

**Amendment in the Nature of a Substitute  
Water Resources Development Act of 2016  
Section by Section Summary**

Sec. 1. Short Title  
Sec. 2. Definition of Secretary  
Sec. 3. Limitations.

**TITLE I – PROGRAM REFORMS**

**Sec. 1001. STUDY OF WATER RESOURCES DEVELOPMENT PROJECTS BY NON-FEDERAL INTERESTS.**

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

**Sec. 1002. ADVANCED FUNDS FOR WATER RESOURCES DEVELOPMENT STUDIES AND PROJECTS.**

Expands the existing authority of the Corps to accept funds from states and local governments to carry out water resources projects to apply to all projects (not just flood control) and expands the definition of state to include territories and Indian Tribes.

**Sec. 1003. AUTHORITY TO ACCEPT AND USE MATERIALS AND SERVICES.**

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

**Sec. 1004. PARTNERSHIPS WITH NON-FEDERAL ENTITIES TO PROTECT THE FEDERAL INVESTMENT.**

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

**Sec. 1005. NON-FEDERAL STUDY AND CONSTRUCTION OF PROJECTS**

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

**Sec. 1006. MUNITIONS DISPOSAL.**

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

#### Sec. 1007. CHALLENGE COST-SHARING PROGRAM FOR MANAGEMENT OF RECREATION FACILITIES.

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

#### Sec. 1008. STRUCTURES AND FACILITIES CONSTRUCTED BY THE SECRETARY.

Non-federal entities seeking to alter, use, or cross a federal water resource project must obtain permission from the Secretary (known as a section 408 permit). This section streamlines that approval. If a review under the National Environmental Policy Act of 1969 (NEPA) is required and the Corps is not the lead agency for the review, it must, to the maximum extent practicable, conduct a concurrent review, as a cooperating agency, using the same environmental documents. If the Corps is conducting the review, it must streamline its own process by avoiding duplication of reviews. Authorizes the Corps to accept contributed funds to carry out a review.

#### Sec. 1009. PROJECT COMPLETION

Raises the authorization ceiling for projects authorized under Section 219 under WRDA 1992 that are already under construction if they could not otherwise be completed.

#### Sec. 1010. CONTRIBUTED FUNDS.

Amends the authority of the Secretary to accept funds from non-federal interests by removing the requirement that there first be appropriated funds before accepting funds and by allowing acceptance of funds to update reservoir operational manuals, except for the Upper Missouri River, the ACT-ACF rivers, and the Stones River.

#### Sec. 1011. APPLICATION OF CERTAIN BENEFITS AND COSTS INCLUDED IN FINAL FEASIBILITY STUDIES.

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

#### Sec. 1012. LEVERAGING FEDERAL INFRASTRUCTURE FOR INCREASED WATER SUPPLY.

Authorizes the Secretary to review proposals to increase water supplies by increasing storage capacity, modifying project management, or accessing water that has been released, with full

public consultation. Proposals may not reallocate water, reduce water available for any authorized purpose, adversely impact water rights, or increase costs paid by others. The non-Federal interest can contribute funds to the Corps to facilitate the review of a proposal. Proposals can only be approved under existing Corps authorities (no new authority is created). If a proposal is approved, the cost of implementation is borne by the non-Federal interest. Future operation and maintenance paid the non-Federal interest is only the separable cost attributable to the alteration. The provision does not apply to the Upper Missouri River reservoirs or reservoirs in the Apalachicola-Chattahoochee river system and the Alabama-Coosa-Tallapoosa river system or the Stones River.

#### Sec. 1013. NEW ENGLAND DISTRICT HEADQUARTERS.

Authorizes use of the Plant Replacement Improvement Program Revolving Fund (these are existing funds) to construct a new headquarters for the New England District.

#### Sec. 1014. BUFFALO DISTRICT HEADQUARTERS.

Authorizes use of the Plant Replacement Improvement Program Revolving Fund (these are existing funds) to construct a new headquarters for the New England District.

#### Sec. 1015. COMPLETION OF ECOSYSTEM RESTORATION PROJECTS.

Amends the requirement for monitoring ecosystem restoration projects (from WRDA 2007) to allow operation and maintenance of the project to be concluded when ecological success criteria are met.

#### Sec. 1016. CREDIT FOR DONATED GOODS.

This section requires the Corps when calculating the amount of credit a non-Federal interest will receive for in-kind contributions to use the value of the in-kind contribution (such as the value of land provided for the project), rather than the cost of the contribution.

#### Sec. 1017. STRUCTURAL HEALTH MONITORING.

Directs the Secretary to assess and improve the condition of water resources infrastructure through a structural health monitoring program.

#### Sec. 1018. FISH AND WILDLIFE MITIGATION.

Requires voluntary programmatic mitigation plans to address habitat connectivity. Does not affect existing projects. Requires development of habitat connectivity measures in consultation with public and other agencies. Authorizes use of preconstruction engineering and design funds for fish and wildlife mitigation.

#### Sec. 1019. NON-FEDERAL INTERESTS.

Allows Alaska Native villages and regional and village corporations to be non-Federal sponsors of Corps projects.

#### Sec. 1020. DISCRETE SEGMENT

Authorizes the Corps to give credit or reimbursement for discrete segments of projects as they are completed.

#### Sec. 1021. FUNDING TO PROCESS PERMITS.

Allows rail carriers to provide funding to the Corps to defray costs of reviewing permits under jurisdiction of the Department of the Army.

#### Sec. 1022. INTERNATIONAL OUTREACH PROGRAM.

Authorizes the Secretary to facilitate transfer of technology from other countries that could improve water resources development in the United States.

#### Sec. 1023. WETLANDS MITIGATION.

Requires the Secretary to issue guidance regarding credits available from mitigation banks and in-lieu fee programs and provides that mitigation banks and in-lieu fee programs be considered reasonable alternatives.

#### Sec. 1024. USE OF YOUTH SERVICE AND CONSERVATION CORPS.

Directs the Secretary to encourage cooperative agreements with youth service and conservation corps.

#### Sec. 1025. DEBRIS REMOVAL

Expands existing debris removal authority to include debris adjacent to the Federal channel that would affect the navigability of the channel.

#### Sec. 1026. AQUACULTURE STUDY.

Requires the Government Accountability Office (GAO) to study the differing regulatory treatment of shellfish hatcheries across Corps districts.

#### Sec. 1027. LEVEE VEGETATION.

Clarifies the levee vegetation management policy adopted in WRDA 2014 by prohibiting the Corps from requiring or carrying out vegetation removal (unless there is an unacceptable safety risk) until they issue new guidelines. Requires the Corps to explain why they have failed to develop the new guidelines required in WRRDA 2014.

#### Sec. 1028. PLANNING ASSISTANCE TO STATES.

Clarifies that current authority to provide planning assistance to states also includes regional or national consortia of states.

#### Sec. 1029. PRIORITIZATION.

Clarifies the prioritization of hurricane and storm damage reduction efforts in WRRDA 2014 to include restoration of wetlands as well as loss of wetlands. Updates deadline for report to Congress. Requires a report to Congress on the implementation of the requirements in WRRDA 2014 to give priority to certain ecosystem restoration projects.

#### Sec. 1030. KENNEWICK MAN.

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

#### Sec. 1031. REVIEW OF CORPS OF ENGINEERS ASSETS.

Requires the review of Corps assets required in WRRDA 2014 to include a review of the economic, cultural, historic, or recreational significance of the assets.

#### Sec. 1032. TRANSFER OF EXCESS CREDIT.

Clarifies authority in WRRDA 2014 allowing the transfer of credit between projects.

#### Sec. 1033. SURPLUS WATER STORAGE.

Places time limits on the response of the Corps to requests for contracts for surplus water from reservoirs on the Upper Missouri River.

#### Sec. 1034. HURRICANE AND STORM DAMAGE REDUCTION.

Raises the per project limit for the continuing authority for hurricane and storm damage reduction projects to \$10 million.

#### Sec. 1035. FISH HATCHERIES.

Authorizes the Secretary to operate fish hatcheries at 100 percent non-Federal cost to address Endangered Species Act issues at existing projects.

#### Sec. 1036. FEASIBILITY STUDIES AND WATERSHED ASSESSMENTS.

Section 1036 amends the reporting requirement in section 1001(d) of WRRDA 2014 for studies that exceed 3 years or \$3 million to be an annual report.

This section also amends sections 105 and 729 of WRDA 1986 to authorize the Secretary to expend the first \$100,000 in costs for a feasibility study or a watershed assessment at federal expense.

**Sec. 1037. SHORE DAMAGE PREVENTION OR MITIGATION.**

Section 1037 amends section 111 of the River and Harbor Act of 1968 to clarify that feasibility studies under this authority are cost-shared in the same proportion as construction of projects. The section also provides that if a non-Federal interest expends more than its share of those study costs, it is eligible for reimbursement of those excess costs.

**Sec. 1038. ENHANCING LAKE RECREATION OPPORTUNITIES.**

Removes sunset from an existing program that encourages use of Corps lakes for recreation.

**Sec. 1040. COST ESTIMATES.**

Repeals section 2008 of WRDA 2007 to give the costs set forth in WRDAs legal effect.

**Sec. 1041. TRIBAL PARTNERSHIP PROGRAM.**

Amends section 203 of WRDA 2000 to expand the Corps' authority to carry out studies for Indian tribes and to authorize a tribal continuing authority program to construct cost-shared projects with Indian tribes, with a \$10 million cap on federal participation

**Sec. 1042. COST SHARING FOR TERRITORIES AND INDIAN TRIBES.**

Amends section 1156 of WRDA 1986 (that waives the first \$200,000 in cost share) to include planning assistance and Indian tribes.

**Sec. 1043. LOCAL GOVERNMENT WATER MANAGEMENT PLANS.**

Allows local governments to participate in feasibility studies in their watershed, if the other sponsors of the study agree and if the local government provides their cost-share.

**Sec. 1044. CREDIT IN LIEU OF REIMBURSEMENT.**

Amends section 1022 of WRDA 2014 to clarify that projects being constructed under section 211 of WRDA 1996 remain eligible for credit.

Also clarifies that credit may be used for any other water resources development projects.

**Sec. 1045. RETROACTIVE CHANGES TO COST-SHARING AGREEMENTS.**

Clarifies that the change in cost sharing for studies under section 206 of WRDA 1996 does not apply retroactively to studies initiated before October 2006 that did not have a cost-sharing agreement before 2014.

**Sec. 1046. EASEMENTS FOR ELECTRIC, TELEPHONE, OR BROADBAND SERVICE FACILITIES ELIGIBLE FOR FINANCING UNDER THE RURAL ELECTRIFICATION ACT OF 1936.**

Waives easement fees for rural electric co-ops that have lines that cross Corps property.

**Sec. 1047. STUDY ON THE PERFORMANCE OF INNOVATIVE MATERIALS.**

Requires a study on the performance of innovative materials.

**TITLE II—NAVIGATION**

**Sec. 2001. PROJECTS FUNDED BY THE INLAND WATERWAYS TRUST FUND**

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

**Sec. 2002. OPERATION AND MAINTENANCE OF FUEL-TAXED INLAND WATERWAYS.**

Allows a non-Federal interest to carry out operation and maintenance of a navigation project and receive credit or reimbursement for that work.

**Sec. 2003. FUNDING FOR HARBOR MAINTENANCE PROGRAMS.**

Clarifies the target appropriations from the Harbor Maintenance Trust Fund set forth in WRRDA 2014 in the event that the prior year appropriation was a decrease.

**Sec. 2004. DREDGED MATERIAL DISPOSAL.**

Requires dredged material disposal to meet state water quality standards be considered in compliance with the federal standard for dredged material disposal.

**Sec. 2005. CAPE ARUNDEL DISPOSAL SITE, MAINE.**

Keeps the dredged material disposal site used by multiple New England states open for 5 years to give the non-Federal interests time to find an alternative disposal site and avoid shutting down maintenance of navigation projects in New England.

Sec. 2006. MAINTENANCE OF HARBORS OF REFUGE.

Authorizes the Corps to maintain all federally authorized harbors of refuge, including restoring the harbors to their authorized depths.

Sec. 2007. AIDS TO NAVIGATION.

Directs the Secretary to consult with the Coast Guard regarding aids to navigation on the Ouachita-Black Rivers

Sec. 2008. BENEFICIAL USE OF DREDGED MATERIAL.

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

SEC. 2009. OPERATION AND MAINTENANCE OF HARBOR PROJECTS.

Makes the 10% set aside from the Harbor Maintenance Trust Fund for emerging harbors permanent.

Sec. 2010. ADDITIONAL MEASURES AT DONOR PORTS AND ENERGY TRANSFER PORTS.

Makes the authority to provide additional funds for donor ports and energy transfer ports permanent. Also clarifies how payments are to be administered.

Sec. 2011. HARBOR DEEPENING.

Aligns the cost share for construction of harbors with the change in WRRDA 2014 modifying the cost-share for maintenance of harbors.

Sec. 2012. OPERATIONS AND MAINTENANCE OF INLAND MISSISSIPPI RIVER PORTS.

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

Sec. 2013. IMPLEMENTATION GUIDANCE.

Requires the Corps to issue guidance to implement section 2102 of WRDA 2014 (relating to maintenance of emerging ports and Great Lakes ports).

Sec. 2014. REMOTE AND SUBSISTENCE HARBORS.

Expands consideration of the benefits of remote and subsistence harbors to include communities that will rely on the project.



Sec. 2015. NON-FEDERAL INTEREST DREDGING AUTHORITY.

Establishes a pilot program authorizing a non-Federal interest to maintain a federal navigation project with its own equipment and personnel and be eligible for reimbursement of personnel time directly related to performance of the work.

Sec. 2016. TRANSPORTATION COST SAVINGS.

Requires identification of transportation cost savings achieved from maintaining harbors and inland ports in the report to Congress on harbor and inland harbor needs under WRDA 1986.

Sec. 2017. DREDGED MATERIAL.

Authorizes the placement of dredged material in a location other than the least cost alternative if any additional upfront costs will be offset by the resulting environmental, flood protection, and resiliency benefits.

**TITLE III—SAFETY IMPROVEMENTS**

Sec. 3001. REHABILITATION ASSISTANCE FOR NON-FEDERAL FLOOD CONTROL PROJECTS.

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

Allows the increase in protection to be cost-shared, if there is a feasibility study for the same location recommending a cost-shared project.

Adds a definition of nonstructural alternative to include wetland, stream, and coastal restoration. Requires the Corps to notify non-Federal interests of the opportunity to use non-structural measures.

Sec. 3002. REHABILITATION OF EXISTING LEVEES.

Authorizes \$125 million for a pilot program for the Corps to immediately address coastal levees that are subsiding.

Sec. 3003. MAINTENANCE OF HIGH RISK FLOOD CONTROL PROJECTS.

If the Corps is already responsible for maintaining a high risk flood control project, this section directs them to continue that maintenance until the risk is reduced.

Sec. 3004. REHABILITATION OF HIGH HAZARD POTENTIAL DAMS

Authorizes \$435 million over ten years for a FEMA program for rehabilitation of high hazard potential dams.

Sec. 3005. EXPEDITED COMPLETION OF AUTHORIZED PROJECTS FOR FLOOD DAMAGE REDUCTION.

Directs the Corps to expedite the completion of four authorized flood control projects that address significant needs and risks.

Sec. 3006. CUMBERLAND RIVER BASIN DAM REPAIRS.

Clarifies that the dam repairs along the Cumberland River are dam safety projects.

Sec. 3007. INDIAN DAM SAFETY.

Authorizes the Assistant Secretary for Indian Affairs, in consultation with the Corps, to carry out a program to address the safety of federal dams in Indian country. (S. 2717 reported from Indian Affairs)

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

Sec. 4001. GULF COAST OYSTER BED RECOVERY PLAN.

Authorizes \$2 million for a Gulf Coast Oyster Bed recovery plan.

Sec. 4002. COLUMBIA RIVER, SOUTH PLATTE RIVER, AND ARKANSAS RIVER.

(a) Ecosystem Restoration.

Increases the authorization ceiling for ecosystem restoration studies and projects for the Lower Columbia River in Oregon and Washington, authorized in section 536 of WRDA 2000.

(b) Watercraft Inspection Stations.

Clarifies that the watercraft inspection stations to protect the Columbia River Basin from invasive species may be located outside of the basin, if that is necessary to prevent introduction of invasive species.

Authorizes inspection stations to protect the Arkansas River Basin and the South Platte River Basin.

(c) TRIBAL HOUSING.

Authorizes relocation assistance to Indian families displaced due to the construction of Bonneville Dam identified in a report of the Corps of Engineers as having not previously received relocation assistance, to fulfill an unmet federal obligation.

Authorizes a study of Indian families displaced due to the construction of John Day Dam to determine if there is an unmet obligation for relocation assistance associated with that dam.

(d) Columbia and Lower Willamette Rivers Below Vancouver, Washington and Oregon.

Authorizes a study of the Columbia River, to address safety risks.

#### Sec. 4003. MISSOURI RIVER

(a) Reservoir Sediment Management.

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

(b) Snowpack and Drought Monitoring.

Directs the Corps to be the lead agency for the drought monitoring program authorized in WRRDA 2014.

#### Sec. 4004. PUGET SOUND NEARSHORE ECOSYSTEM.

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

#### Sec. 4005. ICE JAM PREVENTION AND MITIGATION.

Authorizes an additional \$30,000,000 over ten years to carry out pilot projects under the section 205 small flood control project continuing authority program to address ice jam prevention and mitigation, with a priority for the Upper Missouri River Basin.

#### Sec. 4006. CHESAPEAKE BAY OYSTER RESTORATION.

Increases the authorization ceiling for fish and wildlife conservation studies and projects, including projects in the Chesapeake Bay.

#### Sec. 4007. NORTH ATLANTIC COASTAL REGION.

Clarifies the intent of section 4009 of WRRDA 2014 that the initial study of aquatic ecosystem restoration projects along the Atlantic Coast be at federal expense and that the study is a comprehensive assessment and management plan.

Sec. 4008. RIO GRANDE ENVIRONMENTAL MANAGEMENT PROGRAM, COLORADO, NEW MEXICO, AND TEXAS.

Extends the authorization of authority for the Rio Grande environmental management program in Colorado, New Mexico and Texas, until 2024.

Sec. 4009. TEXAS COASTAL AREA.

Directs the Secretary to consider information developed by the Gulf Coast Community Protection and Recovery District when carrying out a study authorized in WRDA 2007.

Sec. 4010. UPPER MISSISSIPPI AND ILLINOIS RIVERS COMPREHENSIVE FLOOD RISK MANAGEMENT

Authorizes a study of the levees along the upper Mississippi and Illinois Rivers on a system-wide basis, to evaluate the flood damage risks on a system-wide rather than local basis, and justify projects on that basis. This review was recommended by the Corps in a 2008 study and by the Secretary in a 2009 letter to Congress to address the fact that a rehabilitation of a levee at a single location often cannot be cost-justified but each location is an integral part of a levee system that provides essential flood protection benefits. The Midwest flooding in 1993 caused 47 deaths and \$15 billion in damages.

Sec. 4011. SALTON SEA, CALIFORNIA.

Removes the pilot designation from the Salton Sea program authorized by WRDA 2007.

Sec. 4012. ADJUSTMENT.

Adjusts the boundaries of a project.

Sec. 4013. COASTAL RESILIENCY.

Amends the coastal resiliency program authorized by WRRDA 2014 to give a priority to areas threatened by sea level rise and to require consultation and data-sharing with state organizations authorized to study and issue recommendations on protection of Federal assets.

Sec. 4014. REGIONAL INTERGOVERNMENTAL COLLABORATION ON COASTAL RESILIENCE.

Authorizes the Secretary to conduct regional assessments of coastal and back bay protection.

Sec. 4015. SOUTH ATLANTIC COASTAL STUDY.

Directs the Secretary to conduct a study of the coastal areas located within the geographical boundaries of the South Atlantic Division of the Corps of Engineers to identify the risks and

vulnerabilities of those areas to increased hurricane and storm damage as a result of sea level rise.

**Sec. 4016. KANAWHA RIVER BASIN.**

Directs the Secretary to conduct studies to determine the feasibility of implementing projects for flood risk management and other water resource related purposes within the Kanawha River Basin, West Virginia, Virginia, and North Carolina.

**Sec. 4017. CONSIDERATION OF FULL ARRAY OF MEASURES FOR COASTAL RISK REDUCTION.**

Directs the Corps to consider, as appropriate, all measures for coastal risk reduction, including natural, nature-based, nonstructural, and structural measures, when developing projects for coastal risk reduction.

**Sec. 4018. WATERFRONT COMMUNITY REVITALIZATION AND RESILIENCY.**

Directs the Secretary of Commerce to provide assistance to develop and implement nonregulatory resilient waterfront community plans. (S. 1935 as passed the Senate)

**TITLE V—DEAUTHORIZATIONS**

**Sec. 5001. DEAUTHORIZATIONS.**

- (a) Valdez, Alaska
- (b) Red River Below Dennison Dam, Arkansas, Louisiana, and Texas
- (c) Sutter Basin, California
- (d) Stonington Harbor, Connecticut
- (e) Green River and Barron River, Kentucky
- (f) Port of Cascade Locks, Oregon
- (g) Declaration of non-navigability for portions of the Delaware River, Philadelphia, Pennsylvania
- (h) Salt Creek, Graham, Texas

**Sec. 5002. CONVEYANCES**

- (a) Pearl River, Mississippi and Louisiana
- (b) Sardis Lake, Mississippi
- (c) Pensacola Dam and Reservoir, Grand River, Oklahoma.
- (d) Joe Pool Lake, Texas

**TITLE VI—WATER RESOURCES INFRASTRUCTURE**

**Sec. 6001. AUTHORIZATION OF FEASIBILITY REPORTS FOR NEW PROJECTS.**

**(1) NAVIGATION**

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

**(2) FLOOD RISK MANAGEMENT.**

1. Leon Creek Watershed, San Antonio, Texas
2. Armourdale and Central Industrial District Levee Units, Missouri River and Tributaries, Kansas City, Kansas and Kansas City, Missouri
3. City of Manhattan, Kansas
4. Upper Turkey Creek Basin, Merriam, Kansas
5. Princeville, North Carolina
6. West Sacramento, California
7. American River Common Features, California
8. Mill Creek, Tennessee

**(3) HURRICANE AND STORM DAMAGE RISK REDUCTION.**

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

**(4) FLOOD RISK MANAGEMENT AND ENVIRONMENTAL RESTORATION.—**

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

**(5) ENVIRONMENTAL RESTORATION.**

1. Central Everglades Planning Project, Florida

2. Lower Willamette River Environmental Dredging, Oregon
3. Skokomish River, Mason County, Washington
4. Los Angeles River, California

Sec. 6002. AUTHORIZATION OF PROJECT MODIFICATIONS RECOMMENDED BY THE SECRETARY.

1. Turkey Creek Basin, Kansas and Missouri
2. Blue River Basin, (Dodson Industrial District) Kansas City, Missouri
3. Picayune Strand, Florida.
4. Ohio River Shoreline, Paducah, Kentucky
5. Houston Ship Channel, Texas
6. Rio de Flag, Flagstaff, Arizona
7. Swope Park Industrial Area, Blue River, Missouri

Sec. 6003. AUTHORIZATION OF PROPOSED FEASIBILITY STUDIES AND PROPOSED MODIFICATIONS SUBMITTED TO CONGRESS BY THE SECRETARY.

- (a) Arctic Deep Draft Port Development Partnerships.
- (b) Ouachita-Black Rivers, Arkansas and Louisiana.
- (c) Cache Creek Basin, California.
- (d) Coyote Valley Dam, California.
- (e) Del Rosa Drainage Area, California.
- (f) Merced County, California.
- (g) Mission-Zanja Drainage Area, California.
- (h) Santa Ana River Basin, California
- (i) Delaware Bay Coastline, Delaware and New Jersey-Roosevelt Inlet-Lewes Beach, Delaware.
- (j) Mispillion Inlet, Conch Bar, Delaware.
- (k) Daytona Beach Flood Protection, Florida.
- (l) Brunswick Harbor, Georgia.
- (m) Savannah River Below Augusta, Georgia.
- (n) Dubuque, Iowa.
- (o) Mississippi River Ship Channel, Gulf to Baton Rouge, Louisiana.
- (p) St. Tammany Parish Government Comprehensive Coastal Master Plan, Louisiana.
- (q) Cayuga Inlet, Ithaca, New York.
- (r) Chautauqua County, New York.
- (s) Delaware River Basin, New York, New Jersey, Pennsylvania, Delaware.

- (t) Cincinnati, Ohio.
- (u) Tulsa and West Tulsa, Arkansas River, Oklahoma.
- (v) Johnstown, Pennsylvania.
- (w) Chacon Creek, Texas.
- (x) Corpus Christi Ship Channel, Texas.
- (y) Trinity River and Tributaries, Texas.
- (z) Chincoteague Island, Virginia.
- (aa) Burley Creek Watershed, Washington.

#### Sec. 6004. EXPEDITED COMPLETION OF REPORTS.

Directs the Secretary to expedite the completion of the following feasibility studies:

- (1) St. George Harbor, Alaska
- (2) Rahway River Basin, New Jersey

#### Sec. 6005. EXTENSION OF EXPEDITED CONSIDERATION IN SENATE.

Extends the authority in section 7004 of WRRDA 2014 to expedite consideration of Chief's Reports from 2018 to 2020.

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

#### SEC. 7001. DEFINITION OF ADMINISTRATOR.

Defines the term “Administrator” as the Administrator of the Environmental Protection Agency.

#### SEC. 7002. SENSE OF THE SENATE ON APPROPRIATIONS LEVELS AND FINDINGS ON ECONOMIC IMPACTS.

States the Sense of the Senate on robust funding levels for the Safe Drinking Water and Clean Water State Revolving Loan Funds and makes findings regarding the federal income tax revenue, jobs, and economic output resulting from state revolving loan fund capitalization grants, based on a study by Water Environment Federation and WaterReuse Association.

#### **Subtitle A—Drinking Water**

#### Sec. 7101. PRECONSTRUCTION WORK.

Amends the revolving loan program under the Safe Drinking Water Act to make planning, design, and associated preconstruction activities eligible for assistance.

Affirms the use of state revolving loan funds as security for state bonds.

#### Sec. 7102. PRIORITY SYSTEM REQUIREMENTS.

Adds sustainability to priorities under a State intended use plan, and gives greater weight to applications that include asset management plans and review of restructuring options,



consistency with watershed plans, water conservation plans, and sustainability approaches.

**Sec. 7103. ADMINISTRATION OF STATE LOAN FUNDS.**

Authorizes the use of fees collected and the greatest of 4% of the capitalization grant, 1/5<sup>th</sup> of the valuation of the fund, or \$400,000 to be used to administer a state fund.

**Sec. 7104. OTHER AUTHORIZED ACTIVITIES.**

Makes implementation of source water protection plans an eligible use of assistance from a state revolving loan fund.

**Sec. 7105. NEGOTIATION OF CONTRACTS.**

Applies the Brooks Act relating to negotiation of contracts for architectural or engineering services applicable to use of funds provided under the state revolving loan fund, if the assistance is for a community with a population of more than 10,000.

**Sec. 7106. ASSISTANCE FOR SMALL AND DISADVANTAGED COMMUNITIES.**

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

Provides \$20 million in direct spending to carry out this program.

**Sec. 7107. REDUCING LEAD IN DRINKING WATER.**

Authorizes a grant program for replacement of lead service lines, testing, planning, corrosion control, and education. Excludes partial lead service line replacement from eligibility. Authorizes \$60 million for each of fiscal years 2017 through 2021, for a total of \$300 million over five years.

Provides \$20 million in direct spending to carry out this program.

**Sec. 7108. REGIONAL LIAISONS FOR MINORITY, TRIBAL, AND LOW-INCOME COMMUNITIES.**

Requires the Administrator to appoint liaisons for minority, tribal, and low-income communities in each EPA region.

**Sec. 7109. NOTICE TO PERSONS SERVED.**

Revises the notification requirements of the Safe Drinking Water Act to require notice to the persons served by the system of exceedances of lead action levels within 15 days. If there is a violation of the Act that has the potential for serious health effects, notice is also required to the Center for Disease Control (CDC) and state and county health agencies. Authorizes the Administrator to provide notice of any lead monitoring results. Requires EPA, working with States and water systems, to establish a strategic plan for outreach, education, technical assistance, and risk communication.

**Sec. 7110. ELECTRONIC REPORTING OF DRINKING WATER DATA.**

Requires electronic reporting of compliance monitoring data, where practicable.

**Sec. 7111. LEAD TESTING IN SCHOOL AND CHILD CARE DRINKING WATER.**

Authorizes \$20 million a year for fiscal years 2017 through 2021, totaling \$100 million, for grants to carry out a voluntary school and child care lead testing program.

**Sec. 7112. WATERSENSE PROGRAM.**

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

**Sec. 7113. WATER SUPPLY COST SAVINGS.**

Establishes a drinking water technology clearinghouse to provide information on cost-effective, innovative, and alternative drinking water delivery systems, including systems that are supported by wells. Requires dissemination of information to systems serving 500 or fewer persons.

**Sec. 7114. SMALL SYSTEM TECHNICAL ASSISTANCE.**

Extends the authorization for small system technical assistance under the Safe Drinking Water Act SRF to fiscal year 2021.

**Sec. 7115. DEFINITION OF INDIAN TRIBE.**

Makes Indian tribes eligible for the new small community and lead pipe replacement programs.

**Sec. 7116. TECHNICAL ASSISTANCE FOR TRIBAL WATER SYSTEMS.**

Makes tribal operator training and certification programs eligible for assistance from tribal set-asides under section 1442(e) and 1452(i) of the Safe Drinking Water Act.

**Sec. 7117. REQUIREMENT FOR THE USE OF AMERICAN MATERIALS.**

Requires use of American materials when using funds from the Safe Drinking Water state revolving fund.

**Subtitle B—Clean Water**

**Sec. 7201. SEWER OVERFLOW CONTROL GRANTS.**

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

**Sec. 7202. SMALL TREATMENT AND MEDIUM WORKS.**

Establishes a technical assistance program for small treatment works, to be carried out by qualified nonprofit technical service providers. Authorizes \$15 million a year for five years, totaling \$75 million, to carry out this program.

Authorizes states to use up to 2 percent of a capitalization grant for the Clean Water State Revolving Loan Fund for technical assistance for small systems.

**Sec. 7203. INTEGRATED PLANS.**

Requires the Administrator to inform municipalities of the opportunity to prepare an integrated

plan.

Authorizes permits to incorporate integrated plans, which may combine requirements related to a combined sewer overflow; a capacity, management, operation, and maintenance program for sanitary sewer collection systems; a municipal stormwater discharge; a municipal wastewater discharge; and a water quality-based effluent limitation to implement an applicable wasteload allocation in a total maximum daily load.

Authorizes compliance schedules in permits incorporating an integrated plan for any water quality standard, if authorized by a State in its water quality standards regulations. Authorizes effluent limitations to be met through the use of green infrastructure.

Establishes an Office of Municipal Ombudsman.

Directs EPA to notify communities of the opportunity to prepare integrated plans in the context of consent decrees or administrative orders. Establishes an integrated plan as a basis for a request to modify an administrative order or consent decree.

Requires information sharing and a report to Congress.

#### Sec. 7204. GREEN INFRASTRUCTURE PROMOTION.

Directs the Administrator to ensure that EPA offices promote the integration of green infrastructure into, permitting programs, planning efforts, research, technical assistance, and funding guidance.

#### Sec. 7205. FINANCIAL CAPABILITY GUIDANCE.

Defines affordability and financial capability. Prohibits the use of median household income as the sole indicator of affordability for a residential household.

Requires EPA to update its 1997 Financial Capability guidance and 2014 Financial Capability Assessment Framework within one year of the completion of a National Academy of Public Administration study to establish a definition and framework for community affordability required by Senate Report 114–70.

### **Subtitle C—Innovative Financing and Additional Support**

#### Sec. 7301. WATER INFRASTRUCTURE PUBLIC-PRIVATE PARTNERSHIP PILOT PROGRAM.

Amends the public private partnership program established by WRDA 2014 to clarify that it authorizes the Secretary to enter into a public-private partnership but does not obligate the Secretary to expend funds unless provided for in an appropriations act.

#### Sec. 7302. WATER INFRASTRUCTURE FINANCE AND INNOVATION.

Makes the following amendments to the WIFIA program established in WRDA 2014:

Clarifies the scope of projects eligible for assistance.

Authorizes the financing of fees.

Clarifies that the 51 percent of project costs to be funded by sources other than a secured loan under WIFIA includes costs incurred and in-kind contributions made before receipt of the loan.

Removes the designation of the program as a pilot.

**Sec. 7303. WATER INFRASTRUCTURE INVESTMENT TRUST FUND.**

Establishes a trust fund for water infrastructure, funded by fees collected for a voluntary labeling system, and to be used for capitalization grants for the Clean Water and Safe Drinking Water State Revolving Funds. Requires an EPA study on water pricing.

**Sec. 7304. INNOVATIVE WATER TECHNOLOGY GRANT PROGRAM.**

Authorizes \$50 million a year for EPA to make grants to accelerate the development of innovative technologies to address pressing water challenges, with a priority for projects that provide substantial cost savings, significantly improve human health and the environment, or provide additional water supplies with minimal environmental impact. Provides \$10 million in direct spending.

**Sec. 7305. WATER RESOURCES RESEARCH ACT AMENDMENTS.**

Reauthorizes the Water Resources Research Act at \$1.5 million for each of fiscal years 2015 through 2020 for a total of \$9 million.

**Sec. 7306. REAUTHORIZATION OF WATER DESALINATION ACT OF 1996.**

Reauthorizes the Water Desalination Act of 1986 at \$8 million for each of fiscal years 2015 through 2020, for a total of \$48 million.

**Sec. 7307. NATIONAL DROUGHT RESILIENCE GUIDELINES.**

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

**Sec. 7308. INNOVATION IN CLEAN WATER STATE REVOLVING FUNDS.**

Encourages the use of innovative technologies to carry out projects available for additional subsidization

Authorizes technical assistance to facilitate financial assistance for the use of innovative water technologies and a report to Congress on such assistance and use.

**Sec. 7309. INNOVATION IN THE DRINKING WATER STATE REVOLVING FUND.**

Makes projects that employ innovative technologies eligible for additional subsidization under a Drinking Water State Revolving Fund. Also authorizes EPA to provide technical assistance to facilitate and encourage financial assistance for innovative water technologies and requires a report to Congress on such assistance and use.

**Subtitle D—Drinking Water Disaster Relief and Infrastructure Investment**

**SEC. 7401. DRINKING WATER INFRASTRUCTURE.**

(a) Definitions. Limits eligibility for emergency assistance to States and public drinking water

systems that have been the subject of a Presidential declaration of emergency due to the presence of lead or other contaminants in a public drinking water supply system.

(b) State Revolving Loan Fund Assistance.

(1) Considers a community with a public water supply system that is the subject of an emergency declaration to be a disadvantaged community eligible for additional subsidies from Safe Drinking Water Act Revolving Funds, including forgiveness of the principal of a loan.

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

(3) Waives the 20% cap on use of funding for principal forgiveness.

(c) Water Infrastructure Financing.

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

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

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

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

(d) Nonduplication of Work.—Prohibits use of the authorities under this section to duplicate work that is already going on, so it can fill gaps in emergency response measures, not displace them.

(e) Funding.

(1) SRF Funding

Provides \$100 million to provide the assistance to states with emergency drinking water situations through the drinking water state revolving loan fund program. As a condition of receiving the additional funding, a state must supplement its intended use plan to describe how the additional funding will be used to address the emergency. Any funds not used after 18 months to address emergencies are to be used to increase funding for the programs for small communities and for lead pipe replacement in sections 1459A and 1459B of the Safe Drinking Water Act.

(2) WIFIA Funding.

Provides \$70,000,000 for credit subsidies to allow EPA to make secured loans for infrastructure investments under the WIFIA program. Because these secured loans are essentially accounts receivable, only the credit risks scores. If there is a 10% credit risk, \$70,000,000 will support loans of up to \$700,000,000. If the credit risk is less, more loans can be made. OMB has estimated a credit risk as low as 1.53%, which would allow this investment to subsidize up to \$4.2 billion in loans.

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

other eligible infrastructure.

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

(f) Health effects evaluation.

Directs ATSDR to use its current authorities to establish a lead exposure registry for communities with drinking water related emergencies and to provide health consultations for the citizens of such communities, if requested.

#### Sec. 7402. LOAN FORGIVENESS.

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

#### Sec. 7403. REGISTRY FOR LEAD EXPOSURE AND ADVISORY COMMITTEE.

Authorizes HHS to establish a voluntary lead exposure registry using ATSDR or another relevant agency, or through a grant or contract, applicable to any city whose citizens are exposed to lead contamination in drinking water. Provides \$17,500,000 for this activity.

Authorizes an advisory committee coordinated through CDC or other relevant agencies to review federal programs that address lead exposure, and identify research needs, best practices, and effective services. Provides \$2,500,000 for this activity.

#### Sec. 7404. ADDITIONAL FUNDING FOR CERTAIN CHILDHOOD HEALTH PROGRAMS.

Provides funding for the following authorized programs:

- \$10,000,000 for the childhood lead poisoning prevention program authorized under section 317A of the Public Health Service Act (42 U.S.C. 247b-1).
- \$10,000,000 to carry out the Healthy Homes Initiative of the Department of Housing and Urban Development.
- \$10,000,000 to carry out the Healthy Start Initiative under section 330H of the Public Health Service Act (42 U.S.C. 254c-8).

#### Sec. 7405. REVIEW AND REPORT.

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

### **Subtitle E—Groundwater Contamination**

Requires the Navy to submit a report to Congress regarding groundwater contamination associated with a former Navy and contractor operated facility.

### **Subtitle F—Restoration**

#### **PART I—GREAT LAKES RESTORATION INITIATIVE**

Authorizes \$300 million a year for each of fiscal years 2017 through 2021, for a total of \$1.5

billion, for the Great Lakes Restoration Initiative, as described in S. Rept. 114-211.

## **PART II—LAKE TAHOE RESTORATION**

Reauthorizes the Lake Tahoe Restoration Act at \$415 million over the next 10 years, as described in S. Rept. 114-256.

## **PART III—LONG ISLAND SOUND RESTORATION**

Reauthorizes the Long Island Sound Restoration program, authorizing a total of \$65 million a year in grants for each of fiscal years 2016 through 2020, as described in S. Rept. 114-212.

## **PART IV—DELAWARE RIVER BASIN CONSERVATION**

Authorizes \$5 million a year for each of fiscal years 2017 through 2022 for the Secretary of the Interior to establish a nonregulatory program to help coordinate funding for restoration and protection efforts of the 4-State Delaware River Basin region, as described in S. Rept. 114-294.

## **Subtitle G—Offset**

Sec. 7701. OFFSET.

Prohibits new loan commitments under the Advanced Technology Vehicles Manufacturing (ATVM) loan program after October 1, 2020.

## **TITLE VIII—MISCELLANEOUS PROVISIONS**

Sec. 8001. APPROVAL OF STATE PROGRAMS FOR CONTROL OF COAL COMBUSTION RESIDUALS.

Authorizes EPA to approve state permitting programs for coal combustion residuals.

Sec. 8002. CHOCTAW NATION OF OKLAHOMA AND THE CHICKASAW NATION WATER SETTLEMENT.

Approves a settlement agreement relating to water rights and water storage among the Choctaw Nation of Oklahoma and the Chickasaw Nation and the State of Oklahoma.