are greater than 80% of the authorized amount, (2) significant progress has been demonstrated but a project is not complete, and (3) the federal investment will not be realized without the project's completion.

The Corps of Engineers' annual report on future water resources development must include projects under environmental infrastructure assistance programs if authorized before enactment of this title.

(Sec. 1158) 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. 1160) The bill establishes a process that requires the Corps of Engineers to submit project prospectuses or building surveys to obtain approval before using plant maintenance and operation revolving funds to newly construct, or perform a major renovation of more than \$20 million on, a building for use by the Corps of Engineers.

(Sec. 1161) 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 interest's responsibility for operation and maintenance of the nonstructural and nonmechanical elements of an ecosystem restoration project shall cease 10 years after the Corps of Engineers makes a determination of success.

(Sec. 1162) 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, with the consent of the nonfederal interest and with prior notice to Congress, may use preconstruction engineering and design funds after authorization of project construction to: (1) satisfy mitigation requirements through third-party arrangements, or (2) acquire land interests necessary to meet mitigation requirements.

(Sec. 1163) 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 Corps'-approved mitigation banks and in-lieu fee programs with an approved service area that includes the location of 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: (1) the mitigation bank has an approved mitigation banking instrument and has completed a functional analysis of the potential credits using the approved Corps-certified habitat assessment model specific to the region, and (2) the Corps determines that the use of such banks or in-lieu fee programs provide reasonable assurance that the statutory and regulatory mitigation requirements for a water resources development project are met.

(Sec. 1164) 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. 1165) The Corps of Engineers must consider a property's economic, cultural, historic, or recreational significance or impacts at the national, state, or local level when carrying out a disposition study for a Corps project or conducting assessments for its inventory of properties that are not needed for Corps missions. The Corps of Engineers must complete its inventory of such properties within one year after this bill's enactment.

(Sec. 1166) The bill revises 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 prior to completion of the study or project.

(Sec. 1167) 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. 1168) 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. 1169) 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. 1170) The bill makes permanent a program that demonstrates the benefits of recreation facilities and activities at Corps of Engineers' lakes primarily in Oklahoma.

(Sec. 1171) 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. 1172) 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. 1173) 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. 1174) Under the Corps of Engineers' authority to make contracts for domestic and industrial uses of surplus water that may be available at Corps-controlled reservoirs, the Corps must provide nonfederal entities an opportunity to convert to permanent storage agreements under the Water Supply Act of 1958 certain water supply agreements (with a duration of 30 years or longer predicated on water that was surplus to a purpose and provided for the complete payment of the actual investment costs of storage to be used) whose project purposes are no longer authorized as of the enactment of this section.

(Sec. 1175) 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 upon the completion of certain navigation projects in the Lower Ohio River, Illinois, and Kentucky.

(Sec. 1176) 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 and consult with nonfederal sponsors regarding 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. 1177) 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.

(Sec. 1178) The bill increases funding for ecosystem restoration projects for the lower Columbia River and Tillamook Bay estuaries in Oregon and Washington.

The River and Harbor Act of 1958 is amended to allow the Corps of Engineers to establish, operate, and maintain new or existing watercraft inspection stations (currently, the Corps may only establish such stations) to protect the Columbia River Basin in Idaho, Montana, Oregon, and Washington from the spread of aquatic invasive species at Corps-operated and -maintained reservoirs. The Corps must also consult with such states and assist them with rapid response to any aquatic invasive species, including quagga or zebra mussel infestation.

At the Department of the Interior's request, the Corps of Engineers may provide assistance, on land transferred by the Corps to Interior, to Indian tribes displaced by construction of the Bonneville Dam, Oregon. The Corps of Engineers must recommend to Congress a plan to assist the Indian tribes displaced by John Jay Dam construction.

(Sec. 1179) The Corps of Engineers, in partnership with 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. 1180) The bill increases authorized appropriations for alternative or beneficially modified habitats for fish and wildlife, including native oysters in the Chesapeake Bay.

(Sec. 1181) The pilot designation is removed from California's Salton Sea restoration projects. Additional nonfederal interests may participate in cost sharing for these projects.

(Sec. 1182) Under WRDA 1992, the list of: (1) South Carolina counties with nonfederal interests eligible for assistance with water treatment and distribution projects for Marion and Moultrie Lakes is adjusted to add Berkeley County and remove Sumter County, and (2) Alabama counties with nonfederal interests eligible for assistance with water related infrastructure is expanded to include Blount and Cullman counties.

(Sec. 1183) 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. The Corps must coordinate with Indian tribes in carrying out the studies.

An interagency working group must be convened on extreme weather and sea level rise to: (1) coordinate research and federal investments, and (2) participate in state authorized studies.

The Corps of Engineers must report on regional assessments of coastal and back bay protection.

(Sec. 1184) In studying the feasibility of projects for flood risk management, hurricane and storm damage reduction, and ecosystem restoration, the Corps of Engineers (with the consent of the nonfederal sponsor) must consider: (1) natural features created through physical, geological, biological, and chemical processes over time; (2) human-designed, nature-based features engineered and constructed to provide risk reduction by acting in concert with natural processes; and (3) nonstructural and structural measures.

(Sec. 1185) 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. 1186) Under the Water Resources Development Act of 1999 program for providing environmental assistance to nonfederal interests in Idaho, Montana, rural Nevada, New Mexico, rural Utah, and Wyoming, the Corps of Engineers must give priority to project sponsors prepared to: (1) execute a new or amended project cooperation agreement, and (2) commence promptly after the enactment of this bill.

The Corps shall consider a project authorized under such program and an environmental infrastructure project authorized under WRDA 1992 for new starts on the same basis as any other similarly funded project.

(Sec. 1187) The bill removes provisions of the Water Supply Act of 1958 concerning Congress's recommendation for an interstate water compact for the operation of projects in the Apalachicola-Chattahoochee-Flint River System and the Alabama-Coosa-Tallapoosa River System.

(Sec. 1188) The bill expresses the sense of Congress that: (1) state water quality standards that impact the disposal of dredged material should be developed collaboratively, (2) open-water disposal of dredged material should be reduced, and (3) disputes between states related to the disposal of dredged material and the protection of water quality should be resolved in accordance with regional plans and the involvement of regional bodies.

(Sec. 1189) 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).

Subtitle B--Studies

(Sec. 1201) The Corps of Engineers may conduct feasibility studies for the following navigation, flood damage reduction, hurricane and storm damage reduction, ecosystem or environmental restoration, water conservation, water supply, flood control, reservoir, and recreation projects:

- Ouachita-Black Rivers, Arkansas and Louisiana;
- Cache Creek Settling Basin, California;
- Coyote Valley Dam, California;
- Del Rosa Channel, City of San Bernardino, California;
- Merced County Streams, California;
- Mission-Zanja Channel, Cities of San Bernardino and Redlands, California;
- Soboba Indian Reservation, California;
- Indian River Inlet, Delaware;
- Lewes Beach, Delaware;
- Mispillion Complex, Kent and Sussex Counties, Delaware;
- Daytona Beach, Florida;
- Brunswick Harbor, Georgia;
- Savannah River below Augusta, Georgia;
- Dubuque, Iowa;
- St. Tammany Parish, Louisiana;
- Cattaraugus Creek, New York;
- Cayuga Inlet, Ithaca, New York;
- Delaware River Basin, New York, New Jersey, Pennsylvania, and Delaware;
- Silver Creek, Hanover, New York;
- Johnstown, Pennsylvania;
- Stonycreek and Little Conemaugh Rivers, Pennsylvania;
- Tioga-Hammond Lake, Pennsylvania;
- Brazos River, Fort Bend County, Texas;
- Chacon Creek, City of Laredo, Texas;
- Corpus Christi Ship Channel, Texas;
- City of El Paso, Texas;
- Gulf Intracoastal Waterway, Brazoria and Matagorda Counties, Texas;
- Port of Bay City, Texas;
- Chincoteague Island, Virginia; and
- Burley Creek Watershed, Kitsap County, Washington.

(Sec. 1202) The Corps of Engineers must conduct studies to determine the feasibility of modifying projects for: (1) flood risk management in Tulsa and West Tulsa, Oklahoma; and (2) navigation in the Mississippi River Ship Channel, Gulf to Baton Rouge, Louisiana.

The Corps of Engineers must review plans and studies to determine the feasibility of carrying out a second phase of a project in Cincinnati, Ohio, for flood risk reduction, ecosystem restoration, and recreation. If feasible, the Corps may undertake additional flood risk reduction and ecosystem components.

When determining whether an Arctic deep draft port is feasible, the Corps of Engineers must consult with DOD and the Coast Guard to consider benefits to national security or Coast Guard missions. The Corps may provide technical assistance to Alaska native villages, regional corporations, or villages for deep draft ports.

(Sec. 1203) 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 carried out as a comprehensive assessment and management plan.

(Sec. 1204) 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. 1205) The Corps of Engineers must consider information developed by the Gulf Coast Community Protection and Recovery District to expedite completion of the comprehensive plan authorized by WRDA 2007 to determine the feasibility of projects for flood damage reduction, hurricane and storm damage reduction, and ecosystem restoration in Texas coastal areas.

(Sec. 1206) The Corps of Engineers must study and develop a long-term strategy for the riverine areas located within the Upper Mississippi River and Illinois River basins to address the risks and vulnerabilities of increased flood damages.

(Sec. 1207) The Corps of Engineers must study the feasibility of implementing projects for flood risk management, ecosystem restoration, navigation, water supply, recreation, and water resources related purposes within the Kanawha River Basin in West Virginia, Virginia, and North Carolina.

Subtitle C--Deauthorizations, Modifications, and Related Provisions

(Sec. 1301) The Corps of Engineers must seek comment from the public and states regarding an interim deauthorization list from which the Corps must then prepare a final deauthorization list of projects with an aggregate estimated federal cost to complete that is at least \$10 billion.

The Corps' interim list must identify: (1) each water resources development project authorized for construction before November 8, 2007, for which planning, design, or construction was not initiated before enactment of this bill or for which planning, design, or construction was initiated but no funds were obligated during the current fiscal year or the preceding six fiscal years; and (2) projects identified on a list under WRDA 1986 that have received no obligations during a specified preceding period of years.

A project shall not be deauthorized if: (1) Congress disapproves of such project's deauthorization, or (2) a nonfederal interest provides sufficient funds to complete the project or a separable element of the project.

(Sec. 1302) The bill deauthorizes water resources development projects authorized for construction by this bill unless, within 10 years after its enactment: (1) funds have not been obligated for construction of, or a post-authorization study for, such a project; or (2) this bill's authorization is modified by a subsequent Act of Congress. The Corps of Engineers

must identify for Congress any projects so deauthorized.

After 12 years, the Corps must submit to Congress: (1) a list of projects authorized by this bill that have not been completed, (2) the reasons the projects were not completed, (3) a schedule for completions based on expected appropriations, and (4) a 5-year and 10-year projection of the construction backlog with recommendations on how to mitigate such backlog.

(Sec. 1303) Specified portions of a navigation project in Valdez, Alaska, and Texas City Ship Channel, Texas City, Texas, shall not be subject to navigation servitude.

(Sec. 1304) The Corps of Engineers must prioritize updates to water control manuals for control structures for the flood control project in the Los Angeles County Drainage Area in California.

(Sec. 1305) The bill deauthorizes specified portions of projects for:

- Sutter Basin, California;
- Stonington Harbor, Connecticut;
- Green River Locks and Dams 3, 4, 5, and 6 and Barren River Lock and Dam 1, Kentucky;
- Essex River, Massachusetts;
- Hannibal Small Boat Harbor on the Mississippi River, Hannibal, Missouri;
- Red River below Denison Dam, Texas, Oklahoma, Arkansas, and Louisiana; and
- Salt Creek, Graham, Texas.

(Sec. 1307) Flowage easements are extinguished for portions of Port of Cascade Locks, Oregon.

(Sec. 1308) Unless local public officials object, portions of the Delaware River in Philadelphia, Pennsylvania, are declared to be nonnavigable waters of the United States. The declaration of nonnavigability for the Rivercenter portion of the Delaware River (currently, scheduled to expire on November 17, 2018) shall not expire.

(Sec. 1309) The Corps of Engineers must prioritize the updating of the master plan for the Juniata River and tributaries project in Huntingdon County, Pennsylvania. It must ensure that alternatives for additional recreation access and development are fully assessed and incorporated as a part of the update.

(Sec. 1317) The Corps of Engineers must transfer specified acres of land in McIntosh County, Oklahoma, to Interior to be held in trust for the benefit of the Muscogee (Creek) Nation, on the condition that the transfer does not interfere with other civil works projects. The Corps retains the right to inundate the land with water to carry out the Eufaula Lake project and other civil works projects. Gaming is prohibited on this land. The tribe must pay the fair market value of the land plus transfer costs.

(Sec. 1318) The Corps of Engineers must effectuate the release of U.S. interests in certain tracts of land located in Cameron County, Texas, subject to any conditions the Corps may require to protect U.S. interests. The Brownsville Navigation District is responsible for costs associated with the releases.

(Sec. 1319) The bill deauthorizes the lock and dam at New Savannah Bluff, Savannah River, Georgia and South Carolina. The Savannah Harbor expansion project in Georgia is modified to maintain pool levels, allow safe fish passage, and convey a park and recreation area to Augusta-Richmond County.

(Sec. 1320) The bill modifies the authorized federal and nonfederal costs for a flood damage reduction and environmental

restoration project in Hamilton City, California.

(Sec. 1321) The Corps of Engineers: (1) may convey property in the area of Pearl River in Mississippi and Louisiana and Sardis Lake in Mississippi; (2) must convey Pensacola Dam project interests to Oklahoma's Grand River Dam Authority for flood control purposes; and (3) must accept from the Trinity River Authority of Texas certain water supply storage space in Joe Pool Lake, Texas.

(Sec. 1322) The Corps of Engineers may give funding priority to projects that restore coastal wetlands that reduce the impact of storm surge. The Corps must provide priority funding and expedite completion of flood damage reduction and flood risk management projects for:

- Chicagoland Underflow Plan, Illinois, including phase 2 of the McCook Reservoir;
- Cedar River, Cedar Rapids, Iowa;
- Comite River, Louisiana;
- Amite River and Tributaries, Louisiana; and
- the Louisiana parishes of Ascension, East Baton Rouge, Iberville, Livingston, and Pointe Coupee.

The Corps of Engineers must also give priority funding and expedite completion of reports, and if justified, proceed directly to project preconstruction, engineering, and design for navigation, flood risk management, ecosystem, and restoration projects in:

- St. George Harbor, Alaska;
- Rahway River Basin, New Jersey;
- the Hudson-Raritan Estuary Comprehensive Restoration Project;
- Mobile Harbor, Alabama;
- Little Colorado River at Winslow, Navajo County, Arizona;
- Lower San Joaquin River, California;
- Sacramento River Flood Control System, California;
- Des Moines and Raccoon Rivers, Iowa;
- Mississippi River Ship Channel, Louisiana; and
- North Branch Ecorse Creek, Wayne County, Michigan.

The Corps of Engineers must provide priority funding for, and expedite completion of, a post-authorization change report for a hurricane and storm damage risk reduction project in New Hanover County, North Carolina.

The Corps of Engineers must expedite its review and decision on recommendations for flood damage reduction and flood risk management in Pearl River Basin, Mississippi, and Brays Bayou, Texas.

Subtitle D--Water Resources Infrastructure

(Sec. 1401) This subtitle authorizes and sets forth conditions for:

- navigation projects in Arkansas, Florida, Louisiana, Maine, New Hampshire, Pennsylvania, South Carolina, and Texas;
- flood risk management projects in California, Kansas, Missouri, North Carolina, Tennessee, and Texas;
- hurricane and storm damage risk reduction projects in California, Florida, Louisiana, New Jersey, North Carolina, and South Carolina;

- ecosystem restoration projects in Florida and Washington;
- flood risk management and ecosystem restoration projects in Illinois and Wisconsin;
- flood risk management, ecosystem restoration, and recreation projects in California;
- ecosystem restoration and recreation projects in California and Oregon;
- a hurricane and storm damage risk reduction and ecosystem restoration project in Louisiana; and
- modifications and other projects in Arizona, Florida, Kansas, Kentucky, Missouri, and Texas.

TITLE II--WATER AND WASTE ACT OF 2016

Water and Waste Act of 2016

Subtitle A--Safe Drinking Water

(Sec. 2101) Urges Congress to provide robust funding of capitalization grants to states for the drinking water state revolving fund (DWSRF) and the clean water state revolving fund.

(Sec. 2102) This bill allows public water systems to use financial assistance from the DWSRF for: (1) planning, design, and associated preconstruction activities, including activities related to the siting of the facility; and (2) meeting matching fund requirements.

(Sec. 2103) It revises the requirements which govern the amount of money states may use for administering the DWSRF and providing technical assistance to public water systems.

(Sec. 2104) The Environmental Protection Agency (EPA) must establish a grant program to provide assistance for public water systems in complying with the Safe Drinking Water Act if those systems serve communities that: (1) are disadvantaged; or (2) have populations of less than 10,000 individuals and do not have the capacity to incur debt sufficient to finance a DWSRF project. The bill makes Indian tribes eligible for the grant program.

(Sec. 2105) The EPA must also establish a grant program for reducing the concentration of lead in drinking water by: (1) replacing publicly owned lead service lines, (2) identifying and addressing conditions that contribute to increased concentration of lead in drinking water, and (3) providing assistance to low-income homeowners to replace lead service lines. The bill makes Indian tribes eligible for the grant program.

(Sec. 2106) This bill amends the Safe Drinking Water Act by requiring public water systems to notify their customers when a lead action level under national drinking water regulations is exceeded in more than 10% of customer taps sampled. An action level is generally a certain contaminant level that triggers a requirement for the public water system to take additional actions to control corrosion.

Further, the Environmental Protection Agency (EPA) must: (1) notify customers of an exceedance of the lead action level that has the potential to have serious adverse effects on human health as a result of short-term exposure, if the state or the public water system fails to notify the public within 24 hours after the public water system learns of the violation or exceedance; and (2) issue the notice no later than 24 hours of being notified of the exceedance.

Community water systems' consumer confidence reports must include a definition of "action level."

The EPA must establish a strategic plan for conducting targeted outreach, education, technical assistance, and risk communication to populations affected by lead in the public water system.

EPA employees must forward to the public water system any data indicating that the drinking water of a household served by a public water system contains a level of lead that exceeds the lead action level. Information on the sampling techniques used to obtain the data must also be forwarded with the data. The public water system must then disseminate to affected households information on the exceedance of a lead limit, its potential adverse effects on human health, corrective steps underway, and advice on whether customers should seek alternative water supplies.

The EPA must disseminate the information if the public water system or the state fails to do so. The EPA must: (1) make information about lead in drinking water available to the public, and (2) carry out targeted outreach strategies that focus on educating groups that are at greater risk than the general population for adverse health effects from exposure to lead in drinking water.

(Sec. 2107) The EPA must establish a grant program for voluntary testing of drinking water for lead contamination at schools and child care facilities.

(Sec. 2108) The EPA, in consultation with the Department of Agriculture, must: (1) develop a technology clearinghouse for information on the cost-effectiveness of innovative and alternative drinking water delivery systems, including wells and well systems; and (2) disseminate the information to the public and to communities and nonprofit organizations seeking federal funding for drinking water delivery systems serving 500 or fewer persons.

(Sec. 2109) The EPA may: (1) research innovative water technologies, and (2) provide technical assistance to public water systems to facilitate use of innovative water technologies.

(Sec. 2110) This bill reauthorizes through FY2021 the grant program for providing technical assistance to small drinking water systems.

(Sec. 2112) The EPA may make grants for providing intertribal consortia or tribal organizations training and operator certification services in order to enable their public water systems to comply with national primary drinking water regulations.

(Sec. 2113) Projects funded by DWSRF must only use iron and steel produced in the United States, unless: (1) it would be inconsistent with the public interest, (2) iron and steel products are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality, or (3) inclusion of iron and steel products produced in the United States will increase the cost of the overall project by more than 25%.

Subtitle B--Drinking Water Disaster Relief and Infrastructure Investments

(Sec. 2201) This bill allows the EPA to make grants to help states where the President has declared a disaster relating to public health threats associated with the presence of lead and other contaminants in a public drinking water supply system.

The National Center for Environmental Health's Agency for Toxic Substances and Disease Registry must conduct voluntary surveillance activities to evaluate adverse health effects on individuals exposed to lead from drinking water in affected communities upon the request of an appropriate state or local health official in those states.

(Sec. 2203) The Department of Health and Human Services (HHS) must establish: (1) within the Agency for Toxic Substances and Disease Registry or the Centers for Disease Control (CDC) and Prevention a lead exposure registry to collect data on the lead exposure of residents of a city exposed to lead contamination in drinking water; and (2) an Advisory Committee to review programs that address lead exposure, identify research needs, best practices, and

effective services to communities affected by lead exposure.

(Sec. 2204) The bill provides additional funding in FY2017-FY2018 for: (1) CDC's childhood lead poisoning prevention program, and (2) HHS' healthy start initiative.

Subtitle C--Control of Coal Combustion Residuals

(Sec. 2301) This bill amends the subtitle D (Resource Conservation and Recovery Act of 1976) of the Solid Waste Disposal Act to establish a permit program for coal combustion residuals (coal ash) that states, after approval by the EPA, may elect to administer in lieu of a federal regulatory program. The EPA must review the programs at least once every 12 years, or on the request of a state.

The EPA may use specified authorities to enforce the prohibition against open dumping with respect to a coal combustion residual unit

TITLE III--NATURAL RESOURCES

Subtitle A--Indian Dam Safety

(Sec. 3101) The 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 FY2023.

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 with respect to 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 a 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 within 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 establish a flood-plain management pilot program to provide, upon request, guidance to Indian 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 this bill's enactment.

Subtitle B--Irrigation Rehabilitation and Renovation for Indian Tribal Governments and Their Economies

Part I--Indian Irrigation Fund

(Sec. 3211) The bill establishes the Indian Irrigation Fund for purposes of carrying out this subtitle.

(Sec. 3216) The fund terminates on September 30, 2021.

Part II--Repair, Replacement, and Maintenance of Certain Indian Irrigation Projects

(Sec. 3221) Interior shall establish, and the BIA shall carry out, a program to address deferred maintenance and water storage needs with respect to Indian irrigation projects that: (1) create risks to public or employee safety, natural resources, or cultural resources; and (2) unduly impede the management and efficiency of the Indian irrigation program.

(Sec. 3222) The bill specifies which Indian irrigation projects are eligible for funding under the program.

(Sec. 3223) The BIA must develop certain programmatic goals and funding prioritization criteria with respect to the program.

(Sec. 3224) The BIA shall study options for improving programmatic and project management and performance of irrigation projects managed and operated by the bureau.

(Sec. 3225) Before expending program funds on a project, the BIA must

Actions Timeline

- **Dec 16, 2016:** Signed by President.
- **Dec 16, 2016:** Became Public Law No: 114-322.
- **Dec 14, 2016:** Presented to President.
- **Dec 12, 2016:** Message on Senate action sent to the House.
- **Dec 10, 2016:** Cloture on the motion to concur in the House amendment to S. 612 invoked in Senate by Yea-Nay Vote. 69 - 30. Record Vote Number: 162. (consideration: CR S7004; text: CR S7004)
- **Dec 10, 2016:** Motion by Senator McConnell to refer to Senate Committee on Environment and Public Works the House message to accompany S. 612 with instructions to report back forthwith with the following amendment (SA 5146) fell when cloture invoked on the motion to concur in the House amendment to S. 612 in Senate. (consideration: CR S7004)
- **Dec 10, 2016:** Motion by Senator McConnell to concur in the House amendment to S. 612 with an amendment (SA 5144) withdrawn in Senate. (consideration: CR S7004)
- **Dec 10, 2016:** Resolving differences -- Senate actions: Senate agreed to House amendment to S. 612 by Yea-Nay Vote. 78 - 21. Record Vote Number: 163.(consideration: CR S7004)
- **Dec 10, 2016:** Senate agreed to House amendment to S. 612 by Yea-Nay Vote. 78 - 21. Record Vote Number: 163. (consideration: CR S7004)
- **Dec 10, 2016:** Pursuant to the provisions of H. Con. Res. 183, enrollment corrections on S. 612 have been made.
- **Dec 9, 2016:** Considered by Senate (Message from the House considered). (consideration: CR S6995-6998, S7000-7004)
- **Dec 8, 2016:** ORDER OF PROCEDURE - Mr. Shuster asked unanimous consent that the question of adopting a motion to recommit on S. 612 be subject to postponement as though under clause 8 of rule 20. Agreed to without objection.
- **Dec 8, 2016:** Considered under the provisions of rule H. Res. 949. (consideration: CR H7413-7498)
- **Dec 8, 2016:** The rule provides for consideration of the Senate Amendment to H.R. 2028 and consideration of S. 612. S. 612 will be considered under a closed rule. The resolution provides for one hour of general debate on both bills. The resolution also provides for a motion to recommit with or without instructions on S. 612.
- **Dec 8, 2016:** DEBATE - The House proceeded with one hour of debate on S. 612.
- **Dec 8, 2016:** Mr. Doyle, Michael F. moved to recommit with instructions to the Committee on Energy and Commerce. (consideration: CR H7497: text: CR H7497)
- **Dec 8, 2016:** DEBATE - The House proceeded with ten minutes of debate on the motion to recommit with instructions. The instructions contained in the motion seek to require the bill to be reported back to the House with an amendment to strike the temporary Buy American requirement for iron and steel products used in drinking water projects and replace it with a permanent Buy American requirement.
- **Dec 8, 2016:** The previous question on the motion to recommit with instructions was ordered pursuant to the rule. (consideration: CR H7497)
- **Dec 8, 2016:** POSTPONED PROCEEDINGS - At the conclusion of debate on the motion to recommit with instructions, the Chair put the question on the motion and by voice vote announced that the ayes had prevailed. Mr. Doyle demanded the yeas and nays and pursuant to the order of the House of December 8, 2016, the Chair postponed further proceedings on the motion to recommit with instructions until a time to be announced.
- **Dec 8, 2016:** Considered as unfinished business. (consideration: CR H7526-7527)
- **Dec 8, 2016:** On motion to recommit with instructions Failed by the Yeas and Nays: 184 - 236 (Roll no. 621).
- **Dec 8, 2016:** Passed/agreed to in House: On passage Passed by recorded vote: 360 - 61 (Roll no. 622).(text: CR H7413-7484)
- **Dec 8, 2016:** On passage Passed by recorded vote: 360 - 61 (Roll no. 622). (text: CR H7413-7484)
- **Dec 8, 2016:** Motion to reconsider laid on the table Agreed to without objection.
- **Dec 8, 2016:** Message on House action received in Senate and at desk: House amendment to Senate bill.
- **Dec 8, 2016:** Measure laid before Senate by unanimous consent. (consideration: CR S6882-6898)
- **Dec 8, 2016:** Motion by Senator McConnell to concur in the House amendment to S. 612 made in Senate. (consideration: CR S6882)
- **Dec 8, 2016:** Cloture motion on the motion to concur in the House amendment to S. 612 presented in Senate. (consideration: CR S6882; text: CR S6882)
- **Dec 8, 2016:** Motion by Senator McConnell to concur in the House amendment to S. 612 with an amendment (SA 5144) made in Senate. (consideration: CR S6882-6883; text: CR S6882)
- **Dec 8, 2016:** Motion by Senator McConnell to refer to Senate Committee on Environment and Public Works the House

message to accompany S. 612 with instructions to report back forthwith with the following amendment (SA 5146) made in Senate. (consideration: CR S6883; text: CR S6883)

- **May 26, 2015:** Referred to the Subcommittee on Economic Development, Public Buildings and Emergency Management.
- **May 22, 2015:** Message on Senate action sent to the House.
- **May 22, 2015:** Received in the House.
- **May 22, 2015:** Referred to the House Committee on Transportation and Infrastructure.
- **May 21, 2015:** Passed/agreed to in Senate: Passed Senate without amendment by Unanimous Consent.(consideration: CR S3249; text as passed Senate: CR S3249)
- **May 21, 2015:** Passed Senate without amendment by Unanimous Consent. (consideration: CR S3249; text as passed Senate: CR S3249)
- **May 4, 2015:** Committee on Environment and Public Works. Reported by Senator Inhofe without amendment. Without written report.
- **May 4, 2015:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 65.
- **Apr 29, 2015:** Committee on Environment and Public Works. Ordered to be reported without amendment favorably.
- **Feb 27, 2015:** Introduced in Senate
- **Feb 27, 2015:** Read twice and referred to the Committee on Environment and Public Works.