

Inhofe/Boxer #1

Technical and conforming changes to the bill.

Clarification of certain authorities.

Additional interagency cooperation.

16 APR 27 AM 9:54

AMENDMENT NO. _____ Calendar No. _____

Purpose: To improve the bill.

IN THE SENATE OF THE UNITED STATES—114th Cong., 2d Sess.

S. 2848

To provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENTS intended to be proposed by _____

Viz:

1 On page 10, strike lines 8 through 12 and insert the
2 following:

3 **SEC. 1006. MUNITIONS DISPOSAL.**

4 Section 1027 of the Water Resources Reform and De-
5 velopment Act of 2014 (33 U.S.C. 426e-2) is amended—

6 (1) in subsection (a), in the matter preceding
7 paragraph (1), by inserting “, at full Federal ex-
8 pense,” after “The Secretary may”; and

9 (2) in subsection (b), by striking “funded” and
10 inserting “reimbursed”.

1 On page 12, line 17, strike “and associated features”.

2 On page 12, lines 18 and 19, strike “or an authorized
3 representative”.

4 On page 19, line 16, strike “Apalachicola-Chattahoo-
5 chee” and insert “Apalachicola-Chattahoochee-Flint”.

6 On page 22, lines 22 and 23, strike “design and de-
7 velopment” and insert “research, design, and develop-
8 ment”.

9 On page 23, line 1, strike “and” at the end.

10 On page 23, strike line 3 and insert the following:
11 ture; and
12 (4) identifying risks due to sea level rise.

13 On page 30, line 7, strike “and” at the end.

14 On page 30, line 8, strike “inserting”.

15 On page 30, line 11, strike the period at the end and
16 insert “; and”.

1 On page 30, between lines 11 and 12, insert the fol-
2 lowing:

3 (3) by striking “or flood control” and inserting
4 “ , flood control, or recreation”.

5 Beginning on page 30, strike line 12 and all that fol-
6 lows through page 31, line 19, and insert the following:

7 **SEC. 1026. AQUACULTURE STUDY.**

8 (a) IN GENERAL.—The Comptroller General shall
9 carry out an assessment of the shellfish aquaculture indus-
10 try, including—

11 (1) an examination of Federal and State laws
12 (including regulations) in each relevant district of
13 the Corps of Engineers;

14 (2) the number of shellfish aquaculture leases,
15 verifications, or permits in place in each relevant
16 district of the Corps of Engineers;

17 (3) the period of time required to secure a
18 shellfish aquaculture lease, verification, or permit
19 from each relevant jurisdiction; and

20 (4) the experience of the private sector in ap-
21 plying for shellfish aquaculture permits from dif-
22 ferent jurisdictions of the Corps of Engineers and
23 different States.

1 (b) STUDY AREA.—The study area shall comprise, to
2 the maximum extent practicable, the following applicable
3 locations:

- 4 (1) The Chesapeake Bay.
- 5 (2) The Gulf Coast States.
- 6 (3) The State of California.
- 7 (4) The State of Washington.

8 (c) FINDINGS.—Not later than 225 days after the
9 date of enactment of this Act, the Comptroller General
10 shall submit to the Committees on Environment and Pub-
11 lic Works and on Energy and Natural Resources of the
12 Senate and the Committees on Transportation and Infra-
13 structure and on Natural Resources of the House of Rep-
14 resentatives a report containing the findings of the assess-
15 ment conducted under subsection (a).

16 On page 37, strike line 23 and insert the following:

17 (d) CONSULTATION.—In carrying out a review under
18 subsection (a) and prior to implementing a change in oper-
19 ations under subsection (f), the Secretary shall consult
20 with all affected interests, including—

- 21 (1) non-Federal entities responsible for oper-
22 ations and maintenance costs of a Federal facility;
- 23 (2) individuals and entities with storage entitle-
24 ments; and

- 1 (3) local agencies with flood control responsibil-
2 ities downstream of a facility.
- 3 (e) RESULTS REPORTED.—Not later than 90 days
- 4 On page 38, line 3, strike “(e)” and insert “(f)”.
- 5 On page 38, line 5, strike “(d)” and insert “(e)”.
- 6 On page 38, line 18, strike “(f)” and insert “(g)”.
- 7 On page 38, line 22, strike “(e)” and insert “(f)”.
- 8 On page 38, line 24, strike “(g)” and insert “(h)”.
- 9 On page 39, line 2, strike “(e)(2)” and insert
10 “(f)(2)”.
- 11 On page 39, line 12, strike “(h)” and insert “(i)”.
- 12 On page 39, line 16, strike “Apalachicola-Chattahoo-
13 chee” and insert “Apalachicola-Chattahoochee-Flint”.
- 14 On page 44, between lines 3 and 4, insert the fol-
15 lowing:

1 **SEC. 1038. SHORE DAMAGE PREVENTION OR MITIGATION.**

2 Section 111 of the River and Harbor Act of 1968
3 (33 U.S.C. 426i) is amended—

4 (1) in subsection (b), by striking “measures”
5 and inserting “measures, including a study,”; and

6 (2) by adding at the end the following:

7 “(c) REIMBURSEMENT FOR FEASIBILITY STUDIES.—

8 Beginning on the date of enactment of this subsection, in
9 any case in which the Secretary implements a project
10 under this section, the Secretary shall reimburse or credit
11 the non-Federal interest for any amounts contributed for
12 the study evaluating the damage in excess of the non-Fed-
13 eral share of the costs, as determined under subsection
14 (b).”.

15 On page 49, strike line 20 and insert the following:

16 (a) IN GENERAL.—Section 101(a)(1) of the Water
17 Resources Develop-

18 On page 50, between lines 6 and 7, insert the fol-
19 lowing:

20 (b) DEFINITION OF DEEP-DRAFT HARBOR.—Section
21 214(1) of the Water Resources Development Act of 1986
22 (33 U.S.C. 2241(1)) is amended by striking “45 feet” and
23 inserting “50 feet”.

1 On page 53, strike lines 13 through 18 and insert
2 the following:

3 (c) REIMBURSEMENT ELIGIBILITY LIMITATIONS.—
4 Costs that are eligible for reimbursement under this sec-
5 tion are those costs directly related to the costs associated
6 with operation and maintenance of the dredge based on
7 the lesser of the period of time for which—

8 (1) the dredge is being used in the performance
9 of work for the Federal Government during a given
10 fiscal year; and

11 (2) the actual fiscal year Federal appropriations
12 identified for that portion of maintenance dredging
13 that are made available.

14 On page 53, line 19, strike “MONITORING”.

15 On page 54, strike lines 9 through 23 and insert the
16 following:

17 **SEC. 2016. TRANSPORTATION COST SAVINGS.**

18 Section 210(e)(3) of the Water Resources Develop-
19 ment Act of 1986 (33 U.S.C. 2238(e)(3)) is amended—

20 (1) by redesignating subparagraph (B) as sub-
21 paragraph (C); and

22 (2) by inserting after subparagraph (A) the fol-
23 lowing:

1 “(B) ADDITIONAL REQUIREMENT.—For
2 the first report following the date of enactment
3 of the Water Resources Development Act of
4 2016, in the report submitted under subpara-
5 graph (A), the Secretary shall identify, to the
6 maximum extent practicable, transportation
7 cost savings realized by achieving and maintain-
8 ing the constructed width and depth for the
9 harbors and inland harbors referred to in sub-
10 section (a)(2), on a project-by-project basis.”.

11 On page 73, line 2, strike “to relocate to” and insert
12 “on”.

13 On page 73, line 6, insert “for” before “the”.

14 On page 73, line 7, strike “identified” and insert “es-
15 timated in the report”.

16 On page 73, line 8, strike “in the report”.

17 On page 82, strike line 20 and insert the following:

18 (a) IN GENERAL.—Section 4014(b) of the Water Re-
19 sources Reform and

1 On page 83, between lines 9 and 10, insert the fol-
2 lowing:

3 (b) INTERAGENCY COORDINATION ON COASTAL RE-
4 SILIENCE.—The Secretary shall convene an interagency
5 working group on resilience to extreme weather, which will
6 coordinate research, data, and Federal investments related
7 to sea level rise, resiliency, and vulnerability to extreme
8 weather, including coastal resilience.

9 On page 83, between lines 9 and 10, insert the fol-
10 lowing:

11 **SEC. 4014. REGIONAL INTERGOVERNMENTAL COLLABORA-**
12 **TION ON COASTAL RESILIENCE.**

13 (a) REGIONAL ASSESSMENTS.—

14 (1) IN GENERAL.—The Secretary may conduct
15 regional assessments of coastal and back bay protec-
16 tion and of Federal and State policies and programs
17 related to coastal water resources, including—

18 (A) an assessment of the probability and
19 the extent of coastal flooding and erosion, in-
20 cluding back bay and estuarine flooding;

21 (B) recommendations for policies and other
22 measures related to regional Federal, State,
23 local, and private participation in shoreline and
24 back-bay protection projects;

1 (C) an evaluation of the performance of ex-
2 isting Federal coastal storm damage reduction,
3 ecosystem restoration, and navigation projects,
4 including recommendations for the improvement
5 of those projects;

6 (D) an assessment of the value and im-
7 pacts of implementation of regional, systems-
8 based, watershed-based, and interstate ap-
9 proaches if practicable;

10 (E) recommendations for the demonstra-
11 tion of methodologies for resilience through the
12 use of natural and nature-based infrastructure
13 approaches, as appropriate; and

14 (F) recommendations regarding alternative
15 sources of funding for new and existing
16 projects.

17 (2) COOPERATION.—In carrying out paragraph
18 (1), the Secretary shall cooperate with—

19 (A) heads of appropriate Federal agencies;

20 (B) States that have approved coastal
21 management programs and appropriate agen-
22 cies of those States;

23 (C) local governments; and

24 (D) the private sector.

1 (b) STREAMLINING.—In carrying out this section, the
2 Secretary shall—

3 (1) to the maximum extent practicable, use ex-
4 isting research done by Federal, State, regional,
5 local, and private entities to eliminate redundancies
6 and related costs;

7 (2) receive from any of the entities described in
8 subsection (a)(2)—

9 (A) contributed funds; or

10 (B) research that may be eligible for credit
11 as work-in-kind under applicable Federal law;
12 and

13 (3) enable each District or combination of Dis-
14 tricts of the Corps of Engineers that jointly partici-
15 pate in carrying out an assessment under this sec-
16 tion to consider regionally appropriate engineering,
17 biological, ecological, social, economic, and other fac-
18 tors in carrying out the assessment.

19 (c) REPORTS.—The Secretary shall submit to the
20 Committee on Environment and Public Works of the Sen-
21 ate and the Committee on Transportation and Infrastruc-
22 ture of the House of Representatives all reports and rec-
23 ommendations prepared under this section, together with
24 any necessary supporting documentation.

1 On page 103, strike line 1 and the table following
 2 line 1 and insert the following:

3 (2) FLOOD RISK MANAGEMENT.—

A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Costs
1. TX	Leon Creek Watershed, San Antonio	June 30, 2014	Federal: \$18,314,000 Non-Federal: \$9,861,000 Total: \$28,175,000
2. MO, KS	Armourdale and Central Industrial District Levee Units, Missouri River and Tributaries at Kansas City	January 27, 2015	Federal: \$207,036,000 Non-Federal: \$111,481,000 Total: \$318,517,000
3. KS	City of Manhattan	April 30, 2015	Federal: \$15,440,100 Non-Federal: \$8,313,900 Total: \$23,754,000
4. KS	Upper Turkey Creek Basin	December 22, 2015	Federal: \$24,584,000 Non-Federal: \$13,238,000 Total: \$37,822,000
5. NC	Princeville	February 23, 2016	Federal: \$14,001,000 Non-Federal: \$7,539,000 Total: \$21,540,000
6. CA	West Sacramento	April 27, 2016	Federal: \$ 776,517,000 Non-Federal: \$ 414,011,000 Total: \$ 1,190,528,000
7. CA	American River Watershed Common Features	April 27, 2016	Federal: \$ 876,478,000 Non-Federal: \$ 689,272,000 Total: \$ 1,565,750,000

ON PAGE 105, ENCINITAS-SOLANA SHOULD READ -

RENOUISHMENT FEDERAL: \$68,215,000
 RENOUISHMENT NON-FEDERAL: \$68,215,000

4 On page 135, strike lines 4 through 6 and insert the
 5 following:

1 nities that provides technical assistance (including
2 circuit rider technical assistance programs, multi-
3 State, regional assistance programs, and training
4 and preliminary engineering evaluations) to owners
5 and operators of medium treatment works, which
6 may include State agencies.

7 “(3) QUALIFIED NONPROFIT SMALL TREAT-
8 MENT WORKS TECHNICAL ASSISTANCE PROVIDER.—
9 The term ‘qualified nonprofit small treatment works
10 technical assistance provider’ means a nonprofit or-
11 ganization that, as determined by the Adminis-
12 trator—

13 “(A) is the most qualified and experienced
14 in providing training and technical assistance to
15 small treatment works; and

16 “(B) the small treatment works in the
17 State finds to be the most beneficial and effec-
18 tive.

19 “(4) SMALL TREATMENT WORKS.—The term
20 ‘small treatment works’ means a publicly owned
21 treatment works serving not more than 10,000 indi-
22 viduals.

23 “(b) TECHNICAL ASSISTANCE.—The Administrator
24 may use amounts made available to carry out this section
25 to provide grants or cooperative agreements to qualified

1 nonprofit small treatment works technical assistance pro-
2 viders and grants or cooperative agreements to qualified
3 nonprofit medium treatment works technical assistance
4 providers to provide to owners and operators of small and
5 medium treatment works onsite technical assistance, cir-
6 cuit-rider technical assistance programs, multi-State, re-
7 gional technical assistance programs, and onsite and re-
8 gional training, to assist the treatment works in achieving
9 compliance with this Act or obtaining financing under this
10 Act for eligible projects.

11 “(c) AUTHORIZATION OF APPROPRIATIONS.—There
12 are authorized to be appropriated to carry out this sec-
13 tion—

14 “(1) for grants for small treatment works tech-
15 nical assistance, \$15,000,000 for each of fiscal years
16 2017 through 2021; and

17 “(2) for grants for medium treatment works
18 technical assistance, \$10,000,000 for each of fiscal
19 years 2017 through 2021.”.

20 (b) WATER POLLUTION CONTROL REVOLVING LOAN
21 FUNDS.—

22 (1) IN GENERAL.—Section 603 of the Federal
23 Water Pollution Control Act (33 U.S.C. 1383) is
24 amended—

25 (A) in subsection (d)—

16

1 (i) in the matter preceding paragraph
2 (1), by inserting “and as provided in sub-
3 section (e)” after “State law”;

4 (ii) by redesignating subsections (e)
5 through (i) as subsections (f) through (j),
6 respectively; and

7 (iii) by inserting after subsection (d)
8 the following:

9 “(c) ADDITIONAL USE OF FUNDS.—A State may use
10 an additional 2 percent of the funds annually allotted to
11 the State under this section for qualified nonprofit small
12 treatment works technical assistance providers and quali-
13 fied nonprofit medium treatment works technical assist-
14 ance providers (as those terms are defined in section 222)
15 to provide technical assistance to small treatment works
16 and medium treatment works in the State.”.

17 (2) CONFORMING AMENDMENT.—Section
18 221(d) of the Federal Water Pollution Control Act
19 (33 U.S.C. 1301(d)) is amended by striking “section
20 603(h)” and inserting “section 603(i)”.

21 On page 177, line 17, strike “85” and insert “50”.

22 On page 177, line 21, strike “15” and insert “50”.