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Senate

The Senate met at 10 a.m. and was called to order by the President pro tempore (Mr. HATCH).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal God, our sustainer, You know the mistakes and wrongs we sometimes do. We are sometimes selfish, stubborn, and unkind. Send Your Spirit to empower us to live worthy of Your great Name.

Lord, guide our Senators as they confront the struggles of our times, bringing them confident assurance that Your purposes will prevail. In the hectic pace of their living, help them to slow down long enough to hear Your still, small voice of wisdom. Eviscerate the tensions that pull them apart and keep them from being whole.

Lord, You know us better than we know ourselves, so have Your way in our world.

We pray in Your Holy Name. Amen.

PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER (Mr. COTTON). The Democratic leader is recognized.

Mr. REID. Mr. President, the Republican leader is on his way.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER. The majority leader is recognized.

OBAMACARE

Mr. MCCONNELL. Mr. President, days before ObamaCare passed the Senate in 2009, the senior Senator from New York predicted that Americans would come around soon on the unpopular bill his party was trying to force through the Senate. ''The reason people are negative is not the substance of the bill,'' he mused, ''but the fears that the opponents have laid out. When those fears don't materialize, and people see the good in the bill, the numbers are going to go up.''

Today, years later, one need only read the headlines to see just how wrong that prediction was. ''One-third of the US won't have a choice between Obamacare plans in 2017.'' Other headlines:

''Frustration mounts over ObamaCare co-op failures.''

''Insurers propose massive increase in individual health insurance rates.''

Here is the latest headline my constituents read just recently: ''Get ready to pay more for health insurance in Kentucky.''

These headlines tell a story of a failing, partisan law and its continuing assault on the middle class. When Republicans warned of predictable consequences like these, Democrats waved off our concerns and forced their partisan law through anyway—with the middle class forced to bear the consequences ever since.

It is time Democrats started to finally listen, and that is why last week Senators came to the floor to share the heartbreaking stories of how ObamaCare continues to hurt their constituents and impact their States.

Senator CAPITO called ObamaCare ''nothing short of devastating'' in her home State of West Virginia. ''Working families,'' she said, ''are being faced with skyrocketing premiums, copays, and deductibles.''

Senator ISAKSON warned that ''the numbers do not lie'' in Georgia. ''ObamaCare,'' he said, ''is forcing insurance carriers to leave the market, eliminating competition and choice, all . . . while placing the burden of higher costs on the backs of working taxpayers in this country.''

Senator MCCAIN explained how ''Americans have been hit by broken promise after broken promise and met with higher costs, fewer choices, and poor quality of care'' and noted that his home State of Arizona ''has become ground zero for the collapse of Obamacare.''

Just last month, the Obama administration told Americans not to worry about rising costs because they could shop around to find the best plan and save money on health insurance, but many Americans in places like Ohio are ''going to be severely restricted'' when it comes to choosing an insurer next year, as the State's director of insurance pointed out. In fact, 19 of Ohio's counties are set to have just a single insurer in the exchange and another 28 counties will have only 2 options. Restrictions like these mean families could lose access to doctors they know and trust, face higher premiums, more out-of-pocket expenses, and have fewer options to shop around for more affordable coverage or plans to meet their changing needs.

One self-employed Ohioan summarized the pinch facing so many across the country. She said: ''They fine you if you don't have insurance, and then they take your options away.'' That is what she said after learning she would lose her plan. Her frustration is one felt across Ohio and across America.

More than 2 million people could be forced to find a new plan next year. A

● This ''bullet'' symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

majority of the Nation's counties are expected to have only one or two insurers offering plans in the exchange, and eight entire States are expected to have only a single insurer in the exchange to choose from. That is because just last night we learned that Connecticut would likely become the latest State with only a single insurer on the exchange next year. We learned something else last night as well: One of the few remaining ObamaCare co-ops will not offer plans in New Jersey next year.

This is part of a broader trend we have seen across the country, with ObamaCare co-ops shuttering and forcing Americans to find new coverage as a result. Just look at what happened in New Hampshire. The Granite State's co-op was, in the words of New Hampshire Public Radio, ''the exact type of business that was supposed to make the individual insurance market more competitive'' under ObamaCare. But the co-op recently announced that it would close down operations in the State anyway. That is forcing thousands to find another plan, and it is forcing taxpayers to foot the bill.

Here is what one New Hampshire editorial had to say after the announcement:

The entire ObamaCare scheme was set up on faulty premises. . . . You can't force people to buy health insurance they don't want, subsidize mediocre insurance plans people can't afford, and still claim to hold down rising medical expenses.

''The program,'' the paper continued, is ''destroying itself.''

Collapsing co-ops and withdrawing insurers aren't the only signs that ObamaCare is ''destroying itself.'' Just look at my home State of Kentucky, where premiums could rise by distressing rates—in some cases as high as 47 percent. It is no wonder my office continues to hear from people who are desperate for relief from this law.

One Louisville mom said her family's health care costs will consume nearly one-fifth of their budget this year. She said:

This health care law has been far from affordable for my family. Every year we extensively research for the least expensive coverage we can find. Nevertheless, our premiums continue to skyrocket. . . . Our out-of-pocket expenses have greatly increased as well. . . . No, we didn't have junk insurance before ObamaCare, but I'm rather certain that what we have now IS junk insurance. . . . I wish someone would explain to us how a hard working middle class family paying this much for health insurance became a loser under ObamaCare.

Here is another letter from a Lexington father of three and small businessman who has provided insurance to his employees at no cost for decades because he says it is ''the right thing to do.'' Now he worries how he will be able to afford that next year, with his small business facing substantial increases when it comes to health care expenses.

Here is what he said:

At these rates, we will likely be forced to consider alternatives, including forgoing insurance altogether or pushing at least some of the additional cost onto our employees.

This is thanks to, as he put it, ''the cynically named Affordable Care Act.''

These are the realities of ObamaCare for middle-class Americans across our country. Democrats can deny it, Democrats can say this is all some messaging problem, Democrats can pretend ObamaCare has been terrific for the country, as the Democratic leader tried to convince us last week, or they can accept that many years after ObamaCare's passage, the opposite of Senator SCHUMER's prediction is proving true, and it is anything—anything—but terrific. The reason Americans are negative about ObamaCare is precisely because of its substance. Unfortunately, their fears have materialized.

ObamaCare is shrinking choices, and higher costs present a stark contradiction to what its champions promised. Democrats gave us plenty of soaring oratories in 2009. I remember it well. We are finding that the sleepless nights, unpaid bills, and broken promises are actually becoming the hallmarks of this partisan law.

It is time for Democrats to stop denying reality and ignoring the concerns of our country. They need to stop pretending that ObamaCare's failures can be solved by doubling down on ObamaCare with a government-run plan. It is time for Democrats to finally work with us to build a bridge away from ObamaCare and toward real care for the country because, as one Kentucky op-ed asked, ''if the ACA is failing so completely in delivering on its promises, why keep it? Why throw good money after bad?''

The PRESIDING OFFICER. The Democratic leader.

THE SENIOR SENATOR FROM TEXAS

Mr. REID. Mr. President, I have a few things to say in a minute, but first I want to say this: Before coming to the Senate and the House, I was a trial lawyer. I have tried over 100 cases to juries, and some of those cases were very difficult. During the time we were in court with the opponent attorney, it was very hard, but as I look back to those days, never after a case was completed were there any hard feelings between me and my adversary during the trial.

The reason I mention that today is because I was thinking of my time here over the last few years. I have been in the Senate a long time. Someone else who has been here a long time, although not as long as I have, is the assistant Republican leader. He had a distinguished career, prior to coming here, in the law. He was a member of the Texas Supreme Court, and he was noted for being the lawyer that he is.

I want to say to my friend—he is here on the floor today—that we have had our differences, and we speak about them often. Yesterday I criticized him for doing something that I thought was wrong and not in good keeping with the standards of the Senate, but I want everyone to know that my criticism of the senior Senator from Texas is not based on anything dealing with his character or integrity. I am going to continue criticizing him and others whom I feel are not living up to their responsibilities as a Member of the U.S. Senate.

I just want the RECORD spread because a lot of my intention over the last several months has been directed toward the Senator from Texas. I want him to know that I appreciate his being on the floor today. I look back with—pride is maybe the wrong word—satisfaction about my time in the courtroom. Those were difficult cases that I had. When it was all over with, the feelings of the two attorneys were over with. There were no ill feelings. We would then move on to our next client. So I hope the Senator from Texas accepts my brief statement here in the manner that it is being offered.

OBAMACARE

Mr. REID. Mr. President, the Republican leader loves to come to the floor once or twice a week to talk about how bad ObamaCare is. What I say to him is this: His constant attacks on ObamaCare do not take away from the fact that there are 20 million people who have health insurance today who didn't have it 6 years ago. The Senator from California came as the speech was being given by the Republican leader and said to me: Remind him of what is going on in California—that we love ObamaCare. It is working wonderfully. Millions of people in California have health insurance that they didn't have before. She reminded me that in those States where the Republican Governors have agreed to do Medicaid, it is great. In fact, where States have expanded into Medicaid, the rates are approaching 10 percent lower than in other States.

I need not look at California. Let's look at Nevada. We have a conservative Republican Governor. Brian Sandoval is his name. I have learned to accept the fact that he is doing a good job. In spite of the fact that in running for Governor he beat my son, Brian Sandoval is a good person. He is doing a good job as Governor of the State of Nevada. He stepped aside and was not worried about the criticism he would receive by helping the people of the State of Nevada, and he has Medicaid in the State of Nevada. The rates there are some 7, 8 percent lower than had he not done that.

My friend, the Republican leader, complains about the few choices in the ObamaCare marketplace. Wow, that takes a lot of chutzpah to say that. Before ObamaCare, people had no choice, or the choice was either paying a lot, a whole lot, or not doing anything. Many people just skipped insurance. They were willing to take their chances.

Now, people go to the marketplace and they have lots of choices. That is why we have 20 million more people who have health insurance now who didn't have it before. There are many examples, but my friend the Republican leader just ignores them. Preexisting conditions—think about that. Prior to ObamaCare, if you had a child who was born with a birth defect of some kind, if you had a child that developed diabetes, or if you were an adult who might have had a car accident, or you were a woman—a woman—who had a preexisting condition, you had to pay more for your health insurance, if you could get some.

Everyone seems to ignore the good that has come from ObamaCare. Eighty-five percent of the people in the marketplaces get financial assistance in buying their coverage. After assistance, people are paying an average of $175 a month for their health insurance.

So ObamaCare is a signature issue of the Obama administration. As he announced yesterday, he is very happy with what ObamaCare has done for the American people, and it should be made better. It could be made better so easily if we could have a little bit of cooperation from the Republicans—a little bit. But we are going to continue focusing on making sure that people understand how well it has worked.

CONTINUING RESOLUTION

Mr. REID. Mr. President, last evening at 4 o'clock or thereabouts, I had the opportunity to go to the White House and visit with the President, along with Leader MCCONNELL, Speaker RYAN, and Leader PELOSI. We met for about 1 hour and 15 minutes. It was a very good meeting. We had to discuss a number of issues. We discussed a lot, but I will not talk about them all today.

There was a discussion about a path forward to fund the government to prevent a government shutdown—in spite of what the Wall Street Journal said today. The Wall Street Journal said in an editorial that the Republicans should just close the government again. I don't think there are many Republicans who agree with the Wall Street Journal editorial.

There is reason for some very, very cautious optimism about our meeting last night. We are going to proceed carefully. I know the Republicans will do the same. We have been down this road with the Republicans before. Happy talk is just that a lot of times. We have been optimistic in the past only to see the Republicans fail to live up to their end of the agreement.

If we are going to pass a CR that keeps our government open and funded, there are a number of problems that must be addressed. We have to stop ignoring the problems with Zika. This has been a problem, according to the President of the United States, since last February. We have done nothing to give these people some relief, and they need it. We thought that it was just a problem that affected women and pregnant women, but it has gotten so much more serious than that. That is plenty serious. But now they are looking at the virus going into people's eyes and causing vision impairment, blindness. That is men and women. So we have to get something done with Zika. We thought we had it all done here with the work done by Senators MURRAY and BLUNT. We had a bill. It wasn't everything we wanted, and it certainly wasn't what the President wanted. It was $1.1 billion. We sent it to the House. We don't need to go through what gymnastics they went through to throw a big monkey wrench into the good work we had done over here by passing it with 89 bipartisan votes.

Last week there were 17,000 Americans infected with Zika. We are told by the Centers for Disease Control that there are now 19,000. That is a 13-percent increase in 7 days, and each day it is only going to get worse. We need to treat the Zika virus like the genuine health crisis it is, not a bargaining chip for Republicans to use to attack Planned Parenthood, fly the Confederate flag, cut veterans spending by half a billion dollars, and other such things they stuck in the bill that came back from the House.

We want to work with the Republicans to secure Zika funding, but we will flatly reject any attempt to undermine women's health.

Once we have taken care of Zika, we must, then, as a Senate address Republicans' issues dealing with the continuing resolution, including riders dealing with the Environmental Protection Agency. They want to weaken the Clean Water Act by exempting pesticide spraying from the EPA's overseeing what goes on there.

We need to find a way forward on both of these important issues, while trying to navigate Senator CRUZ's attempts to slow down the CR. Unfortunately, this is what we have come to expect from my friend, the junior Senator from Texas. This is his shtick. Whenever the Senate has a deadline, he tries to obstruct government funding bills.

So we have our work cut out for us. I am cautiously optimistic the Senate will complete its work on the funding of Zika and the CR. We can do it, but it can only happen if we work together and resolve these important topics.

Mr. President, I ask the Chair to announce the business of the day.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

WATER RESOURCES DEVELOPMENT ACT OF 2016

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 2848, which the clerk will report.

The senior assistant legislative clerk read as follows:

A bill (S. 2848) to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes.

Pending:

McConnell (for Inhofe) amendment No. 4979, in the nature of a substitute.

Inhofe amendment No. 4980 (to amendment No. 4979), to make a technical correction.

The PRESIDING OFFICER. The assistant Republican leader.

CIVILITY

Mr. CORNYN. Mr. President, while the Democratic leader is still on the floor, let me express my gratitude to him for his remarks earlier. It is true that for better or for worse, we both have to bear the burden of legal training and experience in courtrooms where we learned that adversaries don't necessarily have to be enemies and to disassociate the arguments we are making from any personal animus or animosity, which, I think, is a very healthy and constructive thing to do. I always remember the excerpt from ''The Taming of the Shrew'' where one of the speakers said: ''Do as adversaries in law; strive mightily, but eat and drink as friends.''

So I think that kind of civility is an important admonition for all of us. It is one that maybe we don't always live up to but one that I think we should continue to strive to emulate.

So let me just say to the Democratic leader that I appreciate his comments and perhaps we can all do a little bit better in that category.

OBAMACARE

As the minority leader also pointed out, we have some very big disagreements. It seems as though each day is likely to bring more news about the awful side effects of President Obama's signature health care legislation, ObamaCare, as it has come to be called. The truth is that the implementation and the reality of ObamaCare has been nothing short of a disaster for many of the people who I represent in Texas, but it is not limited to the 27 million people or so who live in Texas. The problem has been visited on many people, as the majority leader commented about earlier with some of the statements he made with regard to its implementation in various other States.

Unfortunately, when Congress and Washington make a mistake, it is the American people who have to pay the price, and it seems as though the consequences of ObamaCare are only getting worse.

I think it is worth remembering—I certainly remember—that it was on Christmas Eve in 2009, at 7 o'clock in the morning, when the Senate passed the ObamaCare legislation with 60 Democrats voting in favor of it and all Republicans voting against it. I think that was the beginning of the failure of

ObamaCare. What our Democratic friends, including the President, failed to learn is that any time signature legislation that affects one-sixth of the economy and every American in this country—any time we pass a law like that, in the absence of some political consensus where each side gets something and gives up something and that builds consensus, then that law is simply not going to be sustainable, beyond the policy problems the law has obviously manifested.

I still remember as if it were yesterday, when the President said: If you like your doctor, you can keep your doctor. He said: If you like your policy, you can keep your policy. He said that the average family of four would save $2,500 on their health care costs. None of that has proven to be true. In fact, just the opposite is true. That is, unfortunately, part of the legacy of the broken promises of ObamaCare. It was essentially sold under false pretenses.

Back in my old job, before I came to the Senate, I was attorney general of Texas, and we had a consumer protection division that sued people who committed consumer fraud, who represented one thing to consumers and delivered another. We sued them for consumer fraud. Unfortunately, the American people can't sue the Federal Government for consumer fraud. They would have a pretty good case because of the trail of broken promises known as ObamaCare.

I just want to point out a few instances of how ObamaCare has proven to be such a disaster for the folks I represent in Texas.

Under the so-called Affordable Care Act—which really should be called the un-Affordable Care Act—many of my constituents in Texas are paying more for their insurance. Of course many remember the PR campaign the President and his administration rolled out to the American people. He promised better coverage, more choices, and lower prices. The one component we would think health care reform would deliver and that ObamaCare has been a complete failure on is lower costs for consumers. In fact, because of the mandates in ObamaCare, such as guaranteed issue—which is an arcane topic, but because of the way it was structured, it was bound to cost more money, not less—how in the world are we going to get more people covered by charging them more than they currently pay for their health care? We are not, unless we are going to come in the back door and use taxpayer subsidies to sort of cushion the blow, but even then, many people are finding ObamaCare simply unaffordable or maybe they can get coverage, but they find out they have a $5,000 deductible. So when they go to the hospital or when they go to the doctor, while they may think they have coverage, they basically are self-insured.

Unfortunately, my constituents have learned that ObamaCare has simply failed to deliver. Many people in my State are suffering. Over the past 2 months, it seems as though every week I read another headline in the Texas newspaper about the way it is hurting my constituents. I brought a few of those with me today.

First of all, here is the headline in the San Antonio Express-News: ''Obamacare hitting Texas hard as insurers propose steep rate increases.'' One might say: Why are you upset with ObamaCare when it is the insurance companies that are raising rates? The reason the insurance companies are raising rates is because people aren't signing up for ObamaCare if they can avoid it, unless they happen to be older and subject to more illnesses, which means the cost goes up for those who are buying those policies.

The article talks about how insurance companies are losing hundreds of millions of dollars under ObamaCare. Again, why would we care about insurance companies losing hundreds of millions of dollars? As we found out, many of them simply can't sustain themselves in the States so they are leaving. The majority leader talked about that a moment ago. Just to make ObamaCare viable, many of them are raising premiums by as much as 60 percent next year, just to stay in business.

Unfortunately, Texas is not unique. Other States such as New York and Illinois are looking at double-digit premium increases in 2017 as well. That is because, under the President's signature health care law, insurers are forced to pass along higher costs to customers. If they can't do it, their only other choice is to leave, leaving consumers with fewer choices and maybe only one choice in a State. That happens when the government—when the masters of the universe in Washington, DC,—think they know better than the market. It is basic economics.

The bad headlines don't stop there. Here is one from the Austin American-Statesman: ''Thousands affected in Texas as Aetna rolls back Obamacare plans.'' Aetna alone has more than 80,000 customers in Texas. It is one of the biggest health care providers in the country. Their leaving means that thousands of people will have to find a new health care plan. So much for ''if you like what you have, you can keep it,'' assuming they have a plan they liked, which now is more expensive than what many were paying before ObamaCare was passed. Again, it is not just my constituents in Texas who are hurting. Starting next year, Aetna will offer plans in only 4 States—4 States—down from the current 15. So consumers will have even fewer choices starting next year.

Aetna wasn't the only company to leave the State. This poster shows the headline from the Waco Tribune-Herald. Scott & White is one of our premier hospitals and health care systems in central Texas. The headline says: ''Scott & White Health Plan leaving Obamacare.'' According to the article, more than 44,000 Texans will have to find another insurance plan in 2017. Again, because of the extra costs burdening these companies, they simply can't afford to offer coverage, and they have no alternative but to pack up and leave.

Finally, here is a headline from the Texas Tribune: ''Health Insurers' Exit Spells Trouble for Obamacare in Texas.'' In this story, the Tribune reports that in addition to Scott & White and Aetna, an insurance startup called Oscar Insurance also announced it would withdraw from Texas exchanges in the Dallas-Fort Worth area. The Dallas-Fort Worth area is one of the most populous parts of the State. This is absolutely unacceptable. With so many insurance companies pulling out of Texas, Texans will have less health care options, plain and simple.

I am beginning to wonder whether the conspiracy theories we heard early on about ObamaCare, that it was built to fail because what the advocates wanted is a single-payer, government-run system, and this was just a predicate or prelude to that because it could not work as structured. We can draw our own conclusions, but, the fact is, consumers will have less choice and their health care coverage comes at a higher price.

According to one estimate, 60 counties out of 254 counties in Texas will have just one option in 2017 unless other insurance companies decide to enter the market, which is highly unlikely given the way ObamaCare is structured. That means prices will continue to go up. And you wonder why people are frustrated in America, why our politics seem too polarized, and why people seem so angry at what is happening in Washington? At a time when their wages have remained flat because of this administration's economic policies—and overregulation being a large part of it—the costs for consumers continue to go up. That means people's real disposable income is going down, and they are not happy about it—and they shouldn't be.

Texas is a big State. We have very highly populated areas like the Metroplex in Dallas-Fort Worth and Houston and Austin, but we are a big rural State as well. People who live outside of the major cities are the very demographic that ObamaCare was supposed to help, but they will be disproportionately hurt as fewer companies are able to offer insurance away from major population centers. Company after company is packing up and leaving the exchanges in Texas because ObamaCare simply will not work as structured. It can't deliver on its promises. At the end of the day, hard-working Texas families have to pay for the partisan policies of this administration and our Democratic colleagues who jammed this through Congress rather than trying to build some consensus, on a bipartisan basis, that would make this sustainable.

I remember being at a program where James Baker III, who obviously served

in the Reagan administration, and Joe Califano, former Secretary of Health and Human Services—a Democrat who served in the Carter administration, a Democratic administration—made the commonsense observation that any time you pass legislation as big as ObamaCare, it is bound to fail because you can't expect people who opposed the legislation from the very beginning to say: Let me try to rescue you from a bad decision in the first place, when they were essentially frozen out of the process.

For example, when Social Security became the law, consensus was reached, and that is the way it should be done. Unfortunately, my constituents in Texas and the American people are paying the price for a bad decision made in 2009 and 2010 to make ObamaCare a purely partisan piece of legislation.

I get letters from my constituents all the time who liked their insurance before it was cancelled because of ObamaCare, they liked their doctor whom they could see under their existing health care policy, and they even liked the price they were paying for it—it was affordable before the mandates of ObamaCare, but one by one they lost their coverage when ObamaCare became the law of the land.

I have had some of my constituents tell me they feel terrorized by ObamaCare. Strong words. Others have told me bluntly, they need relief from it: Please, help us. We are drowning in higher costs and fewer choices and we don't like what we have under ObamaCare. The bottom line is, for all of the purported benefits the Democratic leader talked about—more people on Medicaid, more people with some form of coverage—we know a huge majority of people feel as though they got a raw deal, and we knew it would be that way from the beginning. That is the reason many people, including myself, opposed it.

That is also the reason why just this year Senate Republicans passed a bill under the budget reconciliation process to repeal ObamaCare, because we feel the American people deserve better. Not surprisingly, President Obama vetoed it. What we demonstrated is, the political support in the Senate, working with the House, to, hopefully under the next President, build a health care system the American people can afford, giving them the choices they want because unfortunately ObamaCare did not deliver on its promises.

We have our work cut out for us in 2017. We demonstrated there are enough votes there to repeal ObamaCare. All we need now is a President who will sign it, as we work together to repeal it and give a more affordable alternative to ObamaCare that gives people the choices they want and deserve.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The assistant Democratic leader.

Mr. DURBIN. Mr. President, both the Republican majority leader and the Republican assistant majority leader have come to the floor to address one issue that is pretty important to them, and it clearly is the focus of their attention. The issue today is the Affordable Care Act, ObamaCare, which was passed by the Senate and the House 6 years ago. What I have missed in most of the debate—no, in fact, what I missed from all of the debate from the Republican side, is their proposal or their alternative. They don't have one. No, what they want to argue is: We need to go back to the good old days—the good old days of health insurance before the Affordable Care Act.

You heard the Senator from Kentucky and the Senator from Texas talk about getting back to those good old days and getting rid of the mandates in the Affordable Care Act. What were those mandates in the Affordable Care Act? Here is one. It says if you or any member of your family had a preexisting condition, you could not be denied health insurance. Does any family across America have a family member with a preexisting condition? It turns out there are quite a few—my family and many others. There are 129 million Americans out of 350 million who have a preexisting condition in their family. What did that mean in the good old days before the Affordable Care Act, which the Republicans want to return to? It meant health insurance companies would just flat out say no, we are not going to cover you. You have a child who survived cancer, you have a wife who is a diabetic—no health insurance for you. Those are the good old days that Republicans would like to return to, but for 129 million Americans, it means no insurance or unaffordable insurance to go back to the Republican good old days under health insurance.

There was also a provision—another mandate in the Affordable Care Act—which said you cannot discriminate against women when it comes to health insurance. Why would health insurance companies charge more money for women than men? Well, women are made differently, have different health needs. But why should they be discriminated against when it comes to the cost of health insurance?

One of the mandates said that you treat men and women equally when it comes to the payment of premiums. In the good old days, you could discriminate against women. It meant that 157 million American women could pay a higher premium for the same health insurance as a man. So the good old days, which the Senate Republicans would like to return to in health insurance, would go back to discrimination against women.

There was another mandate. The mandate said that if you were a family who had a son or a daughter and you wanted to keep them on your family health insurance until they reached the age of 26, the health insurance companies had to give you that option. It was mandated. In the good old days, which the Senate Republicans would like to return to, there was no requirement that you be allowed to continue coverage for your son or daughter to age 26.

What difference does that make? I remember when my daughter was going to college and then graduated. I called her and said: Jennifer, do you have health insurance?

Oh, Dad, I don't need that. I feel fine.

Well, no parent wants to hear that. You never know what tomorrow's diagnosis or tomorrow's accident is going to bring. So one of the mandates, which the Republicans would like to get rid of, is the mandate that family health insurance cover your children up to age 26 while they are graduating from school, looking for a job, maybe working part time. They want to go back to the good old days when you could tell a family: No, your son or daughter cannot stay under your health insurance plan.

There was another provision too. There used to be a Senator who sat right back there; I can picture him right now—Paul Wellstone of Minnesota. Paul Wellstone was an extraordinary Senator who died in a plane crash. You probably remember. Over on that side of the aisle, right at that seat, was Pete Domenici of New Mexico. Pete Domenici was a Republican Senator from New Mexico.

Paul Wellstone and Pete Domenici were two polar opposites in politics, but they had one thing in common. Both of them had members of their family with mental illness. The two of them, Paul Wellstone and Pete Domenici, came together and said: Every health insurance plan in America should cover mental health counseling and care—mandated mental health counseling and care.

Those two Senators from the opposite poles in politics knew, together, that mental illness is, in fact, an illness that can be treated. Health insurance plans did not cover it, did not want to cover it. But the mandate that they came up with, included in the Affordable Care Act, said: Yes, you will cover mental health illness and mental health counseling.

Well, you have just listened to the Senator from Texas talk about doing away with mandates, mandates that require the coverage of mental health illness. There is something else they included, too, and most of us didn't notice. It doesn't just say mental health illness; it says mental health illness and substance abuse treatment.

What I am finding in Illinois, and we are finding across the country because of the opioid and heroin epidemic, is that many families get down on their knees and thank goodness that their health insurance now gives their son or daughter facing the addiction of opioids or heroin health insurance coverage for treatment. This is another mandate in the Affordable Care Act that the Senators from Texas and Kentucky believe should be gone.

That is not all. There is also a mandate in the Affordable Care Act that we

do something to help senior citizens pay for their prescriptions drugs. Under the plan devised by the Republicans, there was something called a doughnut hole where seniors could find themselves, after a few months each year, going into their savings accounts for thousands of dollars to pay for their pharmaceuticals and drugs.

We put in a mandate in the Affordable Care Act to start closing that doughnut hole and protecting seniors. The Republicans would have us go back to the good old days when the Medicare prescription program—where seniors were depleting their savings because of the cost of lifesaving drugs.

So when you go through the long list of things that are mandated in the Affordable Care Act, you have to ask my Republican critics: Which one of those mandates would you get rid of? They suggest that—at least the Senator from Texas suggested—we should get rid of all of these mandates and go back to the good old days of health insurance.

It is true that the cost of health insurance is going open up. My family knows it. We are under an insurance exchange from the Affordable Care Act. We know it. Others know it as well. But to suggest this is brand new since the Affordable Care Act is to ignore reality and to ignore the obvious. If you take a look back in time—and not that far back in time—before the passage of the Affordable Care Act, you find some interesting headlines.

The Senator from Texas brings headlines from Texas of the last few months. In 2005, 5 years before the Affordable Care Act was law, there was a Los Angeles Times headline that read, ''Rising Premiums Threaten Job-Based Health Coverage.'' It should not come as any surprise to those of us who have any memory of when the cost of health insurance premiums were going up every single year.

In 2006, 4 years before the Affordable Care Act became law, a New York Times headline read, ''Health Care Costs Rise Twice as Much as Inflation.''

In 2008, 2 years before we passed the law, a Washington Post headline read, ''Rising Health Costs Cut Into Wages.''

It is naive—in fact, it is just plain wrong—to suggest that health care costs were not going up before the Affordable Care Act, and health insurance premiums were not going up. If you could buy a policy, you could expect the cost of it to go up every year. What we tried to achieve with the Affordable Care Act was to slow the rate of growth in health insurance costs. We have achieved that.

More than 20 million Americans who did not have it before the Affordable Care Act now have health insurance. We are also finding that the cost of programs like Medicare have gone down over $400 million because we are finding cost savings in health care, cost savings brought about because of the Affordable Care Act. I said $400 million; sorry, I was wrong. It is $473 billion saved in Medicare since the Affordable Care Act because the rate of growth in health care costs has slowed down.

For employer premiums, the past 5 years included four of the five slowest growth years on record. Health care price growth since the Affordable Care Act became law has been the slowest in 50 years. Have some premiums gone up? Yes, primarily in the individual market.

Now, the Senator from Texas and I have something in common. The biggest health insurer in my State is also a major health insurer in Texas—Blue Cross. Blue Cross came to me and said: We are going to have to raise premiums. How much, I can't say ultimately. It is still going through the decision process. What was the reason? They said: Not enough people are signing up for the health insurance exchanges. What we are trying to do is to get more people to sign up for health insurance so that we literally have universal coverage across this country.

We have made great progress; 20 million people more are covered. But to argue that we should go back to the good old days of health insurance, of discrimination against people with preexisting conditions, discrimination against women, making the decision that if your child has a medical condition, your family would not have health insurance—to say that we should go back to that—is that what the Republicans are proposing? I am still waiting for the Republican alternative to the Affordable Care Act. They have had plenty of time to work on it.

They call it partisan law, but let's make the record clear. In 2009, when President Obama was sworn into office and started this effort to reform health insurance in America, Max Baucus, a Democrat from Montana, was the chairman of the Senate Finance Committee. He reached out to the ranking Republican, CHUCK GRASSLEY of Iowa, to try to devise a bipartisan bill.

They took a long time deliberating and meeting. In fact, many of us were frustrated, saying: When is this going to result in an actual bill? In August of 2009, Senator GRASSLEY announced he was no longer going to be engaged in that deliberation and negotiation. From that point forward, no Republicans participated in the drawing up of the bill or an alternative. It passed on a partisan rollcall despite the best efforts of many Democratic Senators to engage the Republicans in at least debating the issue and helping us to build the bill.

They were opposed and remain opposed. They still oppose it today and still have no alternative, no substitute. It is their hope that we will somehow return to the good old days of health insurance. Well, they were not good old days for millions of Americans. It meant discrimination, exclusions, expenses, and treatment no one wants to return to.

One topic is never mentioned by the Republicans when they come to the floor and talk about health insurance. I listened carefully yesterday and again today with Senator MCCONNELL and with Senator CORNYN, and one thing they failed to mention: Did you hear them say anything about the cost of pharmaceuticals and drugs? Not a word.

Yet when you ask health insurance companies why premiums are going up, some are saying: They are being driven by the cost of pharmaceuticals. One company says that 25 percent of our premium increase goes to the cost of pharmaceuticals. Well, we know what they are talking about, don't we. When people take over these pharmaceutical companies, they grab a drug that has been on the market, sometimes for decades, and decide to raise the price 100 percent, 200 percent, and 550 percent in the case of EpiPens, those pens that save kids who have anaphylactic reactions to peanuts and other things they are allergic to.

So if we are going to deal with the drivers in the cost of health insurance, my friends on the Republican side have to be open to the suggestion that we need to do more to protect American consumers from being fleeced by pharmaceutical companies. Why are we paying so much more for drugs in America that are literally cheaper in Canada and cheaper in Europe? It is because our laws do not give the consumers a fighting chance. Our laws allow pharmaceutical companies to charge what they wish with little or no oversight.

Do you want to bring down the cost of health care? We have hospitals already engaged in that effort, doctors engaged in that effort, medical professionals committed to that effort. But what one hospital administrator said to me is: Senator, when are we going to get the pharmaceutical companies to join us in trying to reduce the cost to consumers?

Let me just close by saying that the Senator from Texas said: There were those in the Senate who wanted to have a government health insurance plan. Guilty as charged—not as the only plan, but as a competitor when it came to these health insurance plans. What if we had Medicare for all across the United States as an alternative in every insurance exchange and allowed consumers across this country to decide whether that is an option that is valuable for them?

I am not closing out the possibility of private insurers. Let them compete as well. But consumers at least deserve that option, a nonprofit Medicare-for-all insurance plan. It was stopped because we did not have the support of all of the Democrats, to be honest with you, and no support from the Republican side. I still think that is a viable alternative that we should explore.

So I will still wait. There will be more and more speeches about the Affordable Care Act. I will still wait,

after 6 years, for the first proposal from the Republican side for the replacement of the Affordable Care Act. I have not seen it yet, but hope springs eternal.

I yield the floor.

The PRESIDING OFFICER (Mr. ROUNDS). The Senator from Nebraska.

Mrs. FISCHER. Mr. President, I rise to offer remarks on the Water Resources Development Act today. Specifically, I would like to address amendment No. 4996, which has now been modified and included in the Inhofe-Boxer managers' package. First, to Senators INHOFE and BOXER, thank you for your commitment to passing the WRDA bill every 2 years.

I appreciate their efforts to work with every Member in this Chamber to make certain that commitment is upheld. The bill reflects our duty and ability to ensure safe, reliable water infrastructure. In large part, it achieves this by granting greater flexibility to local stakeholders to manage their community's diverse water needs.

For example, in Nebraska, our 23 natural resource districts will be allowed to fund feasibility studies and receive reimbursement during project construction instead of waiting until that project is completed.

WRDA also includes real reform for State municipalities, like those in Omaha, struggling with unfunded combined sewer overflow mandates.

Personally, I am relieved that WRDA 2016 eliminates the EPA's flawed median-household income affordability measurement which hurts fixed- and low-income families.

Regarding amendment No. 4996, I thank the chair, the ranking member, and staff of the EPW Committee for working with me in a bipartisan manner to ensure that America's farmers and ranchers have greater certainty for their on-farm fuel and animal feed storage. This amendment provides a limited exemption to farmers from the EPA's spill prevention, containment, and control—or the SPCC—rule. Two years ago I worked with Senator BOXER, who was then chairman of the committee, in a good-faith effort to address concerns raised by my constituents about this rule, and I am very pleased to have the opportunity to do so again.

My modified amendment would wholly exempt animal feed storage tanks from the SPCC rule both in terms of aggregate storage and single-tank storage. Further, this amendment includes additional language that will exempt up to 2,000 gallons of capacity on remote or separate parcels of land as long as these tanks are not larger than 1,000 gallons each. Ultimately, this will give ag producers greater flexibility to access the necessary fuel needed to power machinery, equipment, and irrigation pumps.

Some may think these are just technical tweaks, but let me assure you they are critically important to farmers and ranchers across our country. Most agricultural producers live miles away from the nearest refueling station; therefore, producers rely upon on-farm fuel storage to supply the fuel they need at the time they need it. This amendment will ensure that producers can maintain that on-farm fuel storage. It will bring some reasonable, measured exemptions to the SPCC rule for small- and medium-sized farms and for livestock producers.

This compromise comes at a critical hour for our ag producers. They are struggling through one of the toughest farm economies since the 1980s. Markets are weak, and margins are tight. This compromise offers much needed regulatory relief. For many, it is a lifeline. It lifts an unnecessary burden.

I urge my colleagues to support these commonsense exemptions that will limit harmful Federal regulations on the men and women who feed a very hungry world. I wish to comment briefly on those harmful regulations. As I mentioned, the Senate passed a provision in the 2014 WRDA bill requiring the EPA to do some research before determining what is and what is not an appropriate, safe fuel storage level for the average American farmer. It is my view—and it is shared by many producers across the country—that if there is no risk, then there is no reason to regulate. Don't fix problems that don't exist.

The EPA released results of this study last year, and it is difficult for me to call it a study. The word ''study'' carries with it the implication of careful scrutiny. The EPA's report was, in reality, a collection of assumptions lacking in scientific evidence. It supported a recommendation that moved the goalposts on the exemption levels below the minimum that was previously agreed to by this Chamber and signed into law. The EPA report failed to show that on-farm fuel storage poses a significant risk to water quality. It cited seven examples of significant fuel spills and not one of them occurred on a farm or a ranch. Even more misleading, one referenced a spill of 3,000 gallons of jet fuel. I know that in the Presiding Officer's State of South Dakota and in my State of Nebraska, it would be very hard to find a farmer who employs the use of a jet engine when they are harvesting a cornfield.

To place these costly fees and heavy regulations on farmers and ranchers at so difficult a time is very dangerous and it is serious. To do so based on a report with false, misleading information is irresponsible.

I know the impact of Federal policies from first-hand experience. Farmers and ranchers understand that their success is the direct result of careful stewardship of our natural resources. We depend on a healthy environment for our very livelihoods. We know the value of clean water—you cannot raise cattle or corn without it. No one works harder to protect the quality of our streams and our aquifers. When it comes to preventing spills from on-farm fuel storage, producers already have every incentive in the world. We live on this land and our families drink the water.

Again, I thank Chairman INHOFE and Ranking Member BOXER for their willingness to come together, reach a compromise, and safeguard the livelihoods of our farmers and ranchers.

The Senate's approval of WRDA will be a relief for farmers throughout Nebraska and all across America, who should not face these unnecessary regulations. The bipartisan provision regarding on-farm fuel storage completely exempts animal feed ingredients, and it does provide greater flexibility to producers to access the fuel where they need it, and that is reflective of the real-world realities we face in production agriculture.

I appreciate my colleagues' support and cooperation on this issue.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

ZIKA VIRUS FUNDING

Mr. WYDEN. Mr. President, if ever there were an issue that ought to be bipartisan, it is tackling the Zika virus because this virus, of course, is taking an enormous toll on our country.

What we are seeing is women and men getting infected, research stalling out, and babies being born with deformities and severe disabilities. My view is there shouldn't be anything partisan about tackling this. It ought to be common sense. The Senate ought to come together, and we should have done it quite some time ago. Yet Republican leaders seem to be putting this into slow motion because they want to limit access to the very health services pregnant women depend on for their care. When you listen to their view, it is almost like giving pregnant women cans of bug spray and wishing them good luck. In my view, that defies common sense.

What I have always felt—and this has been true throughout my time in public service—is that with the big public health issues where the safety and well-being of so many Americans is on the line, you say: What we are going to do is we are going to do our job, we are going to come together, and we are going to do it in a bipartisan fashion based on what researchers and public health authorities say makes sense.

Yet here the Senate is on an issue that is at the forefront of the minds of millions of American women and families, and what we are being told by Republicans is that the price of dealing with the Zika virus is limiting women's rights and reducing access to reproductive health care, and so much of that agenda is a preventive agenda, which is exactly what the public health authorities say is most important.

My hope is that this Congress is very quickly going to say that we are going to set aside the anti-women, anti-family language, and, as part of a must-pass bill, that we are going to say we are going to come together as a body,

Democrats and Republicans, and address what are clear public health recommendations of the leading specialists in this country and do the job that Americans told us to do, which is, when you have something that affects millions of Americans and their health and safety—I had a number of forums on the Zika virus this summer in Oregon. It is a great concern. For example, the Oregon Health Sciences Center, our premier health research body, is very concerned about the research agenda stalling out.

I would say to my colleagues, let's set aside this question of trying to find ideological trophies as part of the Zika legislation. Let's address the clear public health recommendations we have received. Let's do it in a bipartisan way. Let's do it in a way that reflects common sense, and let's do it quickly.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

OBAMACARE

Mr. BARRASSO. Mr. President, I come to the floor after having seen the minority leader and then the minority whip on the floor this morning talking about the President's health care law. It is a law that the President said people should forcefully defend and be proud. What I heard was a defense of a bill—now a law—that was passed solely along partisan lines a number of years ago. It is very hard to be proud or defend that law based on what the American people are experiencing.

I come to the floor noting that the President is from the home State of Illinois, the minority whip is from the home State of Illinois, and there have been a number of stories in the press recently from that State about just how horrendous the impact of the law has been on the people of the President's home State, to the point that just yesterday there was a story in the Washington Examiner with the headline ''Illinois gets ready for huge Obamacare rate hikes.''

People say: Well, what is not to like about ObamaCare?

According to a Crain's Chicago Business report dated August 27—the headline is ''What's not to like about ObamaCare? Plenty in Illinois.''

There is plenty in Illinois not to like about ObamaCare, but it is not just Illinois and it is not just Nevada, where the minority leader is from; a Gallup poll of the entire country that recently came out showed that more Americans are negative than positive about the health care law. Have there been some people who have been helped? Absolutely. But overall, most Americans in this case have said the impact has been more negative than positive.

It is interesting because the way the question was asked—they asked: Has this health care law helped you personally or has it hurt you and your family?

I was astonished to see that 29 percent of Americans say ObamaCare has hurt them and their families personally. Three out of ten Americans say this law has hurt them and their families personally. Well, how does that happen? Maybe they lost their doctor. The President said: If you like your doctor, you can keep your doctor. Many people couldn't, in spite of what the President told them. The President told them their insurance premiums would drop by $2,500. Instead, people are noticing premiums going up around the country. The President said: If you like your plan, you can keep your plan. We know that has not been true.

And then what I found additionally astonishing and should be concerning to all of us as Americans—and as a doctor most concerning to me—is the question, How will this health care law affect your family in the future? More Americans expect the health care law to make their family's health care situation worse in the long term.

These are people talking about their own families, not the minority leader or the minority whip or the President of the United States coming to the floor and talking about this and that—the theoretical aspects. I am talking about American families—men, women, children—all trying to live a healthy life and finding it has been impeded, hurt by the President's health care law.

It is amazing that 36 percent—more than one in three Americans—expect this health care law to make their family's health care situation worse. Did we hear about that during the debate on the Senate floor when the bill was written behind closed doors in HARRY REID's office or when NANCY PELOSI said: First you have to pass it before you find out what is in it. Did the American people understand that 6 years later, over one in three would say personally their health care and the health of their own family would be worse because of this law?

The State of Illinois. This is the headline yesterday: ''Illinois gets ready for huge Obamacare rate hikes.'' The first line of the story: ''Half the insurers selling plans in Illinois' Obamacare marketplaces are hiking prices by 50 percent on average, according to the final rates the State published Wednesday.''

These are rates approved by the State of Illinois. Remember, the President said: Oh, we will not let them go up that high. The State of Illinois says that is the only way they can stay in business.

Another headline: ''Illinois Obamacare rates could soar as state submits insurance premium increase to the feds.'' Rates could increase by an average—and we know what the approval rate is—over half will be increasing by over 50 percent. So with that impact, it is interesting that for a 21-year-old nonsmoker—we are talking about somebody who is healthy, who doesn't smoke, and who probably goes to the gym—if they are buying the lowest price silver plan in Cook County, IL—we are talking Chicago, talking about the President's hometown—next year, that 21-year-old healthy individual, nonsmoker, could pay a premium of $221 a month, up from $152 a month. That is a $70 higher premium every month—$840 for the year—for a 21-year-old who is just trying to get health insurance because the law says they have to buy it.

The President says: You just can't get what works for you, you have to buy what I say works for you. You have to listen to the President on this. You can't choose what makes sense for you. The President says: Don't worry. Taxpayers will subsidize it.

If you are not receiving a taxpayer subsidy, you are paying the subsidy for that person, but a lot of people don't get the subsidies. According to the situation in Chicago, about 25 percent of the people who buy insurance on the exchange—the customers there, which is about 84,000 people—do not receive tax credits. They don't receive the subsidy. So they are feeling this in their pocketbooks because the President says they have to buy it because he thinks he knows better, and it sounds like the minority leader and the minority whip have that same opinion.

So the headline comes out, ''What's not to like about Obamacare?'' And then the answer to the question is: ''Plenty in Illinois.'' It talks about Illinois residents who buy health insurance through the ObamaCare exchange should brace themselves for steep premium increases, but it is not just the premiums. They also have to brace themselves for fewer doctors to choose from—less choice in doctors, less choice in hospitals to go to when they enroll, and the enrollment opens on November 1.

The big national health insurance companies have pulled out of Illinois because of substantial losses. There is actually a co-op in Illinois called the Land of Lincoln co-op. It lost $91 million and they closed their doors.

Is it only Illinois, is it only Nevada where they are down to just one choice in most of the State? The President promised a marketplace, but instead it is a monopoly. Companies have pulled out. People have very few choices, if any.

The article says:

> While people buying insurance coverage through the Illinois exchange may howl, premiums are jumping even higher in other States. For instance, the insurance commissioner of Tennessee, declaring the state's exchange market ''very near collapse.''

Very near collapse in Tennessee. Yet they approved an increase—the one insurance company—of 62 percent. A 62-percent increase. Is that what the President means when he says ''forcefully defend and be proud''?

The President and Senators on the floor today talked about the issues, and the President pointed to this, and he said: Oh, well, people aren't going to have to go to the emergency room after the ObamaCare health care law has been passed because they will only

have to use it for emergencies and not for routine care. Well, what came out in the Chicago Tribune, the President's hometown newspaper, on August 30 of this year? ''Illinois emergency room visits increased after Obamacare.'' They increased. The article says: ''Emergency visits in Illinois increased . . . by more than 14,000 visits a month on average, in 2014 and 2015 compared'' to before the President's health care law was signed. This is from the Annals of Emergency Medicine. They follow these things.

The article in the Chicago Tribune says one of the goals of expanding coverage to all was to reduce the use of pricey services such as emergency department services. That is what the President said. That is what the Democrats said when this bill was being debated. The emergency room was the area of last resort for people who didn't have doctors and who didn't see them regularly, so with the health care law, they wouldn't need to go to the emergency room, but the study's authors noted that this spike of visits in Illinois runs contrary to what the President promised and the President's goal.

The co-ops have been especially troubling and certainly in Illinois the Land of Lincoln co-op, but it is not just Illinois. Co-op after co-op after co-op has failed, including one yesterday in the State of New Jersey—gone. What does Crain's, the Chicago business newspaper, say about Illinois? ''Illinois Obamacare plan to fold after 3-year run.'' ''Land of Lincoln Health, an Obamacare insurer that launched three years ago to bring competition''—the idea of the President, saying he wanted to bring competition—''to the online exchange, is liquidating among big financial losses.''

In location after location, State by State, people who have relied upon the President's promises have been bitterly disappointed. What is so distressing about what happened in Illinois with the co-op is that because it failed during the middle of the year—done—people then need to find new insurance.

We have talked before about the issues of high copays, high deductibles. When a co-op fails and you have to buy new insurance, you have to start over from scratch with paying the copays, paying the deductibles. So somebody who actually bought insurance through the President's idea of this co-op—a co-op that has now failed—finds themselves not only having to find a new insurance company—if they can find one—because the law says they have to buy it, but they also have to start over.

So the Land of Lincoln—the so-called co-op health insurer on the State exchange—is going to shut down the end of September—in a couple weeks. Its 49,000 Illinois members—this is according to the Chicago Tribune—its 49,000 Illinois members have to get new insurance coverage for October, November, and December because it is done at the end of this month. They will likely have to start from zero again on their deductibles and out-of-pocket maximum payments, in some cases costing them thousands of additional dollars.

Is that what President Obama means when he says forcefully defend and be proud? There is very little to be proud about what this President has brought upon the American people, which is why we see so many families concerned.

The final issue I bring up is the fact that so few people are signing up in spite of the fines, in spite of the taxes, and in spite of the mandates, to the point that the Washington Post had a front-page story entitled ''Health-care exchange sign-ups fall far short of forecasts.'' At this point, they expected 24 million people signing up. They are at 11 million. So they are 13 million short. There are still almost 30 million people in this country uninsured, but it is not because they are making it hard to sign up. Oh, no, Mr. President. You may have seen this story that came out yesterday on CNBC news: ''Obamacare marketplaces remain vulnerable to fraud, new government audits find.'' The article says: ''Two new government audits reveal that the nation's Obamacare marketplaces remain 'vulnerable to fraud,' after investigators successfully applied for coverage for multiple people who don't actually exist.''

They made up people, they applied, and the ObamaCare exchange sold them the insurance and counted them as good. It says: ''In several cases this year, fake people who hadn't filed tax returns for 2014 were still able to get Obamacare tax credits. . . .'' They were not just able to get insurance but got subsidies from hard-working American taxpayers. They were still able to get ObamaCare tax credits to help pay their monthly premiums for coverage right now.

Continuing to quote from the article: ''This year is the first year in which applicants for those subsidies had to have actually filed their federal tax returns from prior coverage years. . . .'' But they had not filed them. That didn't matter to the ObamaCare exchange people. They are so desperate to get people to sign up because so few people are signing up that they will sign up people who don't exist.

They put up 10 fictitious applications, with 8 of them failing the initial online identity checking process, but all 10 were successfully approved, according to the Government Accountability Office.

It is amazing that people all around the country know how poorly this law is working for them in terms of their lives and their families. I heard one of the Senators today say Republicans have no options. The Republicans have offered plenty of responses to what is happening with the Obama health care law. The State health care CHOICE Act allows States to make a lot of decisions that are now being made by unelected, unaccountable Washington bureaucrats. We have plans working toward patient-centered care to allow people to get the care they need from the doctor they choose at lower costs.

These are things that have been rejected by the Democrats because the President has said ''forcefully defend and be proud.'' Hillary Clinton has said defend and build upon. She wants to do it with additional taxpayer subsidies—subsidies that go to people who do not exist, subsidies that don't deal with the cost of care, subsidies that don't deal with the fact that people are facing high deductibles, high copays, and can't keep their doctors.

In spite of what the President and the Democrats may say, and in spite of what candidate Clinton may say, a huge number of American people have considerable fears their life will be made worse by the President's health care law. Almost 3 in 10 Americans today—29 percent of Americans today—say they and their families have been personally harmed by the President's health care law. That is a sign of failure, Mr. President. It is not a sign of success. It is not something people should forcefully defend and be proud of. It is a sign we need to take a different path—a path that is not the Obama approach, not the one-size-fits-all, and it is not the Washington knows better than the people at home.

We need to get the decisions out of Washington and being made at home so the American people—people who just want to get up, go to work, take care of their family, and get affordable care when they need it—can get the care they need, from a doctor they choose, at a lower cost.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. HELLER). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. CAPITO. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. CAPITO. Mr. President, I am here today to speak in support of the Water Resources Development Act, or what we call WRDA. I thank Chairman INHOFE and Ranking Member BOXER for the way they have worked very well together to get this very important piece of legislation across the finish line, as they did with the Transportation bill. This piece of legislation has broad bipartisan support.

As we know, West Virginia suffered historic flooding this summer. We can see this in Greenbrier County, WV, on June 25, 2016. This shows how swollen and filled all the waterways were. We lost 23 West Virginians from the storms, and tens of thousands suffered catastrophic damages to their homes and to their livelihoods. WRDA contains a number of provisions that will help prevent this kind of devastation in the future. We can no longer wait until it fails to fix our Nation's infrastructure.

In addition to a major loss of life, communities across West Virginia are dealing with significant economic losses that will take years to recover. Our friends in Louisiana are going through the same, very difficult building back.

Let me touch on some of the highlights of the WRDA bill.

I sponsored a provision in WRDA with my fellow Senator from West Virginia, Mr. MANCHIN, to study the feasibility of implementing projects for flood risk management within West Virginia's Kanawha River Basin—something such as this—to prevent this. This bill also addresses dam safety and includes a provision I have been working on with Senator JACK REED. I thank him for his hard work in this area.

According to the Army Corps of Engineers' ''National Inventory of Dams,'' there are more than 14,000 high-hazard potential dams in the United States. As we know, the State of West Virginia has a lot of mountains, a lot of valleys, a lot of water, and a lot of dams. Some 422 of those dams are located in my small State of West Virginia. Put simply, when a dam has high-hazard potential, it means that if the dam fails, people will lose their lives and their property.

This provision allows for $530 million over 10 years for a FEMA program to fix those dams. I know that States across the Nation would welcome this provision.

Flood prevention and mitigation is only one of the important parts of this WRDA bill. WRDA also has drinking water infrastructure—an issue, again, that is very important to all of us. In my State of West Virginia, we dealt with this firsthand, in 2014, following the Freedom Industries spill into the Elk River. As we may recall, that caused 600,000 people to lose their water for a large period of time—several weeks in some cases.

WRDA provides assistance to small, disadvantaged, and underserved communities. It will replace lead service lines in these communities and address sewer overflows. We have so much aging infrastructure in this country. It includes $170 million to address lead emergencies—like those in Flint, MI—and other public health consequences. It provides $70 million to capitalize the new Water Infrastructure Finance and Innovation Act, better known as WIFIA. That program provides loans for water and wastewater infrastructure anywhere in the country. This program is modeled after a similar and highly successful program that supports our highways.

Maximizing the use of our waterways is another important part of WRDA. In my State, our rivers not only provide commercial transport but also vital recreational opportunities. I have submitted a bipartisan amendment, which I hope will be accepted into the final bill, that emphasizes the increasing use of locks along the Monongahela River for recreational use.

Finally, WRDA includes consensus legislation to allow EPA to review and approve State permitting programs for coal ash disposal. The EPA's coal ash rule went into effect last October, but EPA does not currently have the authority to approve our State permitting programs. This bill fills that gap, benefiting utilities, States, and the environment by authorizing State oversight of coal ash disposal. There is no other environmental regulation solely enforced simply through private lawsuits, which is what we are seeing. So this bill fixes that by giving States the authority, and it empowers local entities to help keep their infrastructure strong and functioning.

Lastly, the bill gets us back to a regular schedule of passing WRDA every 2 years. Doing so will allow us to continue to modernize our water transportation infrastructure and keep up with flood protection and environmental restoration needs across the country.

So let's seize this opportunity. This is a significant bill with a number of benefits for a lot of States all across the country. This legislation proactively addresses a number of concerns. It will bring short-term and long-term gains to our economy, and it will show the American people that Congress can come together in a bipartisan way to fix problems, to support needed improvements to our infrastructure, and to make the right investments in our communities.

Lastly, I wish to add that the devastating floods we had in West Virginia took 23 lives, but what it showed us as West Virginians is what a great Nation we live in. I want to take the time to thank people from across this country who drove to West Virginia, who sent money to West Virginia, who raised money for West Virginians, who sent supplies, and who said prayers for all the many families who were devastated and still suffer the devastation from a flood such as this throughout our State.

I think we do sometimes focus a little bit too much on what is going wrong in this country. For me, one of the things that is going right is the volunteerism, the benevolence, the loving embrace that we felt in West Virginia from the rest of the country when we went through such a devastating flood but that other areas of the country feel when they suffer like consequences.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. Mr. President, it is really propitious that the Senator from Nevada is in the Chair today because I am going to speak about our legislation, which is part of the WRDA bill. Let me begin by thanking the Presiding Officer for his leadership. We put this legislation together in 2015. This has to do with Lake Tahoe, and the Presiding Officer was the main author of the bill. Senator REID, Senator BOXER, and I were supporters, and here it is in this WRDA bill. I want the Presiding Officer to know how I feel. This is how the Senate should work. We worked together for something that has benefited both of our States, and we are able to say we are getting the job done.

I wish to congratulate the Presiding Officer, Senator HELLER. This is so special for me. I am delighted that Senator HELLER is in the Chair, and maybe I can briefly go over the last 20 years of work on Lake Tahoe to bring us to this moment. I know Senator HELLER couldn't be at the summit this year, but I want him to know that he was really missed, and I want him to know that Senator REID put together one amazing summit. As a matter of fact, I called him and said: HARRY, you can't have a rock group at this summit. This is a serious thing. We meet every year, and we go over all of the science, planning, and problems at the lake. He said: Let me tell you something. I am retiring. It is my turn to do this, and I am going to do it my way. And it turned out to be great.

I want the Presiding Officer to know that 7,000 people attended the summit. Our Governor spoke, but your Governor could not be there because he was committed to an event in your State. Senator BOXER spoke, Senator REID, of course, spoke, and the President was there and also spoke. I was worried that it would be difficult if all of us spoke because there were 7,000 people expecting to hear this Las Vegas rock band called the Killers after the program.

Well, I must tell you that they were the utmost in terms of an audience. After the program was finished, and before the rock group performed, I became hopeful that we now have a whole new constituency of people working for the preservation of this lake.

As I mentioned, I have worked on Lake Tahoe with my colleagues for 20 years, and I believe we are at a critical moment. To understand the longstanding commitment to Lake Tahoe, one must start with the first Lake Tahoe Summit in 1997. Senator HARRY REID invited President Clinton, and President Clinton's trip put a spotlight on the declining health of the lake. The 1997 summit also launched a public-private partnership, or a Team Tahoe, made up of Federal, State, local, tribal, and private sector participants, which has invested $1.9 billion in restoration of Lake Tahoe. I want to just quickly report to the Presiding Officer some of the numbers, if I may. As I stated, we have invested $1.9 billion in the lake over 20 years—$635 million is Federal dollars, $759 million is California dollars, and $124 million is Nevada dollars.

As you know, southern Nevada land sales have gone into this, thanks to your Governor and also Senator REID. Local governments contributed $99 million, and I want you to pay attention to this number: $339 million has been raised by businesses and the private sector over the 20-year period. What we have is a very real, bi-State combined effort to preserve and restore Lake Tahoe. It is a special partnership.

I also want the Presiding Officer to know that during the stakeholders' luncheon, which preceded the summit, Dr. Geoff Schladow, a professor and scientist at University of California, Davis, said that his greatest concern was the fact that this lake is now warming quicker than any large lake in the world. Also, the Tahoe Environmental Research Center at UC-Davis recently released their annual ''State of the Lake'' report for 2016 which we discussed. We learned this year that the average daily minimum air temperature rose 4.3 degrees. And the average annual lake clarity depth decreased by 4.8 feet. In addition, we learned that prolonged drought and dead trees are increasing the risk for catastrophic wildfire. Sedimentation and pollution continue to decrease water quality and the lake's treasured clarity. And invasive species, like the quagga mussel, milfoil, and Asian clam, continue to threaten the lake and the economy of the region. We are going to have a continuing problem with the challenges we face, and that is why it is so important and timely to pass the Tahoe bill.

I am so proud of the accomplishments that we have made together. I want to again thank the Presiding Officer for this because it is really important. Lake Tahoe is one of two big, clear lakes in the world. The other is Lake Baikal in Russia. It is the jewel of the Sierras and known throughout the world for its beauty. It is a national treasure we must protect.

Let me cite what we have done and the progress we have made to date. We have completed nearly 500 projects, and 120 more are in the works. Our completed projects include erosion control on 729 miles of roads and 65,000 acres of hazardous fuels treatment. More than 16,000 acres of wildlife habitat and 1,500 acres of stream environment zones have been restored, and 2,770 linear feet of shoreline has been added to the lake.

I think what we have overall now is a bi-State Team Tahoe, and I think it took us 20 years to get there. I remember when Senator REID got President Clinton to come in 1997, as I mentioned earlier, and had a big meeting at Tahoe Commons, which many of us attended. At that time, everybody was fighting. Planning agencies were fighting with homeowners, and environmentalists were fighting with others, but that doesn't exist today. Today we have effected a team, and I am so pleased that the Senator from Nevada is in the Chair, which was completely unplanned, so I can say thank you and how very proud I am that we have achieved this and that it is part of the WRDA bill.

This Tahoe bill builds off of these 20 years of collaborative work and includes $415 million over 10 years in Federal funding authorizations for wildfire fuel reduction, forest restoration projects, funding for the invasive species management program and the successful boat inspection program, funding for projects to prevent water pollution and manage stormwater, and funds for the Environmental Improvement Program, which prioritizes the most effective projects for restoration.

I wish to particularly thank our colleagues, Senator INHOFE and Senator BOXER. The only way you get this done is by working together, and I think the fact that they have worked together has ensured that we now have this opportunity to deal with this new challenge, which is unprecedented warming. Along those lines, just a word: As I understand what is happening, the projection is for less snow and more rain, which means more warm water. This impacts the cold-water fish in the Lake, and the Truckee River, which is fueled by Tahoe, and all of the streams that play into Lake Tahoe really depend on that snowpack. So the next few years, I think, are going to be crucial.

The time to act is now, and the Federal Government must take a leading role. Close to 80 percent of the land surrounding Lake Tahoe is public land, including more than 150,000 acres of national forest. Federal lands include beaches, hiking and biking trails, campgrounds, and riding stables. So the Federal Government has a major responsibility to see that these public lands remain in prime condition. And that is what this bill would help do.

I want the Presiding Officer to know that I look forward to working with him. We must continue the tradition that was set by Senator INHOFE and Senator BOXER, which Senator REID helped to start. We have to carry on. I am delighted that the Senate is working again and that this bill is part of the WRDA bill.

I want to end by once again thanking the Presiding Officer for his leadership.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. RUBIO. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CRUZ). Without objection, it is so ordered.

Mr. RUBIO. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONTINUING RESOLUTION

Mr. RUBIO. Mr. President, I am pleased to report that we had some encouraging news yesterday with the announcement of the Senate majority leader that additional money to fight the Zika virus would be included in the continuing resolution, which is the budget document that will help to move us forward at least through December and that hopefully will be moving through the Senate very soon.

Throughout my time in the Senate, I have regularly opposed these short-term spending bills because I don't think funding government on a month-to-month basis is the smart way to run the government of the most powerful and important Nation on Earth. But with Zika becoming a public health emergency the way it has, this is a necessary exception for me to make. All of us, obviously, will reserve to see all the other details of this budget document, but assuming it is as reported—as I am aware in the conversations that are ongoing—I will be supporting this continuing resolution. It is worth making an exception for something like this when the Zika funding is in it. At this point, I just really believe we need to get Zika funding approved and moving. We need to make sure that the fight for Zika doesn't run out of money by the end of this month. For me, that is the most urgent priority.

We can't let the perfect be the enemy of the good. The perfect, I believe, is still the full funding that was originally requested—the $1.9 billion, which I supported. The good is what, hopefully, will be finalized soon and, hopefully, will pass quickly. But the unacceptable would be to do nothing and to let the money run out on the ongoing efforts to fight Zika.

Even the $1.9 billion the administration requested months ago will not ultimately be enough. We do not know for sure how much more will be needed to win this fight, but the $1.1 billion for Zika that is being negotiated would be a step in the right direction and would mean more resources for my home State of Florida, which is in the continental United States and has been disproportionately impacted. Just yesterday, there were another six cases of confirmed transmissions in the State and not travel-related, and of course there is the suffering that is ongoing on the island of Puerto Rico, where a significant percentage of the population has now been affected and/or infected by Zika.

I have been talking about this issue since January, and it has been frustrating to see it tied up in Washington's political games. As I said repeatedly, I believe both parties are to blame for our getting to this moment. On the one hand, I believe Members of my own party have been slow to respond to this, and there were efforts, I believe, to try to cut corners on funding, which will cost us money in the long term. But on the other hand, you have Democrats here inventing excuses—just making it up—in order to oppose it, and they do so for purely political reasons. You have an administration playing chicken with this issue

by claiming that money would run out in August, only to discover that they had more money that could be redirected from other accounts. Now, thanks to the lack of action by Congress and by the administration, we have nearly 19,000 Americans who have been infected, including 800 in Florida and 16,000 on the island of Puerto Rico. We have 86 pregnant women in the State of Florida who have tested positive for the virus, which we know carries the risk for heartbreaking birth defects. As I said, the Florida Department of Health announced that it wasn't 6; it was 8 new non-travel-related cases, bringing that total to 64. That means there are 8 new cases of people who got Zika somewhere in America, probably in Florida.

Zika has also had a devastating economic impact on Florida. The Miami Herald reported that Miami hotel bookings are down, airfare to South Florida is falling, and business owners in affected areas are reporting steep losses. Polls show many visitors would rather stay away. As tourism takes a hit, so will the entire economy in the State of Florida, since tourism is one of our cornerstone industries. That is why we see all of us from Florida working together across the aisle to get this done. For example, I have worked with my colleague BILL NELSON, the senior Senator from Florida, from the very beginning. I will be meeting with our Governor Rick Scott later today about the same issue.

The bottom line is that at the national level, like at the State level in Florida, there is no excuse for this issue to be tied up in politics any longer. My colleagues, Zika is not a game, and we need to pass this funding as soon as possible so that our health officials and experts have the resources they need to conduct the vital medical research that will lead us to a vaccine and ultimately help eradicate Zika in Florida, across the United States, on the island of Puerto Rico, and beyond.

So yesterday's announcement is encouraging. We are closer than we have ever been to getting something done, and now I hope will be the time for action. Hopefully, we will have something soon that is public and that we can get passed right away. I sincerely hope that Senate Democrats won't once again make up or find some excuse to oppose it, and I hope that Members from our party will work cooperatively as well. I hope, ultimately, that the House will also do the right thing so that we can get this done and we can move forward on the research necessary for the vaccine, on the money needed to eradicate these mosquitoes, and, ultimately, on the treatments that people will desperately need to deal with Zika once and for all.

RECESS

Mr. RUBIO. Mr. President, I ask unanimous consent that the Senate stand in recess under the previous order.

There being no objection, the Senate, at 12:26 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. PORTMAN).

WATER RESOURCES DEVELOPMENT ACT OF 2016—Continued

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. The Senate is not in a quorum call, so the Senator may proceed.

Mr. INHOFE. I thank the Chair.

Mr. President, right now the reason there is this long wait is we are trying to get everything in place to pass a major piece of legislation, one that is quite significant. It is comparable to our Transportation bill, comparable to our TSCA bill on chemicals, and it is one that came out of our committee, the Environment and Public Works Committee. It is one I am very proud we were able to get done.

Yesterday I talked about the WRDA bill and why it is so important to pass now, the WRDA bill being the water infrastructure bill. It gives recent real-world examples of the problems our Nation is facing and how this legislation can address them.

Today I remind everyone of the process that got us here today. I think it is important because people are saying we don't go through the daylight very often, where everybody has a chance to participate—everybody. We are in that process right now.

Back in December of last year, Senator BOXER and I sent our ''Dear Colleague'' out to Members letting them know we were going to do a WRDA bill—Water Resources Development Act—in 2016. This was back in 2015, in December.

Well, before the introduction of our bill and our markup in the EPW Committee, we sent out another email asking Members about their priorities, and we got them. We marked up WRDA on April 28, 2016. That means we actually worked on it for 4 months prior to that time, taking up the priorities that people were sharing with us.

We then let all offices know once again that we were preparing to go to the floor with the goal of passing WRDA in the Senate before the August recess. Well, that didn't happen, but my staff continued to work over the August recess with offices on their priorities, and we brought a substitute amendment that was the result of that work to the full Senate on September 8. That was on a Thursday, and we announced that we were going to close the amendments and that everyone should get amendments to us that could be included in the managers' amendment by noon the next day—the next day being Friday—and they did that. That amendment included over 40 provisions that were added after the committee mark. That is a lot of daylight.

Finally, last week I came to the floor to let everyone know that Senator BOXER and I needed to see all the amendments by noon of last Friday if they wanted them to be considered in the managers' amendment. To date, we have included hundreds of the WRDA priorities from Senate offices, which are included in the substitute, and we were able to clear over 40 additional provisions this weekend. That is just from those that came in prior to noon on Friday. So we had 40 additional provisions just as a result of that.

We hope to adopt that by voice vote today. I say hopefully, but I think people are pretty much in agreement that can happen now. Everyone has had a chance. By the way, when we adopt that, we can entertain other amendments, and we will work with Members on those amendments.

This has been a very open and collegial process, and all Members have had their concerns and priorities heard. We have done our best to address Member priorities. And after we are on the bill, we will continue to do our best to clear germane amendments—only germane amendments.

What we have in front us is a bipartisan bill that will help us modernize our water transportation infracture and keep up with flood protection and environmental restoration needs around the country. The problems the WRDA bill addresses are not State or regional problems, they are problems that face the Nation as a whole.

It is clear that people are frustrated with the current political climate. Passing WRDA is a chance for us to start to regain the trust of the American people and prove to them we can do our job and get things done.

I often refer to the EPW Committee that I chair as the committee that gets things done. And we do. So far we have been very successful. We passed the highway bill. Many people were saying: You will never pass a highway bill, a 5-year bill of that magnitude. Yet we did. That hadn't been done since 1998, so it ended 17 years of stagnation. Then we passed the TSCA bill. Everyone said: You are not going to get that. Remember, that was the Frank Lautenberg bill that he had worked on for quite a number of years. We said: Well, we are going to get it done. We got it done.

Senator BOXER and I do not always see eye to eye. She is one of the most liberal Members of the Senate and I am one of the most conservative Members of the Senate. But we have shown over a period of time, time and time again, that when we work together on an issue, we can accomplish our goal. Now we have the WRDA bill before us—something we have both worked very hard on and a bill we are very proud of.

So I am here today to say not passing the WRDA bill is not an option. There is just too much at stake.

If we don't pass the WRDA bill, 29 navigation, flood control, and environmental restoration projects will not get done. If we don't pass it, there will be no new Corps reforms to let local sponsors improve infrastructure at their own expense. We would think there would be an easy time getting something through, where we were going to spend somebody else's money, but this has been difficult. Now we are able to do that—let local sponsors take and improve their infrastructure at their own expense. If we don't do this, there will be no FEMA assistance to States to rehabilitate unsafe dams, there will be no reforms to help communities address clean water and safe drinking water infrastructure mandates. This is very significant to those of us in Oklahoma and to any of the other smaller populated rural States because the communities cannot afford the unfunded mandates. That is what this is all about. Those mandates come from the clean water and safe drinking water infrastructure. Without this, there would be no new assistance for innovative approaches to clean water and drinking water, and there would be no protection for coal utilities from runaway coal ash lawsuits.

As I have reminded as we have gone through this process, the bill is tremendously important. It is time to do our job and do what we were sent to do. We have that chance now. This afternoon we need to agree—and we can do this by voice vote—to adopt the managers' amendment, and then we can consider any other amendments. There may not be that many. There is no reason in the world we can't pass the bill through final passage by noon tomorrow. That is our effort. We are going to try to make it happen.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. LANKFORD). The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. BARRASSO. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FOREIGN POLICY

Mr. BARRASSO. Mr. President, people all around the country know that the world is a very dangerous place. It has become more dangerous over the past 7½ years, and even over the course of this summer. As a member of the Foreign Relations Committee, I come here again to the floor because I have seen one example after another—examples of how the Obama administration seems to not know what is going on when it comes to foreign policy.

I believe the Obama administration—and specifically Secretary Clinton as well as President Obama—have been embarrassingly naive with regard to the Russian reset. I think it has been awful, this disastrous Iran nuclear deal. This country has had an inadequate response to North Korea, which led to another nuclear test just last week.

The President's foreign policy should secure America's national interests and demonstrate America's leadership around the world. The question is, Has the Obama foreign policy done that? It really has not.

Look at what former President Jimmy Carter had to say. He said this about President Obama: ''I can't think of many nations in the world where we have a better relationship now than we did when he took over.''

He went on to say: ''The United States' influence and prestige and respect in the world is probably lower now than it was 6 or 7 years ago.''

So you have to ask yourself: Why is this happening?

Well, I think it is clear that President Obama has really refused to stand up to the aggression of other countries. For more than 7 years, the President has followed the advice of his foreign policy team, and I think he has been very, very reluctant and hesitant to take threats seriously.

Every time the President does this, he emboldens our adversaries around the world to be more aggressive. Every day the President allows these threats to go unanswered, he is endangering America and our allies. Our allies don't respect us. Our enemies no longer fear us.

Let's take a look at Syria. It was 5 years ago that President Obama called on Assad to step aside—5 years ago. A few months later, Secretary Hillary Clinton said that it was only a matter of time—almost 5 years ago—before the Assad regime would fall. It was her judgment, the Secretary of State, now running for President.

The Obama administration's policy was to wait and hope for the best. It didn't back up its words with any meaningful support for the moderate opposition in Syria.

In 2012, President Obama said that if Assad used chemical weapons, he would be crossing a redline. Well, Assad knew that when President Obama and his team make threats like that, they are empty threats. So the very next year, Assad used chemical weapons, and the President of the United States did nothing. The redline became a green light, and it remains a green light today.

The common rule in terms of foreign policy and deterrence is if you make a statement, you have to back up those words with action or you will invite aggression by others, and that is the reason our friends no longer trust us and our enemies no longer fear us.

Earlier this year, the State Department admitted that Syria has used chlorine as a chemical weapon systematically and repeatedly—not just once, not just twice—systematically and repeatedly against the Syrian people every year—every year since that redline was drawn. It wasn't just one time in 2013; it was every year since then.

Did President Obama secure America's national interests with his weak response in Syria? Did he demonstrate American leadership? He did not.

Let's move from Syria to Russia. Although Russia has been very involved in Syria, let's take a look at Russia. We all remember Secretary of State at the time Hillary Clinton going to Russia and pushing her ''reset'' button. We all remember in 2012, President Obama laughed off a suggestion that Russia was a serious threat to the United States. He did it during a Presidential debate. Russia responded to the reset—a reset in terms of what Russia has done—ignored it, sent troops into Ukraine and Crimea, annexed Crimea and invaded eastern Ukraine.

President Obama again showed weakness in responding to a very aggressive military action by Russia. When President Obama shows weakness, which is repeatedly, leaders around the world who watch him move accordingly, and that is why Russia moved. That is why we have seen Vladimir Putin being so aggressive in using his military to keep Assad in power. Recently, President Putin even launched airstrikes from Iranian territory—from Iran—against opposition forces in Syria. What does this do? It props up Assad. The CIA Director told the Senate in June that Assad, in the CIA Director's words, ''is in a stronger position than he was last year.''

The CIA Director says that Assad is in a stronger position than he was last year. Hillary Clinton said he was going to fall almost 5 years ago. Why is Syria in a stronger position? The CIA Director said it was as a result of the Russian military intervention, and that is because Russia can act with impunity. Vladimir Putin knows that because he sees that President Obama continues to show weakness, and Vladimir Putin can smell the weakness. Despite this, the President continues his misguided obsession in negotiating with Russia, as if our two countries have the same goal in mind when it comes to Syria.

Listen to what the White House says. The White House says it has negotiated a ceasefire with Russia in Syria. We have seen this before. Russia makes promises. Russia breaks promises. Russia makes new promises. Russia breaks new promises.

Syria makes promises. Syria breaks promises. Syria makes other promises. Syria breaks other promises. We have seen it with chemical weapons. We have seen it with this so-called deal that was brokered to get the chemical weapons out of Syria, which Secretary of State Kerry boasts about as being so successful.

For almost 8 years, this administration has been living in a cocoon of self-delusion with regard to Russia. Has President Obama, in any way, secured America's national interests with his weak response to Russia? Has he demonstrated American leadership globally?

That is what the American people want. They want the United States to be the most powerful and respected

country on the face of the Earth. It is not what they got with President Obama.

What about Iran? The President likes to talk about his nuclear deal with Iran as if he thinks it is the greatest foreign policy success of all time. He believes this deal is paving the way for an Iran without nuclear weapons, but instead it is paving the way for a nuclear-armed Iran. The deal means the Iranian economy has already begun to benefit from access to more than $100 billion.

Now we have learned that, just when that deal went into effect, President Obama went even further and arranged to send Iran another $1.7 billion in cash—euros and Swiss francs, piled up on pallets. He sent $400 million as a down payment in January, and within 24 hours of sending the cash to Iran, the Iranians agreed to release Americans who they had been holding hostage. The White House says it wasn't a ransom payment to free these American hostages. They want the American people to believe it was just a coincidence in timing.

Well, you can bet the Iranians don't believe it is a coincidence, and, actually, they said it is not a coincidence. They said it was the money for the release of the hostages.

We know from experience that the Iranians see hostage-taking as a valid way of conducting their own foreign policy. The President plays right into their hands. They have also gotten the message that for them it can be a very profitable approach as well. President Obama has been greasing the skids to give billions of dollars to Iran. He has done nothing to get Iran to pay the money it owes to U.S. victims of terrorism.

Who are the victims of terrorism who are U.S. citizens? According to the Congressional Research Service, courts have awarded more than $55 billion in damages for victims of Iran's terrorism. Most of these include victims of the 1979 Embassy hostage crisis. They include victims in the 1983 bombing of the Marine barracks in Lebanon and the 1996 Khobar Towers bombing in Saudi Arabia.

Has President Obama done anything to secure America's national interests by letting Iran think that we pay ransom for hostages? Is that a demonstration of leadership? Of course, it is not.

We all know the world is a dangerous place and that there are countries that are headed by thugs and zealots, and when the President of the United States responds on behalf of the people of the United States and responds with weakness and desperation, other leaders interpret that fear and see it as fear and smell the weakness every time.

We are going to keep seeing this kind of aggression and bullying by these macho men, if you will, who run Iran, Syria, Russia, North Korea, and China. These are the leaders around the world who, through the President's actions, do not respect or fear him. He has brought this on himself and the American people due to the way he has reacted and led the country. These are leaders who smell weakness.

We need a foreign policy aimed at securing America's national interests and demonstrating America's leadership. Under President Obama, American power has declined, respect around the world has evaporated, and the Obama foreign policy has been a complete failure.

Jimmy Carter said: ''I can't think of many nations in the world where we have a better relationship now than we did when [President Obama] took over.''

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DAINES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DAINES. Mr. President, I ask unanimous consent to enter into a colloquy with my Republican colleagues.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEFENSE APPROPRIATIONS

Mr. DAINES. Mr. President, while I was home last weekend, I had a chance to visit with servicemembers at Malmstrom Air Force Base in Great Falls, MT, as well as the Montana Air National Guard, also in Great Falls. Every time I visit them, I am incredibly humbled by their character, their dedication, and their determination toward their mission.

The airmen of Malmstrom bear the great weight of standing ready with the world's most powerful weapons, employing them everyday as a vital component or our Nation's nuclear deterrent force. This is where approximately one-third of our Nation's intercontinental ballistic missiles reside. I have the utmost faith in the nearly 4,000 airmen at Malmstrom who operate, maintain, and provide security for the missiles that silently sit across North Central Montana. From the airman first class raised in Butte who stands armed and ready on his first 5-day post, to the senior leadership, I know those airmen will not fail our Nation.

However, as I speak today, my friends from across the aisle are blocking funds for these troops, for our troops, and have already six times blocked consideration of the Department of Defense Appropriations Act of 2017, denying our troops the proper funding and support they deserve. So today I am standing here with some of my freshmen colleagues imploring our friends and colleagues on the other side of the aisle to stop the political gamesmanship. Let's get back to work, and let's start with funding our military.

We see ISIS expanding into places like Libya and managing to influence people and attacking Western targets in Paris, in Belgium, and even in our homeland, in San Bernardino and Orlando. We must make sure our military forces have the tools they need to perform their job and defend against 21st-century threats.

A couple of months ago, I was en route to China. On the way over, I stopped at Pearl Harbor and had a briefing from Admiral Harris, the head of Pacific Command, and heard about the threats that are faced right now in the region—in North Korea, for example.

In fact, just Friday morning I was at a 9/11 remembrance ceremony at the chapel at Malmstrom Air Force Base with the airmen there. It was a very moving ceremony as we were remembering what happened 15 years ago. We saw the videos and the images of New York and the Pentagon.

Thursday night, as I am heading back to Great Falls for the Friday morning remembrance ceremony, I am seeing tweets about a 5.0 quake that occurred in North Korea as they tested their fifth underground nuclear bomb—a bomb that is now starting to rival the size of what was dropped on Hiroshima—or whether it is spending time in Alaska on the way home and hearing about the threats of Russia and the aggression we see from the Russians.

Five weeks ago I was in Israel hearing firsthand from the Israeli leadership of the existential threat of a nuclear Iran in the future, hearing about Hezbollah and how they now have over 100,000 rockets in Lebanon pointed at Israel, funded in large part by the Iranians.

There are the Hamas terror tunnels that came out of Gaza. There is nothing more chilling than crawling in one of those tunnels. There we were in our jeans and our hiking boots. It wasn't fancy. It was just outside Gaza in an agricultural area. You could look off and see tractors tending to their fields around us. In Israel there were tunnels built by Hamas, primarily funded and sponsored by the Iranians, where they had very extensive electrical systems, HVAC systems. They found syringes there. They were planning to kidnap Israeli solders and drug them and take them back as hostages.

And then going to the Syrian border in a Jeep and standing right on the border between Israel and Syria and glassing into ISIS-controlled villages 3 miles away. Looking across the security perimeter fence and seeing a black SUV, I asked my Israeli escort there—I said: What am I looking at there?

He said: Is there a black flag coming out of the back of it?

I said: There is not.

He said: That is an Al Qaeda vehicle.

This is why we must ensure that our men and our women in uniform have the resources they need to defend our Nation.

Whether it is our Nation's peace-through-strength strategy at Montana's Malmstrom Air Force Base or

our Army and Air National Guard members who work to support our communities in times of emergency and respond to deployments overseas, Montana is playing a critical role in meeting our Nation's security and military needs.

At Malmstrom, the commander's coin that I was given a couple of years ago says this: ''Scaring the hell out of America's enemies since 1962.'' They do so because this body—the Senate, the Congress—chose duty over politics.

We must stand with our nearly 2 million members of the U.S. military who fight threats every day. That is why we are down on the floor today fighting on behalf of them. We must stand up for those who stand up for the rights and freedoms we enjoy, and we must make sure we are ready for the 21st-century threat.

I am very pleased to have one of my colleagues, Senator ROUNDS from South Dakota, here. Senator ROUNDS was the Governor of South Dakota before he was elected to the Senate, another freshman I have the privilege of serving with. Of course, he has Ellsworth Air Force Base there, the home of the B–1 Lancer. I am grateful that Senator ROUNDS has come down to the floor today—another freshman Senator—to discuss these very important issues.

Mr. ROUNDS. I thank Senator DAINES. I appreciate the opportunity to participate in the colloquy with Senator DAINES and Senator CAPITO, who is also here with us today.

I spent 8 years as the Governor of South Dakota. One of the titles you carry when you are the Governor of a State is that you are also the head of the National Guard. You are the chief of the National Guard. You get a chance to actually work as a commander in chief with those individuals who put themselves in harm's way. When you start out, you wonder whether this is simply a term of art, whether it is simply one of those nice titles.

During the time that I was Governor, there was a case in which we were literally sending young men and women off to do battle for the United States of America. They were volunteering. They were stepping up. They were leaving, hoping to come home. Moms and dads were worried, and with just cause. When they did come home, we would celebrate their safe return, but in some cases, we also mourned with moms and dads because their loved one did not make it home. They gave everything. Yet there seems to be some miscommunication here within the Senate that somehow our actions are not communicated in a way that is impacting what those young people who put themselves in harm's way see.

Think about this. As Members of the U.S. Senate, you would think that Republicans and Democrats would put some things aside, and I do believe that we will eventually do that. But I think there is nothing wrong with those of us who believe that we should expedite the process of bringing the Defense appropriations bill to the floor of the Senate.

We should bring attention to the fact that it is not being done today, that it is not being done in an appropriate fashion, and it is not being done in a timely fashion. That, in itself, sends a message to a lot of young men and women who have put themselves in harm's way and who have already committed themselves to the defense of our country.

It was just this last Sunday that we marked the 15th anniversary of the bombings we have referred to as 9/11, the terror attacks which took nearly 3,000 American lives and occurred in New York, Washington, DC, and Pennsylvania. Fifteen years ago these attacks were perpetrated by terrorists whose sole goal was to terrorize American citizens and destroy our way of life. Fifteen years later, that risk and that threat have not gone away.

The No. 1 responsibility of the Federal Government is the defense of our country. Unless that responsibility is fulfilled, our freedoms are in jeopardy. Yet at this time we in the Senate have been unable to consider legislation—and I mean only consider legislation, not pass it; simply consider it—which we can bring onto the floor the way the Founding Fathers wanted and debate how to make it better.

We know we will pass a defense appropriations bill, but the question of how we do it and in what order we do it is important. I think whether or not we are prepared to come to the floor—Senate Republicans and Democrats alike—and actually openly discuss the appropriations process is very important. Yet at this time we in the Senate have not been able to even consider the legislation that funds our troops and our military operations for the upcoming year.

Our Democratic colleagues on the other side of the aisle are refusing to even bring the Department of Defense Appropriations Act to the floor so we can debate and amend legislation that would equip our Armed Forces with the tools they need to continue their missions. It is one thing if bringing it to the floor meant that it would pass with a majority vote. That is not what it means. What it means is that it still takes 60 votes, meaning Democrats still have the opportunity, if they disagree with what we finally end up with, to stop it from moving forward. But you have to start someplace, and starting with the Defense appropriations bill is very appropriate.

This is not a controversial bill. The Senate Appropriations Committee unanimously approved it by a vote of 30 to 0 earlier this year.

The Department of Defense Appropriations Act, which passed the committee, also adheres to the bipartisan budget agreement that was signed into law last year, and it refrains from any gimmicks and other controversial measures.

Simply put, there is no excuse for continuing to block—six times now—the Defense appropriations bill from even being considered on the floor of the Senate. This senseless obstructionism from the other side of the aisle comes at a time in which, according to a recent FOX News poll, a record-high 54 percent of American voters believe that the United States is less safe now than it was before the 9/11 attacks.

Continuing to block any appropriations bill is ill-advised, but blocking the Defense appropriations bill causes unnecessary uncertainty and endangers our national security efforts. One of the reasons we created a constitution in the first place was that our Founding Fathers wanted to provide for the common defense, and that is what this is all about. It should not be blocked from even having a debate.

I encourage our friends on the other side of the aisle to join us in recommitting ourselves to the primary purpose of government—defending our great Nation from those who seek to destroy us—by at least allowing us to debate the merits of the appropriations bill for the defense of our country on the floor of the Senate.

I most certainly appreciate Senator DAINES taking the time to organize this colloquy, and I most certainly appreciate my other fellow freshmen Senators stepping up because this is an important item that I think should bind us together and not separate us within the Senate.

Thank you for this opportunity to express my thoughts.

Mr. DAINES. I thank Senator ROUNDS for those thoughts. As a member of the Appropriations Committee myself, I am again struck by thinking that the Defense appropriations bill passed out of our committee by a vote of 30 to 0. Yet trying to bring it to the floor of the Senate just to debate on it, just to begin—let's bring it down and start having a discussion on this bill that we have stopped six times in a strictly partisan vote.

I am pleased to have another freshman Senator join us today, Mrs. CAPITO of West Virginia. Senator CAPITO is also a member of the Appropriations Committee. I am grateful Senator CAPITO is here as well. I know she has the McLaughlin Air National Guard Base, the airlift wing, in her State and is proud to represent the men and women who serve in the Guard in West Virginia.

I thank Senator CAPITO for sharing her thoughts today.

Mrs. CAPITO. I thank Senator DAINES for calling us together for what I think is a good reminder to those who are watching and in the Gallery that we are deeply committed to seeing a Senate that functions and a Senate that exercises opinions and has full and open debate on this revered Senate floor. I thank Senator DAINES for putting together the freshmen colloquy. I thank Senator ROUNDS. We are seatmates, sitting next to one another in this great and beautiful Hall.

It is interesting to hear everybody's different perspectives on why this bill is so important.

Let's just recall how we got here. I am a member of the Appropriations Committee with Senator DAINES, and the Presiding Officer is as well. We debated this bill in the committee room. We did several amendment votes. In the subcommittee, many thoughtful decisions were made, and discussions were had as to the priorities of our defense capabilities. In the end, we joined together, Republicans and Democrats, and passed this out of the full committee 30 to 0—no opposition.

For those of you who are watching and even for me, a freshman in our freshman class, we would think, well, this is a layup. This is about our men and women in uniform. This has overwhelmingly come out in a bipartisan fashion. All 14 Democrats on the committee supported this.

What has changed here? What has changed? Why are the Democrats now filibustering to keep the Senate from even considering this legislation that was unanimous out of committee and well discussed? Let's have the discussion on the floor.

Yet, six times, as Senator ROUNDS said, they have refused to let us consider this bill. Why is there a strategy being put forth to keep Congress from working by blocking this and all of the other appropriations bills? Why are they blocking the bill that will equip our troops—the ones who are fighting overseas, training at home and recruiting, and those who are caring for our military families here at home? Why? I don't have the answer to that question. I think the answer lies on the other side of the aisle, but I haven't heard an answer that sufficiently satisfies my curiosity nor the curiosity of the American people.

Senator DAINES mentioned the McLaughlin Air Guard. We have over 6,000 members from West Virginia in our National Guard. They serve in all reaches of this world, they serve on the border, and they serve for flood relief all around this country. Whenever there is an emergency, the West Virginia National Guard is one of the first ones called up. Thousands are now on Active Duty around the globe, and we have over 100,000 veterans in our State. What kind of message does this send to them? What are they thinking? Why? Why is this being blocked?

We all know we live in a dangerous world. We can listen to the radio, we can listen to the discussions, and we can read the news. We know how dangerous this world is. If we consider the state of that this administration's failed policies have created, I think that is the reason why.

Why is this being blocked?

In Eastern Europe, the Russian military continues its military buildup. I just returned from a trip over Memorial Day to the South China Sea, and we learned there about China constructing military facilities on manmade islands.

Just last week, North Korea conducted its latest and largest nuclear test. If it didn't send chills down your body thinking about that, it should, because they want to get the capabilities to reach our western coast.

In the Persian Gulf, Iran continues to harass U.S. naval ships and threaten to shoot down surveillance aircraft.

Just yesterday a ceasefire in Syria didn't last hours before the Assad regime dropped more barrel bombs on the rebels.

The instability is remarkable. Too much is at stake for us to continue to play politics that trumps our defense policy, and all of the threats that we face still persist.

The Senate has a tradition—and I was in the House for 14 years. We had a tradition. This was one of the easy bills. The DOD appropriations bill is something—we can do this because as a country we know how important our military is, our men and women in uniform. This time around should be no different. I strongly urge my colleagues on the other side of the aisle to work with us, to show that unified support that we saw in the committee. We need to show that support to our men and women in uniform, their families, and our veterans.

I yield back to Senator DAINES, but I wish to welcome Senator GARDNER to the discussion. He is an esteemed member of the Senate Foreign Relations Committee. In the Senate, he also has led us in a bipartisan way in passing important sanctions against the North Korean regime.

I am also pleased to be on the floor with Senator SULLIVAN, my colleague from Alaska, who is a loud and clear voice in support of our military, not just from his experience but from his very enriched background in this area.

I go back to my original question. Why? Why are you blocking this? Why can't we give the certainty that our men and women in uniform, our moms and dads, and our husbands and wives need. Why? Let's have an answer to that question. Let's do our job. Let's pass this bill.

Senator DAINES, thank you again for your leadership.

Mr. DAINES. Senator CAPITO has made a very good point. After she spent 14 years in the House, this is the easy bill to pass. Funding our military, funding the men and women who wear the uniform of the United States—that is the easy bill.

In the Senate Appropriations Committee, there are 16 Republicans and 14 Democrats. As Senator CAPITO pointed out—another appropriator—it passed 30 to 0 out of the Senate committee on May 26, but we haven't had a response from the other side as to what has changed since May 26 when we passed it 30 to 0.

I thank Senator CAPITO for her thoughts.

I now welcome Senator SULLIVAN, another freshman Senator from Alaska. I wish to say something special about Senator SULLIVAN, U.S. lieutenant colonel, Marine Corps Reserve. We are grateful for his service to our Nation as a marine.

I am the son of a marine. I am standing next to a marine on the floor. Senator SULLIVAN, thank you.

By the way, Senator CAPITO and I both had a chance to visit Joint Base Elmendorf-Richardson twice in the first 6 months of this year, various visits. It is an impressive operation. I am very proud, as I know you are, of those men and women who wear the uniform.

Senator SULLIVAN.

(Mr. GARDNER assumed the Chair.)

Mr. SULLIVAN. I thank Senator DAINES and all of my colleagues on the floor today, all of the freshman class. The Presiding Officer is part of it. We have a great new class, 12 new freshmen. As you can see, we are very serious about this topic because this is a critical topic not only to the Senate but also to the country.

You know, our friends in the media—they often sit above the Presiding Officer's chair—you wouldn't know that the Senate minority leader has filibustered spending for our troops six times in the last year. No one reports on it. It is a disgrace, in my view.

Last week we and our colleagues on the other side of the aisle were talking a lot about the Senate doing its job. I think if you polled the American people and you asked them the No. 1 job the Senate, Congress, or Federal Government should be doing, it would be defending this Nation. It would be supporting the troops. That is the No. 1 thing in terms of the Senate doing its job that we should be focused on.

As Senator CAPITO so eloquently talked about, look at where our forces are right now—all over the world. There are 5,000 troops in Iraq. They are in combat. The White House doesn't like to use the word ''combat,'' but those troops are in combat. Our troops in Syria, brave pilots, are bombing ISIS, terrorist groups, on a daily basis. They are in combat. Their families know it.

Again, we have a White House that doesn't want to talk about combat. The Press Secretary will not mention the word, but our forces are in combat.

We had two aircraft carrier battle groups recently in the South China Sea. It was an incredibly important demonstration of American resolve. We have over a thousand troops who were just put in Europe by the President to reassure our European allies with regard to Russian aggression. A new headquarters was stood up in Poland—an American headquarters. The President ordered 8,500 troops to remain in Afghanistan. These are all initiatives by the President and by our leaders in the Department of Defense just in the last couple of months. Many of us support these. Many of us support these.

As the Presiding Officer knows, it is not just the real-world contingency operations—the combat our troops are in. It is real-world training. My colleague

from Montana mentioned JBER in Alaska. We have some training exercises, such as RED FLAG-Alaska, one of the best air-to-air combat training exercises anywhere in the world. We had many evolutions of RED FLAG-Alaska this summer. Our troops were training hard. This is what the U.S. military is doing throughout the world and throughout the country to keep our Nation safe.

What is the Senate doing? More specifically, what is the minority leader doing? Well, as we have talked about, we came back last week, back in session, and the first vote we took was the sixth time the minority leader of the Senate organized a filibuster to make sure our troops didn't get funding—six times. There is no other bill in the Senate in the last year and a half that the minority leader of the Senate has picked to filibuster more than this bill—the bill that funds our troops.

Senator CAPITO asked a very good question. Why? Why? Why?

I have been on the floor asking this question for months. We are freshmen. We are new to this body. But we have not heard one Member of the other party come to the floor and explain why they are filibustering the spending for our troops—not once.

This is what our troops need. They watch this, by the way. They understand what is happening. A lot of people think: Oh, it is the Senate. Nobody understands these procedural filibusters and things. The men and women of the U.S. military know exactly what is happening. We will come down here and continue to fight for the funding and support of our troops and their families as long as the other side continues this filibuster.

Senator CAPITO, as I mentioned, asked a very important question: Why? But here is another question for my colleagues. I serve on the Committee on Armed Services. I serve on the Veterans' Affairs Committee. I know these are great bipartisan committees with Members of both parties—very patriotic and very supportive of the military. But why are my colleagues on the other side of the aisle following the Senate minority leader? Why are they following his lead in the filibuster? I really, really wish one of them—just one—would come down and explain to the American people why six times—six times in the last year and a half—the minority leader has filibustered spending for our troops and why my colleagues on the other side of the aisle have followed him.

If you were to poll this question back in any State where you are from, regardless of party—Democratic or Republican—the American people would say: Fund the troops. The American people would say: Bring it to the floor and at least have a debate on the bill that passed out of the Committee on Appropriations unanimously. The American people would say: They are doing their job. U.S. Senate, it is time to do your job. Fund the troops; support the troops.

It is remarkable that we are still debating this, and we are going to keep raising this. Maybe the media will focus on it. Again, I want to commend my colleague, Senator DAINES, for leading this colloquy because it is so important for the people of the United States to understand what is really happening on the floor of this important body.

Senator DAINES.

Mr. DAINES. U.S. Marine Corps Lieutenant Colonel SULLIVAN, I thank you, and I appreciate those comments.

When Senator SULLIVAN talks about our colleagues saying no, what they are saying no to is over 1.2 million Active-Duty military and over 800,000 Reserve military. They are saying no to almost 10,000 troops engaged in combat in Afghanistan and the additional military in harm's way in places like Iraq, Syria, and other places around the globe.

We have been hearing from freshmen Senators from the Republican Party here today in this colloquy. We have another freshman from Oklahoma. I am very honored and grateful to serve with Senator LANKFORD from Oklahoma, the home of Tinker Air Force Base.

Senator LANKFORD, I thank you for sharing your thoughts today.

(Mr. SULLIVAN assumed the Chair.)

Mr. LANKFORD. I am glad to be a part of this colloquy and to talk about what is happening during this conversation. It is not just Tinker. There are multiple major bases in Oklahoma.

It is extremely important that we continue to maintain a strong national defense. In fact, by a margin of 54 percent to 31 percent, Americans believe President Obama's flawed Iran deal has made the United States less safe. This is a major issue for all Americans. People want to know that they are kept safe, that their government is actually engaged. It is the primary responsibility of the Federal Government to deal with national defense. Regardless of party, people want to live in safe neighborhoods. Regardless of party, people want their families to grow up in a world that is as safe as it can possibly be.

In case anyone has missed the obvious, there are a lot of very bad people around the world who hate our freedom, who hate our values, and who hate American leadership. When America is strong, our deterrent stays strong and it stays clear. The last thing we want is thugs, dictators, and terrorists around the world challenging us, assuming that we are weak. That leads to the loss of American life, and it leads to instability around the world.

This administration and the decisions they have made have made us weaker as a nation and have demonstrated to us as a nation that we are not as strong as we once were. That leads to that great instability, and one of those areas where it leads to great instability is when this Congress stumbles in its support for our military. Six times in 18 months our Democratic colleagues have filibustered the Defense appropriations bill, which should be the easiest of all the appropriations bills to walk through.

I serve on the Committee on Appropriations. I was there when all the debate was happening in the committee. We passed it unanimously out of committee. Yet when it comes to the floor, it gets filibustered. You see, the basic rules of the Senate are—as this body knows extremely well—that we have to have three-fifths of the body to open debate on a bill. It passes by a simple majority, but we have to have 60 people of the 100 here to agree to start it. As long as the other side decides they do not want to debate an issue, we are literally stuck and can't even open debate on something as basic and that should be as nonpartisan as Defense appropriations.

So what are we facing right now while all this is happening? Well, we face a very unstable world that has become more unstable, as I mentioned before, because of some of the attitudes and actions of the administration. The President's failure to enforce his own redline in Syria has led to instability throughout the Middle East, as no one knows where the lines are for anyone. Making a statement like ''they won't use chemical weapons,'' when every year since 2013 the Syrian Government has used chlorine gas on its own people, had our administration responding with: Well, that is not crossing the redline because chlorine was exempted from this deal. They couldn't use other chemical weapons, but they could gas their own people with chlorine. That makes absolutely no sense to anyone. The Syrians have continued to use chlorine gas on their people year after year, mocking the President's redline and diminishing American leadership around the world.

In Russia, they continue to be on the move, with their own cyber attacks into Ukraine and into the Crimea. There is their leadership in Syria and the latest cease-fire, in fact, which Secretary Kerry and President Obama just negotiated with Russia and which favored Russia's position and is retaining Assad's leadership, giving Russia time to rearm. In fact, sitting down with Russia now and having to agree with Russia on places where we would have attacks puts Russia clearly in the lead of what is happening in Syria.

It is fascinating for me to think that just 4 years ago the President of the United States mocked Mitt Romney as he talked about Russia as a major threat. President Obama flippantly laughed and said to Mitt Romney: Hey, the 1980s are calling you. We don't have a Cold War with the Soviets anymore. Well, somehow I don't think anyone would say that now, as everyone sees Russia on the move.

North Korea continues to test missiles and nuclear weapons. China continues its aggression through territorial expansion in the South China

Sea. Cyber terrorism continues to increase from areas all around the world. ISIS is expanding its reach around the world in what it calls its provinces. The administration continues to say that the territory of ISIS is decreasing. But it is also quietly saying that their expansion around the world is increasing.

This is an unstable time in an unstable season, and it is a moment when we should all engage on some of the most basic things, like national defense. This body should be able to sit down and have an actual open debate on national defense and how that would actually happen.

Do I need to remind us about what Iran has done in just the past year? It is helping to organize a coup in Yemen, destabilizing Bahrain as much as they possibly can, engaging in propping up Assad in Syria, and partnering with Russia to launch attacks with Russian bombers leaving from Iran to go in and do attacks. All of this they continue to do as they expand.

As this government struggles with funding our government, the President of the United States sent $1.7 billion in cash to the Iranian Government. It is the ultimate irony—the ultimate irony—that at a time when the President and our Democratic colleagues don't want to fund the U.S. military, they sent three planeloads full of cash to the Iranian military so they could operate theirs.

This is why we stand here as freshmen and say this may be the normal Senate process, but it makes no sense to the American people. How can planes full of cash be sent to the Iranian military and they are not spending here?

Let me just give you some perspective. As the President looks out from his front window at the White House, he sees the Washington Monument directly in front of him, and $1.7 billion in $1 bills would be the equivalent of 1,097 Washington Monuments stacked up—1,097 Washington Monuments stacked up is $1.7 billion. That is what we just shipped to Iran.

Why do we think this is important? Because we believe national security is important and protecting America is important. A flippant conversation years ago where Secretary Clinton said that Assad's time is almost done—that was 5 years ago—the President's redline, the failure to be able to fund our military on time demonstrates that we need to be more serious about national security. This is the issue the American people want us to deal with, and this is the one we need to deal with.

With that, I appreciate the leadership of Senator DAINES in this area, and I thank him for allowing me to join in this conversation on the Senate floor on something that is extremely important to all of us.

Mr. DAINES. I thank Senator LANKFORD for his thoughts. As freshmen who are new to the Senate, we are scratching our heads, like the American people are, as this institution—our friends across the aisle are holding up funding our troops. At the same time, as Senator LANKFORD mentioned, the President is shipping $1.7 billion of foreign currency—because he can't do it in U.S. currency without breaking the law—to the Iranians.

I am glad to be joined now by Senator GARDNER of Colorado. He is a dear friend, a great colleague, and a member of the Foreign Relations Committee as well. I thank him for joining us on this important topic.

Mr. GARDNER. Mr. President, I thank Senator DAINES for the opportunity to come to the floor and talk about a bill that passed with bipartisan unanimous support out of the Senate Appropriations subcommittee addressing defense spending. I thank the Senator for inviting me to join our freshmen colleagues—new Members of the Senate, all elected in 2014—to come to the floor and have this conversation and this colloquy, to be joined by the Senator from Oklahoma who speaks so clearly on why our Nation would allow a policy to send $1.7 billion in currency to Iran but not fund our troops.

Think about what the Senator from Oklahoma said. He said it so well; that our Nation's policy is to pay off Iran before we pay our troops.

The Senator from Alaska—whom I commend for his courage in standing up on the frontlines of freedom for our country, his service to our country, we thank him for that service—spoke eloquently on the floor earlier, where he talked about six times this Senate has blocked, through the use of a procedural motion, funding for our men and women in uniform—six times—over the past 1½ years.

This isn't a bill that people come to the floor and they are outraged about, they are opposed to it, they want something different. That is not what we are talking about. We are talking about a piece of legislation to fund our men and women in uniform that passed 30 to 0 out of the Appropriations Committee—16 Republicans, 14 Democrats, no opposition, 30 to 0—to fund our troops. That can't move forward because of tactics of obstruction—tactics of obstruction that changed this body in 2014 because the American people were sick and tired of it, watching the 113th Congress fail to do its job, fail to vote on important legislation.

Over the past 1½ years, we have passed bipartisan Transportation bills, we have passed bipartisan Education bills, we have passed bipartisan human trafficking bills. We have changed the way this Congress is working to actually achieve things together, but somehow there is a dictate that came down that we would stop working together now because they are blocking funding for our troops.

When did we go from having the ability to accomplish things together to we are going to stop everything? Have people come and talked to us on the floor about why they object to this legislation? Have we heard statements in opposition to funding our troops? Have we heard alternate proposals about funding our troops? No.

The bottom line is, a partisan minority—a partisan minority—is blocking the funding of our troops. Why? Because they can, I guess, they decided, because they were told to do so, because they refuse to break ranks with the grip of a leadership office that has said: Block the funding of our troops.

Tell the American people that. Explain to the American people why you are opposed to funding our troops.

Let me tell you why I am here from Colorado. I am here from Colorado because we have the 9th largest Active-Duty military population in the United States out of 50 States, 12th largest combined Active and Reserve Force population. Colorado is home to more than 35,000 Active-Duty servicemembers, nearly 14,000 Reserve and National Guard Forces, more than 5,000 Department of Defense civilians. These numbers don't even include all the family members and contract employees who directly depend on the passage of this legislation—3,000 DOD contractors in Colorado—which make the defense industry in Colorado the third largest basic industry in our State.

El Paso County, CO, population center of the State of Colorado, is the only county in the Nation that is home to five military bases: Fort Carson, U.S. Air Force Academy, Peterson Air Force Base, Schriever Air Force Base, Cheyenne Mountain Air Force Station, also home to NORTHCOM at Peterson, our strategic missile command, space cyber command. Together, these five bases employ approximately 60,000 people, with at least $6 billion to the local economy, and yet a bill that passed 30 to 0 that would have addressed the needs of this Nation, that would have fixed this crisis we are facing in terms of funding our troops, is being filibustered, being blocked, being held up for partisan reasons—strategic reasons, tactical reasons.

This isn't a time when our military is sitting back at home just guarding the homeland from within the 50 States. This is a time where men and women across this country are standing on guard, engaged in combat today around the globe. This is a nation whose military is standing guard in South Korea, watching a madman in North Korea detonate nuclear bombs—not because he just thinks they are fun to show off but because he wants to use them against the United States and our allies. Yet a partisan minority wishes to block this legislation that funds those people on that line in South Korea protecting the United States and our allies.

We had a chance to visit with the Secretary of State today to talk about what is taking place in Syria, what is taking place in Saudi Arabia, what is taking place in Iran, Iraq, and throughout the Middle East. A bill that passed 30 to 0 that would fund those efforts—

our troops, defense of this country, the security of our home, our men and women in uniform—is being blocked, and the bill hasn't changed.

Our colleague from West Virginia, Senator SHELLEY MOORE CAPITO, talked about how nothing has changed between this bill passing out of the Appropriations Committee and today, standing here in this colloquy with our freshmen colleagues. Nothing has changed. Yet the individuals who voted in favor of the bill are now standing in the way of the bill moving forward, refusing to even debate. If they have a difference of opinion, if they think there needs to be an amendment, if they think something needs to change in the bill, then stand forward and talk about it, but instead they are blocking it, using politics and strategic reasoning to keep this bill from coming forth.

This bill isn't about strategies of political tactics or strategies of political maneuvering. It is about funding our men and women in uniform—a bill that passed without opposition. It is good for our military, it is good for our country, 1.2 million servicemembers—a much needed, much deserved pay raise for our military personnel.

It funds U.S. NORTHCOM, headquartered right there in Colorado, protecting the homeland from threats like North Korea, the Joint Interagency Combined Space Operations Center, the JICSPOC, that protects and defends critical National space infrastructure in Colorado. This bill funds it. The European Reassurance Initiative that helps our NATO allies counter the destabilizing threat of a resurgent Russia is funded in this legislation—legislation that passed 30 to 0 out of committee but somehow is being stopped and held up and blocked by partisan dissent.

It funds our major military installations in Colorado—170,000 jobs and related jobs in Colorado. It prevents moving Guantanamo Bay detainee terrorists to Americans' backyards, something all Coloradans are worried about. I have talked to many of my colleagues on the floor before about what is happening in Colorado and the possibilities that this detention facility at Guantanamo Bay could be unilaterally shut down by the President, and instead of having terrorists located offshore, they would be onshore and put in Colorado. This bill would keep that from happening. It had bipartisan support out of the Appropriations Committee, but it is now being blocked.

Why is such a bipartisan bill—such an important bill—that will serve so well our men and women in uniform, that was put together by listening to senior military leaders who are true subject experts on the subject matter being blocked?

Vice Chief of Staff of the Army, General Allyn, has said: ''We must have . . . predictable and sustained funding to deliver the readiness that our combatant commanders require to meet the missions that continue to emerge.''

Marine Gen. John Paxton, Jr., recently testified: ''The strains on our personnel and equipment are showing in many areas, particularly in aviation, in communications and intelligence.''

Earlier this year, General Goldfein—now Chief of Staff of the Air Force—said the current Air Force is ''one of the smallest, oldest and least ready in its history.''

The 2016 DOD appropriations bill put us on a path to address concerns of these military leaders.

The bottom line is, preventing this bill from moving forward jeopardizes the ability of our military to effectively, efficiently, and safely do their job and keep our country safe.

It is an honor to serve with my colleague from Alaska who served this country in our military; to serve with JONI ERNST, the Senator from Iowa, who served this country; Tom Cotton, the Senator from Arkansas, who served this country, and so many others. Let's listen to them and their leadership, and pass the bill, do what is right for this country, and not listen to the narrowest of partisan voices.

I thank the Senator from Montana for the opportunity to join the colloquy.

Mr. DAINES. I thank Senator GARDNER. I know he is very proud as he is standing here representing the Air Force Academy—what an incredible institution—Cheyenne Mountain, NORAD. I thank him for coming down to the floor and making their voices heard here, speaking on behalf of them on the floor of the U.S. Senate.

To wrap up, we have had six of the new Republican freshmen speaking today in this colloquy. These are fresh eyes and fresh voices, looking at what is going on in Washington, DC, and saying: It is broken.

It is very simple: We must make sure our military forces have the tools they need to perform their job because I can tell you one thing—our enemies are not waiting around for Senate Democrats to fund our military to make it a fair fight.

Maybe we should do this: Maybe we should stop funding Congress until we fund the military. I wonder if that would wake this institution. Why don't we put congressional pay in limbo? Why don't we see somebody filibuster congressional pay? I think we should. We should forfeit our paychecks until we fund the U.S. military.

The bottom line is, the world is a dangerous place. The defense of our country relies on properly and promptly funding the Department of Defense.

How can this institution—how can our friends across the aisle—continue to stand here and say no to our U.S. military when so much is at stake? The U.S. House has passed this bipartisan bill; the Appropriations Committee of the U.S. Senate passed it 30 to 0—16 Republicans joining 14 Democrats on a 30-to-0 vote on the Defense appropriations.

We must say yes to our military who fight for us every day, who stand up, protect our rights and our freedoms that we enjoy every day.

I yield the floor.

The PRESIDING OFFICER (Ms. COLLINS). The Senator from Colorado.

UNANIMOUS CONSENT REQUEST—H.R. 5293

Mr. GARDNER. Madam President, just moments ago I joined a group of my colleagues from the freshman class to talk about the importance of passage of the Defense appropriations bill. Six Members of that class came to speak about the need to pass a bipartisan bill that passed 30 to 0 out of the Appropriations Committee—16 Republicans, 14 Democrats—unanimously.

The American people engaged in this debate know the arguments on each side, but that is only one side because it was 30 to 0. There is no opposition, but yet this bill has been held up by a filibuster six times over the past year and a half.

So I come to the floor on behalf of my colleagues who are so engaged in this to ask unanimous consent that following the disposition of H.R. 5325, the Senate proceed to H.R. 5293, the Defense appropriations bill.

The PRESIDING OFFICER. Is there objection?

Mr. DURBIN. Madam President, reserving the right to object.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. First, let me thank my colleagues on the other side of the aisle. I know they are conscientious and committed to our national defense and security and to the men and women who make it possible. I have listened to their speeches on the floor, and but for some political analyses, I would agree with their motives to make sure we adequately and promptly fund the defense of our country. There is no question about it.

Secondly, I might say that I know a little bit about this bill. I am the ranking Democrat on the Defense Appropriations Subcommittee, and in the previous Congress I served as chairman of the Defense Appropriations Subcommittee. And I am lucky because I have by my side a Republican Senator, THAD COCHRAN of Mississippi, who currently chairs the committee. I can tell you that from start to finish, THAD COCHRAN, Republican, and DICK DURBIN, Democrat, have agreed on this bill and what is included in this bill. We have worked it out to the satisfaction of not only our own staff and the people we worked with but with the Pentagon as well. We have put together a very good, solid, defensible bill, and the point my colleague made demonstrates that. When it was called on in the full Appropriations Committee, there was unanimous support for it. Within the four corners of the bill, there is no controversy. The only question before us now is when it will be called for passage.

I take to heart the efforts by the Senator from Colorado—along with his

colleagues—today to suggest that we should do this sooner rather than later. I might try to explain for a moment, if I may, why the feeling is that we can't do it at this moment in time.

This is the biggest single discretionary spending bill in our Nation's budget. Sixty percent of the Federal budget flows through this bill to support the Department of Defense and intelligence activities. It is the Monster of the Midway, as we say in Chicago. It is the most important bill in size, at least, when it comes to our appropriations, but it is not the only bill. As the Senator knows, there are 11 other appropriations bills. What we are trying to do—and I believe we will achieve this—is have an agreement on the entire budget.

When we reached a budget agreement with President Obama and the Republican leaders in Congress, we said that we were going to fund any increases in the Department of Defense and match them with increases in nondefense spending. That has been basically the rule of the road from the start, and so there is a reluctance to allow one bill, the Department of Defense appropriations bill, to jump out ahead of others until we have this global agreement on the budget.

The Senator and his colleagues made a good point: What is more important than the defense of this Nation? What is more important than national security? The honest answer is that there is nothing more important. Doesn't the first line say ''provide for the common defense'' in terms of our responsibility?

There are also important things in the nondefense budget. I am sure the Senator from Colorado would be the first to stand up and say that we need to adequately fund the Federal Bureau of Investigation. They work night and day to keep America safe. They are not included in this Defense bill. They are in another appropriations bill which is still unresolved. I think the Senator would probably agree with me that the Department of Homeland Security is a very important agency when it comes to safety in our airports, our families getting on airplanes, and people crossing our border. The appropriation for that Department is not included in this bill.

The point I am trying to make is that when it comes to the security of this Nation, it is not just the Department of Defense; it is primarily and initially that Department. And what we need to do is make sure we have adequately funded the entire budget of this country. Can we do it? Yes, we can, and we must.

The short-term spending bill—the continuing resolution that Democrats and Republicans have done many times before—won't disadvantage the Department of Defense. By the second week of December, I believe in good faith we can work out our differences and come up with spending bills across the board for every agency—medical research, food inspection, things that everyone counts on. But to jump ahead and say that we will just take the biggest appropriations bill and put it aside and go ahead and finish that one, as the Senator has suggested with his unanimous consent request, really doesn't take into consideration that we have an obligation across the government to do our job not just with one bill but with all of the appropriations bills.

I believe in this bill. I voted for this bill. I worked on this bill. As much time as my colleague may have put into his research when preparing for his floor speech, I will match it with the time I put into this bill to make sure it was written right. I want to make sure it is passed with a budget that is fair for this country and done in a bipartisan way that we will all be proud of—not just the men and women in uniform but everyone in the United States who is served by our efforts. For that reason, at this moment I object to the request that was made.

The PRESIDING OFFICER. Objection is heard.

The Senator from Colorado.

Mr. GARDNER. Madam President, I thank my colleague from Illinois. We will continue to work on this issue until we pass this important appropriations bill. We will hear from our colleagues across the country, particularly those who were just elected in 2014.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COTTON. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO SHEILA BEATTY

Mr. COTTON. Madam President, today I would like to recognize Sheila Beatty of Hot Springs Village as this week's Arkansan of the Week for her dedication and service to Arkansas veterans.

When people choose to retire, they often seek out a life of rest and relaxation, but not Sheila. When she retired, Sheila chose a different path: honoring those who serve or have served in the U.S. military.

Sheila honors our veterans and our soldiers in many ways—almost too many to mention today. For years, she has stood in the Patriot Guard flag line at every military funeral in Arkansas, no matter the distance from her hometown, and every time troops leave for deployment or return home from a tour, Sheila is there to meet them, with cookies, flags, and a big smile on her face. Sheila is active in the Arkansas Freedom Fund—a nonprofit organization that supports members of the military, veterans, and their families through rehabilitative recreational outdoor activities. She often helps plan events for this wonderful organization as well.

Her activities don't end there. Sheila also makes an extra effort to support the veterans who need it most. She collects clothing and personal hygiene items for homeless veterans in Arkansas. She volunteers with the No Veteran Dies Alone Program at the veterans hospital in Little Rock, where she sits by the bedsides of veterans who aren't able to have family or loved ones by their side in their final hours. Her time with them provides comfort and relief to these men and women when they need it most.

To those of you in Little Rock, next week stop by the National POW/MIA National Recognition Day reception in the State capitol rotunda. Sheila was instrumental in organizing that wonderful event.

Sheila's dedication to our Armed Forces and veterans is inspiring. As a former soldier, I can tell you that people like Sheila make military service more meaningful. Their impact on the lives of veterans cannot be overstated.

I am honored to recognize Sheila as this week's Arkansan of the Week. I join all Arkansans in thanking her for supporting our veterans, and I urge everyone to join in her efforts.

Madam President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GARDNER). Without objection, it is so ordered.

UNANIMOUS CONSENT REQUEST—EXECUTIVE CALENDAR

Mr. COONS. Mr. President, I come to the floor today to ask unanimous consent that the Senate proceed to executive session to consider the following five nominations: Calendar Nos. 27, 28, 29, 30, and 31; that the Senate proceed to vote without intervening action or debate on the nominations in the order listed; that the motions to reconsider be considered made and laid upon the table with no intervening action or debate; that no further motions be in order to the nominations; that any related statements be printed in the RECORD; that the President be immediately notified of the Senate's action and the Senate then resume legislative session.

The PRESIDING OFFICER. Is there objection?

Mr. COTTON. Mr. President, reserving the right to object, I objected to the confirmation of these judges before, and the reason still stands. There is little evidence that the Court of Federal Claims needs them. According to the latest public statistics, the court's caseload is down 49 percent from 2011 and 66 percent if we go back to 2007. I understand that some say these numbers are skewed by a flood of relatively simple cases related to vaccine claims that has begun to ebb in recent years, but even if we remove those vaccine claims from the statistics, the court's

caseload has still dropped. The number of nonvaccine cases dropped from 1,427 in 2014 to 1,404 in 2015. That latest number is 10 percent lower than in 2013, 25 percent lower than it was in 2008, and 39 percent lower than it was in 2007.

I respectfully remind my colleagues that the 16 active judges authorized in the statute for the Court of Federal Claims is not a minimum number, it is a maximum number. That number was set in 1982—an increase from the six judges that were previously authorized. Perhaps it is time to revisit that number again 34 years later.

I would also note that an auxiliary of senior nonactive judges is available to the court to hear cases. These senior judges receive a full salary whether or not they hear cases on the condition that they be available to work when called. They are the most experienced judges we have for these types of cases, and I am heartened to know that a number of them have been recalled to assist the court since I called for that very action last year. That is a much better use of taxpayer dollars than confirming extra judges who will receive additional full-time salaries, office space, and staff.

I also note that my office has discussed the caseload in the Court of Federal Claims with the White House numerous times since the beginning of the year. In good faith, my office told the White House that if it provided a statistical case showing a need for more active judges, I would consider lifting some of my holds. On Thursday last week, the White House provided some statistics drawn from unpublished caseload data for the 2016 fiscal year. The data was not comprehensive or broken down in a granular fashion, but what they did show is that there is not a clear case for adding more judges at this time. According to the White House's statistics, the number of nonvaccine cases filed this year is down, the number of complicated contract bid protests filed has dropped, and the total number of pending nonvaccine cases has remained largely flat. There will be more discussion between my office and the White House about this data, but at this time I have yet to receive compelling data showing a judicial emergency for the Court of Federal Claims.

I have focused so far on our obligation to closely guard the use of taxpayer dollars for judges we may not need, but I would be remiss if I didn't highlight the unique role and vast power of the Court of Federal Claims. It has nationwide jurisdiction over all claims for money damages against the U.S. Government, from tax disputes, to government contract protests, to eminent domain takings. This court's jurisdiction isn't limited to the District of Columbia or to private litigants but deals with government abuses of the rights of Arkansans and citizens in every State of the Union. This is a serious court; the Senate should be serious as we consider confirming judges to it. The President's nominations to the court should not be rubberstamped.

We have to look hard at the workload of the court and evaluate the judicial resources currently available to meet the demands of that work, and right now those demands appear to be adequately met. I must therefore object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Delaware.

Mr. COONS. Mr. President, if I might on the question of the Court of Federal Claims, today, currently, there are just 10 active judges, although it is authorized to have 16. The five nominees whom I brought to the floor today and have asked unanimous consent to proceed on were first nominated in April or May of 2014 and have waited more than 2 years for their confirmation here by the Senate. No one has raised an objection to their qualifications, and each of them has twice now unanimously been approved by the Senate Judiciary Committee without concerns being raised or advanced about either their qualifications or the need to fill these judicial vacancies.

With fewer active judges, cases have piled up in the Court of Federal Claims, which is often called ''the people's court'' because of its role in hearing cases brought by citizens and businesses against the Federal Government. From 2012 to 2015, the number of pending general jurisdiction cases per active judge has nearly doubled, jumping from 70 to about 130 in just 3 years. The court has also seen an increase in bid protest cases—some of the most complex and resource-intensive cases heard by the court. These delays harm the citizens and businesses that are waiting to have their cases decided. Delays also come at significant cost to the Federal Government, which will pay greater interest once judgments are finally rendered.

As my colleague commented, it is true that senior judges are helping this overburdened court, but their efforts are limited by statute—they cannot work more than 90 days per year.

Last year I called for these same five judges to be confirmed by unanimous consent. One of my colleagues objected and argued that the number of pending cases has decreased and that additional judges are not needed. But this is, in my view, only the case if one counts cases that are referred to special masters. Special masters have significantly reduced their caseload in recent years, but these cases are not significant contributors to the workload of the Court of Federal Claims judges.

We have received letters from the chief judge of the Court of Federal Claims and the past president of the U.S. Court of Federal Claims Bar Association urging our swift action on these nominees. The Court of Federal Claims is in need of the service of these candidates, whose experience and qualifications are beyond question. I want to briefly highlight a few of these nominees and their backgrounds.

One of the nominees is Jeri Somers, who spent her career in service to our Nation, a decade in the Department of Justice as a Federal prosecutor and Civil Division trial attorney, and an extensive background as well in military service. She retired from the U.S. Air Force Reserves at the rank of lieutenant colonel, having spent two decades in the military serving as a judge advocate and then subsequently as a military judge in the U.S. Air Force and the District of Columbia's Air National Guard.

Another pending nominee, Armando Bonilla, spent his entire career—over two decades—as an attorney for the Department of Justice. He was hired out of law school in the Department's prestigious Honors Program and has risen to become the Associate Deputy Attorney General in the Department. Mr. Bonilla would be the first Hispanic judge to hold a position on this court and was strongly endorsed by the Hispanic National Bar Association.

Thomas Halkowski, a third pending nominee, is a respected partner at Fish & Richardson in Wilmington, one of the preeminent IP law firms in the Nation. He practices in Wilmington, DE, my hometown. He is a former Department of Justice attorney, with 8 years of experience in the Environment and Natural Resources Division, and would bring the Court of Federal Claims a wealth of experience relevant to his work.

All five of these pending nominees to the Court of Federal Claims are qualified candidates who have languished for 2 years on the Senate Calendar. They represent part of a pattern of obstruction extending all the way up to our country's highest Court, the Supreme Court. I believe it is time we come together in a bipartisan fashion to do our job, confirm these five nominees to these judicial vacancies, and allow them to get to work serving our Nation on the Court of Federal Claims.

Thank you, Mr. President.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

AMENDMENT NO. 5042, AS MODIFIED, TO AMENDMENT NO. 4979

Mr. INHOFE. Mr. President, I ask unanimous consent that the following amendment be called up: Inhofe-Boxer No. 5042, as modified, with the changes at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. INHOFE] proposes an amendment numbered 5042, as modified, to amendment No. 4979.

Mr. INHOFE. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment, as modified, is as follows:

(Purpose: Of a perfecting nature)

Strike titles I through VIII and insert the following:

TITLE I—PROGRAM REFORMS

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

Section 203 of the Water Resources Development Act of 1986 (33 U.S.C. 2231) is amended by adding at the end the following:

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

SEC. 1002. ADVANCED FUNDS FOR WATER RESOURCES DEVELOPMENT STUDIES AND PROJECTS.

The Act of October 15, 1940 (33 U.S.C. 701h–1), is amended—

(1) in the first sentence—

(A) by striking ''Whenever any'' and inserting the following:

''(a) IN GENERAL.—Whenever any'';

(B) by striking ''a flood-control project duly adopted and authorized by law'' and inserting ''an authorized water resources development study or project,''; and

(C) by striking ''such work'' and inserting ''such study or project'';

(2) in the second sentence—

(A) by striking ''The Secretary of the Army'' and inserting the following:

''(b) REPAYMENT.—The Secretary of the Army''; and

(B) by striking ''from appropriations which may be provided by Congress for flood-control work'' and inserting ''if specific appropriations are provided by Congress for such purpose''; and

(3) by adding at the end the following:

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

''(1) a State;

''(2) the District of Columbia;

''(3) the Commonwealth of Puerto Rico;

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

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

SEC. 1003. AUTHORITY TO ACCEPT AND USE MATERIALS AND SERVICES.

Section 1024 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2325a) is amended—

(1) by striking subsection (a) and inserting the following:

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

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

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

(2) in subsection (c), in the matter preceding paragraph (1)—

(A) by striking ''Not later than 60 days after initiating an activity under this section,'' and inserting ''Not later than February 1 of each year after the first fiscal year in which materials, services, or funds are accepted under this section,''; and

(B) by striking ''a report'' and inserting ''an annual report''.

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

(a) IN GENERAL.—Subject to subsection (c), the Secretary is authorized to partner with a non-Federal interest for the maintenance of a water resources project to ensure that the project will continue to function for the authorized purposes of the project.

(b) FORM OF PARTNERSHIP.—Under a partnership referred to in subsection (a), the Secretary is authorized to accept and use funds, materials, and services contributed by the non-Federal interest.

(c) NO CREDIT OR REIMBURSEMENT.—Any entity that contributes materials, services, or funds under this section shall not be eligible for credit, reimbursement, or repayment for the value of those materials, services, or funds.

SEC. 1005. NON-FEDERAL STUDY AND CONSTRUCTION OF PROJECTS.

(a) IN GENERAL.—The Secretary may accept and expend funds provided by non-Federal interests to undertake reviews, inspections, monitoring, and other Federal activities related to non-Federal interests carrying out the study, design, or construction of water resources development projects under section 203 or 204 of the Water Resources Development Act of 1986 (33 U.S.C. 2231, 2232) or any other Federal law.

(b) INCLUSION IN COSTS.—In determining credit or reimbursement, the Secretary may include the amount of funds provided by a non-Federal interest under this section as a cost of the study, design, or construction.

SEC. 1006. MUNITIONS DISPOSAL.

Section 1027 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 426e–2) is amended—

(1) in subsection (a), in the matter preceding paragraph (1), by inserting '', at full Federal expense,'' after ''The Secretary may''; and

(2) in subsection (b), by striking ''funded'' and inserting ''reimbursed''.

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

Section 225 of the Water Resources Development Act of 1992 (33 U.S.C. 2328) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following:

''(c) USER FEES.—

''(1) COLLECTION OF FEES.—

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

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

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

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

''(B) notwithstanding section 210(b)(4) of the Flood Control Act of 1968 (16 U.S.C. 460d–3(b)(4)), use that amount for operation, maintenance, and management at the recreation site at which the fee is collected.

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

SEC. 1008. STRUCTURES AND FACILITIES CONSTRUCTED BY THE SECRETARY.

Section 14 of the Act of March 3, 1899 (33 U.S.C. 408) (commonly known as the ''Rivers and Harbors Act of 1899''), is amended—

(1) by striking ''That it shall not be lawful'' and inserting the following:

''(a) PROHIBITIONS AND PERMISSIONS.—It shall not be lawful''; and

(2) by adding at the end the following:

''(b) CONCURRENT REVIEW.—

''(1) NEPA REVIEW.—

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

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

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

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

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

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

''(2) REVIEWS BY SECRETARY.—In any case in which the Secretary of the Army is required to approve an action under this section and under another authority, including sections 9 and 10 of this Act, section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344), and section 103 of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1413), the Secretary shall—

''(A) coordinate the reviews and, to the maximum extent practicable, carry out the reviews concurrently; and

''(B) adopt and use any document prepared by the Corps of Engineers for the purpose of complying with the same law and that addresses the same types of impacts in the same geographic area if the document, as determined by the Secretary, is current and applicable.

''(3) CONTRIBUTED FUNDS.—The Secretary of the Army may accept and expend funds received from non-Federal public or private entities to evaluate under this section an alteration or permanent occupation or use of a work built by the United States.''.

SEC. 1009. PROJECT COMPLETION.

For any project authorized under section 219 of the Water Resources Development Act of 1992 (Public Law 102–580; 106 Stat. 4835), the authorization of appropriations is increased by the amount, including in increments, necessary to allow completion of the project if—

(1) as of the date of enactment of this Act, the project has received more than $4,000,000 in Federal appropriations and those appropriations equal an amount that is greater than 80 percent of the authorized amount;

(2) significant progress has been demonstrated toward completion of the project or segments of the project but the project is not complete as of the date of enactment of this Act; and

(3) the benefits of the Federal investment will not be realized without an increase in

the authorization of appropriations to allow completion of the project.

SEC. 1010. CONTRIBUTED FUNDS.

(a) CONTRIBUTED FUNDS.—Section 5 of the Act of June 22, 1936 (33 U.S.C. 701h) (commonly known as the ''Flood Control Act of 1936''), is amended—

(1) by striking ''funds appropriated by the United States for''; and

(2) in the first proviso, by inserting after ''authorized purposes of the project:'' the following: ''*Provided further*, That the Secretary may receive and expend funds from a State or a political subdivision of a State and other non-Federal interests to formulate, review, or revise, consistent with authorized project purposes, operational documents for any reservoir owned and operated by the Secretary (other than reservoirs in the Upper Missouri River, the Apalachicola-Chattahoochee-Flint River system, the Alabama-Coosa-Tallapoosa River system, and the Stones River):''

(b) REPORT.—Section 1015 of the Water Resources Reform and Development Act of 2014 is amended by striking subsection (b) (33 U.S.C. 701h note; Public Law 113–121) and inserting the following:

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

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

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

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

(a) IN GENERAL.—For a navigation project authorized after November 7, 2007, involving offshore oil and gas fabrication ports, the recommended plan by the Chief of Engineers shall be the plan that uses the value of future energy exploration and production fabrication contracts and the transportation savings that would result from a larger navigation channel in accordance with section 6009 of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005 (Public Law 109–13; 119 Stat. 282).

(b) SPECIAL RULE.—In addition to projects described in subsection (a), this section shall apply to—

(1) a project that has undergone an economic benefits update; and

(2) at the request of the non-Federal sponsor, any ongoing feasibility study for which the benefits under section 6009 of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005 (Public Law 109–13; 119 Stat. 282) may apply.

SEC. 1012. LEVERAGING FEDERAL INFRASTRUCTURE FOR INCREASED WATER SUPPLY.

(a) IN GENERAL.—At the request of a non-Federal interest, the Secretary may review proposals to increase the quantity of available supplies of water at Federal water resources projects through—

(1) modification of a water resources project;

(2) modification of how a project is managed; or

(3) accessing water released from a project.

(b) PROPOSALS INCLUDED.—A proposal under subsection (a) may include—

(1) increasing the storage capacity of the project;

(2) diversion of water released or withdrawn from the project—

(A) to recharge groundwater;

(B) to aquifer storage and recovery; or

(C) to any other storage facility;

(3) construction of facilities for delivery of water from pumping stations constructed by the Secretary;

(4) construction of facilities to access water; and

(5) a combination of the activities described in paragraphs (1) through (4).

(c) EXCLUSIONS.—This section shall not apply to a proposal that—

(1) reallocates existing water supply or hydropower storage; or

(2) reduces water available for any authorized project purpose.

(d) OTHER FEDERAL PROJECTS.—In any case in which a proposal relates to a Federal project that is not owned by the Secretary, this section shall apply only to activities under the authority of the Secretary.

(e) REVIEW PROCESS.—

(1) NOTICE.—On receipt of a proposal submitted under subsection (a), the Secretary shall provide a copy of the proposal to each entity described in paragraph (2) and if applicable, the Federal agency that owns the project, in the case of a project owned by an agency other than the Department of the Army.

(2) PUBLIC PARTICIPATION.—In reviewing proposals submitted under subsection (a), and prior to making any decisions regarding a proposal, the Secretary shall comply with all applicable public participation requirements under law, including consultation with—

(A) affected States;

(B) Power Marketing Administrations, in the case of reservoirs with Federal hydropower projects;

(C) entities responsible for operation and maintenance costs;

(D) any entity that has a contractual right from the Federal Government or a State to withdraw water from, or use storage at, the project;

(E) entities that the State determines hold rights under State law to the use of water from the project; and

(F) units of local government with flood risk reduction responsibilities downstream of the project.

(f) AUTHORITIES.—A proposal submitted to the Secretary under subsection (a) may be reviewed and approved, if applicable and appropriate, under—

(1) the specific authorization for the water resources project;

(2) section 216 of the Flood Control Act of 1970 (33 U.S.C. 549a);

(3) section 301 of the Water Supply Act of 1958 (43 U.S.C. 390b); and

(4) section 14 of the Act of March 3, 1899 (commonly known as the ''Rivers and Harbors Act of 1899'') (33 U.S.C. 408).

(g) LIMITATIONS.—The Secretary shall not approve a proposal submitted under subsection (a) that—

(1) is not supported by the Federal agency that owns the project if the owner is not the Secretary;

(2) interferes with an authorized purpose of the project;

(3) adversely impacts contractual rights to water or storage at the reservoir;

(4) adversely impacts legal rights to water under State law, as determined by an affected State;

(5) increases costs for any entity other than the entity that submitted the proposal; or

(6) if a project is subject to section 301(e) of the Water Supply Act of 1958 (43 U.S.C. 390b(e)), makes modifications to the project that do not meet the requirements of that section unless the modification is submitted to and authorized by Congress.

(h) COST SHARE.—

(1) IN GENERAL.—Except as provided in paragraph (2), 100 percent of the cost of developing, reviewing, and implementing a proposal submitted under subsection (a) shall be provided by an entity other than the Federal Government.

(2) PLANNING ASSISTANCE TO STATES.—In the case of a proposal from an entity authorized to receive assistance under section 22 of the Water Resources Development Act of 1974 (42 U.S.C. 1962d-16), the Secretary may use funds available under that section to pay 50 percent of the cost of a review of a proposal submitted under subsection (a).

(3) OPERATION AND MAINTENANCE COSTS.—

(A) IN GENERAL.—Except as provided in subparagraphs (B) and (C), the operation and maintenance costs for the non-Federal sponsor of a proposal submitted under subsection (a) shall be 100 percent of the separable operation and maintenance costs associated with the costs of implementing the proposal.

(B) CERTAIN WATER SUPPLY STORAGE PROJECTS.—For a proposal submitted under subsection (a) for constructing additional water supply storage at a reservoir for use under a water supply storage agreement, in addition to the costs under subparagraph (A), the non-Federal costs shall include the proportional share of any joint-use costs for operation, maintenance, repair, replacement, or rehabilitation of the reservoir project determined in accordance with section 301 of the Water Supply Act of 1958 (43 U.S.C. 390b).

(C) VOLUNTARY CONTRIBUTIONS.—An entity other than an entity described in subparagraph (A) may voluntarily contribute to the costs of implementing a proposal submitted under subsection (a).

(i) CONTRIBUTED FUNDS.—The Secretary may receive and expend funds contributed by a non-Federal interest for the review and approval of a proposal submitted under subsection (a).

(j) ASSISTANCE.—On request by a non-Federal interest, the Secretary may provide technical assistance in the development or implementation of a proposal under subsection (a), including assistance in obtaining necessary permits for construction, if the non-Federal interest contracts with the Secretary to pay all costs of providing the technical assistance.

(k) EXCLUSION.—This section shall not apply to reservoirs in—

(1) the Upper Missouri River;

(2) the Apalachicola-Chattahoochee-Flint river system;

(3) the Alabama-Coosa-Tallapoosa river system; and

(4) the Stones River.

(l) EFFECT OF SECTION.—Nothing in this section affects or modifies any authority of the Secretary to review or modify reservoirs.

SEC. 1013. NEW ENGLAND DISTRICT HEADQUARTERS.

(a) IN GENERAL.—Subject to subsection (b), using amounts available in the revolving fund established by section 101 of the Civil Functions Appropriations Act, 1954 (33 U.S.C. 576) and not otherwise obligated, the Secretary may—

(1) design, renovate, and construct additions to 2 buildings located on Hanscom Air Force Base in Bedford, Massachusetts for the headquarters of the New England District of the Army Corps of Engineers; and

(2) carry out such construction and infrastructure improvements as are required to support the headquarters of the New England District of the Army Corps of Engineers, including any necessary demolition of the existing infrastructure.

(b) REQUIREMENT.—In carrying out subsection (a), the Secretary shall ensure that the revolving fund established by section 101 of the Civil Functions Appropriations Act, 1954 (33 U.S.C. 576) is appropriately reimbursed from funds appropriated for programs that receive a benefit under this section.

SEC. 1014. BUFFALO DISTRICT HEADQUARTERS.

(a) IN GENERAL.—Subject to subsection (b), using amounts available in the revolving fund established by section 101 of the Civil Functions Appropriations Act, 1954 (33 U.S.C. 576) and not otherwise obligated, the Secretary may—

(1) design and construct a new building in Buffalo, New York, for the headquarters of the Buffalo District of the Army Corps of Engineers; and

(2) carry out such construction and infrastructure improvements as are required to support the headquarters and related installations and facilities of the Buffalo District of the Army Corps of Engineers, including any necessary demolition or renovation of the existing infrastructure.

(b) REQUIREMENT.—In carrying out subsection (a), the Secretary shall ensure that the revolving fund established by section 101 of the Civil Functions Appropriations Act, 1954 (33 U.S.C. 576) is appropriately reimbursed from funds appropriated for programs that receive a benefit under this section.

SEC. 1015. COMPLETION OF ECOSYSTEM RESTORATION PROJECTS.

Section 2039 of the Water Resources Development Act of 2007 (33 U.S.C. 2330a) is amended by adding at the end the following:

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

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

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

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

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

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

SEC. 1016. CREDIT FOR DONATED GOODS.

Section 221(a)(4)(D)(iv) of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b(a)(4)(D)(iv)) is amended—

(1) by inserting ''regardless of the cost incurred by the non-Federal interest,'' before ''shall not''; and

(2) by striking ''costs'' and inserting ''value''.

SEC. 1017. STRUCTURAL HEALTH MONITORING.

(a) IN GENERAL.—The Secretary shall design and develop a structural health monitoring program to assess and improve the condition of infrastructure constructed and maintained by the Corps of Engineers, including research, design, and development of systems and frameworks for—

(1) response to flood and earthquake events;

(2) pre-disaster mitigation measures;

(3) lengthening the useful life of the infrastructure; and

(4) identifying risks due to sea level rise.

(b) CONSULTATION AND CONSIDERATION.—In developing the program under subsection (a), the Secretary shall—

(1) consult with academic and other experts; and

(2) consider models for maintenance and repair information, the development of degradation models for real-time measurements and environmental inputs, and research on qualitative inspection data as surrogate sensors.

SEC. 1018. FISH AND WILDLIFE MITIGATION.

Section 906 of the Water Resources Development Act of 1986 (33 U.S.C. 2283) is amended—

(1) in subsection (h)—

(A) in paragraph (4)—

(i) by redesignating subparagraphs (D) and (E) as subparagraphs (E) and (F), respectively; and

(ii) by inserting after subparagraph (C) the following:

''(D) include measures to protect or restore habitat connectivity'';

(B) in paragraph (6)(C), by striking ''impacts'' and inserting ''impacts, including impacts to habitat connectivity''; and

(C) by striking paragraph (11) and inserting the following:

''(11) EFFECT.—Nothing in this subsection—

''(A) requires the Secretary to undertake additional mitigation for existing projects for which mitigation has already been initiated, including the addition of fish passage to an existing water resources development project; or

''(B) affects the mitigation responsibilities of the Secretary under any other provision of law.''; and

(2) by adding at the end the following:

''(j) USE OF FUNDS.—The Secretary may use funds made available for preconstruction engineering and design prior to authorization of project construction to satisfy mitigation requirements through third-party arrangements or to acquire interests in land necessary for meeting mitigation requirements under this section.

''(k) MEASURES.—The Secretary shall consult with interested members of the public, the Director of the United States Fish and Wildlife Service, the Assistant Administrator for Fisheries of the National Oceanic and Atmospheric Administration, States, including State fish and game departments, and interested local governments to identify standard measures under subsection (h)(6)(C) that reflect the best available scientific information for evaluating habitat connectivity.''.

SEC. 1019. NON-FEDERAL INTERESTS.

Section 221(b)(1) of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b(b)(1)) is amended by inserting ''or a Native village, Regional Corporation, or Village Corporation (as those terms are defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602))'' after ''Indian tribe''.

SEC. 1020. DISCRETE SEGMENT.

Section 204 of the Water Resources Development Act of 1986 (33 U.S.C. 2232) is amended—

(1) by striking ''project or separable element'' each place it appears and inserting ''project, separable element, or discrete segment'';

(2) by striking ''project, or separable element thereof,'' each place it appears and inserting ''project, separable element, or discrete segment of a project'';

(3) in subsection (a)—

(A) by redesignating paragraphs (1) through (3) as subparagraphs (A) through (C), respectively, and indenting appropriately; and

(B) by striking the subsection designation and all that follows through ''In this section, the'' and inserting the following:

''(a) DEFINITIONS.—In this section:

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

''(2) WATER RESOURCES DEVELOPMENT PROJECT.—The'';

(4) in subsection (b)(1), in the matter preceding subparagraph (A), by striking ''project, or separate element thereof'' and inserting ''project, separable element, or discrete segment of a project''; and

(5) in subsection (d)—

(A) in paragraph (3)(B), in the matter preceding clause (i), by striking ''project'' and inserting ''project, separable element, or discrete segment'';

(B) in paragraph (4), in the matter preceding subparagraph (A), by striking ''project, or a separable element of a water resources development project,'' and inserting ''project, separable element, or discrete segment of a project''; and

(C) by adding at the end the following:

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

SEC. 1021. FUNDING TO PROCESS PERMITS.

Section 214(a) of the Water Resources Development Act of 2000 (33 U.S.C. 2352(a)) is amended—

(1) in paragraph (1), by adding at the end the following:

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

(2) in paragraph (2), by striking ''or natural gas company'' and inserting '', natural gas company, or rail carrier'';

(3) in paragraph (3), by striking ''or natural gas company'' and inserting '', natural gas company, or rail carrier''; and

(4) in paragraph (5), by striking ''and natural gas companies'' and inserting '', natural gas companies, and rail carriers, including an evaluation of the compliance with all requirements of this section and, with respect to a permit for those entities, the requirements of all applicable Federal laws''.

SEC. 1022. INTERNATIONAL OUTREACH PROGRAM.

Section 401 of the Water Resources Development Act of 1992 (33 U.S.C. 2329) is amended by striking subsection (a) and inserting the following:

''(a) AUTHORIZATION.—

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

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

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

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

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

SEC. 1023. WETLANDS MITIGATION.

Section 2036(c) of the Water Resources Development Act of 2007 (33 U.S.C. 2317b) is amended by adding at the end the following:

''(4) MITIGATION BANKS.—

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

''(B) REQUIREMENTS.—All potential mitigation bank and in-lieu fee credits that meet the criteria under subparagraph (A) shall be considered a reasonable alternative for planning purposes if the applicable mitigation bank—

''(i) has an approved mitigation banking instrument; and

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

''(C) EFFECT.—Nothing in this paragraph modifies or alters any requirement for a water resources project to comply with applicable laws or regulations, including section 906 of the Water Resources Development Act of 1986 (33 U.S.C. 2283).''.

SEC. 1024. USE OF YOUTH SERVICE AND CONSERVATION CORPS.

Section 213 of the Water Resources Development Act of 2000 (33 U.S.C. 2339) is amended by adding at the end the following:

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

SEC. 1025. DEBRIS REMOVAL.

Section 3 of the Act entitled ''An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes'', approved March 2, 1945 (33 U.S.C. 603a), is amended—

(1) by striking ''$1,000,000'' and inserting ''$5,000,000'';

(2) by striking ''accumulated snags and other debris'' and inserting ''accumulated snags, obstructions, and other debris located in or adjacent to a Federal channel''; and

(3) by striking ''or flood control'' and inserting '', flood control, or recreation''.

SEC. 1026. AQUACULTURE STUDY.

(a) IN GENERAL.—The Comptroller General shall carry out an assessment of the shellfish aquaculture industry, including—

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

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

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

(4) the experience of the private sector in applying for shellfish aquaculture permits from different jurisdictions of the Corps of Engineers and different States.

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

(1) The Chesapeake Bay.

(2) The Gulf Coast States.

(3) The State of California.

(4) The State of Washington.

(c) FINDINGS.—Not later than 225 days after the date of enactment of this Act, the Comptroller General shall submit to the Committees on Environment and Public Works and on Energy and Natural Resources of the Senate and the Committees on Transportation and Infrastructure and on Natural Resources of the House of Representatives a report containing the findings of the assessment conducted under subsection (a).

SEC. 1027. LEVEE VEGETATION.

(a) IN GENERAL.—Section 3013(g)(1) of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 701n note; Public Law 113–121) is amended—

(1) by inserting ''remove existing vegetation or'' after ''the Secretary shall not''; and

(2) by striking ''as a condition or requirement for any approval or funding of a project, or any other action''.

(b) REPORT.—Not later than 30 days after the enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that—

(1) describes the reasons for the failure of the Secretary to meet the deadlines in subsection (f) of section 3013 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 701n note; Public Law 113–121); and

(2) provides a plan for completion of the activities required in that subsection (f).

SEC. 1028. PLANNING ASSISTANCE TO STATES.

Section 22(a)(1) of the Water Resources Development Act of 1974 (42 U.S.C. 1962d-16(a)(1)) is amended—

(1) by inserting '', a group of States, or a regional or national consortia of States'' after ''working with a State''; and

(2) by striking ''located within the boundaries of such State''.

SEC. 1029. PRIORITIZATION.

Section 1011 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2341a) is amended—

(1) in subsection (a)—

(A) in paragraph (1)(C), by inserting ''restore or'' before ''prevent the loss''; and

(B) in paragraph (2)—

(i) in the matter preceding subparagraph (A), by striking ''the date of enactment of this Act'' and inserting ''the date of enactment of the Water Resources Development Act of 2016''; and

(ii) in subparagraph (A)(ii), by striking ''that—'' and all that follows through ''(II)'' and inserting ''that''; and

(2) in subsection (b)—

(A) in paragraph (1), by redesignating subparagraphs (A) through (C) as clauses (i) through (iii), respectively, and indenting appropriately;

(B) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and indenting appropriately;

(C) in the matter preceding subparagraph (A) (as so redesignated), by striking ''For'' and inserting the following:

''(1) IN GENERAL.—For''; and

(D) by adding at the end the following:

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

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

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

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

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

SEC. 1030. KENNEWICK MAN.

(a) DEFINITIONS.—In this section:

(1) CLAIMANT TRIBES.—The term ''claimant tribes'' means the Indian tribes and band referred to in the letter from Secretary of the Interior Bruce Babbitt to Secretary of the Army Louis Caldera, relating to the human remains and dated September 21, 2000.

(2) DEPARTMENT.—The term ''Department'' means the Washington State Department of Archaeology and Historic Preservation.

(3) HUMAN REMAINS.—The term ''human remains'' means the human remains that—

(A) are known as Kennewick Man or the Ancient One, which includes the projectile point lodged in the right ilium bone, as well as any residue from previous sampling and studies; and

(B) are part of archaeological collection number 45BN495.

(b) TRANSFER.—Notwithstanding any other provision of Federal law, including the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.), or law of the State of Washington, not later than 90 days after the date of enactment of this Act, the Secretary, acting through the Chief of Engineers, shall transfer the human remains to the Department, on the condition that the Department, acting through the State Historic Preservation Officer, disposes of the remains and repatriates the remains to claimant tribes.

(c) COST.—The Corps of Engineers shall be responsible for any costs associated with the transfer.

(d) LIMITATIONS.—

(1) IN GENERAL.—The transfer shall be limited solely to the human remains portion of the archaeological collection.

(2) SECRETARY.—The Secretary shall have no further responsibility for the human remains transferred pursuant to subsection (b) after the date of the transfer.

SEC. 1031. DISPOSITION STUDIES.

In carrying out any disposition study for a project of the Corps of Engineers (including a study under section 216 of the Flood Control Act of 1970 (33 U.S.C. 549a)), the Secretary shall consider the extent to which the property has economic or recreational significance or impacts at the national, State, or local level.

SEC. 1032. TRANSFER OF EXCESS CREDIT.

Section 1020 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2223) is amended—

(1) in subsection (a)—

(A) by striking the subsection designation and heading and all that follows through ''Subject to subsection (b)'' and inserting the following:

''(a) APPLICATION OF CREDIT.—

''(1) IN GENERAL.—Subject to subsection (b)''; and

(B) by adding at the end the following:

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

(2) by striking subsection (d); and

(3) by redesignating subsection (e) as subsection (d).

SEC. 1033. SURPLUS WATER STORAGE.

Section 1046(c) of the Water Resources Reform and Development Act of 2014 (Public Law 113–121; 128 Stat. 1254) is amended by adding at the end the following:

''(5) TIME LIMIT.—

''(A) IN GENERAL.—If the Secretary has documented the volume of surplus water available, not later than 60 days after the date on

which the Secretary receives a request for a contract and easement, the Secretary shall issue a decision on the request.

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

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

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

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

SEC. 1034. HURRICANE AND STORM DAMAGE REDUCTION.

Section 3(c)(2)(B) of the Act of August 13, 1946 (33 U.S.C. 426g(c)(2)(B)) is amended by striking ''$5,000,000'' and inserting ''$10,000,000''.

SEC. 1035. FISH HATCHERIES.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary may operate a fish hatchery for the purpose of restoring a population of fish species located in the region surrounding the fish hatchery that is listed as a threatened species or an endangered species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) or a similar State law.

(b) COSTS.—A non-Federal entity, another Federal agency, or a group of non-Federal entities or other Federal agencies shall be responsible for 100 percent of the additional costs associated with managing a fish hatchery for the purpose described in subsection (a) that are not authorized as of the date of enactment of this Act for the fish hatchery.

SEC. 1036. FEASIBILITY STUDIES AND WATERSHED ASSESSMENTS.

(a) VERTICAL INTEGRATION AND ACCELERATION OF STUDIES.—Section 1001(d) of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2282c(d)) is amended by striking paragraph (3) and inserting the following:

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

(b) COST SHARING.—Section 105(a)(1)(A) of the Water Resources Development Act of 1986 (33 U.S.C. 2215(a)(1)(A)) is amended—

(1) by striking the subparagraph designation and heading and all that follows through ''The Secretary'' and inserting the following:

''(A) REQUIREMENT.—

''(i) IN GENERAL.—Except as provided in clause (ii), the Secretary''; and

(2) by adding at the end the following:

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

(c) NON-FEDERAL SHARE.—Section 729(f)(1) of the Water Resources Development Act of 1986 (33 U.S.C. 2267a(f)(1)) is amended by inserting before the period at the end '', except that the first $100,000 of the assessment shall be a Federal expense''.

SEC. 1037. SHORE DAMAGE PREVENTION OR MITIGATION.

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

(1) in subsection (b), by striking ''measures'' and all that follows through ''project'' and inserting ''measures, including a study, shall be cost-shared in the same proportion as the cost-sharing provisions applicable to construction of the project''; and

(2) by adding at the end the following:

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

SEC. 1038. ENHANCING LAKE RECREATION OPPORTUNITIES.

Section 3134 of the Water Resources Development Act of 2007 (Public Law 110–114; 121 Stat. 1142) is amended by striking subsection (e).

SEC. 1039. COST ESTIMATES.

Section 2008 of the Water Resources Development Act of 2007 (33 U.S.C. 2340) is amended by striking subsection (c).

SEC. 1040. TRIBAL PARTNERSHIP PROGRAM.

Section 203 of the Water Resources Development Act of 2000 (33 U.S.C. 2269) is amended—

(1) in subsection (b)—

(A) in paragraph (1), in the matter preceding subparagraph (A), by striking ''the Secretary'' and all that follows through ''projects'' and inserting ''the Secretary may carry out water-related planning activities, or activities relating to the study, design, and construction of water resources development projects or projects for the preservation of cultural and natural resources,'';

(B) in paragraph (2), in the matter preceding subparagraph (A), by striking ''(2) MATTERS TO BE STUDIED.—A study'' and inserting the following:

''(2) AUTHORIZED ACTIVITIES.—Any activity''; and

(C) by adding at the end the following:

''(3) FEASIBILITY STUDY AND REPORTS.—

''(A) IN GENERAL.—On the request of an Indian tribe, the Secretary shall conduct a study, and provide to the Indian tribe a report describing the feasibility of a water resources development project or project for the preservation of cultural and natural resources described in paragraph (1).

''(B) RECOMMENDATION.—A report under subparagraph (A) may, but shall not be required to, contain a recommendation on a specific water resources development project.

''(C) FUNDING.—The first $100,000 of a study under this paragraph shall be at full Federal expense.

''(4) DESIGN AND CONSTRUCTION.—

''(A) IN GENERAL.—The Secretary may carry out the design and construction of a water resources development project or project for the preservation of cultural and natural resources described in paragraph (1) that the Secretary determines is feasible if the Federal share of the cost of the project is not more than $10,000,000.

''(B) SPECIFIC AUTHORIZATION.—If the Federal share of the cost of a project described in subparagraph (A) is more than $10,000,000, the Secretary may only carry out the project if Congress enacts a law authorizing the Secretary to carry out the project.'';

(2) in subsection (c)—

(A) in paragraph (1), by striking ''studies'' and inserting ''any activity''; and

(B) in paragraph (2)(B), by striking ''carrying out projects studied'' and inserting ''any activity conducted'';

(3) in subsection (d)—

(A) in paragraph (1)(A), by striking ''a study'' and inserting ''any activity conducted''; and

(B) by striking paragraph (2) and inserting the following:

''(2) CREDIT.—The Secretary may credit toward the non-Federal share of the costs of any activity conducted under subsection (b) the cost of services, studies, supplies, or other in-kind contributions provided by the non-Federal interest.

''(3) SOVEREIGN IMMUNITY.—The Secretary shall not require an Indian tribe to waive the sovereign immunity of the Indian tribe as a condition to entering into a cost-sharing agreement under this subsection.

''(4) WATER RESOURCES DEVELOPMENT PROJECTS.—

''(A) IN GENERAL.—The non-Federal share of costs for the study of a water resources development project described in subsection (b)(1) shall be 50 percent.

''(B) OTHER COSTS.—The non-Federal share of costs of design and construction of a project described in subparagraph (A) shall be assigned to the appropriate project purposes described in sections 101 and 103 of the Water Resources Development Act of 1986 (33 U.S.C. 2211, 2213) and shared in the same percentages as the purposes to which the costs are assigned.

''(5) PROJECTS FOR THE PRESERVATION OF CULTURAL AND NATURAL RESOURCES.—

''(A) IN GENERAL.—The non-Federal share of costs for the study of a project for the preservation of cultural and natural resources described in subsection (b)(1) shall be 50 percent.

''(B) OTHER COSTS.—The non-Federal share of costs of design and construction of a project described in subparagraph (A) shall be 65 percent.

''(6) WATER-RELATED PLANNING ACTIVITIES.—

''(A) IN GENERAL.—The non-Federal share of costs of a watershed and river basin assessment shall be 25 percent.

''(B) OTHER COSTS.—The non-Federal share of costs of other water-related planning activities described in subsection (b)(1) shall be 65 percent.''; and

(4) by striking subsection (e).

SEC. 1041. COST SHARING FOR TERRITORIES AND INDIAN TRIBES.

Section 1156 of the Water Resources Development Act of 1986 (33 U.S.C. 2310) is amended—

(1) in the section heading, by striking ''**TERRITORIES**'' and inserting ''**TERRITORIES AND INDIAN TRIBES**''; and

(2) by striking subsection (a) and inserting the following:

''(a) IN GENERAL.—The Secretary shall waive local cost-sharing requirements up to $200,000 for all studies, projects, and assistance under section 22(a) of the Water Resources Development Act of 1974 (42 U.S.C. 1962d-16(a))—

''(1) in American Samoa, Guam, the Northern Mariana Islands, the Virgin Islands, Puerto Rico, and the Trust Territory of the Pacific Islands; and

''(2) for any Indian tribe (as defined in section 102 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 5130)).''.

SEC. 1042. LOCAL GOVERNMENT WATER MANAGEMENT PLANS.

The Secretary, with the consent of the non-Federal sponsor of a feasibility study for a water resources development project, may enter into a feasibility study cost-sharing agreement under section 221(a) of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b(a)), to

allow a unit of local government in a watershed that has adopted a local or regional water management plan to participate in the feasibility study to determine if there is an opportunity to include additional feasible elements in the project being studied to help achieve the purposes identified in the local or regional water management plan.

SEC. 1043. CREDIT IN LIEU OF REIMBURSEMENT.

Section 1022 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2225) is amended—

(1) in subsection (a), by striking ''that has been constructed by a non-Federal interest under section 211 of the Water Resources Development Act of 1996 (33 U.S.C. 701b–13) before the date of enactment of this Act'' and inserting ''for which a written agreement with the Corps of Engineers for construction was finalized on or before December 31, 2014, under section 211 of the Water Resources Development Act of 1996 (33 U.S.C. 701b–13) (as it existed before the repeal made by section 1014(c)(3))''; and

(2) in subsection (b), by striking ''share of the cost of the non-Federal interest of carrying out other flood damage reduction projects or studies'' and inserting ''non-Federal share of the cost of carrying out other water resources development projects or studies of the non-Federal interest''.

SEC. 1044. RETROACTIVE CHANGES TO COST-SHARING AGREEMENTS.

Study costs incurred before the date of execution of a feasibility cost-sharing agreement for a project to be carried out under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330) shall be Federal costs, if—

(1) the study was initiated before October 1, 2006; and

(2) the feasibility cost-sharing agreement was not executed before January 1, 2014.

SEC. 1045. EASEMENTS FOR ELECTRIC, TELEPHONE, OR BROADBAND SERVICE FACILITIES ELIGIBLE FOR FINANCING UNDER THE RURAL ELECTRIFICATION ACT OF 1936.

(a) DEFINITION OF WATER RESOURCES DEVELOPMENT PROJECT.—In this section, the term ''water resources development project'' means a project under the administrative jurisdiction of the Corps of Engineers that is subject to part 327 of title 36, Code of Federal Regulations (or successor regulations).

(b) NO CONSIDERATION FOR EASEMENTS.—The Secretary may not collect consideration for an easement 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 (7 U.S.C. 901 et seq.).

(c) ADMINISTRATIVE EXPENSES.—Nothing in this section affects the authority of the Secretary under section 2695 of title 10, United States Code, or under section 9701 of title 31, United State Code, to collect funds to cover reasonable administrative expenses incurred by the Secretary.

SEC. 1046. STUDY ON THE PERFORMANCE OF INNOVATIVE MATERIALS.

(a) DEFINITION OF INNOVATIVE MATERIAL.—In this section, the term ''innovative material'', with respect to a water resources development project, includes high performance concrete formulations, geosynthetic materials, advanced alloys and metals, reinforced polymer composites, and any other material, as determined by the Secretary.

(b) STUDY.—

(1) IN GENERAL.—The Secretary shall offer to enter into a contract with the Transportation Research Board of the National Academy of Sciences—

(A) to develop a proposal to study the use and performance of innovative materials in water resources development projects carried out by the Corps of Engineers; and

(B) after the opportunity for public comment provided in accordance with subsection (c), to carry out the study proposed under subparagraph (A).

(2) CONTENTS.—The study under paragraph (1) shall identify—

(A) the conditions that result in degradation of water resources infrastructure;

(B) the capabilities of the innovative materials in reducing degradation;

(C) barriers to the expanded successful use of innovative materials;

(D) recommendations on including performance-based requirements for the incorporation of innovative materials into the Unified Facilities Guide Specifications;

(E) recommendations on how greater use of innovative materials could increase performance of an asset of the Corps of Engineers in relation to extended service life;

(F) additional ways in which greater use of innovative materials could empower the Corps of Engineers to accomplish the goals of the Strategic Plan for Civil Works of the Corps of Engineers; and

(G) recommendations on any further research needed to improve the capabilities of innovative materials in achieving extended service life and reduced maintenance costs in water resources development infrastructure.

(c) PUBLIC COMMENT.—After developing the study proposal under subsection (b)(1)(A) and before carrying out the study under subsection (b)(1)(B), the Secretary shall provide an opportunity for public comment on the study proposal.

(d) CONSULTATION.—In carrying out the study under subsection (b)(1), the Secretary, at a minimum, shall consult with relevant experts on engineering, environmental, and industry considerations.

(e) REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to Congress a report describing the results of the study required under subsection (b)(1).

SEC. 1047. DEAUTHORIZATION OF INACTIVE PROJECTS.

(a) IN GENERAL.—Section 6001(c) of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 579b(c)) is amended by adding at the end the following:

''(5) DEFINITION OF CONSTRUCTION.—In this subsection, the term 'construction' includes the obligation or expenditure of non-Federal funds for construction of elements integral to the authorized project, whether or not the activity takes place pursuant to any agreement with, expenditure by, or obligation from the Secretary.''.

(b) NOTICES OF CORRECTION.—Not later than 60 days after the date of enactment of this Act, the Secretary shall publish in the Federal Register a notice of correction removing from the lists under subsections (c) and (d) of section 6001 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 579b) any project that was listed even though construction (as defined in subsection (c)(5) of that section) took place.

SEC. 1048. REVIEW OF RESERVOIR OPERATIONS.

(a) DEFINITIONS.—In this section:

(1) RESERVED WORKS.—The term ''reserved works'' means any Bureau of Reclamation project facility at which the Secretary of the Interior carries out the operation and maintenance of the project facility.

(2) TRANSFERRED WORKS.—The term ''transferred works'' means a Bureau of Reclamation project facility, the operation and maintenance of which is carried out by a non-Federal entity under the provisions of a formal operation and maintenance transfer contract.

(3) TRANSFERRED WORKS OPERATING ENTITY.—The term ''transferred works operating entity'' means the organization that is contractually responsible for operation and maintenance of transferred works.

(b) APPLICABILITY.—

(1) IN GENERAL.—This section applies to reservoirs that are subject to regulation by the Secretary under section 7 of the Act of December 22, 1944 (33 U.S.C. 709) located in a State in which a Bureau of Reclamation project is located.

(2) EXCLUSIONS.—This section shall not apply to—

(A) any project authorized by the Boulder Canyon Project Act (43 U.S.C. 617 et seq.);

(B) the initial units of the Colorado River Storage Project, as authorized by the first section of the Act of April 11, 1956 (commonly known as the ''Colorado River Storage Project Act'') (43 U.S.C. 620);

(C) any dam or reservoir operated by the Bureau of Reclamation as reserved works, unless all non-Federal project sponsors of the reserved works jointly provide to the Secretary a written request for application of this section to the project;

(D) any dam or reservoir owned and operated by the Corps of Engineers; or

(E) any Bureau of Reclamation transferred works, unless the transferred works operating entity provides to the Secretary a written request for application of this section to the project.

(c) REVIEW.—

(1) IN GENERAL.—In accordance with the authorities of the Secretary in effect on the day before the date of enactment of this Act, at the reservoirs described in paragraph (2), the Secretary may—

(A) review any flood control rule curves developed by the Secretary; and

(B) determine, based on the best available science (including improved weather forecasts and forecast-informed operations, new watershed data, or structural improvements) whether an update to the flood control rule curves and associated changes to the water operations manuals is appropriate.

(2) DESCRIPTION OF RESERVOIRS.—The reservoirs referred to in paragraph (1) are reservoirs—

(A)(i) located in areas with prolonged drought conditions; or

(ii) for which no review has occurred during the 10-year period preceding the date of enactment of this Act; and

(B) for which individuals or entities, including the individuals or entities responsible for operations and maintenance costs or that have storage entitlements or contracts at a reservoir, a unit of local government, the owner of a non-Federal project, or the non-Federal transferred works operating entity, as applicable, have submitted to the Secretary a written request to carry out the review described in paragraph (1).

(3) REQUIRED CONSULTATION.—In carrying out a review under paragraph (1) and prior to updating any flood control rule curves and manuals under subsection (e), the Secretary shall comply with all applicable public participation and agency review requirements, including consultation with—

(A) affected States, Indian tribes, and other Federal and State agencies with jurisdiction over a portion of or all of the project or the operations of the project;

(B) the applicable power marketing administration, in the case of reservoirs with Federal hydropower projects;

(C) any non-Federal entity responsible for operation and maintenance costs;

(D) any entity that has a contractual right to withdraw water from, or use storage at, the project;

(E) any entity that the State determines holds rights under State law to the use of water from the project; and

(F) any unit of local government with flood risk reduction responsibilities downstream of the project.

(d) AGREEMENT.—Before carrying out an activity under this section, the Secretary shall enter into a cooperative agreement, memorandum of understanding, or other agreement with an affected State, any owner or operator of the reservoir, and, on request, any non-Federal entities responsible for operation and maintenance costs at the reservoir, that describes the scope and goals of the activity and the coordination among the parties.

(e) UPDATES.—If the Secretary determines under subsection (c) that an update to a flood control rule curve and associated changes to a water operations manual is appropriate, the Secretary may update the flood control rule curve and manual in accordance with the authorities in effect on the day before the date of enactment of this Act.

(f) FUNDING.—

(1) IN GENERAL.—Subject to subsection (d), the Secretary may accept and expend amounts from the entities described in paragraph (2) to fund all or part of the cost of carrying out a review under subsection (c) or an update under subsection (e), including any associated environmental documentation.

(2) DESCRIPTION OF ENTITIES.—The entities referred to in paragraph (1) are—

(A) non-Federal entities responsible for operations and maintenance costs at the affected reservoir;

(B) individuals and non-Federal entities with storage entitlements at the affected reservoir;

(C) a Federal power marketing agency that markets power produced by the affected reservoir;

(D) units of local government;

(E) public or private entities holding contracts with the Federal Government for water storage or water supply at the affected reservoir; and

(F) a nonprofit entity, with the consent of the affected unit of local government.

(3) IN-KIND CONTRIBUTIONS.—The Secretary may—

(A) accept and use materials and services contributed by an entity described in paragraph (2) under this subsection; and

(B) credit the value of the contributed materials and services toward the cost of carrying out a review or revision of operational documents under this section.

(g) PROTECTION OF EXISTING RIGHTS.—The Secretary shall not issue an updated flood control rule curve or operations manual under subsection (e) that—

(1) interferes with an authorized purpose of the project or the existing purposes of a non-Federal project regulated for flood control by the Secretary;

(2) reduces the ability to meet contractual rights to water or storage at the reservoir;

(3) adversely impacts legal rights to water under State law;

(4) fails to address appropriate credit for the appropriate power marketing agency, if applicable; or

(5) if a project is subject to section 301(e) of the Water Supply Act of 1958 (43 U.S.C. 390b(e)), makes modifications to the project that do not meet the requirements of that section, unless the modification is submitted to and authorized by Congress.

(h) EFFECT OF SECTION.—Nothing in this section—

(1) authorizes the Secretary to take any action not otherwise authorized as of the date of enactment of this Act;

(2) affects or modifies any obligation of the Secretary under Federal or State law; or

(3) affects or modifies any other authority of the Secretary to review or modify reservoir operations.

SEC. 1049. WRITTEN AGREEMENT REQUIREMENT FOR WATER RESOURCES PROJECTS.

Section 221(a)(3) of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b(a)(3)) is amended by striking ''State legislature, the agreement may reflect'' and inserting ''State legislature, on the request of the State, body politic, or entity, the agreement shall reflect''.

SEC. 1050. MAXIMUM COST OF PROJECTS.

Section 902 of the Water Resources Development of 1986 (33 U.S.C. 2280) is amended—

(1) in subsection (a)(2)(A), by striking ''indexes'' and inserting ''indexes, including actual appreciation in relevant real estate markets''; and

(2) in subsection (b)—

(A) by striking ''Notwithstanding subsection (a), in accordance with section 5 of the Act of June 22, 1936 (33 U.S.C. 701h)'' and inserting the following:

''(1) IN GENERAL.—Notwithstanding subsection (a)'';

(B) in paragraph (1) (as so designated)—

(i) by striking ''funds'' the first place it appears and inserting ''funds, in-kind contributions, and land, easements, and right-of-way, relocations, and dredged material disposal areas''; and

(ii) by striking ''such funds'' each place it appears and inserting ''the contributions''; and

(C) by adding at the end the following:

''(2) LIMITATION.—Funds, in-kind contributions, and land, easements, and right-of-way, relocations, and dredged material disposal areas provided under this subsection are not eligible for credit or repayment and shall not be included in calculating the total cost of the project.''.

SEC. 1051. CONVERSION OF SURPLUS WATER AGREEMENTS.

Section 6 of the Act of December 22, 1944 (33 U.S.C. 708), is amended—

(1) by striking ''**SEC. 6.** That the Secretary'' and inserting the following:

''SEC. 6. SALE OF SURPLUS WATERS FOR DOMESTIC AND INDUSTRIAL USES.

''(a) IN GENERAL.—The Secretary''; and

(2) by adding at the end the following:

''(b) CONTINUATION OF CERTAIN WATER SUPPLY AGREEMENTS.—In any case in which a water supply agreement was predicated on water that was surplus to a purpose and provided for contingent permanent storage rights under section 301 of the Water Supply Act of 1958 (43 U.S.C. 390b) pending the need for storage for that purpose, and that purpose is no longer authorized, the Secretary of the Army shall continue the agreement with the same payment and all other terms as in effect prior to deauthorization of the purpose if the non-Federal entity has met all of the conditions of the agreement.

''(c) PERMANENT STORAGE AGREEMENTS.—In any case in which a water supply agreement with a duration of 30 years or longer was 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, and that purpose is no longer authorized, the Secretary of the Army shall provide to the non-Federal entity an opportunity to convert the agreement to a permanent storage agreement in accordance with section 301 of the Water Supply Act of 1958 (43 U.S.C. 390b), with the same payment terms incorporated in the agreement.''.

SEC. 1052. AUTHORIZED FUNDING FOR INTERAGENCY AND INTERNATIONAL SUPPORT.

Section 234(d)(1) of the Water Resources Development Act of 1996 (33 U.S.C. 2323a(d)(1)) is amended by striking ''$1,000,000'' and inserting ''$5,000,000''.

TITLE II—NAVIGATION

SEC. 2001. PROJECTS FUNDED BY THE INLAND WATERWAYS TRUST FUND.

Beginning on June 10, 2014, and ending on the date that is 15 years after the date of enactment of this Act, section 1001(b)(2) of the Water Resources Development Act of 1986 (33 U.S.C. 579a(b)(2)) shall not apply to any project authorized to receive funding from the Inland Waterways Trust Fund established by section 9506(a) of the Internal Revenue Code of 1986.

SEC. 2002. OPERATION AND MAINTENANCE OF FUEL-TAXED INLAND WATERWAYS.

Section 102(c) of the Water Resources Development Act of 1986 (33 U.S.C. 2212(c)) is amended by adding at the end the following:

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

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

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

SEC. 2003. FUNDING FOR HARBOR MAINTENANCE PROGRAMS.

Section 2101 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2238b) is amended—

(1) in subsection (b)(1), in the matter preceding subparagraph (A), by striking ''The target total'' and inserting ''Except as provided in subsection (c), the target total'';

(2) by redesignating subsection (c) as subsection (d); and

(3) by inserting after subsection (b) the following:

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

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

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

SEC. 2004. DREDGED MATERIAL DISPOSAL.

Disposal of dredged material shall not be considered environmentally acceptable for the purposes of identifying the Federal standard (as defined in section 335.7 of title 33, Code of Federal Regulations (or successor regulations)) if the disposal violates applicable State water quality standards approved by the Administrator of the Environmental Protection Agency under section 303 of the Federal Water Pollution Control Act (33 U.S.C. 1313).

SEC. 2005. CAPE ARUNDEL DISPOSAL SITE, MAINE.

(a) DEADLINE.—The Cape Arundel Disposal Site selected by the Department of the Army as an alternative dredged material disposal site under section 103(b) of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1413(b)) and reopened pursuant to section 113 of the Energy and Water Development and Related Agencies Appropriations Act, 2014 (Public Law 113–76; 128 Stat. 158) (referred to in this section as the ''Site'') may remain open until the earlier of—

(1) the date on which the Site does not have any remaining disposal capacity;

(2) the date on which an environmental impact statement designating an alternative dredged material disposal site for southern Maine has been completed; or

(3) the date that is 5 years after the date of enactment of this Act.

(b) LIMITATIONS.—The use of the Site as a dredged material disposal site under subsection (a) shall be subject to the conditions that—

(1) conditions at the Site remain suitable for the continued use of the Site as a dredged material disposal site; and

(2) the Site not be used for the disposal of more than 80,000 cubic yards from any single dredging project.

SEC. 2006. MAINTENANCE OF HARBORS OF REFUGE.

The Secretary is authorized to maintain federally authorized harbors of refuge to restore and maintain the authorized dimensions of the harbors.

SEC. 2007. AIDS TO NAVIGATION.

(a) IN GENERAL.—The Secretary shall—

(1) consult with the Commandant of the Coast Guard regarding navigation on the Ouachita-Black Rivers; and

(2) share information regarding the assistance that the Secretary can provide regarding the placement of any aids to navigation on the rivers referred to in paragraph (1).

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the outcome of the consultation under subsection (a).

SEC. 2008. BENEFICIAL USE OF DREDGED MATERIAL.

Section 204 of the Water Resources Development Act of 1992 (33 U.S.C. 2326) is amended by adding at the end the following:

(1) in subsection (a)(1)—

(A) by striking ''For sediment'' and inserting the following:

''(A) IN GENERAL.—For sediment''; and

(B) by adding at the end the following:

''(B) SEDIMENT FROM OTHER FEDERAL SOURCES AND NON-FEDERAL SOURCES.—For purposes of projects carried out under this section, the Secretary may include sediment from other Federal sources and non-Federal sources, subject to the requirement that any sediment obtained from a non-Federal source shall not be obtained at Federal expense.''; and

(2) in subsection (d), by adding at the end the following:

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

''(4) DISPOSAL AT NON-FEDERAL COST.—The Secretary may accept funds from a non-Federal interest to dispose of dredged material as provided under section 103(d)(1) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(d)(1)).''.

SEC. 2009. OPERATION AND MAINTENANCE OF HARBOR PROJECTS.

Section 210(c)(3) of the Water Resources Development Act of 1986 (33 U.S.C. 2238(c)(3)) is amended by striking ''for each of fiscal years 2015 through 2022'' and inserting ''for each fiscal year''.

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

Section 2106 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2238c) is amended—

(1) in subsection (a)—

(A) by redesignating paragraphs (2) through (6) as paragraphs (3) through (7), respectively;

(B) by inserting after paragraph (1) the following:

''(2) DISCRETIONARY CARGO.—The term 'discretionary cargo' means maritime cargo that is destined for inland locations and that can be economically shipped through multiple seaports located in different countries or regions.'';

(C) in paragraph (3) (as redesignated)—

(i) by redesignating subparagraphs (A) through (D) as clause (i) through (iv), respectively, and indenting appropriately;

(ii) in the matter preceding clause (i) (as redesignated), by striking ''The term'' and inserting the following:

''(A) IN GENERAL.—The term''; and

(iii) by adding at the end the following:

''(B) CALCULATION.—For the purpose of calculating the percentage described in subparagraph (A)(iii), payments described under subsection (c)(1) shall not be included.'';

(D) in paragraph (5)(A) (as redesignated), by striking ''Code of Federal Regulation'' and inserting ''Code of Federal Regulations''; and

(E) by adding at the end the following:

''(8) MEDIUM-SIZED DONOR PORT.—The term 'medium-sized donor port' means a port—

''(A) that is subject to the harbor maintenance fee under section 24.24 of title 19, Code of Federal Regulations (or a successor regulation);

''(B) at which the total amount of harbor maintenance taxes collected comprise annually more than $5,000,000 but less than $15,000,000 of the total funding of the Harbor Maintenance Trust Fund established under section 9505 of the Internal Revenue Code of 1986;

''(C) that received less than 25 percent of the total amount of harbor maintenance taxes collected at that port in the previous 5 fiscal years; and

''(D) that is located in a State in which more than 2,000,000 cargo containers were unloaded from or loaded onto vessels in fiscal year 2012.'';

(2) in subsection (b)—

(A) in paragraph (1), by striking ''donor ports'' and inserting ''donor ports, medium-sized donor ports,'';

(B) in paragraph (2)—

(i) in subparagraph (A), by striking ''and'' at the end; and

(ii) by striking subparagraph (B) and inserting the following:

''(B) shall be made available to a port as either a donor port, medium-sized donor port, or an energy transfer port, and no port may receive amounts from more than 1 designation; and

''(C) for donor ports and medium-sized donor ports—

''(i) 50 percent of the funds shall be equally divided between the eligible donor ports as authorized by this section; and

''(ii) 50 percent of the funds shall be divided between the eligible donor ports and eligible medium-sized donor ports based on the percentage of the total Harbor Maintenance Tax revenues generated at each eligible donor port and medium-sized donor port.'';

(3) in subsection (c), in the matter preceding paragraph (1), by striking ''donor port'' and inserting ''donor port, a medium-sized donor port,'';

(4) by striking subsection (d) and inserting the following:

''(d) ADMINISTRATION OF PAYMENTS.—

''(1) IN GENERAL.—If a donor port, a medium-sized donor port, or an energy transfer port elects to provide payments to importers or shippers under subsection (c), the Secretary shall transfer to the Commissioner of Customs and Border Protection the amount that would otherwise be provided to the port under this section that is equal to those payments to provide the payments to the importers or shippers of the discretionary cargo that is—

''(A) shipped through respective eligible ports; and

''(B) most at risk of diversion to seaports outside of the United States.

''(2) REQUIREMENT.—The Secretary. in consultation with the eligible port, shall limit payments to top importers or shippers through an eligible port, as ranked by value of discretionary cargo.''; and

(5) in subsection (f)—

(A) by striking paragraph (1) and inserting the following:

''(1) IN GENERAL.—If the total amounts made available from the Harbor Maintenance Trust Fund exceed the total amounts made available from the Harbor Maintenance Trust Fund in fiscal year 2012, there is authorized to be appropriated to carry out this section $50,000,000 from the Harbor Maintenance Trust Fund.'';

(B) by striking paragraph (2) and inserting the following:

''(2) DIVISION BETWEEN DONOR PORTS, MEDIUM-SIZED DONOR PORTS, AND ENERGY TRANSFER PORTS.—For each fiscal year, amounts made available to carry out this section shall be provided in equal amounts to—

''(A) donor ports and medium-sized donor ports; and

''(B) energy transfer ports.''; and

(C) by striking paragraph (3).

SEC. 2011. HARBOR DEEPENING.

(a) IN GENERAL.—Section 101(a)(1) of the Water Resources Development Act of 1986 (33 U.S.C. 2211(a)(1)) is amended—

(1) in the matter preceding subparagraph (A), by striking ''the date of enactment of this Act'' and inserting ''the date of enactment of the Water Resources Reform and Development Act of 2014 (Public Law 113–121; 128 Stat. 1193)'';

(2) in subparagraph (B), by striking ''45 feet'' and inserting ''50 feet''; and

(3) in subparagraph (C), by striking ''45 feet'' and inserting ''50 feet''.

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

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

(a) DEFINITIONS.—In this section:

(1) INLAND MISSISSIPPI RIVER.—The term ''inland Mississippi River'' means the portion of the Mississippi River that begins at the confluence of the Minnesota River and ends at the confluence of the Red River.

(2) SHALLOW DRAFT.—The term ''shallow draft'' means a project that has a depth of less than 14 feet.

(b) DREDGING ACTIVITIES.—The Secretary shall carry out dredging activities on shallow draft ports located on the inland Mississippi River to the respective authorized widths and depths of those inland ports, as authorized on the date of enactment of this Act.

(c) AUTHORIZATION OF APPROPRIATIONS.—For each fiscal year, there is authorized to be appropriated to the Secretary to carry out this section $25,000,000.

SEC. 2013. IMPLEMENTATION GUIDANCE.

Section 2102 of the Water Resources Reform and Development Act of 2014 (Public Law 113–121; 128 Stat. 1273) is amended by adding at the end the following:

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

SEC. 2014. REMOTE AND SUBSISTENCE HARBORS.

Section 2006 of the Water Resources Development Act of 2007 (33 U.S.C. 2242) is amended—

(1) in subsection (a)(3), by inserting ''in which the project is located or of a community that is located in the region that is served by the project and that will rely on the project'' after ''community''; and

(2) in subsection (b)—

(A) in paragraph (1), by inserting ''or of a community that is located in the region to be served by the project and that will rely on the project'' after ''community'';

(B) in paragraph (4), by striking ''local population'' and inserting ''regional population to be served by the project''; and

(C) in paragraph (5), by striking ''community'' and inserting ''local community or to a community that is located in the region to be served by the project and that will rely on the project''.

SEC. 2015. NON-FEDERAL INTEREST DREDGING AUTHORITY.

(a) IN GENERAL.—The Secretary may permit a non-Federal interest to carry out, for an authorized navigation project (or a separable element of an authorized navigation project), such maintenance activities as are necessary to ensure that the project is maintained to not less than the minimum project dimensions.

(b) COST LIMITATIONS.—Except as provided in this section and subject to the availability of appropriations, the costs incurred by a non-Federal interest in performing the maintenance activities described in subsection (a) shall be eligible for reimbursement, not to exceed an amount that is equal to the estimated Federal cost for the performance of the maintenance activities.

(c) AGREEMENT.—Before initiating maintenance activities under this section, the non-Federal interest shall enter into an agreement with the Secretary that specifies, for the performance of the maintenance activities, the terms and conditions that are acceptable to the non-Federal interest and the Secretary.

(d) PROVISION OF EQUIPMENT.—In carrying out maintenance activities under this section, a non-Federal interest shall—

(1) provide equipment at no cost to the Federal Government; and

(2) hold and save the United States free from any and all damage that arises from the use of the equipment of the non-Federal interest, except for damage due to the fault or negligence of a contractor of the Federal Government.

(e) REIMBURSEMENT ELIGIBILITY LIMITATIONS.—Costs that are eligible for reimbursement under this section are those costs directly related to the costs associated with operation and maintenance of the dredge based on the lesser of the period of time for which—

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

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

(f) AUDIT.—Not earlier than 5 years after the date of enactment of this Act, the Secretary may conduct an audit on any maintenance activities for an authorized navigation project (or a separable element of an authorized navigation project) carried out under this section to determine if permitting a non-Federal interest to carry out maintenance activities under this section has resulted in—

(1) improved reliability and safety for navigation; and

(2) cost savings to the Federal Government.

(g) TERMINATION OF AUTHORITY.—The authority of the Secretary under this section terminates on the date that is 10 years after the date of enactment of this Act.

SEC. 2016. TRANSPORTATION COST SAVINGS.

Section 210(e)(3) of the Water Resources Development Act of 1986 (33 U.S.C. 2238(e)(3)) is amended—

(1) by redesignating subparagraph (B) as subparagraph (C); and

(2) by inserting after subparagraph (A) the following:

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

SEC. 2017. DREDGED MATERIAL.

(a) IN GENERAL.—Notwithstanding part 335 of title 33, Code of Federal Regulations, the Secretary may place dredged material from the operation and maintenance of an authorized Federal water resources project at another authorized water resource project if the Secretary determines that—

(1) the placement of the dredged material would—

(A)(i) enhance protection from flooding caused by storm surges or sea level rise; or

(ii) significantly contribute to shoreline resiliency, including the resilience and restoration of wetland; and

(B) be in the public interest; and

(2) the cost associated with the placement of the dredged material is reasonable in relation to the associated environmental, flood protection, and resiliency benefits.

(b) ADDITIONAL COSTS.—If the cost of placing the dredged material at another authorized water resource project exceeds the cost of depositing the dredged material in accordance with the Federal standard (as defined in section 335.7 of title 33, Code of Federal Regulations (as in effect on the date of enactment of this Act)), the Secretary shall not require a non-Federal entity to bear any of the increased costs associated with the placement of the dredged material.

SEC. 2018. GREAT LAKES NAVIGATION SYSTEM.

Section 210(d)(1) of the Water Resources Development Act of 1986 (33 U.S.C. 2238(d)(1)) is amended—

(1) in subparagraph (A), in the matter preceding clause (i), by striking ''For each of fiscal years 2015 through 2024'' and inserting ''For each fiscal year''; and

(2) in subparagraph (B), in the matter preceding clause (i), by striking ''For each of fiscal years 2015 through 2024'' and inserting ''For each fiscal year''.

SEC. 2019. HARBOR MAINTENANCE TRUST FUND.

The Secretary shall allocate funding made available to the Secretary from the Harbor Maintenance Trust Fund, established under section 9505 of the Internal Revenue Code of 1986, in accordance with section 210 of the Water Resources Development Act of 1986 (33 U.S.C. 2238).

TITLE III—SAFETY IMPROVEMENTS

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

(a) IN GENERAL.—Section 5 of the Act of August 18, 1941 (33 U.S.C. 701n), is amended—

(1) in subsection (a), by adding at the end the following:

''(3) DEFINITION OF NONSTRUCTURAL ALTERNATIVES.—In this subsection, 'nonstructural alternatives' includes efforts to restore or protect natural resources including streams, rivers, floodplains, wetlands, or coasts, if those efforts will reduce flood risk.''; and

(2) by adding at the end the following:

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

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

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

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

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

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

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

(b) PROJECTS IN COORDINATION WITH CERTAIN REHABILITATION REQUIREMENTS.—

(1) IN GENERAL.—In any case in which the Secretary has completed a study determining a project for flood damage reduction is feasible and such project is designed to protect the same geographic area as work to be performed under section 5(c) of the Act of August 18, 1941 (33 U.S.C. 701n(c)), the Secretary may, if the Secretary determines that the action is in the public interest, carry out such project with the work being performed under section 5(c) of that Act, subject to the limitations in paragraph (2).

(2) COST-SHARING.—The cost to carry out a project under paragraph (1) shall be shared in accordance with section 103 of the Water Resources Development Act of 1986 (33 U.S.C. 2213).

SEC. 3002. REHABILITATION OF EXISTING LEVEES.

Section 3017 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 3303a note; Public Law 113–121) is amended—

(1) in subsection (a), by striking ''if the Secretary determines the necessary work is technically feasible, environmentally acceptable, and economically justified'';

(2) in subsection (b)—

(A) by striking ''This section'' and inserting the following:

''(1) IN GENERAL.—This section''; and

(B) by adding at the end the following:

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

(3) in subsection (c)(1), by striking ''The non-Federal'' and inserting ''Notwithstanding subsection (b)(2), the non-Federal''; and

(4) by adding at the end the following:

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

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

In any case in which the Secretary has assumed, as of the date of enactment of this Act, responsibility for the maintenance of a project classified as class III under the Dam Safety Action Classification of the Corps of Engineers, the Secretary shall continue to be

responsible for the maintenance until the earlier of the date that—

(1) the project is modified to reduce that risk and the Secretary determines that the project is no longer classified as class III under the Dam Safety Action Classification of the Corps of Engineers; or

(2) is 15 years after the date of enactment of this Act.

SEC. 3004. REHABILITATION OF HIGH HAZARD POTENTIAL DAMS.

(a) DEFINITIONS.—Section 2 of the National Dam Safety Program Act (33 U.S.C. 467) is amended—

(1) by redesignating paragraphs (4), (5), (6), (7), (8), (9), (10), (11), (12), and (13) as paragraphs (5), (6), (7), (8), (9), (11), (13), (14), (15), and (16), respectively;

(2) by inserting after paragraph (3) the following:

''(4) ELIGIBLE HIGH HAZARD POTENTIAL DAM.—

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

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

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

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

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

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

''(II) poses an unacceptable risk to the public.

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

''(i) a licensed hydroelectric dam; or

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

(3) by inserting after paragraph (9) (as redesignated by paragraph (1)) the following:

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

''(A) a governmental organization; and

''(B) a nonprofit organization.'' and

(4) by inserting after paragraph (11) (as redesignated by paragraph (1)) the following:

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

(b) PROGRAM FOR REHABILITATION OF HIGH HAZARD POTENTIAL DAMS.—The National Dam Safety Program Act is amended by inserting after section 8 (33 U.S.C. 467f) the following:

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

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

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

''(1) repair;

''(2) removal; or

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

''(c) AWARD OF GRANTS.—

''(1) APPLICATION.—

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

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

''(2) GRANT.—

''(A) IN GENERAL.—The Administrator may make a grant in accordance with this section for rehabilitation of a high hazard potential dam to a non-Federal sponsor that submits an application for the grant in accordance with the regulations prescribed by the Administrator.

''(B) PROJECT GRANT AGREEMENT.—The Administrator shall enter into a project grant agreement with the non-Federal sponsor to establish the terms of the grant and the project, including the amount of the grant.

''(C) GRANT ASSURANCE.—As part of a project grant agreement under subparagraph (B), the Administrator shall require the non-Federal sponsor to provide an assurance, with respect to the dam to be rehabilitated under the project, that the owner of the dam has developed and will carry out a plan for maintenance of the dam during the expected life of the dam.

''(D) LIMITATION.—A grant provided under this section shall not exceed the lesser of—

''(i) 12.5 percent of the total amount of funds made available to carry out this section; or

''(ii) $7,500,000.

''(d) REQUIREMENTS.—

''(1) APPROVAL.—A grant awarded under this section for a project shall be approved by the relevant State dam safety agency.

''(2) NON-FEDERAL SPONSOR REQUIREMENTS.—To receive a grant under this section, the non-Federal sponsor shall—

''(A) participate in, and comply with, all applicable Federal flood insurance programs;

''(B) have in place a hazard mitigation plan that—

''(i) includes all dam risks; and

''(ii) complies with the Disaster Mitigation Act of 2000 (Public Law 106–390; 114 Stat. 1552);

''(C) commit to provide operation and maintenance of the project for the 50-year period following completion of rehabilitation;

''(D) comply with such minimum eligibility requirements as the Administrator may establish to ensure that each owner and operator of a dam under a participating State dam safety program—

''(i) acts in accordance with the State dam safety program; and

''(ii) carries out activities relating to the public in the area around the dam in accordance with the hazard mitigation plan described in subparagraph (B); and

''(E) comply with section 611(j)(9) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5196(j)(9)) (as in effect on the date of enactment of this section) with respect to projects receiving assistance under this section in the same manner as recipients are required to comply in order to receive financial contributions from the Administrator for emergency preparedness purposes.

''(e) FLOODPLAIN MANAGEMENT PLANS.—

''(1) IN GENERAL.—As a condition of receipt of assistance under this section, the non-Federal entity shall demonstrate that a floodplain management plan to reduce the impacts of future flood events in the area protected by the project—

''(A) is in place; or

''(B) will be—

''(i) developed not later than 1 year after the date of execution of a project agreement for assistance under this section; and

''(ii) implemented not later than 1 year after the date of completion of construction of the project.

''(2) INCLUSIONS.—A plan under paragraph (1) shall address—

''(A) potential measures, practices, and policies to reduce loss of life, injuries, damage to property and facilities, public expenditures, and other adverse impacts of flooding in the area protected by the project;

''(B) plans for flood fighting and evacuation; and

''(C) public education and awareness of flood risks.

''(3) TECHNICAL SUPPORT.—The Administrator may provide technical support for the development and implementation of floodplain management plans prepared under this subsection.

''(f) PRIORITY SYSTEM.—The Administrator, in consultation with the Board, shall develop a risk-based priority system for use in identifying high hazard potential dams for which grants may be made under this section.

''(g) FUNDING.—

''(1) COST SHARING.—

''(A) IN GENERAL.—Any assistance provided under this section for a project shall be subject to a non-Federal cost-sharing requirement of not less than 35 percent.

''(B) IN-KIND CONTRIBUTIONS.—The non-Federal share under subparagraph (A) may be provided in the form of in-kind contributions.

''(2) ALLOCATION OF FUNDS.—The total amount of funds made available to carry out this section for each fiscal year shall be distributed as follows:

''(A) EQUAL DISTRIBUTION.—⅓ shall be distributed equally among the States in which the projects for which applications are submitted under subsection (c)(1) are located.

''(B) NEED-BASED.—⅔ shall be distributed among the States in which the projects for which applications are submitted under subsection (c)(1) are located based on the proportion that—

''(i) the number of eligible high hazard potential dams in the State; bears to

''(ii) the number of eligible high hazard potential dams in all States in which projects for which applications are submitted under subsection (c)(1).

''(h) USE OF FUNDS.—None of the funds provided in the form of a grant or otherwise made available under this section shall be used—

''(1) to rehabilitate a Federal dam;

''(2) to perform routine operation or maintenance of a dam;

''(3) to modify a dam to produce hydroelectric power;

''(4) to increase water supply storage capacity; or

''(5) to make any other modification to a dam that does not also improve the safety of the dam.

''(i) CONTRACTUAL REQUIREMENTS.—

''(1) IN GENERAL.—Subject to paragraph (2), as a condition on the receipt of a grant under this section of an amount greater than $1,000,000, a non-Federal sponsor that receives the grant shall require that each contract and subcontract for program management, construction management, planning studies, feasibility studies, architectural services, preliminary engineering, design, engineering, surveying, mapping, and related services entered into using funds from the grant be awarded in the same manner as a contract for architectural and engineering services is awarded under—

''(A) chapter 11 of title 40, United States Code; or

''(B) an equivalent qualifications-based requirement prescribed by the relevant State.

''(2) NO PROPRIETARY INTEREST.—A contract awarded in accordance with paragraph (1)

shall not be considered to confer a proprietary interest upon the United States.

''(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

''(1) $10,000,000 for fiscal years 2017 and 2018;

''(2) $25,000,000 for fiscal year 2019;

''(3) $40,000,000 for fiscal year 2020; and

''(4) $60,000,000 for each of fiscal years 2021 through 2026.''.

(c) RULEMAKING.—

(1) PROPOSED RULEMAKING.—Not later than 90 days after the date of enactment of this Act, the Administrator of the Federal Emergency Management Agency shall issue a notice of proposed rulemaking regarding applications for grants of assistance under the amendments made by subsection (b) to the National Dam Safety Program Act (33 U.S.C. 467 et seq.).

(2) FINAL RULE.—Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Emergency Management Agency shall promulgate a final rule regarding the amendments described in paragraph (1).

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

The Secretary shall expedite the completion of the following projects for flood damage reduction and flood risk management:

(1) Chicagoland Underflow Plan, Illinois, phase 2, as authorized by section 3(a)(5) of the Water Resources Development Act of 1988 (Public Law 100–676; 102 Stat. 4013) and modified by section 319 of the Water Resources Development Act of 1996 (Public Law 104–303; 110 Stat. 3715) and section 501 of the Water Resources Development Act of 1999 (Public Law 106–53; 113 Stat. 334).

(2) Cedar River, Cedar Rapids, Iowa, as authorized by section 7002(2)(3) of the Water Resources Development Act of 2014 (Public Law 113–121; 128 Stat. 1366).

(3) Comite River, Louisiana, authorized as part of the project for flood control, Amite River and Tributaries, Louisiana, by section 101(11) of the Water Resources Development Act of 1992 (Public Law 102–580; 106 Stat. 4802) and modified by section 301(b)(5) of the Water Resources Development Act of 1996 (Public Law 104–03; 110 Stat. 3709) and section 371 of the Water Resources Development Act of 1999 (Public Law 106–53; 113 Stat. 321).

(4) Amite River and Tributaries, Louisiana, East Baton Rouge Parish Watershed, as authorized by section 101(a)(21) of the Water Resources Development Act of 1999 (Public Law 106–53; 113 Stat. 277) and modified by section 116 of division D of Public Law 108–7 (117 Stat. 140) and section 3074 of the Water Resources Development Act of 2007 (Public Law 110–114; 121 Stat. 1124).

SEC. 3006. CUMBERLAND RIVER BASIN DAM REPAIRS.

(a) IN GENERAL.—Costs incurred in carrying out any repair to correct a seepage problem at any dam in the Cumberland River Basin shall be—

(1) treated as costs for a dam safety project; and

(2) subject to cost-sharing requirements in accordance with section 1203 of the Water Resources Development Act of 1986 (33 U.S.C. 467n).

(b) APPLICATION.—Subsection (a) shall apply only to repairs for projects for which construction has not begun and appropriations have not been made as of the date of enactment of this Act.

SEC. 3007. INDIAN DAM SAFETY.

(a) DEFINITIONS.—In this section:

(1) DAM.—

(A) IN GENERAL.—The term ''dam'' has the meaning given the term in section 2 of the National Dam Safety Program Act (33 U.S.C. 467).

(B) INCLUSIONS.—The term ''dam'' includes any structure, facility, equipment, or vehicle used in connection with the operation of a dam.

(2) FUND.—The term ''Fund'' means, as applicable—

(A) the High-Hazard Indian Dam Safety Deferred Maintenance Fund established by subsection (b)(1)(A); or

(B) the Low-Hazard Indian Dam Safety Deferred Maintenance Fund established by subsection (b)(2)(A).

(3) HIGH HAZARD POTENTIAL DAM.—The term ''high hazard potential dam'' means a dam assigned to the significant or high hazard potential classification under the guidelines published by the Federal Emergency Management Agency entitled ''Federal Guidelines for Dam Safety: Hazard Potential Classification System for Dams'' (FEMA Publication Number 333).

(4) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

(5) LOW HAZARD POTENTIAL DAM.—The term ''low hazard potential dam'' means a dam assigned to the low hazard potential classification under the guidelines published by the Federal Emergency Management Agency entitled ''Federal Guidelines for Dam Safety: Hazard Potential Classification System for Dams'' (FEMA Publication Number 333).

(6) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Assistant Secretary for Indian Affairs, in consultation with the Secretary of the Army.

(b) INDIAN DAM SAFETY DEFERRED MAINTENANCE FUNDS.—

(1) HIGH-HAZARD FUND.—

(A) ESTABLISHMENT.—There is established in the Treasury of the United States a fund, to be known as the ''High-Hazard Indian Dam Safety Deferred Maintenance Fund'', consisting of—

(i) such amounts as are deposited in the Fund under subparagraph (B); and

(ii) any interest earned on investment of amounts in the Fund under subparagraph (D).

(B) DEPOSITS TO FUND.—

(i) IN GENERAL.—For each of fiscal years 2017 through 2037, the Secretary of the Treasury shall deposit in the Fund $22,750,000 from the general fund of the Treasury.

(ii) AVAILABILITY OF AMOUNTS.—Amounts deposited in the Fund under clause (i) shall be used, subject to appropriation, to carry out this section.

(C) EXPENDITURES FROM FUND.—

(i) IN GENERAL.—Subject to clause (ii), for each of fiscal years 2017 through 2037, the Secretary may, to the extent provided in advance in appropriations Acts, expend from the Fund, in accordance with this section, not more than the sum of—

(I) $22,750,000; and

(II) the amount of interest accrued in the Fund.

(ii) ADDITIONAL EXPENDITURES.—The Secretary may expend more than $22,750,000 for any fiscal year referred to in clause (i) if the additional amounts are available in the Fund as a result of a failure of the Secretary to expend all of the amounts available under clause (i) in 1 or more prior fiscal years.

(D) INVESTMENTS OF AMOUNTS.—

(i) IN GENERAL.—The Secretary of the Treasury shall invest such portion of the Fund as is not, in the judgment of the Secretary, required to meet current withdrawals.

(ii) CREDITS TO FUND.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to, and form a part of, the Fund.

(E) TRANSFERS OF AMOUNTS.—

(i) IN GENERAL.—The amounts required to be transferred to the Fund under this paragraph shall be transferred at least monthly.

(ii) ADJUSTMENTS.—Proper adjustment shall be made in amounts subsequently transferred to the extent prior estimates are in excess of or less than the amounts required to be transferred.

(F) TERMINATION.—On September 30, 2037—

(i) the Fund shall terminate; and

(ii) the unexpended and unobligated balance of the Fund shall be transferred to the general fund of the Treasury.

(2) LOW-HAZARD FUND.—

(A) ESTABLISHMENT.—There is established in the Treasury of the United States a fund, to be known as the ''Low-Hazard Indian Dam Safety Deferred Maintenance Fund'', consisting of—

(i) such amounts as are deposited in the Fund under subparagraph (B); and

(ii) any interest earned on investment of amounts in the Fund under subparagraph (D).

(B) DEPOSITS TO FUND.—

(i) IN GENERAL.—For each of fiscal years 2017 through 2037, the Secretary of the Treasury shall deposit in the Fund $10,000,000 from the general fund of the Treasury.

(ii) AVAILABILITY OF AMOUNTS.—Amounts deposited in the Fund under clause (i) shall be used, subject to appropriation, to carry out this section.

(C) EXPENDITURES FROM FUND.—

(i) IN GENERAL.—Subject to clause (ii), for each of fiscal years 2017 through 2037, the Secretary may, to the extent provided in advance in appropriations Acts, expend from the Fund, in accordance with this section, not more than the sum of—

(I) $10,000,000; and

(II) the amount of interest accrued in the Fund.

(ii) ADDITIONAL EXPENDITURES.—The Secretary may expend more than $10,000,000 for any fiscal year referred to in clause (i) if the additional amounts are available in the Fund as a result of a failure of the Secretary to expend all of the amounts available under clause (i) in 1 or more prior fiscal years.

(D) INVESTMENTS OF AMOUNTS.—

(i) IN GENERAL.—The Secretary of the Treasury shall invest such portion of the Fund as is not, in the judgment of the Secretary, required to meet current withdrawals.

(ii) CREDITS TO FUND.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to, and form a part of, the Fund.

(E) TRANSFERS OF AMOUNTS.—

(i) IN GENERAL.—The amounts required to be transferred to the Fund under this paragraph shall be transferred at least monthly.

(ii) ADJUSTMENTS.—Proper adjustment shall be made in amounts subsequently transferred to the extent prior estimates are in excess of or less than the amounts required to be transferred.

(F) TERMINATION.—On September 30, 2037—

(i) the Fund shall terminate; and

(ii) the unexpended and unobligated balance of the Fund shall be transferred to the general fund of the Treasury.

(c) REPAIR, REPLACEMENT, AND MAINTENANCE OF CERTAIN INDIAN DAMS.—

(1) PROGRAM ESTABLISHMENT.—

(A) IN GENERAL.—The Secretary shall establish a program to address the deferred maintenance needs of Indian dams that—

(i) create flood risks or other risks to public or employee safety or natural or cultural resources; and

(ii) unduly impede the management and efficiency of Indian dams.

(B) FUNDING.—

(i) HIGH-HAZARD FUND.—Consistent with subsection (b)(1)(B), the Secretary shall use

or transfer to the Bureau of Indian Affairs not less than $22,750,000 of amounts in the High-Hazard Indian Dam Safety Deferred Maintenance Fund, plus accrued interest, for each of fiscal years 2017 through 2037 to carry out maintenance, repair, and replacement activities for 1 or more of the Indian dams described in paragraph (2)(A).

(ii) LOW-HAZARD FUND.—Consistent with subsection (b)(2)(B), the Secretary shall use or transfer to the Bureau of Indian Affairs not less than $10,000,000 of amounts in the Low-Hazard Indian Dam Safety Deferred Maintenance Fund, plus accrued interest, for each of fiscal years 2017 through 2037 to carry out maintenance, repair, and replacement activities for 1 or more of the Indian dams described in paragraph (2)(B).

(C) COMPLIANCE WITH DAM SAFETY POLICIES.—Maintenance, repair, and replacement activities for Indian dams under this section shall be carried out in accordance with the dam safety policies of the Director of the Bureau of Indian Affairs established to carry out the Indian Dams Safety Act of 1994 (25 U.S.C. 3801 et seq.).

(2) ELIGIBLE DAMS.—

(A) HIGH HAZARD POTENTIAL DAMS.—The dams eligible for funding under paragraph (1)(B)(i) are Indian high hazard potential dams in the United States that—

(i) are included in the safety of dams program established pursuant to the Indian Dams Safety Act of 1994 (25 U.S.C. 3801 et seq.); and

(ii)(I)(aa) are owned by the Federal Government, as listed in the Federal inventory required by Executive Order 13327 (40 U.S.C. 121 note; relating to Federal real property asset management); and

(bb) are managed by the Bureau of Indian Affairs (including dams managed under contracts or compacts pursuant to the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5301 et seq.)); or

(II) have deferred maintenance documented by the Bureau of Indian Affairs.

(B) LOW HAZARD POTENTIAL DAMS.—The dams eligible for funding under paragraph (1)(B)(ii) are Indian low hazard potential dams in the United States that, on the date of enactment of this Act—

(i) are covered under the Indian Dams Safety Act of 1994 (25 U.S.C. 3801 et seq.); and

(ii)(I)(aa) are owned by the Federal Government, as listed in the Federal inventory required by Executive Order 13327 (40 U.S.C. 121 note; relating to Federal real property asset management); and

(bb) are managed by the Bureau of Indian Affairs (including dams managed under contracts or compacts pursuant to the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5301 et seq.)); or

(II) have deferred maintenance documented by the Bureau of Indian Affairs.

(3) REQUIREMENTS AND CONDITIONS.—Not later than 120 days after the date of enactment of this Act and as a precondition to amounts being expended from the Fund to carry out this subsection, the Secretary, in consultation with representatives of affected Indian tribes, shall develop and submit to Congress—

(A) programmatic goals to carry out this subsection that—

(i) would enable the completion of repairing, replacing, improving, or performing maintenance on Indian dams as expeditiously as practicable, subject to the dam safety policies of the Director of the Bureau of Indian Affairs established to carry out the Indian Dams Safety Act of 1994 (25 U.S.C. 3801 et seq.);

(ii) facilitate or improve the ability of the Bureau of Indian Affairs to carry out the mission of the Bureau of Indian Affairs in operating an Indian dam; and

(iii) ensure that the results of government-to-government consultation required under paragraph (4) be addressed; and

(B) funding prioritization criteria to serve as a methodology for distributing funds under this subsection that take into account—

(i) the extent to which deferred maintenance of Indian dams poses a threat to—

(I) public or employee safety or health;

(II) natural or cultural resources; or

(III) the ability of the Bureau of Indian Affairs to carry out the mission of the Bureau of Indian Affairs in operating an Indian dam;

(ii) the extent to which repairing, replacing, improving, or performing maintenance on an Indian dam will—

(I) improve public or employee safety, health, or accessibility;

(II) assist in compliance with codes, standards, laws, or other requirements;

(III) address unmet needs; or

(IV) assist in protecting natural or cultural resources;

(iii) the methodology of the rehabilitation priority index of the Secretary, as in effect on the date of enactment of this Act;

(iv) the potential economic benefits of the expenditures on job creation and general economic development in the affected tribal communities;

(v) the ability of an Indian dam to address tribal, regional, and watershed level flood prevention needs;

(vi) the need to comply with the dam safety policies of the Director of the Bureau of Indian Affairs established to carry out the Indian Dams Safety Act of 1994 (25 U.S.C. 3801 et seq.);

(vii) the ability of the water storage capacity of an Indian dam to be increased to prevent flooding in downstream tribal and non-tribal communities; and

(viii) such other factors as the Secretary determines to be appropriate to prioritize the use of available funds that are, to the fullest extent practicable, consistent with tribal and user recommendations received pursuant to the consultation and input process under paragraph (4).

(4) TRIBAL CONSULTATION AND USER INPUT.—

(A) IN GENERAL.—Except as provided in subparagraph (B), before expending funds on an Indian dam pursuant to paragraph (1) and not later than 60 days after the date of enactment of this Act, the Secretary shall—

(i) consult with the Director of the Bureau of Indian Affairs on the expenditure of funds;

(ii) ensure that the Director of the Bureau of Indian Affairs advises the Indian tribe that has jurisdiction over the land on which a dam eligible to receive funding under paragraph (2) is located on the expenditure of funds; and

(iii) solicit and consider the input, comments, and recommendations of the landowners served by the Indian dam.

(B) EMERGENCIES.—If the Secretary determines that an emergency circumstance exists with respect to an Indian dam, subparagraph (A) shall not apply with respect to that Indian dam.

(5) ALLOCATION AMONG DAMS.—

(A) IN GENERAL.—Subject to subparagraph (B), to the maximum extent practicable, the Secretary shall ensure that, for each of fiscal years 2017 through 2037, each Indian dam eligible for funding under paragraph (2) that has critical maintenance needs receives part of the funding under paragraph (1) to address critical maintenance needs.

(B) PRIORITY.—In allocating amounts under paragraph (1)(B), in addition to considering the funding priorities described in paragraph (3), the Secretary shall give priority to Indian dams eligible for funding under paragraph (2) that serve—

(i) more than 1 Indian tribe within an Indian reservation; or

(ii) highly populated Indian communities, as determined by the Secretary.

(C) CAP ON FUNDING.—

(i) IN GENERAL.—Subject to clause (ii), in allocating amounts under paragraph (1)(B), the Secretary shall allocate not more than $10,000,000 to any individual dam described in paragraph (2) during any consecutive 3-year period.

(ii) EXCEPTION.—Notwithstanding the cap described in clause (i), if the full amount under paragraph (1)(B) cannot be fully allocated to eligible Indian dams because the costs of the remaining activities authorized in paragraph (1)(B) of an Indian dam would exceed the cap described in clause (i), the Secretary may allocate the remaining funds to eligible Indian dams in accordance with this subsection.

(D) BASIS OF FUNDING.—Any amounts made available under this paragraph shall be non-reimbursable.

(E) APPLICABILITY OF ISDEAA.—The Indian Self-Determination and Education Assistance Act (25 U.S.C. 5301 et seq.) shall apply to activities carried out under this paragraph.

(d) TRIBAL SAFETY OF DAMS COMMITTEE.—

(1) ESTABLISHMENT OF COMMITTEE.—

(A) ESTABLISHMENT.—The Secretary of the Interior shall establish within the Bureau of Indian Affairs the Tribal Safety of Dams Committee (referred to in this paragraph as the ''Committee'').

(B) MEMBERSHIP.—

(i) COMPOSITION.—The Committee shall be composed of 15 members, of whom—

(I) 11 shall be appointed by the Secretary of the Interior from among individuals who, to the maximum extent practicable, have knowledge and expertise in dam safety issues and flood prevention and mitigation, of whom not less than 1 shall be a member of an Indian tribe in each of the Bureau of Indian Affairs regions of—

(aa) the Northwest Region;

(bb) the Pacific Region;

(cc) the Western Region;

(dd) the Navajo Region;

(ee) the Southwest Region;

(ff) the Rocky Mountain Region;

(gg) the Great Plans Region; and

(hh) the Midwest Region;

(II) 2 shall be appointed by the Secretary of the Interior from among employees of the Bureau of Indian Affairs who have knowledge and expertise in dam safety issues and flood prevention and mitigation;

(III) 1 shall be appointed by the Secretary of the Interior from among employees of the Bureau of Reclamation who have knowledge and expertise in dam safety issues and flood prevention and mitigation; and

(IV) 1 shall be appointed by the Secretary of the Army from among employees of the Corps of Engineers who have knowledge and expertise in dam safety issues and flood prevention and mitigation.

(ii) NONVOTING MEMBERS.—The members of the Committee appointed under subclauses (II) and (III) of clause (i) shall be nonvoting members.

(iii) DATE.—The appointments of the members of the Committee shall be made as soon as practicable after the date of enactment of this Act.

(C) PERIOD OF APPOINTMENT.—Members shall be appointed for the life of the Committee.

(D) VACANCIES.—Any vacancy in the Committee shall not affect the powers of the Committee, but shall be filled in the same manner as the original appointment.

(E) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Committee have been appointed, the Committee shall hold the first meeting.

(F) MEETINGS.—The Committee shall meet at the call of the Chairperson.

(G) QUORUM.—A majority of the members of the Committee shall constitute a quorum, but a lesser number of members may hold hearings.

(H) CHAIRPERSON AND VICE CHAIRPERSON.—The Committee shall select a Chairperson and Vice Chairperson from among the members.

(2) DUTIES OF THE COMMITTEE.—

(A) STUDY.—The Committee shall conduct a thorough study of all matters relating to the modernization of the Indian Dams Safety Act of 1994 (25 U.S.C. 3801 et seq.).

(B) RECOMMENDATIONS.—The Committee shall develop recommendations for legislation to improve the Indian Dams Safety Act of 1994 (25 U.S.C. 3801 et seq.).

(C) REPORT.—Not later than 1 year after the date on which the Committee holds the first meeting, the Committee shall submit a report containing a detailed statement of the findings and conclusions of the Committee, together with recommendations for legislation that the Committee considers appropriate, to—

(i) the Committee on Indian Affairs of the Senate; and

(ii) the Committee on Natural Resources of the House of Representatives.

(3) POWERS OF THE COMMITTEE.—

(A) HEARINGS.—The Committee may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Committee considers appropriate to carry out this paragraph.

(B) INFORMATION FROM FEDERAL AGENCIES.—

(i) IN GENERAL.—The Committee may secure directly from any Federal department or agency such information as the Committee considers necessary to carry out this paragraph.

(ii) REQUEST.—On request of the Chairperson of the Committee, the head of any Federal department or agency shall furnish information described in clause (i) to the Committee.

(C) POSTAL SERVICES.—The Committee may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(D) GIFTS.—The Committee may accept, use, and dispose of gifts or donations of services or property.

(4) COMMITTEE PERSONNEL MATTERS.—

(A) COMPENSATION OF MEMBERS.—

(i) NON-FEDERAL MEMBERS.—Each member of the Committee who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the performance of the duties of the Committee.

(ii) FEDERAL MEMBERS.—Each member of the Committee who is an officer or employee of the Federal Government shall serve without compensation in addition to that received for services as an officer or employee of the Federal Government.

(B) TRAVEL EXPENSES.—The members of the Committee shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Committee.

(C) STAFF.—

(i) IN GENERAL.—

(I) APPOINTMENT.—The Chairperson of the Committee may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Committee to perform the duties of the Committee.

(II) CONFIRMATION.—The employment of an executive director shall be subject to confirmation by the Committee.

(ii) COMPENSATION.—The Chairperson of the Committee may fix the compensation of the executive director and other personnel without regard to chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of that title.

(D) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Committee without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(E) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairperson of the Committee may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of that title.

(5) TERMINATION OF THE COMMITTEE.—The Committee shall terminate 90 days after the date on which the Committee submits the report under paragraph (2)(C).

(6) FUNDING.—Of the amounts authorized to be expended from either Fund, $1,000,000 shall be made available from either Fund during fiscal year 2017 to carry out this subsection, to remain available until expended.

(e) INDIAN DAM SURVEYS.—

(1) TRIBAL REPORTS.—The Secretary shall request that, not less frequently than once every 180 days, each Indian tribe submit to the Secretary a report providing an inventory of the dams located on the land of the Indian tribe.

(2) BIA REPORTS.—Not less frequently than once each year, the Secretary shall submit to Congress a report describing the condition of each dam under the partial or total jurisdiction of the Secretary.

(f) FLOOD PLAIN MANAGEMENT PILOT PROGRAM.—

(1) ESTABLISHMENT.—The Secretary shall establish, within the Bureau of Indian Affairs, a flood plain management pilot program (referred to in this subsection as the ''program'') to provide, at the request of an Indian tribe, guidance to the Indian tribe relating to best practices for the mitigation and prevention of floods, including consultation with the Indian tribe on—

(A) flood plain mapping; or

(B) new construction planning.

(2) TERMINATION.—The program shall terminate on the date that is 4 years after the date of enactment of this Act.

(3) FUNDING.—Of the amounts authorized to be expended from either Fund, $250,000 shall be made available from either Fund during each of fiscal years 2017, 2018, and 2019 to carry out this subsection, to remain available until expended.

TITLE IV—RIVER BASINS, WATERSHEDS, AND COASTAL AREAS

SEC. 4001. GULF COAST OYSTER BED RECOVERY PLAN.

(a) DEFINITION OF GULF STATES.—In this section, the term ''Gulf States'' means each of the States of Alabama, Florida, Louisiana, Mississippi, and Texas.

(b) GULF COAST OYSTER BED RECOVERY PLAN.—The Secretary, in coordination with the Gulf States, shall develop and implement a plan to assist in the recovery of oyster beds on the coast of Gulf States that were damaged by events including—

(1) Hurricane Katrina in 2005;

(2) the Deep Water Horizon oil spill in 2010; and

(3) floods in 2011 and 2016.

(c) INCLUSION.—The plan developed under subsection (b) shall address the beneficial use of dredged material in providing substrate for oyster bed development.

(d) SUBMISSION.—Not later than 18 months after the date of enactment of this Act, the Secretary shall submit to the Committee of Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives the plan developed under subsection (b).

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $2,000,000, to remain available until expended.

SEC. 4002. COLUMBIA RIVER, PLATTE RIVER, AND ARKANSAS RIVER.

(a) ECOSYSTEM RESTORATION.—Section 536(g) of the Water Resources Development Act of 2000 (Public Law 106–541; 114 Stat. 2662; 128 Stat. 1314) is amended by striking ''$50,000,000'' and inserting ''$75,000,000''.

(b) WATERCRAFT INSPECTION STATIONS.—Section 104 of the River and Harbor Act of 1958 (33 U.S.C. 610) is amended—

(1) by striking subsection (b) and inserting the following:

''(b) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There are authorized to be appropriated such sums as are necessary, but not more than $65,000,000, to carry out this section for each fiscal year, of which—

''(A) $20,000,000 shall be made available to carry out subsection (d)(1)(A)(i); and

''(B) $25,000,000 shall be made available to carry out clauses (ii) and (iii) of subsection (d)(1)(A).

''(2) ALLOCATION.—Any funds made available under paragraph (1) that are employed for control operations shall be allocated by the Chief of Engineers on a priority basis, based on—

''(A) the urgency and need of each area; and

''(B) the availability of local funds.''; and

(2) in subsection (d)—

(A) by striking paragraph (1) and inserting the following:

''(1) ESTABLISHMENT, OPERATION, AND MAINTENANCE.—

''(A) IN GENERAL.—In carrying out this section, the Secretary may establish, operate, and maintain watercraft inspection stations to protect—

''(i) the Columbia River Basin;

''(ii) the Platte River Basin located in the States of Colorado, Nebraska, and Wyoming; and

''(iii) the Arkansas River Basin located in the States of Arkansas, Colorado, Kansas, New Mexico, Oklahoma, and Texas.

''(B) LOCATION.—The watercraft inspection stations under subparagraph (A) shall be located in areas, as determined by the Secretary, with the highest likelihood of preventing the spread of aquatic invasive species at reservoirs operated and maintained by the Secretary.''; and

(B) in paragraph (3), by striking subparagraph (A) and inserting the following:

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

(c) TRIBAL HOUSING.—

(1) DEFINITION OF REPORT.—In this subsection, the term ''report'' means the final report for the Portland District, Corps of Engineers, entitled ''Columbia River Treaty Fishing Access Sites, Oregon and Washington: Fact-finding Review on Tribal Housing'' and dated November 19, 2013.

(2) ASSISTANCE AUTHORIZED.—As replacement housing for Indian families displaced due to the construction of the Bonneville Dam, on the request of the Secretary of the Interior, the Secretary may provide assistance on land transferred by the Department of the Army to the Department of the Interior pursuant to title IV of Public Law 100–581 (102 Stat. 2944; 110 Stat. 766; 110 Stat. 3762; 114 Stat. 2679; 118 Stat. 544) for the number of families estimated in the report as having received no relocation assistance.

(3) STUDY.—The Secretary shall—

(A) conduct a study to determine the number of Indian people displaced by the construction of the John Day Dam; and

(B) identify a plan for suitable housing to replace housing lost to the construction of the John Day Dam.

(d) COLUMBIA AND LOWER WILLAMETTE RIVERS BELOW VANCOUVER, WASHINGTON AND OREGON.—The Secretary shall conduct a study to determine the feasibility of modifying the project for navigation, Columbia and Lower Willamette Rivers below Vancouver, Washington and Portland, Oregon, authorized by section 101 of the River and Harbor Act of 1962 (Public Law 87–874; 76 Stat. 1177) to address safety risks.

SEC. 4003. MISSOURI RIVER.

(a) RESERVOIR SEDIMENT MANAGEMENT.—

(1) DEFINITION OF SEDIMENT MANAGEMENT PLAN.—In this subsection, the term ''sediment management plan'' means a plan for preventing sediment from reducing water storage capacity at a reservoir and increasing water storage capacity through sediment removal at a reservoir.

(2) UPPER MISSOURI RIVER BASIN PILOT PROGRAM.—The Secretary shall carry out a pilot program for the development and implementation of sediment management plans for reservoirs owned and operated by the Secretary in the Upper Missouri River Basin, on request by project beneficiaries.

(3) PLAN ELEMENTS.—A sediment management plan under paragraph (2) shall—

(A) provide opportunities for project beneficiaries and other stakeholders to participate in sediment management decisions;

(B) evaluate the volume of sediment in a reservoir and impacts on storage capacity;

(C) identify preliminary sediment management options, including sediment dikes and dredging;

(D) identify constraints;

(E) assess technical feasibility, economic justification, and environmental impacts;

(F) identify beneficial uses for sediment; and

(G) to the maximum extent practicable, use, develop, and demonstrate innovative, cost-saving technologies, including structural and nonstructural technologies and designs, to manage sediment.

(4) COST SHARE.—The beneficiaries requesting the plan shall share in the cost of development and implementation of a sediment management plan allocated in accordance with the benefits to be received.

(5) CONTRIBUTED FUNDS.—The Secretary may accept funds from non-Federal interests and other Federal agencies to develop and implement a sediment management plan under this subsection.

(6) GUIDANCE.—The Secretary shall use the knowledge gained through the development and implementation of sediment management plans under paragraph (2) to develop guidance for sediment management at other reservoirs.

(7) PARTNERSHIP WITH SECRETARY OF THE INTERIOR.—

(A) IN GENERAL.—The Secretary shall carry out the pilot program established under this subsection in partnership with the Secretary of the Interior, and the program may apply to reservoirs managed or owned by the Bureau of Reclamation on execution of a memorandum of agreement between the Secretary and the Secretary of the Interior establishing the framework for a partnership and the terms and conditions for sharing expertise and resources.

(B) LEAD AGENCY.—The Secretary that has primary jurisdiction over the reservoir shall take the lead in developing and implementing a sediment management plan for that reservoir.

(8) OTHER AUTHORITIES NOT AFFECTED.—Nothing in this subsection affects sediment management or the share of costs paid by Federal and non-Federal interests relating to sediment management under any other provision of law (including regulations).

(b) SNOWPACK AND DROUGHT MONITORING.—Section 4003(a) of the Water Resources Reform and Development Act of 2014 (Public Law 113–121; 128 Stat. 1311) is amended by adding at the end the following:

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

SEC. 4004. PUGET SOUND NEARSHORE ECOSYSTEM RESTORATION.

Section 544(f) of the Water Resources Development Act of 2000 (Public Law 106–541; 114 Stat. 2675) is amended by striking ''$5,000,000'' and inserting ''$10,000,000''.

SEC. 4005. ICE JAM PREVENTION AND MITIGATION.

(a) IN GENERAL.—The Secretary may carry out projects under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s), including planning, design, construction, and monitoring of structural and nonstructural technologies and measures for preventing and mitigating flood damages associated with ice jams.

(b) INCLUSION.—The projects described in subsection (a) may include the development and demonstration of cost-effective technologies and designs developed in consultation with—

(1) the Cold Regions Research and Engineering Laboratory of the Corps of Engineers;

(2) universities;

(3) Federal, State, and local agencies; and

(4) private organizations.

(c) PILOT PROGRAM.—

(1) AUTHORIZATION.—In addition to the funding authorized under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s), the Secretary is authorized to expend $30,000,000 to carry out pilot projects to demonstrate technologies and designs developed in accordance with this section.

(2) PRIORITY.—In carrying out pilot projects under paragraph (1), the Secretary shall give priority to projects in the Upper Missouri River Basin.

(3) SUNSET.—The pilot program under this subsection shall terminate on December 31, 2026.

SEC. 4006. CHESAPEAKE BAY OYSTER RESTORATION.

Section 704(b)(1) of the Water Resources Development Act of 1986 (33 U.S.C. 2263(b)(1)) is amended by striking ''$60,000,000'' and inserting ''$100,000,000''.

SEC. 4007. NORTH ATLANTIC COASTAL REGION.

Section 4009 of the Water Resources Reform and Development Act of 2014 (Public Law 113–121; 128 Stat. 1316) is amended—

(1) in subsection (a), by striking ''conduct a study to determine the feasibility of carrying out projects'' and inserting ''develop a comprehensive assessment and management plan at Federal expense'';

(2) in subsection (b), by striking the subsection designation and heading and all that follows through ''In carrying out the study'' and inserting the following:

''(b) ASSESSMENT AND MANAGEMENT PLAN.—In developing the comprehensive assessment and management plan''; and

(3) in subsection (c)(1), in the matter preceding subparagraph (A), by striking ''identified in the study pursuant to subsection (a)'' and inserting ''identified in the comprehensive assessment and management plan under this section''.

SEC. 4008. RIO GRANDE.

Section 5056(f) of the Water Resources Development Act of 2007 (Public Law 110–114; 121 Stat. 1214; 128 Stat. 1315) is amended by striking ''2019'' and inserting ''2024''.

SEC. 4009. TEXAS COASTAL AREA.

In carrying out the Coastal Texas ecosystem protection and restoration study authorized by section 4091 of the Water Resources Development Act of 2007 (Public Law 110–114; 121 Stat. 1187), the Secretary shall consider studies, data, or information developed by the Gulf Coast Community Protection and Recovery District to expedite completion of the study.

SEC. 4010. UPPER MISSISSIPPI AND ILLINOIS RIVERS FLOOD RISK MANAGEMENT.

(a) IN GENERAL.—The Secretary shall conduct a study at Federal expense to determine the feasibility of carrying out projects to address systemic flood damage reduction in the upper Mississippi and Illinois River basins.

(b) PURPOSE.—The purposes of the study under subsection (a) are—

(1) to develop an integrated, comprehensive, and systems-based approach to minimize the threat to health and safety resulting from flooding by using structural and nonstructural flood risk management measures;

(2) to reduce damages and costs associated with flooding;

(3) to identify opportunities to support environmental sustainability and restoration goals of the Upper Mississippi River and Illinois River floodplain as part of any systemic flood risk management plan; and

(4) to seek opportunities to address, in concert with flood risk management measures, other floodplain specific problems, needs, and opportunities.

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

(1) as appropriate, coordinate with the heads of other appropriate Federal agencies, the Governors of the States within the Upper Mississippi and Illinois River basins, the appropriate levee and drainage districts, nonprofit organizations, and other interested parties;

(2) recommend projects for reconstruction of existing levee systems so as to develop and maintain a comprehensive system for flood risk reduction and floodplain management;

(3) perform a systemic analysis of critical transportation systems to determine the feasibility of protecting river approaches for land-based systems, highways, and railroads;

(4) develop a basin-wide hydrologic model for the Upper Mississippi River System and update as changes occur and new data is available; and

(5) use, to the maximum extent practicable, any existing plans and data.

(d) BASIS FOR RECOMMENDATIONS.—In recommending a project under subsection (c)(2), the Secretary may justify the project based on system-wide benefits.

SEC. 4011. SALTON SEA, CALIFORNIA.

Section 3032 of the Water Resources Development Act of 2007 (Public Law 110–114; 121 Stat. 1113) is amended—

(1) in the section heading, by inserting ''**PROGRAM**'' after ''**RESTORATION**'';

(2) in subsection (b)—

(A) in the subsection heading, by striking ''PILOT PROJECTS'' and inserting ''PROGRAM'';

(B) in paragraph (1)—

(i) by redesignating subparagraphs (A) and (B) as subparagraphs (B) and (C), respectively;

(ii) by inserting before subparagraph (B) (as redesignated) the following:

''(A) ESTABLISHMENT.—The Secretary shall carry out a program to implement projects to restore the Salton Sea in accordance with this section.'';

(iii) in subparagraph (B) (as redesignated by clause (i)), by striking ''the pilot''; and

(iv) in subparagraph (C) (as redesignated by clause (i))—

(I) in clause (i), in the matter preceding subclause (I), by striking ''the pilot projects referred to in subparagraph (A)'' and inserting ''the projects referred to in subparagraph (B)'';

(II) in subclause (I), by inserting '', Salton Sea Authority, or other non-Federal interest'' before the semicolon at the end; and

(III) in subclause (II), by striking ''pilot'';

(C) in paragraph (2), in the matter preceding subparagraph (A), by striking ''pilot''; and

(D) in paragraph (3)—

(i) by striking ''pilot'' each place it appears; and

(ii) by inserting '', Salton Sea Authority, or other non-Federal interest'' after ''State''; and

(3) in subsection (c), by striking ''pilot''.

SEC. 4012. ADJUSTMENT.

Section 219(f)(25) of the Water Resources Development Act of 1992 (Public Law 102–580; 113 Stat. 336) is amended—

(1) by inserting ''Berkeley'' before ''Calhoun''; and

(2) by striking ''Orangeberg, and Sumter'' and inserting ''and Orangeberg''.

SEC. 4013. COASTAL RESILIENCY.

(a) IN GENERAL.—Section 4014(b) of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2803a(b)) is amended—

(1) in paragraph (1), by inserting ''Indian tribes,'' after ''nonprofit organizations,'';

(2) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(3) by inserting after paragraph (2) the following:

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

(b) INTERAGENCY COORDINATION ON COASTAL RESILIENCE.—

(1) IN GENERAL.—The Secretary shall convene an interagency working group on resilience to extreme weather, which will coordinate research, data, and Federal investments related to sea level rise, resiliency, and vulnerability to extreme weather, including coastal resilience.

(2) CONSULTATION.—The interagency working group convened under paragraph (1) shall—

(A) participate in any activity carried out by an organization authorized by a State to study and issue recommendations on how to address the impacts on Federal assets of recurrent flooding and sea level rise, including providing consultation regarding policies, programs, studies, plans, and best practices relating to recurrent flooding and sea level rise in areas with significant Federal assets; and

(B) share physical, biological, and socioeconomic data among such State organizations, as appropriate.

SEC. 4014. REGIONAL INTERGOVERNMENTAL COLLABORATION ON COASTAL RESILIENCE.

(a) REGIONAL ASSESSMENTS.—

(1) IN GENERAL.—The Secretary may conduct regional assessments of coastal and back bay protection and of Federal and State policies and programs related to coastal water resources, including—

(A) an assessment of the probability and the extent of coastal flooding and erosion, including back bay and estuarine flooding;

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

(C) an evaluation of the performance of existing Federal coastal storm damage reduction, ecosystem restoration, and navigation projects, including recommendations for the improvement of those projects;

(D) an assessment of the value and impacts of implementation of regional, systems-based, watershed-based, and interstate approaches if practicable;

(E) recommendations for the demonstration of methodologies for resilience through the use of natural and nature-based infrastructure approaches, as appropriate; and

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

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

(A) heads of appropriate Federal agencies;

(B) States that have approved coastal management programs and appropriate agencies of those States;

(C) local governments; and

(D) the private sector.

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

(1) to the maximum extent practicable, use existing research done by Federal, State, regional, local, and private entities to eliminate redundancies and related costs;

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

(A) contributed funds; or

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

(3) enable each District or combination of Districts of the Corps of Engineers that jointly participate in carrying out an assessment under this section to consider regionally appropriate engineering, biological, ecological, social, economic, and other factors in carrying out the assessment.

(c) REPORTS.—The Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives all reports and recommendations prepared under this section, together with any necessary supporting documentation.

SEC. 4015. SOUTH ATLANTIC COASTAL STUDY.

(a) IN GENERAL.—The Secretary shall 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.

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

(1) conduct a comprehensive analysis of current hurricane and storm damage reduction measures with an emphasis on regional sediment management practices to sustainably maintain or enhance current levels of storm protection;

(2) identify risks and coastal vulnerabilities in the areas affected by sea level rise;

(3) recommend measures to address the vulnerabilities described in paragraph (2); and

(4) develop a long-term strategy for—

(A) addressing increased hurricane and storm damages that result from rising sea levels; and

(B) identifying opportunities to enhance resiliency, increase sustainability, and lower risks in—

(i) populated areas;

(ii) areas of concentrated economic development; and

(iii) areas with vulnerable environmental resources.

(c) CONSULTATION.—The Secretary shall coordinate, as appropriate, with the heads of other Federal departments and agencies, the Governors of the affected States, regional governmental agencies, and units of local government to address coastal impacts resulting from sea level rise.

(d) REPORT.—Not later than 4 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report recommending specific and detailed actions to address risks and vulnerabilities of the areas described in subsection (a) to increased hurricane and storm damage as a result of sea level rise.

SEC. 4016. KANAWHA RIVER BASIN.

The Secretary shall conduct studies to determine the feasibility of implementing projects for flood risk management, ecosystem restoration, navigation, water supply, recreation, 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.

(a) DEFINITIONS.—In this section:

(1) NATURAL FEATURE.—The term ''natural feature'' means a feature that is created through the action of physical, geological, biological, and chemical processes over time.

(2) NATURE-BASED FEATURE.—The term ''nature-based feature'' means a feature that is created by human design, engineering, and construction to protect, and in concert with, natural processes to provide risk reduction in coastal areas.

(b) REQUIREMENT.—In developing projects for coastal risk reduction, the Secretary shall consider, as appropriate—

(1) natural features;

(2) nature-based features;

(3) nonstructural measures; and

(4) structural measures.

(c) REPORT TO CONGRESS.—

(1) IN GENERAL.—Not later than February 1, 2020, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the implementation of subsection (b).

(2) CONTENTS.—The report under paragraph (1) shall include, at a minimum, the following:

(A) A description of guidance or instructions issued, and other measures taken, by the Secretary and the Chief of Engineers to implement subsection (b).

(B) An assessment of the costs, benefits, impacts, and trade-offs associated with measures recommended by the Secretary for coastal risk reduction and the effectiveness of those measures.

(C) A description of any statutory, fiscal, or regulatory barriers to the appropriate consideration and use of a full array of measures for coastal risk reduction.

SEC. 4018. WATERFRONT COMMUNITY REVITALIZATION AND RESILIENCY.

(a) FINDINGS.—Congress finds that—

(1) many communities in the United States were developed along waterfronts;

(2) water proximity and access is a recognized economic driver;

(3) water shortages faced by parts of the United States underscore the need to manage water sustainably and restore water quality;

(4) interest in waterfront revitalization and development has grown, while the circumstances driving waterfront development have changed;

(5) waterfront communities face challenges to revitalizing and leveraging water resources, such as outdated development patterns, deteriorated water infrastructure, industrial contamination of soil and sediment, and lack of public access to the waterfront, which are often compounded by overarching economic distress in the community;

(6) public investment in waterfront community development and infrastructure should reflect changing ecosystem conditions and extreme weather projections to ensure strategic, resilient investments;

(7) individual communities have unique priorities, concerns, and opportunities related to waterfront restoration and community revitalization; and

(8) the Secretary of Commerce has unique expertise in Great Lakes and ocean coastal resiliency and economic development.

(b) DEFINITIONS.—In this section:

(1) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

(2) RESILIENT WATERFRONT COMMUNITY.—The term ''resilient waterfront community'' means a unit of local government or Indian tribe that is—

(A)(i) bound in part by—

(I) a Great Lake; or

(II) an ocean; or

(ii) bordered or traversed by a riverfront or an inland lake;

(B) self-nominated as a resilient waterfront community; and

(C) designated by the Secretary as a resilient waterfront community on the basis of the development by the community of an eligible resilient waterfront community plan, with eligibility determined by the Secretary after considering the requirements of paragraphs (2) and (3) of subsection (c).

(3) SECRETARY.—The term ''Secretary'' means the Secretary of Commerce.

(c) RESILIENT WATERFRONT COMMUNITIES DESIGNATION.—

(1) DESIGNATION.—

(A) IN GENERAL.—Subject to subparagraph (B), the Secretary shall designate resilient waterfront communities based on the extent to which a community meets the criteria described in paragraph (2).

(B) COLLABORATION.—For inland lake and riverfront communities, in making the designation described in subparagraph (A), the Secretary shall work with the Administrator of the Environmental Protection Agency and the heads of other Federal agencies, as the Secretary determines to be necessary.

(2) RESILIENT WATERFRONT COMMUNITY PLAN.—A resilient waterfront community plan is a community-driven vision and plan that is developed—

(A) voluntarily at the discretion of the community—

(i) to respond to local needs; or

(ii) to take advantage of new water-oriented opportunities;

(B) with the leadership of the relevant governmental entity or Indian tribe with the active participation of—

(i) community residents;

(ii) utilities; and

(iii) interested business and nongovernmental stakeholders;

(C) as a new document or by amending or compiling community planning documents, as necessary, at the discretion of the Secretary;

(D) in consideration of all applicable Federal and State coastal zone management planning requirements;

(E) to address economic competitive strengths; and

(F) to complement and incorporate the objectives and recommendations of applicable regional economic plans.

(3) COMPONENTS OF A RESILIENT WATERFRONT COMMUNITY PLAN.—A resilient waterfront community plan shall—

(A) consider all, or a portion of, the waterfront area and adjacent land and water to which the waterfront is connected ecologically, economically, or through local governmental or tribal boundaries;

(B) describe a vision and plan for the community to develop as a vital and resilient waterfront community, integrating consideration of—

(i) the economic opportunities resulting from water proximity and access, including—

(I) water-dependent industries;

(II) water-oriented commerce; and

(III) recreation and tourism;

(ii) the community relationship to the water, including—

(I) quality of life;

(II) public health;

(III) community heritage; and

(IV) public access, particularly in areas in which publicly funded ecosystem restoration is underway;

(iii) ecosystem challenges and projections, including unresolved and emerging impacts to the health and safety of the waterfront and projections for extreme weather and water conditions;

(iv) infrastructure needs and opportunities, to facilitate strategic and sustainable capital investments in—

(I) docks, piers, and harbor facilities;

(II) protection against storm surges, waves, and flooding;

(III) stormwater, sanitary sewer, and drinking water systems, including green infrastructure and opportunities to control nonpoint source runoff; and

(IV) other community facilities and private development; and

(v) such other factors as are determined by the Secretary to align with metrics or indicators for resiliency, considering environmental and economic changes.

(4) DURATION.—After the designation of a community as a resilient waterfront community under paragraph (1), a resilient waterfront community plan developed in accordance with paragraphs (2) and (3) may be—

(A) effective for the 10-year period beginning on the date on which the Secretary approves the resilient waterfront community plan; and

(B) updated by the resilient waterfront community and submitted to the Secretary for the approval of the Secretary before the expiration of the 10-year period.

(d) RESILIENT WATERFRONT COMMUNITIES NETWORK.—

(1) IN GENERAL.—The Secretary shall develop and maintain a resilient waterfront communities network to facilitate the sharing of best practices among waterfront communities.

(2) PUBLIC RECOGNITION.—In consultation with designated resilient waterfront communities, the Secretary shall provide formal public recognition of the designated resilient waterfront communities to promote tourism, investment, or other benefits.

(e) WATERFRONT COMMUNITY REVITALIZATION ACTIVITIES.—

(1) IN GENERAL.—To support a community in leveraging other sources of public and private investment, the Secretary may use existing authority to support—

(A) the development of a resilient waterfront community plan, including planning and feasibility analysis; and

(B) the implementation of strategic components of a resilient waterfront community plan after the resilient waterfront community plan has been approved by the Secretary.

(2) NON-FEDERAL PARTNERS.—

(A) LEAD NON-FEDERAL PARTNERS.—A unit of local government or an Indian tribe shall be eligible to be considered as a lead non-Federal partner if the unit of local government or Indian tribe is—

(i) bound in part by—

(I) a Great Lake; or

(II) an ocean; or

(ii) bordered or traversed by a riverfront or an inland lake.

(B) NON-FEDERAL IMPLEMENTATION PARTNERS.—Subject to paragraph (4)(C), a lead non-Federal partner may contract with an eligible non-Federal implementation partner for implementation activities described in paragraph (4)(B).

(3) PLANNING ACTIVITIES.—

(A) IN GENERAL.—Technical assistance may be provided for the development of a resilient waterfront community plan.

(B) ELIGIBLE PLANNING ACTIVITIES.—In developing a resilient waterfront community plan, a resilient waterfront community may—

(i) conduct community visioning and outreach;

(ii) identify challenges and opportunities;

(iii) develop strategies and solutions;

(iv) prepare plan materials, including text, maps, design, and preliminary engineering;

(v) collaborate across local agencies and work with regional, State, and Federal agencies to identify, understand, and develop responses to changing ecosystem and economic circumstances; and

(vi) conduct other planning activities that the Secretary considers necessary for the development of a resilient waterfront community plan that responds to revitalization and resiliency issues confronted by the resilient waterfront community.

(4) IMPLEMENTATION ACTIVITIES.—

(A) IN GENERAL.—Implementation assistance may be provided—

(i) to initiate implementation of a resilient waterfront community plan and facilitate high-quality development, including leveraging local and private sector investment; and

(ii) to address strategic community priorities that are identified in the resilient waterfront community plan.

(B) ASSISTANCE.—Assistance may be provided to advance implementation activities, such as—

(i) site preparation;

(ii) environmental review;

(iii) engineering and design;

(iv) acquiring easements or land for uses such as green infrastructure, public amenities, or assembling development sites;

(v) updates to zoning codes;

(vi) construction of—

(I) public waterfront or boating amenities; and

(II) public spaces;

(vii) infrastructure upgrades to improve coastal resiliency;

(viii) economic and community development marketing and outreach; and

(ix) other activities at the discretion of the Secretary.

(C) IMPLEMENTATION PARTNERS.—

(i) IN GENERAL.—To assist in the completion of implementation activities, a lead

non-Federal partner may contract or otherwise collaborate with a non-Federal implementation partner, including—

(I) a nonprofit organization;

(II) a public utility;

(III) a private entity;

(IV) an institution of higher education;

(V) a State government; or

(VI) a regional organization.

(ii) LEAD NON-FEDERAL PARTNER RESPONSIBILITY.—The lead non-Federal partner shall ensure that assistance and resources received by the lead non-Federal partner to advance the resilient waterfront community plan of the lead non-Federal partner and for related activities are used for the purposes of, and in a manner consistent with, any initiative advanced by the Secretary for the purpose of promoting waterfront community revitalization and resiliency.

(5) USE OF NON-FEDERAL RESOURCES.—

(A) IN GENERAL.—A resilient waterfront community receiving assistance under this subsection shall provide non-Federal funds toward completion of planning or implementation activities.

(B) NON-FEDERAL RESOURCES.—Non-Federal funds may be provided by—

(i) 1 or more units of local or tribal government;

(ii) a State government;

(iii) a nonprofit organization;

(iv) a private entity;

(v) a foundation;

(vi) a public utility; or

(vii) a regional organization.

(f) INTERAGENCY AWARENESS.—At regular intervals, the Secretary shall provide a list of resilient waterfront communities to the applicable States and the heads of national and regional offices of interested Federal agencies, including at a minimum—

(1) the Secretary of Transportation;

(2) the Secretary of Agriculture;

(3) the Administrator of the Environmental Protection Agency;

(4) the Administrator of the Federal Emergency Management Agency;

(5) the Assistant Secretary of the Army for Civil Works;

(6) the Secretary of the Interior; and

(7) the Secretary of Housing and Urban Development.

(g) NO NEW REGULATORY AUTHORITY.—Nothing in this section may be construed as establishing new authority for any Federal agency.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $25,000,000 for each of fiscal years 2017 through 2021.

(i) FUNDING.—Out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary to carry out this section $800,000, to remain available until expended.

SEC. 4019. TABLE ROCK LAKE, ARKANSAS AND MISSOURI.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary—

(1) shall include a 60-day public comment period for the Table Rock Lake Master Plan and Table Rock Lake Shoreline Management Plan revision; and

(2) shall finalize the revision for the Table Rock Lake Master Plan and Table Rock Lake Shoreline Management Plan during the 2-year period beginning on the date of enactment of this Act.

(b) SHORELINE USE PERMITS.—During the period described in subsection (a)(2), the Secretary shall lift or suspend the moratorium on the issuance of new, and modifications to existing, shoreline use permits based on the existing Table Rock Lake Master Plan and Table Rock Lake Shoreline Management Plan.

(c) OVERSIGHT COMMITTEE.—

(1) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, the Secretary shall establish an oversight committee (referred to in this subsection as the ''Committee'').

(2) PURPOSES.—The purposes of the Committee shall be—

(A) to review any permit to be issued under the existing Table Rock Lake Master Plan at the recommendation of the District Engineer; and

(B) to advise the District Engineer on revisions to the new Table Rock Lake Master Plan and Table Rock Lake Shoreline Management Plan.

(3) MEMBERSHIP.—Membership in the Committee shall not exceed 6 members and shall include—

(A) not more than 1 representative each from the State of Missouri and the State of Arkansas;

(B) not more than 1 representative each from local economic development organizations with jurisdiction over Table Rock Lake; and

(C) not more than 1 representative each representing the boating and conservation interests of Table Rock Lake.

(4) STUDY.—The Secretary shall—

(A) carry out a study on the need to revise permit fees relating to Table Rock Lake to better reflect the cost of issuing those fees and achieve cost savings;

(B) submit to Congress a report on the results of the study described in subparagraph (A); and

(C) begin implementation of the new permit fee structure based on the findings of the study described in subparagraph (A).

SEC. 4020. PEARL RIVER BASIN, MISSISSIPPI.

The Secretary shall expedite review and decision on the recommendation for the project for flood damage reduction authorized by section 401(e)(3) of the Water Resources Development Act of 1986 (100 Stat. 4132), as amended by section 3104 of the Water Resources Development Act of 2007 (121 Stat. 1134), submitted to the Secretary under section 211 of the Water Resources Development Act of 1996 (33 U.S.C. 701b–13) (as in effect on the day before the date of enactment of the Water Resources Reform and Development Act of 2014).

TITLE V—DEAUTHORIZATIONS

SEC. 5001. DEAUTHORIZATIONS.

(a) VALDEZ, ALASKA.—

(1) IN GENERAL.—Subject to paragraph (2), the portions of the project for navigation, Valdez, Alaska, identified as Tract G, Harbor Subdivision, shall not be subject to navigation servitude beginning on the date of enactment of this Act.

(2) ENTRY BY FEDERAL GOVERNMENT.—The Federal Government may enter on the property referred to in paragraph (1) to carry out any required operation and maintenance of the general navigation features of the project described in paragraph (1).

(b) RED RIVER BELOW DENISON DAM, ARKANSAS, LOUISIANA, AND TEXAS.—The portion of the project for flood protection on Red River Below Denison Dam, Arkansas, Louisiana and Texas, authorized by section 10 of the Flood Control Act of 1946 (60 Stat. 647, chapter 596), consisting of the portion of the West Agurs Levee that begins at lat. 32°32'50.86'' N., by long. 93°46'16.82'' W., and ends at lat. 32° 31'22.79'' N., by long. 93° 45' 2.47'' W., is no longer authorized beginning on the date of enactment of this Act.

(c) SUTTER BASIN, CALIFORNIA.—

(1) IN GENERAL.—The separable element constituting the locally preferred plan increment reflected in the report of the Chief of Engineers dated March 12, 2014, and authorized for construction under section 7002(2)(8) of the Water Resources Reform and Development Act of 2014 (Public Law 113–121; 128 Stat. 1366) is no longer authorized beginning on the date of enactment of this Act.

(2) SAVINGS PROVISIONS.—The deauthorization under paragraph (1) does not affect—

(A) the national economic development plan separable element reflected in the report of the Chief of Engineers dated March 12, 2014, and authorized for construction under section 7002(2)(8) of the Water Resources Reform and Development Act of 2014 (Public Law 113–121; 128 Stat. 1366); or

(B) previous authorizations providing for the Sacramento River and major and minor tributaries project, including—

(i) section 2 of the Act of March 1, 1917 (39 Stat. 949; chapter 144);

(ii) section 12 of the Act of December 22, 1944 (58 Stat. 900; chapter 665);

(iii) section 204 of the Flood Control Act of 1950 (64 Stat. 177; chapter 188); and

(iv) any other Acts relating to the authorization for the Sacramento River and major and minor tributaries project along the Feather River right bank between levee stationing 1483+33 and levee stationing 2368+00.

(d) STONINGTON HARBOR, CONNECTICUT.—The portion of the project for navigation, Stonington Harbor, Connecticut, authorized by the Act of May 23, 1828 (4 Stat. 288; chapter 73) that consists of the inner stone breakwater that begins at coordinates N. 682,146.42, E. 1231,378.69, running north 83.587 degrees west 166.79' to a point N. 682,165.05, E. 1,231,212.94, running north 69.209 degrees west 380.89' to a point N. 682,300.25, E. 1,230,856.86, is no longer authorized as a Federal project beginning on the date of enactment of this Act.

(e) GREEN RIVER AND BARREN RIVER, KENTUCKY.—

(1) IN GENERAL.—Beginning on the date of enactment of this Act, commercial navigation at the locks and dams identified in the report of the Chief of Engineers entitled ''Green River Locks and Dams 3, 4, 5, and 6 and Barren River Lock and Dam 1, Kentucky'' and dated April 30, 2015, shall no longer be authorized, and the land and improvements associated with the locks and dams shall be—

(A) disposed of consistent with paragraph (2); and

(B) subject to such terms and conditions as the Secretary determines to be necessary and appropriate in the public interest.

(2) DISPOSITION.—

(A) GREEN RIVER LOCK AND DAM 3.—The Secretary shall convey to the Rochester Dam Regional Water Commission all right, title, and interest of the United States in and to Green River Lock and Dam 3, located in Ohio County and Muhlenberg County, Kentucky, together with any improvements on the land.

(B) GREEN RIVER LOCK AND DAM 4.—The Secretary shall convey to Butler County, Kentucky, all right, title, and interest of the United States in and to Green River Lock and Dam 4, located in Butler County, Kentucky, together with any improvements on the land.

(C) GREEN RIVER LOCK AND DAM 5.—The Secretary shall convey to the State of Kentucky, a political subdivision of the State of Kentucky, or a nonprofit, nongovernmental organization all right, title, and interest of the United States in and to Green River Lock and Dam 5 for the express purposes of—

(i) removing the structure from the river at the earliest feasible time; and

(ii) making the land available for conservation and public recreation, including river access.

(D) GREEN RIVER LOCK AND DAM 6.—

(i) IN GENERAL.—The Secretary shall transfer to the Secretary of the Interior administrative jurisdiction over the portion of Green

River Lock and Dam 6, Edmonson County, Kentucky, that is located on the left descending bank of the Green River, together with any improvements on the land, for inclusion in Mammoth Cave National Park.

(ii) TRANSFER TO THE STATE OF KENTUCKY.—The Secretary shall transfer to the State of Kentucky all right, title, and interest of the United States in and to the portion of Green River Lock and Dam 6, Edmonson County, Kentucky, that is located on the right descending bank of the Green River, together with any improvements on the land, for use by the Department of Fish and Wildlife Resources of the State of Kentucky for the purposes of—

(I) removing the structure from the river at the earliest feasible time; and

(II) making the land available for conservation and public recreation, including river access.

(E) BARREN RIVER LOCK AND DAM 1.—The Secretary shall convey to the State of Kentucky, all right, title, and interest of the United States in and to Barren River Lock and Dam 1, located in Warren County, Kentucky, together with any improvements on the land, for use by the Department of Fish and Wildlife Resources of the State of Kentucky for the purposes of—

(i) removing the structure from the river at the earliest feasible time; and

(ii) making the land available for conservation and public recreation, including river access.

(3) CONDITIONS.—

(A) IN GENERAL.—The exact acreage and legal description of any land to be disposed of, transferred, or conveyed under this subsection shall be determined by a survey satisfactory to the Secretary.

(B) QUITCLAIM DEED.—A conveyance under subparagraph (A), (B), (D), or (E) of paragraph (2) shall be accomplished by quitclaim deed and without consideration.

(C) ADMINISTRATIVE COSTS.—The Secretary shall be responsible for all administrative costs associated with a transfer or conveyance under this subsection, including the costs of a survey carried out under subparagraph (A).

(D) REVERSION.—If the Secretary determines that the land transferred or conveyed under this subsection is not used by a non-Federal entity for a purpose that is consistent with the purpose of the transfer or conveyance, all right, title, and interest in and to the land, including any improvements on the land, shall revert, at the discretion of the Secretary, to the United States, and the United States shall have the right of immediate entry onto the land.

(f) ESSEX RIVER, MASSACHUSETTS.—

(1) IN GENERAL.—The portions of the project for navigation, Essex River, Massachusetts, authorized by the first section of the Act of July 13, 1892 (27 Stat. 96, chapter 158), and modified by the first section of the Act of March 3, 1899 (30 Stat. 1133, chapter 425), and the first section of the Act of March 2, 1907 (34 Stat. 1075, chapter 2509), that do not lie within the areas described in paragraph (2) are no longer authorized beginning on the date of enactment of this Act.

(2) AREAS DESCRIBED.—The areas described in this paragraph are—

(A) beginning at a point N. 3056139.82, E. 851780.21;

(B) running southwesterly about 156.88 feet to a point N. 3055997.75, E. 851713.67;

(C) running southwesterly about 64.59 feet to a point N. 3055959.37, E. 851661.72;

(D) running southwesterly about 145.14 feet to a point N. 3055887.10, E. 851535.85;

(E) running southwesterly about 204.91 feet to a point N. 3055855.12, E. 851333.45;

(F) running northwesterly about 423.50 feet to a point N. 3055976.70, E. 850927.78;

(G) running northwesterly about 58.77 feet to a point N. 3056002.99, E. 850875.21;

(H) running northwesterly about 240.57 feet to a point N. 3056232.82, E. 850804.14;

(I) running northwesterly about 203.60 feet to a point N. 3056435.41, E. 850783.93;

(J) running northwesterly about 78.63 feet to a point N. 3056499.63, E. 850738.56;

(K) running northwesterly about 60.00 feet to a point N. 3056526.30, E. 850684.81;

(L) running southwesterly about 85.56 feet to a point N. 3056523.33, E. 850599.31;

(M) running southwesterly about 36.20 feet to a point N. 3056512.37, E. 850564.81;

(N) running southwesterly about 80.10 feet to a point N. 3056467.08, E. 850498.74;

(O) running southwesterly about 169.05 feet to a point N. 3056334.36, E. 850394.03;

(P) running northwesterly about 48.52 feet to a point N. 3056354.38, E. 850349.83;

(Q) running northeasterly about 83.71 feet to a point N. 3056436.35, E. 850366.84;

(R) running northeasterly about 212.38 feet to a point N. 3056548.70, E. 850547.07;

(S) running northeasterly about 47.60 feet to a point N. 3056563.12, E. 850592.43;

(T) running northeasterly about 101.16 feet to a point N. 3056566.62, E. 850693.53;

(U) running southeasterly about 80.22 feet to a point N. 3056530.97, E. 850765.40;

(V) running southeasterly about 99.29 feet to a point N. 3056449.88, E. 850822.69;

(W) running southeasterly about 210.12 feet to a point N. 3056240.79, E. 850843.54;

(X) running southeasterly about 219.46 feet to a point N. 3056031.13, E. 850908.38;

(Y) running southeasterly about 38.23 feet to a point N. 3056014.02, E. 850942.57;

(Z) running southeasterly about 410.93 feet to a point N. 3055896.06, E. 851336.21;

(AA) running northeasterly about 188.43 feet to a point N. 3055925.46, E. 851522.33;

(BB) running northeasterly about 135.47 feet to a point N. 3055992.91, E. 851639.80;

(CC) running northeasterly about 52.15 feet to a point N. 3056023.90, E. 851681.75; and

(DD) running northeasterly about 91.57 feet to a point N. 3056106.82, E. 851720.59.

(g) HANNIBAL SMALL BOAT HARBOR, HANNIBAL, MISSOURI.—The project for navigation at Hannibal Small Boat Harbor on the Mississippi River, Hannibal, Missouri, authorized by section 101 of the River and Harbor Act of 1950 (Public Law 81–516; 64 Stat. 166, chapter 188), is no longer authorized beginning on the date of enactment of this Act, and any maintenance requirements associated with the project are terminated.

(h) PORT OF CASCADE LOCKS, OREGON.—

(1) TERMINATION OF PORTIONS OF EXISTING FLOWAGE EASEMENT.—

(A) DEFINITION OF FLOWAGE EASEMENT.—In this paragraph, the term ''flowage easement'' means the flowage easements identified as tracts 302E-1 and 304E-1 on the easement deeds recorded as instruments in Hood River County, Oregon, as follows:

(i) A flowage easement dated October 3, 1936, recorded December 1, 1936, book 25 at page 531 (records of Hood River County, Oregon), in favor of United States (302E-1-Perpetual Flowage Easement from October 5, 1937, October 5, 1936, and October 3, 1936) (previously acquired as tracts OH-36 and OH-41 and a portion of tract OH-47).

(ii) A flowage easement recorded October 17, 1936, book 25 at page 476 (records of Hood River County, Oregon), in favor of the United States, that affects that portion below the 94-foot contour line above main sea level (304 E-1-Perpetual Flowage Easement from August 10, 1937 and October 3, 1936) (previously acquired as tract OH-42 and a portion of tract OH-47).

(B) TERMINATION.—With respect to the properties described in paragraph (2), beginning on the date of enactment of this Act, the flowage easements are terminated above elevation 82.4 feet (NGVD29), the ordinary high water mark.

(2) AFFECTED PROPERTIES.—The properties described in this paragraph, as recorded in Hood River, County, Oregon, are as follows:

(A) Lots 3, 4, 5, and 7 of the ''Port of Cascade Locks Business Park'' subdivision, instrument #2014-00436.

(B) Parcels 1, 2, and 3 of Hood River County Partition plat No. 2008-25P.

(3) FEDERAL LIABILITIES; CULTURAL, ENVIRONMENTAL, OTHER REGULATORY REVIEWS.—

(A) FEDERAL LIABILITY.—The United States shall not be liable for any injury caused by the termination of the easement under this subsection.

(B) CULTURAL AND ENVIRONMENTAL REGULATORY ACTIONS.—Nothing in this subsection establishes any cultural or environmental regulation relating to the properties described in paragraph (2).

(4) EFFECT ON OTHER RIGHTS.—Nothing in this subsection affects any remaining right or interest of the Corps of Engineers in the properties described in paragraph (2).

(i) DECLARATIONS OF NON-NAVIGABILITY FOR PORTIONS OF THE DELAWARE RIVER, PHILADELPHIA, PENNSYLVANIA.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), unless the Secretary determines, after consultation with local and regional public officials (including local and regional project planning organizations), that there are substantive objections, the following portions of the Delaware River, bounded by the former bulkhead and pierhead lines established by the Secretary of War and successors, are declared to be non-navigable waters of the United States:

(A) Piers 70 South through 38 South, encompassing an area bounded by the southern line of Moore Street extended to the northern line of Catherine Street extended, including the following piers: Piers 70, 68, 67, 64, 61-63, 60, 57, 55, 46, 48, 40, and 38.

(B) Piers 24 North through 72 North, encompassing an area bounded by the southern line of Callowhill Street extended to the northern line of East Fletcher Street extended, including the following piers: 24, 25, 27-35, 35.5, 36, 37, 38, 39, 49, 51-52, 53-57, 58-65, 66, 67, 69, 70-72, and Rivercenter.

(2) DETERMINATION.—The Secretary shall make the determination under paragraph (1) separately for each portion of the Delaware River described in subparagraphs (A) and (B) of paragraph (1), using reasonable discretion, by not later than 150 days after the date of submission of appropriate plans for that portion.

(3) LIMITS ON APPLICABILITY.—

(A) IN GENERAL.—Paragraph (1) applies only to those parts of the areas described in that paragraph that are or will be bulkheaded and filled or otherwise occupied by permanent structures, including marina and recreation facilities.

(B) OTHER FEDERAL LAWS.—Any work described in subparagraph (A) shall be subject to all applicable Federal law (including regulations), including—

(i) sections 9 and 10 of the Act of March 3, 1899 (commonly known as the ''River and Harbors Appropriation Act of 1899'') (33 U.S.C. 401, 403);

(ii) section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344); and

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

(j) SALT CREEK, GRAHAM, TEXAS.—

(1) IN GENERAL.—The project for flood control, environmental restoration, and recreation, Salt Creek, Graham, Texas, authorized by section 101(a)(30) of the Water Resources Development Act of 1999 (Public Law 106–53; 113 Stat. 278-279), is no longer authorized as a Federal project beginning on the date of enactment of this Act.

(2) CERTAIN PROJECT-RELATED CLAIMS.—The non-Federal sponsor for the project described in paragraph (1) shall hold and save the United States harmless from any claim that has arisen, or that may arise, in connection with the project.

(3) TRANSFER.—The Secretary is authorized to transfer any land acquired by the Federal Government for the project on behalf of the non-Federal sponsor that remains in Federal ownership on or after the date of enactment of this Act to the non-Federal sponsor.

(4) REVERSION.—If the Secretary determines that the land that is integral to the project described in paragraph (1) ceases to be owned by the public, all right, title, and interest in and to the land and improvements shall revert, at the discretion of the Secretary, to the United States.

SEC. 5002. CONVEYANCES.

(a) PEARL RIVER, MISSISSIPPI AND LOUISIANA.—

(1) IN GENERAL.—The project for navigation, Pearl River, Mississippi and Louisiana, authorized by the first section of the Act of August 30, 1935 (49 Stat. 1033, chapter 831) and section 101 of the River and Harbor Act of 1966 (Public Law 89–789; 80 Stat. 1405), is no longer authorized as a Federal project beginning on the date of enactment of this Act.

(2) TRANSFER.—

(A) IN GENERAL.—Subject to subparagraphs (B) and (C), the Secretary is authorized to convey to a State or local interest, without consideration, all right, title, and interest of the United States in and to—

(i) any land in which the Federal Government has a property interest for the project described in paragraph (1); and

(ii) improvements to the land described in clause (i).

(B) RESPONSIBILITY FOR COSTS.—The transferee shall be responsible for the payment of all costs and administrative expenses associated with any transfer carried out pursuant to subparagraph (A), including costs associated with any land survey required to determine the exact acreage and legal description of the land and improvements to be transferred.

(C) OTHER TERMS AND CONDITIONS.—A transfer under subparagraph (A) shall be subject to such other terms and conditions as the Secretary determines to be necessary and appropriate to protect the interests of the United States.

(3) REVERSION.—If the Secretary determines that the land and improvements conveyed under paragraph (2) ceases to be owned by the public, all right, title, and interest in and to the land and improvements shall revert, at the discretion of the Secretary, to the United States.

(b) SARDIS LAKE, MISSISSIPPI.—

(1) IN GENERAL.—The Secretary is authorized to convey to the lessee, at full fair market value, all right, title and interest of the United Sates in and to the property identified in the leases numbered DACW38-1-15-7, DACW38-1-15-33, DACW38-1-15-34, and DACW38-1-15-38, subject to such terms and conditions as the Secretary determines to be necessary and appropriate to protect the interests of the United States.

(2) EASEMENT AND RESTRICTIVE COVENANT.—The conveyance under paragraph (1) shall include—

(A) a restrictive covenant to require the approval of the Secretary for any substantial change in the use of the property; and

(B) a flowage easement.

(c) PENSACOLA DAM AND RESERVOIR, GRAND RIVER, OKLAHOMA.—

(1) IN GENERAL.—Notwithstanding the Act of June 28, 1938 (52 Stat. 1215, chapter 795), as amended by section 3 of the Act of August 18, 1941 (55 Stat. 645, chapter 377), and notwithstanding section 3 of the Act of July 31, 1946 (60 Stat. 744, chapter 710), the Secretary shall convey, by quitclaim deed and without consideration, to the Grand River Dam Authority, an agency of the State of Oklahoma, for flood control purposes, all right, title, and interest of the United States in and to real property under the administrative jurisdiction of the Secretary acquired in connection with the Pensacola Dam project, together with any improvements on the property.

(2) FLOOD CONTROL PURPOSES.—If any interest in the real property described in paragraph (1) ceases to be managed for flood control or other public purposes and is conveyed to a non-public entity, the transferee, as part of the conveyance, shall pay to the United States the fair market value for the interest.

(3) NO EFFECT.—Nothing in this subsection—

(A) amends, modifies, or repeals any existing authority vested in the Federal Energy Regulatory Commission; or

(B) amends, modifies, or repeals any authority of the Secretary or the Chief of Engineers pursuant to section 7 of the Act of December 22, 1944 (33 U.S.C. 709).

(d) JOE POOL LAKE, TEXAS.—The Secretary shall accept from the Trinity River Authority of Texas, if received by December 31, 2016, $31,233,401 as payment in full of amounts owed to the United States, including any accrued interest, for the approximately 61,747.1 acre-feet of water supply storage space in Joe Pool Lake, Texas (previously known as Lakeview Lake), for which payment has not commenced under Article 5.a (relating to project investment costs) of contract number DACW63–76–C–0106 as of the date of enactment of this Act.

(e) WEBER BASIN PROJECT, UTAH.—

(1) IN GENERAL.—The Secretary of the Interior shall allow for the prepayment of repayment obligations under the repayment contract numbered 14-06-400-33 between the United States and the Weber Basin Water Conservancy District (referred to in this subsection as the ''District''), dated December 12, 1952, and supplemented and amended on June 30, 1961, on April 15, 1966, on September 20, 1968, and on May 9, 1985, including any other amendments and all related applicable contracts to the repayment contract, providing for repayment of Weber Basin Project construction costs allocated to irrigation and municipal and industrial purposes for which repayment is provided pursuant to the repayment contract under terms and conditions similar to the terms and conditions used in implementing the prepayment provisions in section 210 of the Central Utah Project Completion Act (Public Law 102–575; 106 Stat. 4624) for prepayment of Central Utah Project, Bonneville Unit repayment obligations.

(2) AUTHORIZATIONS AND REQUIREMENTS.—The prepayment authorized under paragraph (1) —

(A) shall result in the United States recovering the net present value of all repayment streams that would have been payable to the United States if this section was not in effect;

(B) may be provided in several installments;

(C) may not be adjusted on the basis of the type of prepayment financing used by the District; and

(D) shall be made in a manner that provides that total repayment is made not later than September 30, 2026.

TITLE VI—WATER RESOURCES INFRASTRUCTURE

SEC. 6001. AUTHORIZATION OF FINAL FEASIBILITY STUDIES.

The following final feasibility studies for water resources development and conservation and other purposes are authorized to be carried out by the Secretary substantially in accordance with the plan, and subject to the conditions, described in the respective reports designated in this section:

(1) NAVIGATION.—

A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Costs
1. TX	Brazos Island Harbor	November 3, 2014	Federal: $116,116,000 Non-Federal: $135,836,000 Total: $251,952,000
2. LA	Calcasieu Lock	December 2, 2014	Federal: $16,700,000 Non-Federal: $0 Total: $16,700,000
3. NH, ME	Portsmouth Harbor and Piscataqua River	February 8, 2015	Federal: $15,580,000 Non-Federal: $5,190,000 Total: $20,770,000
4. KY	Green River Locks and Dams 3, 4, 5, and 6 and Barren River Lock and Dam 1 Disposition	April 30, 2015	Federal: $0 Non-Federal: $0 Total: $0

A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Costs
5. FL	Port Everglades	June 25, 2015	Federal: $220,200,000 Non-Federal: $102,500,000 Total: $322,700,000
6. AK	Little Diomede	August 10, 2015	Federal: $26,015,000 Non-Federal: $2,945,000 Total: $28,960,000
7. SC	Charleston Harbor	September 8, 2015	Federal: $224,300,000 Non-Federal: $269,000,000 Total: $493,300,000
8. AK	Craig Harbor	March 16, 2016	Federal: $29,062,000 Non-Federal: $3,255,000 Total: $32,317,000
9. PA	Upper Ohio River, Allegheny and Beaver Counties	September 12, 2016	Federal: $1,324,235,500 Non-Federal: $1,324,235,500 Total: $2,648,471,000

(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 26, 2016	Federal: $776,517,000 Non-Federal: $414,011,000 Total: $1,190,528,000
7. CA	American River Watershed Common Features	April 26, 2016	Federal: $876,478,000 Non-Federal: $689,272,000 Total: $1,565,750,000
8. TN	Mill Creek, Nashville	October 15, 2015	Federal: $17,759,000 Non-Federal: $10,745,000 Total: $28,504,000

(3) HURRICANE AND STORM DAMAGE RISK REDUCTION.—

A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Initial Costs and Estimated Renourishment Costs
1. SC	Edisto Beach, Colleton County	September 5, 2014	Initial Federal: $13,733,850 Initial Non-Federal: $7,395,150 Initial Total: $21,129,000 Renourishment Federal: $16,371,000 Renourishment Non-Federal: $16,371,000 Renourishment Total: $32,742,000
2. FL	Flagler County	December 23, 2014	Initial Federal: $9,218,300 Initial Non-Federal: $4,963,700 Initial Total: $14,182,000 Renourishment Federal: $15,390,000 Renourishment Non-Federal: $15,390,000 Renourishment Total: $30,780,000
3. NC	Bogue Banks, Carteret County	December 23, 2014	Initial Federal: $24,263,000 Initial Non-Federal: $13,064,000 Initial Total: $37,327,000 Renourishment Federal: $114,728,000 Renourishment Non-Federal: $114,728,000 Renourishment Total: $229,456,000
4. NJ	Hereford Inlet to Cape May Inlet, New Jersey Shoreline Protection Project, Cape May County	January 23, 2015	Initial Federal: $14,040,000 Initial Non-Federal: $7,560,000 Initial Total: $21,600,000 Renourishment Federal: $41,215,000 Renourishment Non-Federal: $41,215,000 Renourishment Total: $82,430,000
5. LA	West Shore Lake Pontchartrain	June 12, 2015	Federal: $466,760,000 Non-Federal: $251,330,000 Total: $718,090,000
6. CA	Encinitas-Solana Beach Coastal Storm Damage Reduction	April 29, 2016	Initial Federal: $20,166,000 Initial Non-Federal: $10,858,000 Initial Total: $31,024,000 Renourishment Federal: $68,215,000 Renourishment Non-Federal: $68,215,000 Renourishment Total: $136,430,000
7. LA	Southwest Coastal Louisiana	July 29, 2016	Federal: $2,011,279,000 Non-Federal: $1,082,997,000 Total: $3,094,276,000

(4) FLOOD RISK MANAGEMENT AND ENVIRONMENTAL RESTORATION.—

A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Costs
1. IL, WI	Upper Des Plaines River and Tributaries	June 8, 2015	Federal: $199,393,000 Non-Federal: $107,694,000 Total: $307,087,000
2. CA	South San Francisco Bay Shoreline	December 18, 2015	Federal: $69,521,000 Non-Federal: $104,379,000 Total: $173,900,000

(5) ENVIRONMENTAL RESTORATION.—

A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Costs
1. FL	Central Everglades Planning Project, Comprehensive Everglades Restoration Plan, Central and Southern Florida Project	December 23, 2014	Federal: $976,375,000 Non-Federal: $974,625,000 Total: $1,951,000,000
2. OR	Lower Willamette River Environmental Dredging	December 14, 2015	Federal: $19,143,000 Non-Federal: $10,631,000 Total: $29,774,000
3. WA	Skokomish River	December 14, 2015	Federal: $12,782,000 Non-Federal: $6,882,000 Total: $19,664,000
4. CA	LA River Ecosystem Restoration	December 18, 2015	Federal: $375,773,000 Non-Federal: $980,835,000 Total: $1,356,608,000

(6) SPECIAL RULE.—The portion of the Mill Creek Flood Risk Management project authorized by paragraph (2) that consists of measures within the Mill Creek Basin shall be carried out pursuant to section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s).

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

The following project modifications for water resources development and conservation and other purposes are authorized to be carried out by the Secretary substantially in accordance with the recommendations of the Director of Civil Works, as specified in the reports referred to in this section:

A. State	B. Name	C. Date of Director's Report	D. Updated Authorization Project Costs
1. KS, MO	Turkey Creek Basin	November 4, 2015	Estimated Federal: $97,067,750 Estimated Non-Federal: $55,465,250 Total: $152,533,000
2. MO	Blue River Basin	November 6, 2015	Estimated Federal: $34,860,000 Estimated Non-Federal: $11,620,000 Total: $46,480,000
3. FL	Picayune Strand	March 9, 2016	Estimated Federal: $308,983,000 Estimated Non-Federal: $308,983,000 Total: $617,967,000
4. KY	Ohio River Shoreline	March 11, 2016	Estimated Federal: $20,309,900 Estimated Non-Federal: $10,936,100 Total: $31,246,000
5. TX	Houston Ship Channel	May 13, 2016	Estimated Federal: $381,032,000 Estimated Non-Federal: $127,178,000 Total: $508,210,000
6. AZ	Rio de Flag, Flagstaff	June 22, 2016	Estimated Federal: $65,514,650 Estimated Non-Federal: $35,322,350 Total: $100,837,000
7. MO	Swope Park Industrial Area, Blue River	April 21, 2016	Estimated Federal: $20,205,250 Estimated Non-Federal: $10,879,750 Total: $31,085,000

SEC. 6003. AUTHORIZATION OF STUDY AND MODIFICATION PROPOSALS SUBMITTED TO CONGRESS BY THE SECRETARY.

(a) ARCTIC DEEP DRAFT PORT DEVELOPMENT PARTNERSHIPS.—Section 2105 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2243) is amended—

(1) by striking ''(25 U.S.C. 450b))'' each place it appears and inserting ''(25 U.S.C. 5304)) and a Native village, Regional Corporation, or Village Corporation (as those terms are defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602))''; and

(2) by adding at the end the following:

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

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

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

(b) OUACHITA-BLACK RIVERS, ARKANSAS AND LOUISIANA.—The Secretary shall conduct a study to determine the feasibility of modifying the project for navigation, Ouachita-Black Rivers, authorized by section 101 of the River and Harbor Act of 1960 (Public Law 86–645; 74 Stat. 481) to include bank stabilization and water supply as project purposes.

(c) CACHE CREEK BASIN, CALIFORNIA.—

(1) IN GENERAL.—The Secretary shall prepare a general reevaluation report on the project for flood control, Cache Creek Basin, California, authorized by section 401(a) of the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4112).

(2) REQUIREMENTS.—In preparing the report under paragraph (1), the Secretary shall

identify specific needed modifications to existing project authorities—

(A) to increase basin capacity;

(B) to decrease the long-term maintenance; and

(C) to provide opportunities for ecosystem benefits for the Sacramento River flood control project.

(d) COYOTE VALLEY DAM, CALIFORNIA.—The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood damage reduction, environmental restoration, and water supply by modifying the Coyote Valley Dam, California.

(e) DEL ROSA DRAINAGE AREA, CALIFORNIA.—The Secretary shall conduct a study to determine the feasibility of carrying out projects for flood control and ecosystem restoration in the cities of San Bernardino and Highland, San Bernardino County, California.

(f) MERCED COUNTY, CALIFORNIA.—The Secretary shall prepare a general reevaluation report on the project for flood control, Merced County streams project, California, authorized by section 10 of the Act of December 22, 1944 (58 Stat. 900; chapter 665), to investigate the flood risk management opportunities and improve levee performance along Black Rascal Creek and Bear Creek.

(g) MISSION-ZANJA DRAINAGE AREA, CALIFORNIA.—The Secretary shall conduct a study to determine the feasibility of carrying out projects for flood control and ecosystem restoration in the cities of Redlands, Loma Linda, and San Bernardino, California, and unincorporated counties of San Bernardino County, California.

(h) SANTA ANA RIVER BASIN, CALIFORNIA.—The Secretary shall conduct a study to determine the feasibility of modifying the project for flood damage reduction by modifying the San Jacinto and Bautista Creek Improvement Project, part of the Santa Ana River Basin Project in Riverside County, California.

(i) DELAWARE BAY COASTLINE, DELAWARE AND NEW JERSEY-ROOSEVELT INLET-LEWES BEACH, DELAWARE.—The Secretary shall conduct a study to determine the feasibility of modifying the project for shoreline protection and ecosystem restoration, Delaware Bay Coastline, Delaware and New Jersey-Roosevelt Inlet-Lewes Beach, Delaware, authorized by section 101(a)(13) of the Water Resources Development Act of 1999 (Public Law 106–53; 113 Stat. 276), to extend the authorized project limit from the current eastward terminus to a distance of 8,000 feet east of the Roosevelt Inlet east jetty.

(j) MISPILLION INLET, CONCH BAR, DELAWARE.—The Secretary shall conduct a study to determine the feasibility of carrying out a project for navigation and shoreline protection at Mispillion Inlet and Conch Bar, Sussex County, Delaware.

(k) DAYTONA BEACH FLOOD PROTECTION, FLORIDA.—The Secretary shall conduct a study to determine the feasibility of carrying out projects for flood control in the city of Daytona Beach, Florida.

(l) BRUNSWICK HARBOR, GEORGIA.—The Secretary shall conduct a study to determine the feasibility of modifying the project for navigation, Brunswick Harbor, Georgia, authorized by section 101(a)(19) of the Water Resources and Development Act of 1999 (Public Law 106–53; 113 Stat. 277)—

(1) to widen the existing bend in the Federal navigation channel at the intersection of Cedar Hammock and Brunswick Point Cut Ranges; and

(2) to extend the northwest side of the existing South Brunswick River Turning Basin.

(m) SAVANNAH RIVER BELOW AUGUSTA, GEORGIA.—The Secretary shall conduct a study to determine the feasibility of modifying the project for navigation, Savannah River below Augusta, Georgia, authorized by the first section of the Act of July 3, 1930 (46 Stat. 924, chapter 847), to include aquatic ecosystem restoration, water supply, recreation, sediment management, and flood control as project purposes.

(n) DUBUQUE, IOWA.—The Secretary shall conduct a study to determine the feasibility of modifying the project for flood protection, Dubuque, Iowa, authorized by section 208 of the Flood Control Act of 1965 (Public Law 89–298; 79 Stat. 1086), to increase the level of flood protection and reduce flood damages.

(o) MISSISSIPPI RIVER SHIP CHANNEL, GULF TO BATON ROUGE, LOUISIANA.—The Secretary shall conduct a study to determine the feasibility of modifying the project for navigation, Mississippi River Ship Channel, Gulf to Baton Rouge, Louisiana, authorized by section 201(a) of the Harbor Development and Navigation Improvement Act of 1986 (Public Law 99–662; 100 Stat. 4090), to deepen the channel approaches and the associated area on the left descending bank of the Mississippi River between mile 98.3 and mile 100.6 Above Head of Passes (AHP) to a depth equal to the Channel.

(p) ST. TAMMANY PARISH GOVERNMENT COMPREHENSIVE COASTAL MASTER PLAN, LOUISIANA.—The Secretary shall conduct a study to determine the feasibility of carrying out projects described in the St. Tammany Parish Comprehensive Coastal Master Plan for flood control, shoreline protection, and ecosystem restoration in St. Tammany Parish, Louisiana.

(q) CAYUGA INLET, ITHACA, NEW YORK.—The Secretary shall conduct a study to determine the feasibility of modifying the project for flood protection, Great Lakes Basin, authorized by section 203 of the Flood Control Act of 1960 (Public Law 86–645; 74 Stat. 488) to include sediment management as a project purpose on the Cayuga Inlet, Ithaca, New York.

(r) CHAUTAUQUA COUNTY, NEW YORK.—

(1) IN GENERAL.—The Secretary shall conduct a study to determine the feasibility of carrying out projects for flood risk management, navigation, environmental dredging, and ecosystem restoration on the Cattaraugus, Silver Creek, and Chautauqua Lake tributaries in Chautauqua County, New York.

(2) EVALUATION OF POTENTIAL SOLUTIONS.—In conducting the study under paragraph (1), the Secretary shall evaluate potential solutions to flooding from all sources, including flooding that results from ice jams.

(s) DELAWARE RIVER BASIN, NEW YORK, NEW JERSEY, PENNSYLVANIA, DELAWARE.—The Secretary shall conduct a study to determine the feasibility of modifying the operations of the projects for flood control, Delaware River Basin, New York, New Jersey, Pennsylvania, and Delaware, authorized by section 10 of the Flood Control Act of 1946 (60 Stat. 644, chapter 596), and section 203 of the Flood Control Act of 1962 (Public Law 87–874; 76 Stat. 1182), to enhance opportunities for ecosystem restoration and water supply.

(t) CINCINNATI, OHIO.—

(1) REVIEW.—The Secretary shall review the Central Riverfront Park Master Plan, dated December 1999, and the Ohio Riverfront Study, Cincinnati, Ohio, dated August 2002, to determine the feasibility of carrying out flood risk reduction, ecosystem restoration, and recreation components beyond the ecosystem restoration and recreation components that were undertaken pursuant to section 5116 of the Water Resources Development Act of 2007 (Public Law 110–114; 121 Stat. 1238) as a second phase of that project.

(2) AUTHORIZATION.—The project authorized under section 5116 of the Water Resources Development Act of 2007 (Public Law 110–114; 121 Stat. 1238) is modified to authorize the Secretary to undertake the additional flood risk reduction and ecosystem restoration components described in paragraph (1), at a total cost of $30,000,000, if the Secretary determines that the additional flood risk reduction, ecosystem restoration, and recreation components, considered together, are feasible.

(u) TULSA AND WEST TULSA, ARKANSAS RIVER, OKLAHOMA.—

(1) IN GENERAL.—The Secretary shall conduct a study to determine the feasibility of modifying the projects for flood risk management, Tulsa and West Tulsa, Oklahoma, authorized by section 3 of the Act of August 18, 1941 (55 Stat. 645; chapter 377).

(2) REQUIREMENTS.—

(A) IN GENERAL.—In carrying out the study under paragraph (1), the Secretary shall address project deficiencies, uncertainties, and significant data gaps, including material, construction, and subsurface, which render the project at risk of overtopping, breaching, or system failure.

(B) ADDRESSING DEFICIENCIES.—In addressing deficiencies under subparagraph (A), the Secretary shall incorporate current design standards and efficiency improvements, including the replacement of mechanical and electrical components at pumping stations, if the incorporation does not significantly change the scope, function, or purpose of the project.

(3) PRIORITIZATION TO ADDRESS SIGNIFICANT RISKS.—In any case in which a levee or levee system (as defined in section 9002 of the Water Resources Reform and Development Act of 2007 (33 U.S.C. 3301)) is classified as a Class I or II under the levee safety action classification tool developed by the Corps of Engineers, the Secretary shall expedite the project for budget consideration.

(v) JOHNSTOWN, PENNSYLVANIA.—The Secretary shall conduct a study to determine the feasibility of modifying the project for flood control, Johnstown, Pennsylvania, authorized by the Act of June 22, 1936 (49 Stat. 1570, chapter 688; 50 Stat. 880) (commonly known as the ''Flood Control Act of 1936''), to include aquatic ecosystem restoration, recreation, sediment management, and increase the level of flood control.

(w) CHACON CREEK, TEXAS.—Notwithstanding any other provision of law (including any resolution of a Committee of Congress), the study conducted by the Secretary described in the resolution adopted by the Committee on Transportation and Infrastructure of the House of Representatives on May 21, 2003, relating to flood damage reduction, environmental restoration and protection, water conservation and supply, water quality, and related purposes in the Rio Grande Watershed below Falcon Dam, shall include the area above Falcon Dam.

(x) CORPUS CHRISTI SHIP CHANNEL, TEXAS.—The Secretary shall conduct a study to determine the feasibility of modifying the project for navigation and ecosystem restoration, Corpus Christi Ship Channel, Texas, authorized by section 1001(40) of the Water Resources Development Act of 2007 (Public Law 110–114; 121 Stat. 1056), to develop and evaluate alternatives that address navigation problems directly affecting the Corpus Christi Ship Channel, La Quinta Channel, and La Quinta Channel Extension, including deepening the La Quinta Channel, 2 turning basins, and the wye at La Quinta Junction.

(y) TRINITY RIVER AND TRIBUTARIES, TEXAS.—

(1) REVIEW.—Not later than 180 days after the date of enactment of this Act, the Secretary shall review the economic analysis of the Center for Economic Development and Research of the University of North Texas

entitled ''Estimated Economic Benefits of the Modified Central City Project (Trinity River Vision) in Fort Worth, Texas'' and dated November 2014.

(2) AUTHORIZATION.—The project for flood control and other purposes on the Trinity River and tributaries, Texas, authorized by the River and Harbor Act of 1965 (Public Law 89–298; 79 Stat. 1091), as modified by section 116 the Energy and Water Development Appropriations Act, 2005 (Public Law 108–447; 118 Stat. 2944), is further modified to authorize the Secretary to carry out projects described in the recommended plan of the economic analysis described in paragraph (1), if the Secretary determines, based on the review referred to in paragraph (1), that—

(A) the economic analysis and the process by which the economic analysis was developed complies with Federal law (including regulations) applicable to economic analyses for water resources development projects; and

(B) based on the economic analysis, the recommended plan in the supplement to the final environmental impact statement for the Central City Project, Upper Trinity River entitled ''Final Supplemental No. 1'' is economically justified.

(3) LIMITATION.—The Federal share of the cost of the recommended plan described in paragraph (2) shall not exceed $520,000,000, of which not more than $5,500,000 may be expended to carry out recreation features of the project.

(z) CHINCOTEAGUE ISLAND, VIRGINIA.—The Secretary shall conduct a study to determine the feasibility of carrying out projects for ecosystem restoration and flood control, Chincoteague Island, Virginia, authorized by section 8 of Public Law 89–195 (16 U.S.C. 459f–7) (commonly known as the ''Assateague Island National Seashore Act'') for—

(1) assessing the current and future function of the barrier island, inlet, and coastal bay system surrounding Chincoteague Island;

(2) developing an array of options for resource management; and

(3) evaluating the feasibility and cost associated with sustainable protection and restoration areas.

(aa) BURLEY CREEK WATERSHED, WASHINGTON.—The Secretary shall conduct a study to determine the feasibility of carrying out projects for flood control and aquatic ecosystem restoration in the Burley Creek Watershed, Washington.

SEC. 6004. EXPEDITED COMPLETION OF REPORTS.

The Secretary shall expedite completion of the reports for the following projects, in accordance with section 2045 of the Water Resources Development Act of 2007 (33 U.S.C. 2348), and, if the Secretary determines that a project is justified in the completed report, proceed directly to project preconstruction, engineering, and design in accordance with section 910 of the Water Resources Development Act of 1986 (33 U.S.C. 2287):

(1) The project for navigation, St. George Harbor, Alaska.

(2) The project for flood risk management, Rahway River Basin, New Jersey.

(3) The Hudson-Raritan Estuary Comprehensive Restoration Project.

(4) The project for navigation, Mobile Harbor, Alabama.

SEC. 6005. EXTENSION OF EXPEDITED CONSIDERATION IN SENATE.

Section 7004(b)(4) of the Water Resources Reform and Development Act of 2014 (Public Law 113–121; 128 Stat. 1374) is amended by striking ''2018'' and inserting ''2020''.

SEC. 6006. GAO STUDY ON CORPS OF ENGINEERS METHODOLOGY AND PERFORMANCE METRICS.

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a study of the methodologies and performance metrics used by the Corps of Engineers to calculate benefit-to-cost ratios and evaluate construction projects.

(b) CONSIDERATIONS.—The study under subsection (a) shall address—

(1) whether and to what extent the current methodologies and performance metrics place small and rural geographic areas at a competitive disadvantage;

(2) whether the value of property for which damage would be prevented as a result of a flood risk management project is the best measurement for the primary input in benefit-to-cost calculations for flood risk management projects;

(3) any recommendations for approaches to modify the metrics used to improve benefit-to-cost ratio results for small and rural geographic areas; and

(4) whether a reevaluation of existing approaches and the primary criteria used to calculate the economic benefits of a Corps of Engineers construction project could provide greater construction project completion results for small and rural geographic areas without putting a strain on the budget of the Corps of Engineers.

SEC. 6007. INVENTORY ASSESSMENT.

Not later than 1 year after the date of enactment of this Act, the Secretary shall complete the assessment and inventory required under section 6002(a) of the Water Resources Reform and Development Act of 2014 (Public Law 113–121; 128 Stat. 1349).

SEC. 6008. SAINT LAWRENCE SEAWAY MODERNIZATION.

(a) DEFINITIONS.—In this section:

(1) GREAT LAKES REGION.—The term ''Great Lakes region'' means the region comprised of the Great Lakes States.

(2) GREAT LAKES STATES.—The term ''Great Lakes States'' means each of the States of Illinois, Indiana, Michigan, Minnesota, Ohio, Pennsylvania, New York, and Wisconsin.

(3) SEAWAY.—The term ''Seaway'' means the Saint Lawrence Seaway.

(b) STUDY.—

(1) IN GENERAL.—The Comptroller General, in cooperation with appropriate Federal, State, and local authorities, shall conduct a study to—

(A) assess the condition of the Seaway; and

(B) evaluate options available in the 21st century for modernizing the Seaway as a globally significant transportation corridor.

(2) SCOPE OF STUDY.—In conducting the study under paragraph (1), the Comptroller General shall—

(A) assess the condition of the Seaway and the capacity of the Seaway to drive commerce and other economic activity in the Great Lakes region;

(B) detail the importance of the Seaway to the functioning of the United States economy, with an emphasis on the domestic manufacturing sector, including the domestic steel manufacturing industry;

(C) evaluate options—

(i) to modernize physical navigation infrastructure, facilities, and related assets not operated or maintained by the Secretary along the corridor of the Seaway, including an assessment of alternative means for the Great Lakes region to finance large-scale initiatives;

(ii) to increase exports of domestically produced goods and study the trade balance and regional economic impact of the possible increase in imports of agricultural products, steel, aggregates, and other goods commonly transported through the Seaway;

(iii) increase economic activity and development in the Great Lakes region by advancing the multimodal transportation and economic network in the region;

(iv) ensure the competitiveness of the Seaway as a transportation corridor in an increasingly integrated global transportation network; and

(v) attract tourists to the Great Lakes region by improving attractions and removing barriers to tourism and travel throughout the Seaway; and

(D) evaluate the existing and potential financing authorities of the Seaway as compared to other Federal agencies and instrumentalities with development responsibilities.

(3) DEADLINE.—The Comptroller General shall complete the study under paragraph (1) as soon as practicable and not later than 2 years after the date of enactment of this Act.

(4) COORDINATION.—The Comptroller General shall conduct the study under paragraph (1) with input from representatives of the Saint Lawrence Seaway Development Corporation, the Economic Development Administration, the Coast Guard, the Corps of Engineers, the Department of Homeland Security, and State and local entities (including port authorities throughout the Seaway).

(5) REPORT.—The Comptroller General shall submit to Congress a report on the results of the study under paragraph (1) not later than the earlier of—

(A) the date that is 180 days after the date on which the study is completed; or

(B) the date that is 30 months after the date of enactment of this Act.

SEC. 6009. YAZOO BASIN, MISSISSIPPI.

The authority of the Secretary to carry out the project for flood damage reduction, bank stabilization, and sediment and erosion control known as the ''Yazoo Basin, Mississippi, Mississippi Delta Headwaters Project, MS'', authorized by title I of Public Law 98–8 (97 Stat. 22), as amended, shall not be limited by language in reports accompanying appropriations bills.

TITLE VII—SAFE DRINKING WATER AND CLEAN WATER INFRASTRUCTURE

SEC. 7001. DEFINITION OF ADMINISTRATOR.

In this title, the term ''Administrator'' means the Administrator of the Environmental Protection Agency.

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

(a) SENSE OF THE SENATE.—It is the sense of the Senate that Congress should provide robust funding for the State drinking water treatment revolving loan funds established under section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j–12) and the State water pollution control revolving funds established under title VI of the Federal Water Pollution Control Act (33 U.S.C. 1381 et seq.).

(b) FINDINGS.—Congress finds, based on an analysis sponsored by the Water Environment Federation and the WateReuse Association of the nationwide impact of State revolving loan fund spending using the IMPLAN economic model developed by the Federal Government, that, in addition to the public health and environmental benefits, the Federal investment in safe drinking water and clean water provides the following benefits:

(1) Generation of significant Federal tax revenue, as evidenced by the following:

(A) Every dollar of a Federal capitalization grant returns $0.21 to the general fund of the Treasury in the form of Federal taxes and, when additional spending from the State revolving loan funds is considered to be the result of leveraging the Federal investment, every dollar of a Federal capitalization grant returns $0.93 in Federal tax revenue.

(B) A combined $34,700,000,000 in capitalization grants for the clean water and state drinking water state revolving loan funds described in subsection (a) over a period of 5 years would generate $7,430,000,000 in Federal tax revenue and, when additional spending from the State revolving loan funds is considered to be the result of leveraging the Federal investment, the Federal investment will result in $32,300,000,000 in Federal tax revenue during that 5-year period.

(2) An increase in employment, as evidenced by the following:

(A) Every $1,000,000 in State revolving loan fund spending generates 16 ½ jobs.

(B) $34,700,000,000 in Federal capitalization grants for State revolving loan funds over a period of 5 years would result in 506,000 jobs.

(3) An increase in economic output:

(A) Every $1,000,000 in State revolving loan fund spending results in $2,950,000 in output for the economy of the United States.

(B) $34,700,000,000 in Federal capitalization grants for State revolving loan funds over a period of 5 years will generate $102,700,000,000 in total economic output.

Subtitle A—Drinking Water

SEC. 7101. PRECONSTRUCTION WORK.

Section 1452(a)(2) of the Safe Drinking Water Act (42 U.S.C. 300j–12(a)(2)) is amended—

(1) by designating the first, second, third, fourth, and fifth sentences as subparagraphs (A), (B), (D), (E), and (F), respectively;

(2) in subparagraph (B) (as designated by paragraph (1)) by striking ''(not'' and inserting ''(including expenditures for planning, design, and associated preconstruction activities, including activities relating to the siting of the facility, but not''; and

(3) by inserting after subparagraph (B) (as designated by paragraph (1)) the following:

''(C) SALE OF BONDS.—Funds may also be used by a public water system as a source of revenue (restricted solely to interest earnings of the applicable State loan fund) or security for payment of the principal and interest on revenue or general obligation bonds issued by the State to provide matching funds under subsection (e), if the proceeds of the sale of the bonds will be deposited in the State loan fund.''.

SEC. 7102. PRIORITY SYSTEM REQUIREMENTS.

Section 1452(b)(3) of the Safe Drinking Water Act (42 U.S.C. 300j–12(b)(3)) is amended—

(1) by redesignating subparagraph (B) as subparagraph (D);

(2) by striking subparagraph (A) and inserting the following:

''(A) DEFINITION OF RESTRUCTURING.—In this paragraph, the term 'restructuring' means changes in operations (including ownership, cooperative partnerships, asset management, consolidation, and alternative water supply).

''(B) PRIORITY SYSTEM.—An intended use plan shall provide, to the maximum extent practicable, that priority for the use of funds be given to projects that—

''(i) address the most serious risk to human health;

''(ii) are necessary to ensure compliance with this title (including requirements for filtration);

''(iii) assist systems most in need on a per-household basis according to State affordability criteria; and

''(iv) improve the sustainability of systems.

''(C) WEIGHT GIVEN TO APPLICATIONS.—After determining project priorities under subparagraph (B), an intended use plan shall provide that the State shall give greater weight to an application for assistance by a community water system if the application includes such information as the State determines to be necessary and contains—

''(i) a description of utility management best practices undertaken by a treatment works applying for assistance, including—

''(I) an inventory of assets, including any lead service lines, and a description of the condition of the assets;

''(II) a schedule for replacement of assets;

''(III) a financing plan that factors in all lifecycle costs indicating sources of revenue from ratepayers, grants, bonds, other loans, and other sources to meet the costs; and

''(IV) a review of options for restructuring the public water system;

''(ii) demonstration of consistency with State, regional, and municipal watershed plans;

''(iii) a water conservation plan consistent with guidelines developed for those plans by the Administrator under section 1455(a); and

''(iv) approaches to improve the sustainability of the system, including—

''(I) water efficiency or conservation, including the rehabilitation or replacement of existing leaking pipes;

''(II) use of reclaimed water;

''(III) actions to increase energy efficiency; and

''(IV) implementation of plans to protect source water identified in a source water assessment under section 1453.''; and

(3) in subparagraph (D) (as redesignated by paragraph (1)), by striking ''periodically'' and inserting ''at least biennially''.

SEC. 7103. ADMINISTRATION OF STATE LOAN FUNDS.

Section 1452(g)(2) of the Safe Drinking Water Act (42 U.S.C. 300j–12(g)(2)) is amended—

(1) in the first sentence, by striking ''up to 4 percent of the funds allotted to the State under this section'' and inserting '', for each fiscal year, an amount that does not exceed the sum of the amount of any fees collected by the State for use in covering reasonable costs of administration of programs under this section, regardless of the source, and an amount equal to the greatest of $400,000, ⅕ percent of the current valuation of the fund, or 4 percent of all grant awards to the fund under this section for the fiscal year,''; and

(2) by striking ''1419,'' and all that follows through ''1993.'' and inserting ''1419.''.

SEC. 7104. OTHER AUTHORIZED ACTIVITIES.

Section 1452(k) of the Safe Drinking Water Act (42 U.S.C. 300j–12(k)) is amended—

(1) in paragraph (1)(D), by inserting before the period at the end the following: ''and the implementation of plans to protect source water identified in a source water assessment under section 1453''; and

(2) in paragraph (2)(E), by inserting after ''wellhead protection programs'' the following: ''and implement plans to protect source water identified in a source water assessment under section 1453''.

SEC. 7105. NEGOTIATION OF CONTRACTS.

Section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j–12) is amended by adding at the end the following:

''(s) NEGOTIATION OF CONTRACTS.—For communities with populations of more than 10,000 individuals, a contract to be carried out using funds directly made available by a capitalization grant under this section for program management, construction management, feasibility studies, preliminary engineering, design, engineering, surveying, mapping, or architectural or related services shall be negotiated in the same manner as—

''(1) a contract for architectural and engineering services is negotiated under chapter 11 of title 40, United States Code; or

''(2) an equivalent State qualifications-based requirement (as determined by the Governor of the State).''.

SEC. 7106. ASSISTANCE FOR SMALL AND DISADVANTAGED COMMUNITIES.

(a) IN GENERAL.—Part E of the Safe Drinking Water Act (42 U.S.C. 300j et seq.) is amended by adding at the end the following:

''SEC. 1459A. ASSISTANCE FOR SMALL AND DISADVANTAGED COMMUNITIES.

''(a) DEFINITION OF UNDERSERVED COMMUNITY.—In this section:

''(1) IN GENERAL.—The term 'underserved community' means a local political subdivision that, as determined by the Administrator, has an inadequate drinking water or wastewater system.

''(2) INCLUSIONS.—The term 'underserved community' includes a local political subdivision that either, as determined by the Administrator—

''(A) does not have household drinking water or wastewater services; or

''(B) has a drinking water system that fails to meet health-based standards under this Act, including—

''(i) a maximum contaminant level for a primary drinking water contaminant;

''(ii) a treatment technique violation; and

''(iii) an action level exceedance.

''(b) ESTABLISHMENT.—

''(1) IN GENERAL.—The Administrator shall establish a program under which grants are provided to eligible entities for use in carrying out projects and activities the primary purposes of which are to assist public water systems in meeting the requirements of this Act.

''(2) INCLUSIONS.—Projects and activities under paragraph (1) include—

''(A) infrastructure investments necessary to comply with the requirements of this Act,

''(B) assistance that directly and primarily benefits the disadvantaged community on a per-household basis, and

''(C) programs to provide household water quality testing, including testing for unregulated contaminants.

''(c) ELIGIBLE ENTITIES.—An entity eligible to receive a grant under this section—

''(1) is—

''(A) a public water system as defined in section 1401;

''(B) a system that is located in an area governed by an Indian Tribe (as defined in section 1401); or

''(C) a State, on behalf of an underserved community; and

''(2) serves a community that, under affordability criteria established by the State under section 1452(d)(3), is determined by the State—

''(A) to be a disadvantaged community;

''(B) to be a community that may become a disadvantaged community as a result of carrying out an eligible activity; or

''(C) to serve a community with a population of less than 10,000 individuals that the Administrator determines does not have the capacity to incur debt sufficient to finance the project under subsection (b).

''(d) PRIORITY.—In prioritizing projects for implementation under this section, the Administrator shall give priority to systems that serve underserved communities.

''(e) LOCAL PARTICIPATION.—In prioritizing projects for implementation under this section, the Administrator shall consult with, and consider the priorities of, affected States, Indian Tribes, and local governments.

''(f) TECHNICAL, MANAGERIAL, AND FINANCIAL CAPABILITY.—The Administrator may provide assistance to increase the technical, managerial, and financial capability of an eligible entity receiving a grant under this section if the Administrator determines that the eligible entity lacks appropriate technical, managerial, and financial capability.

''(g) COST SHARING.—Before carrying out any project under this section, the Administrator shall enter into a binding agreement

with 1 or more non-Federal interests that shall require the non-Federal interests—

''(1) to pay not less than 45 percent of the total costs of the project, which may include services, materials, supplies, or other in-kind contributions;

''(2) to provide any land, easements, rights-of-way, and relocations necessary to carry out the project; and

''(3) to pay 100 percent of any operation, maintenance, repair, replacement, and rehabilitation costs associated with the project.

''(h) WAIVER.—The Administrator may waive the requirement to pay the non-Federal share of the cost of carrying out an eligible activity using funds from a grant provided under this section if the Administrator determines that an eligible entity is unable to pay, or would experience significant financial hardship if required to pay, the non-Federal share.

''(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

''(1) $230,000,000 for fiscal year 2017; and

''(2) $300,000,000 for each of fiscal years 2018 through 2021.''.

(b) FUNDING.—Out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Administrator to provide grants to eligible entities under section 1459A of the Safe Drinking Water Act (as added by subsection (a)), $20,000,000, to remain available until expended.

SEC. 7107. REDUCING LEAD IN DRINKING WATER.

(a) IN GENERAL.—Part E of the Safe Drinking Water Act (42 U.S.C. 300j et seq.) (as amended by section 7106) is amended by adding at the end the following:

''SEC. 1459B. REDUCING LEAD IN DRINKING WATER.

''(a) DEFINITIONS.—In this section:

''(1) ELIGIBLE ENTITY.—The term 'eligible entity' means—

''(A) a community water system;

''(B) a system located in an area governed by an Indian Tribe;

''(C) a nontransient noncommunity water system;

''(D) a qualified nonprofit organization, as determined by the Administrator; and

''(E) a municipality or State, interstate, or intermunicipal agency.

''(2) LEAD REDUCTION PROJECT.—

''(A) IN GENERAL.—The term 'lead reduction project' means a project or activity the primary purpose of which is to reduce the level of lead in water for human consumption by—

''(i) replacement of publicly owned lead service lines;

''(ii) testing, planning, or other relevant activities, as determined by the Administrator, to identify and address conditions (including corrosion control) that contribute to increased lead levels in water for human consumption;

''(iii) assistance to low-income homeowners to replace privately owned service lines, pipes, fittings, or fixtures that contain lead; and

''(iv) education of consumers regarding measures to reduce exposure to lead from drinking water or other sources.

''(B) LIMITATION.—The term 'lead reduction project' does not include a partial lead service line replacement if, at the conclusion of the service line replacement, drinking water is delivered to a household through a publicly or privately owned portion of a lead service line.

''(3) LOW-INCOME.—The term 'low-income', with respect to an individual provided assistance under this section, has such meaning as may be given the term by the head of the municipality or State, interstate, or intermunicipal agency with jurisdiction over the area to which assistance is provided.

''(4) MUNICIPALITY.—The term 'municipality' means—

''(A) a city, town, borough, county, parish, district, association, or other public entity established by, or pursuant to, applicable State law; and

''(B) an Indian tribe (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304)).

''(b) GRANT PROGRAM.—

''(1) ESTABLISHMENT.—The Administrator shall establish a grant program to provide assistance to eligible entities for lead reduction projects in the United States.

''(2) PRECONDITION.—As a condition of receipt of assistance under this section, before receiving the assistance the eligible entity shall take steps to identify—

''(A) the source of lead in water for human consumption; and

''(B) the means by which the proposed lead reduction project would reduce lead levels in the applicable water system.

''(3) PRIORITY APPLICATION.—In providing grants under this subsection, the Administrator shall give priority to an eligible entity that—

''(A) the Administrator determines, based on affordability criteria established by the State under section 1452(d)(3), to be a disadvantaged community; and

''(B) proposes to—

''(i) carry out a lead reduction project at a public water system or nontransient noncommunity water system that has exceeded the lead action level established by the Administrator at any time during the 3-year period preceding the date of submission of the application of the eligible entity;

''(ii) address lead levels in water for human consumption at a school, daycare, or other facility that primarily serves children or other vulnerable human subpopulation; or

''(iii) address such priority criteria as the Administrator may establish, consistent with the goal of reducing lead levels of concern.

''(4) COST SHARING.—

''(A) IN GENERAL.—Subject to subparagraph (B), the non-Federal share of the total cost of a project funded by a grant under this subsection shall be not less than 20 percent.

''(B) WAIVER.—The Administrator may reduce or eliminate the non-Federal share under subparagraph (A) for reasons of affordability, as the Administrator determines to be appropriate.

''(5) LOW-INCOME ASSISTANCE.—

''(A) IN GENERAL.—Subject to subparagraph (B), an eligible entity may use a grant provided under this subsection to provide assistance to low-income homeowners to carry out lead reduction projects.

''(B) LIMITATION.—The amount of a grant provided to a low-income homeowner under this paragraph shall not exceed the cost of replacement of the privately owned portion of the service line.

''(6) SPECIAL CONSIDERATION FOR LEAD SERVICE LINE REPLACEMENT.—In carrying out lead service line replacement using a grant under this subsection, an eligible entity shall—

''(A) notify customers of the replacement of any publicly owned portion of the lead service line;

''(B) in the case of a homeowner who is not low-income, offer to replace the privately owned portion of the lead service line at the cost of replacement;

''(C) in the case of a low-income homeowner, offer to replace the privately owned portion of the lead service line and any pipes, fitting, and fixtures that contain lead at a cost that is equal to the difference between—

''(i) the cost of replacement; and

''(ii) the amount of low-income assistance available to the homeowner under paragraph (5);

''(D) notify each customer that a planned replacement of any publicly owned portion of a lead service line that is funded by a grant made under this subsection will not be carried out unless the customer agrees to the simultaneous replacement of the privately owned portion of the lead service line; and

''(E) demonstrate that the eligible entity has considered options for reducing lead in drinking water, including an evaluation of options for corrosion control.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $60,000,000 for each of fiscal years 2017 through 2021.''.

(b) FUNDING.—Out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Administrator to provide grants to eligible entities under this section under section 1459B of the Safe Drinking Water Act (as added by subsection (a)), $20,000,000, to remain available until expended.

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

(a) IN GENERAL.—The Administrator shall appoint not fewer than 1 employee in each regional office of the Environmental Protection Agency to serve as a liaison to minority, tribal, and low-income communities in the relevant region.

(b) PUBLIC IDENTIFICATION.—The Administrator shall identify each regional liaison selected under subsection (a) on the website of—

(1) the relevant regional office of the Environmental Protection Agency; and

(2) the Office of Environmental Justice of the Environmental Protection Agency.

SEC. 7109. NOTICE TO PERSONS SERVED.

(a) EXCEEDANCE OF LEAD ACTION LEVEL.—Section 1414(c) of the Safe Drinking Water Act (42 U.S.C. 300g–3(c)) is amended—

(1) in paragraph (1), by adding at the end the following:

''(D) Notice of any exceedance of a lead action level or any other prescribed level of lead in a regulation issued under section 1412, including the concentrations of lead found in a monitoring activity.'';

(2) in paragraph (2)—

(A) in subparagraph (C)—

(i) in clause (iii)—

(I) by striking ''Administrator or'' and inserting ''Administrator, the Director of the Centers for Disease Control and Prevention, and, if applicable,''; and

(II) by inserting ''and the appropriate State and county health agencies'' after ''1413'';

(B) by redesignating subparagraphs (D) and (E) as subparagraphs (E) and (F), respectively; and

(C) by inserting after subparagraph (C) the following:

''(D) EXCEEDANCE OF LEAD ACTION LEVEL.—Regulations issued under subparagraph (A) shall specify notification procedures for an exceedance of a lead action level or any other prescribed level of lead in a regulation issued under section 1412.'';

(3) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively;

(4) by inserting after paragraph (2) the following:

''(3) NOTIFICATION OF THE PUBLIC RELATING TO LEAD.—

''(A) EXCEEDANCE OF LEAD ACTION LEVEL.—Not later than 15 days after the date of an exceedance of a lead action level or any other prescribed level of lead in a regulation issued under section 1412, the Administrator shall notify the public of the concentrations

of lead found in the monitoring activity conducted by the public water system if the public water system or the State does not notify the public of the concentrations of lead found in a monitoring activity.

''(B) RESULTS OF LEAD MONITORING.—

''(i) IN GENERAL.—The Administrator may provide notice of any result of lead monitoring conducted by a public water system to—

''(I) any person that is served by the public water system; or

''(II) the local or State health department of a locality or State in which the public water system is located.

''(ii) FORM OF NOTICE.—The Administrator may provide the notice described in clause (i) by—

''(I) press release; or

''(II) other form of communication, including local media.

''(C) PRIVACY.—Notice to the public shall protect the privacy of individual customer information.''; and

(5) by adding at the end the following:

''(6) STRATEGIC PLAN.—Not later than 120 days after the date of enactment of this paragraph, the Administrator, in collaboration with States and owners and operators of public water systems, shall establish a strategic plan for how the Administrator, a State with primary enforcement responsibility, and the owners and operators of public water systems shall conduct targeted outreach, education, technical assistance, and risk communication to populations affected by lead in a public water system.''.

(b) CONFORMING AMENDMENTS.—Section 1414(c) of the Safe Drinking Water Act (42 U.S.C. 300g–3(c)) is amended—

(1) in paragraph (1)(C), by striking ''paragraph (2)(E)'' and inserting ''paragraph (2)(F)'';

(2) in paragraph (2)(B)(i)(II), by striking ''subparagraph (D)'' and inserting ''subparagraph (E)''; and

(3) in paragraph (4)(B) (as redesignated by subsection (a)(3)), in the first sentence, by striking ''(D)'' and inserting ''(E)''.

SEC. 7110. ELECTRONIC REPORTING OF DRINKING WATER DATA.

Section 1414 of the Safe Drinking Water Act (42 U.S.C. 300g–3) is amended by adding at the end the following:

''(j) ELECTRONIC REPORTING OF COMPLIANCE MONITORING DATA.—

''(1) IN GENERAL.—The Administrator shall require electronic submission of available compliance monitoring data, if practicable—

''(A) by public water systems (or a certified laboratory on behalf of a public water system)—

''(i) to the Administrator; or

''(ii) with respect to a public water system in a State that has primary enforcement responsibility under section 1413, to that State; and

''(B) by each State that has primary enforcement responsibility under section 1413 to the Administrator, as a condition on the receipt of funds under this Act.

''(2) CONSIDERATIONS.—In determining whether the requirement referred to in paragraph (1) is practicable, the Administrator shall consider—

''(A) the ability of a public water system (or a certified laboratory on behalf of a public water system) or a State to meet the requirements of sections 3.1 through 3.2000 of title 40, Code of Federal Regulations (or successor regulations);

''(B) information system compatibility;

''(C) the size of the public water system; and

''(D) the size of the community served by the public water system.''.

SEC. 7111. LEAD TESTING IN SCHOOL AND CHILD CARE DRINKING WATER.

(a) IN GENERAL.—Section 1464 of the Safe Drinking Water Act (42 U.S.C. 300j–24) is amended by striking subsection (d) and inserting the following:

''(d) VOLUNTARY SCHOOL AND CHILD CARE LEAD TESTING GRANT PROGRAM.—

''(1) DEFINITIONS.—In this subsection:

''(A) CHILD CARE PROGRAM.—The term 'child care program' has the meaning given the term 'early childhood education program' in section 103 of the Higher Education Act of 1965 (20 U.S.C. 1003).

''(B) LOCAL EDUCATIONAL AGENCY.—The term 'local educational agency' means—

''(i) a local educational agency (as defined in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801));

''(ii) a tribal education agency (as defined in section 3 of the National Environmental Education Act (20 U.S.C. 5502)); and

''(iii) an operator of a child care program facility licensed under State law.

''(2) ESTABLISHMENT.—

''(A) IN GENERAL.—Not later than 180 days after the date of enactment of the Water Resources Development Act of 2016, the Administrator shall establish a voluntary school and child care lead testing grant program to make grants available to States to assist local educational agencies in voluntary testing for lead contamination in drinking water at schools and child care programs under the jurisdiction of the local educational agencies.

''(B) GRANTS TO LOCAL EDUCATIONAL AGENCIES.—The Administrator may make grants directly available to local educational agencies for the voluntary testing described in subparagraph (A) in—

''(i) any State that does not participate in the voluntary school and child care lead testing grant program established under that subparagraph; and

''(ii) any direct implementation area.

''(3) APPLICATION.—To be eligible to receive a grant under this subsection, a State or local educational agency shall submit to the Administrator an application at such time, in such manner, and containing such information as the Administrator may require.

''(4) LIMITATION ON USE OF FUNDS.—Not more than 4 percent of grant funds accepted under this subsection shall be used to pay the administrative costs of carrying out this subsection.

''(5) GUIDANCE; PUBLIC AVAILABILITY.—As a condition of receiving a grant under this subsection, the State or local educational agency shall ensure that each local educational agency to which grant funds are distributed shall—

''(A) expend grant funds in accordance with—

''(i) the guidance of the Environmental Protection Agency entitled '3Ts for Reducing Lead in Drinking Water in Schools: Revised Technical Guidance' and dated October 2006 (or any successor guidance); or

''(ii) applicable State regulations or guidance regarding reducing lead in drinking water in schools and child care programs that is not less stringent than the guidance referred to in clause (i); and

''(B)(i) make available in the administrative offices, and to the maximum extent practicable, on the Internet website, of the local educational agency for inspection by the public (including teachers, other school personnel, and parents) a copy of the results of any voluntary testing for lead contamination in school and child care program drinking water that is carried out with grant funds under this subsection; and

''(ii) notify parent, teacher, and employee organizations of the availability of the results described in clause (i).

''(6) MAINTENANCE OF EFFORT.—If resources are available to a State or local educational agency from any other Federal agency, a State, or a private foundation for testing for lead contamination in drinking water, the State or local educational agency shall demonstrate that the funds provided under this subsection will not displace those resources.

''(7) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $20,000,000 for each of fiscal years 2017 through 2021.''.

(b) REPEAL.—Section 1465 of the Safe Drinking Water Act (42 U.S.C. 300j–25) is repealed.

SEC. 7112. WATERSENSE PROGRAM.

The Safe Drinking Water Act (42 U.S.C. 300j et seq.) is amended by adding after Part F the following:

''PART G—ADDITIONAL PROVISIONS

''SEC. 1471. WATERSENSE PROGRAM.

''(a) ESTABLISHMENT OF WATERSENSE PROGRAM.—

''(1) IN GENERAL.—There is established within the Agency a voluntary WaterSense program to identify and promote water-efficient products, buildings, landscapes, facilities, processes, and services that, through voluntary labeling of, or other forms of communications regarding, products, buildings, landscapes, facilities, processes, and services while meeting strict performance criteria, sensibly—

''(A) reduce water use;

''(B) reduce the strain on public and community water systems and wastewater and stormwater infrastructure;

''(C) conserve energy used to pump, heat, transport, and treat water; and

''(D) preserve water resources for future generations.

''(2) INCLUSIONS.—The Administrator shall, consistent with this section, identify water-efficient products, buildings, landscapes, facilities, processes, and services, including categories such as—

''(A) irrigation technologies and services;

''(B) point-of-use water treatment devices;

''(C) plumbing products;

''(D) reuse and recycling technologies;

''(E) landscaping and gardening products, including moisture control or water enhancing technologies;

''(F) xeriscaping and other landscape conversions that reduce water use;

''(G) whole house humidifiers; and

''(H) water-efficient buildings or facilities.

''(b) DUTIES.—The Administrator, coordinating as appropriate with the Secretary of Energy, shall—

''(1) establish—

''(A) a WaterSense label to be used for items meeting the certification criteria established in accordance with this section; and

''(B) the procedure, including the methods and means, and criteria by which an item may be certified to display the WaterSense label;

''(2) enhance public awareness regarding the WaterSense label through outreach, education, and other means;

''(3) preserve the integrity of the WaterSense label by—

''(A) establishing and maintaining feasible performance criteria so that products, buildings, landscapes, facilities, processes, and services labeled with the WaterSense label perform as well or better than less water-efficient counterparts;

''(B) overseeing WaterSense certifications made by third parties;

''(C) as determined appropriate by the Administrator, using testing protocols, from

the appropriate, applicable, and relevant consensus standards, for the purpose of determining standards compliance; and

''(D) auditing the use of the WaterSense label in the marketplace and preventing cases of misuse; and

''(4) not more than 6 years after adoption or major revision of any WaterSense specification, review and, if appropriate, revise the specification to achieve additional water savings;

''(5) in revising a WaterSense specification—

''(A) provide reasonable notice to interested parties and the public of any changes, including effective dates, and an explanation of the changes;

''(B) solicit comments from interested parties and the public prior to any changes;

''(C) as appropriate, respond to comments submitted by interested parties and the public; and

''(D) provide an appropriate transition time prior to the applicable effective date of any changes, taking into account the timing necessary for the manufacture, marketing, training, and distribution of the specific water-efficient product, building, landscape, process, or service category being addressed; and

''(6) not later than December 31, 2018, consider for review and revision any WaterSense specification adopted before January 1, 2012.

''(c) TRANSPARENCY.—The Administrator shall, to the maximum extent practicable and not less than annually, regularly estimate and make available to the public the production and relative market shares and savings of water, energy, and capital costs of water, wastewater, and stormwater attributable to the use of WaterSense-labeled products, buildings, landscapes, facilities, processes, and services.

''(d) DISTINCTION OF AUTHORITIES.—In setting or maintaining specifications for Energy Star pursuant to section 324A of the Energy Policy and Conservation Act (42 U.S.C. 6294a), and WaterSense under this section, the Secretary of Energy and Administrator shall coordinate to prevent duplicative or conflicting requirements among the respective programs.

''(e) NO WARRANTY.—A WaterSense label shall not create an express or implied warranty.''.

SEC. 7113. WATER SUPPLY COST SAVINGS.

(a) FINDINGS.—Congress finds that—

(1) the United States is facing a drinking water infrastructure funding crisis;

(2) the Environmental Protection Agency projects a shortfall of approximately $384,000,000,000 in funding for drinking water infrastructure from 2015 to 2035 and this funding challenge is particularly acute in rural communities in the United States;

(3) there are approximately 52,000 community water systems in the United States, of which nearly 42,000 are small community water systems;

(4) the Drinking Water Needs Survey conducted by the Environmental Protection Agency in 2011 placed the shortfall in drinking water infrastructure funding for small communities, which consist of 3,300 or fewer persons, at $64,500,000,000;

(5) small communities often cannot finance the construction and maintenance of drinking water systems because the cost per resident for the investment would be prohibitively expensive;

(6) drought conditions have placed significant strains on existing surface water supplies;

(7) many communities across the United States are considering the use of groundwater and community well systems to provide drinking water; and

(8) approximately 42,000,000 people in the United States receive drinking water from individual wells and millions more rely on community well systems for drinking water.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that providing rural communities with the knowledge and resources necessary to fully use alternative drinking water systems, including wells and community well systems, can provide safe and affordable drinking water to millions of people in the United States.

(c) DRINKING WATER TECHNOLOGY CLEARINGHOUSE.—The Administrator and the Secretary of Agriculture shall—

(1) update existing programs of the Environmental Protection Agency and the Department of Agriculture designed to provide drinking water technical assistance to include information on cost-effective, innovative, and alternative drinking water delivery systems, including systems that are supported by wells; and

(2) disseminate information on the cost effectiveness of alternative drinking water delivery systems, including wells and well systems, to communities and not-for-profit organizations seeking Federal funding for drinking water systems serving 500 or fewer persons.

(d) WATER SYSTEM ASSESSMENT.—Notwithstanding any other provision of law, in any application for a grant or loan from the Federal Government or a State that is using Federal assistance for a drinking water system serving 500 or fewer persons, a unit of local government or not-for-profit organization shall self-certify that the unit of local government or organization has considered, as an alternative drinking water supply, drinking water delivery systems sourced by publicly owned—

(1) individual wells;

(2) shared wells; and

(3) community wells.

(e) REPORT TO CONGRESS.—Not later than 3 years after the date of enactment of this Act, the Administrator and the Secretary of Agriculture shall submit to Congress a report that describes—

(1) the use of innovative and alternative drinking water systems described in this section;

(2) the range of cost savings for communities using innovative and alternative drinking water systems described in this section; and

(3) the use of drinking water technical assistance programs operated by the Administrator and the Secretary of Agriculture.

SEC. 7114. SMALL SYSTEM TECHNICAL ASSISTANCE.

Section 1452(q) of the Safe Drinking Water Act (42 U.S.C. 300j–12(q)) is amended by striking ''appropriated'' and all that follows through ''2003'' and inserting ''made available for each of fiscal years 2016 through 2021''.

SEC. 7115. DEFINITION OF INDIAN TRIBE.

Section 1401(14) of the Safe Drinking Water Act (42 U.S.C. 300(f)(14)) is amended by striking ''section 1452'' and inserting ''sections 1452, 1459A, and 1459B''.

SEC. 7116. TECHNICAL ASSISTANCE FOR TRIBAL WATER SYSTEMS.

(a) TECHNICAL ASSISTANCE.—Section 1442(e)(7) of the Safe Drinking Water Act (42 U.S.C. 300j–1(e)(7)) is amended by striking ''Tribes'' and inserting ''tribes, including grants to provide training and operator certification services under section 1452(i)(5)''.

(b) INDIAN TRIBES.—Section 1452(i) of the Safe Drinking Water Act (42 U.S.C. 300j–12(i)) is amended—

(1) in paragraph (1), in the first sentence, by striking ''Tribes and Alaska Native villages'' and inserting ''tribes, Alaska Native villages, and, for the purpose of carrying out paragraph (5), intertribal consortia or tribal organizations''; and

(2) by adding at the end the following:

''(5) TRAINING AND OPERATOR CERTIFICATION.—

''(A) IN GENERAL.—The Administrator may use funds made available under this subsection and section 1442(e)(7) to make grants to intertribal consortia or tribal organizations for the purpose of providing operations and maintenance training and operator certification services to Indian tribes.

''(B) ELIGIBLE TRIBAL ORGANIZATIONS.—An intertribal consortium or tribal organization eligible for a grant under subparagraph (A) is an intertribal consortium or tribal organization that—

''(i) is the most qualified to provide training and technical assistance to Indian tribes; and

''(ii) Indian tribes determine to be the most beneficial and effective.''.

SEC. 7117. REQUIREMENT FOR THE USE OF AMERICAN MATERIALS.

Section 1452(a) of the Safe Drinking Water Act (42 U.S.C. 300j–12(a)) is amended by adding at the end the following:

''(4) REQUIREMENT FOR THE USE OF AMERICAN MATERIALS.—

''(A) DEFINITION OF IRON AND STEEL PRODUCTS.—In this paragraph, the term 'iron and steel products' means the following products made, in part, of iron or steel:

''(i) Lined or unlined pipe and fittings.

''(ii) Manhole covers and other municipal castings.

''(iii) Hydrants.

''(iv) Tanks.

''(v) Flanges.

''(vi) Pipe clamps and restraints.

''(vii) Valves.

''(viii) Structural steel.

''(ix) Reinforced precast concrete.

''(x) Construction materials.

''(B) REQUIREMENT.—Except as provided in subparagraph (C), funds made available by a State loan fund authorized under this section may not be used for a project for the construction, alteration, maintenance, or repair of a public water system unless all the iron and steel products used in the project are produced in the United States.

''(C) EXCEPTION.—Subparagraph (B) shall not apply in any case or category of cases in which the Administrator finds that—

''(i) applying subparagraph (B) would be inconsistent with the public interest;

''(ii) iron and steel products are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality; or

''(iii) inclusion of iron and steel products produced in the United States will increase the cost of the overall product by more than 25 percent.

''(D) PUBLIC NOTICE; WRITTEN JUSTIFICATION.—

''(i) PUBLIC NOTICE.—If the Administrator receives a request for a waiver under this paragraph, the Administrator shall—

''(I) make available to the public on an informal basis, including on the public website of the Administrator—

''(aa) a copy of the request; and

''(bb) any information available to the Administrator regarding the request; and

''(II) provide notice of, and opportunity for informal public comment on, the request for a period of not less than 15 days before making a finding under subparagraph (C).

''(ii) WRITTEN JUSTIFICATION.—If, after the period provided under clause (i), the Administrator makes a finding under subparagraph (C), the Administrator shall publish in the Federal Register a written justification as to why subparagraph (B) is being waived.

''(E) APPLICATION.—This paragraph shall be applied in a manner consistent with United States obligations under international agreements.

''(F) MANAGEMENT AND OVERSIGHT.—The Administrator may use not more than 0.25 percent of any funds made available to carry out this title for management and oversight of the requirements of this paragraph.''.

Subtitle B—Clean Water

SEC. 7201. SEWER OVERFLOW CONTROL GRANTS.

Section 221 of the Federal Water Pollution Control Act (33 U.S.C. 1301) is amended—

(1) in subsection (a), by striking the subsection designation and heading and all that follows through ''subject to subsection (g), the Administrator may'' in paragraph (2) and inserting the following:

''(a) AUTHORITY.—The Administrator may—

''(1) make grants to States for the purpose of providing grants to a municipality or municipal entity for planning, designing, and constructing—

''(A) treatment works to intercept, transport, control, or treat municipal combined sewer overflows and sanitary sewer overflows; and

''(B) measures to manage, reduce, treat, or recapture stormwater or subsurface drainage water; and

''(2) subject to subsection (g),'';

(2) in subsection (b)—

(A) in paragraph (1), by striking the semicolon at the end and inserting ''; or'';

(B) by striking paragraphs (2) and (3); and

(C) by redesignating paragraph (4) as paragraph (2);

(3) by striking subsections (e) through (g) and inserting the following:

''(e) ADMINISTRATIVE REQUIREMENTS.—

''(1) IN GENERAL.—Subject to paragraph (2), a project that receives grant assistance under subsection (a) shall be carried out subject to the same requirements as a project that receives assistance from a State water pollution control revolving fund established pursuant to title VI.

''(2) DETERMINATION OF GOVERNOR.—The requirement described in paragraph (1) shall not apply to a project that receives grant assistance under subsection (a) to the extent that the Governor of the State in which the project is located determines that a requirement described in title VI is inconsistent with the purposes of this section.

''(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, to remain available until expended—

''(1) $250,000,000 for fiscal year 2017;

''(2) $300,000,000 for fiscal year 2018;

''(3) $350,000,000 for fiscal year 2019;

''(4) $400,000,000 for fiscal year 2020; and

''(5) $500,000,000 for fiscal year 2021.

''(g) ALLOCATION OF FUNDS.—

''(1) FISCAL YEAR 2017 AND 2018.—For each of fiscal years 2017 and 2018, subject to subsection (h), the Administrator shall use the amounts made available to carry out this section to provide grants to municipalities and municipal entities under subsection (a)(2)—

''(A) in accordance with the priority criteria described in subsection (b); and

''(B) with additional priority given to proposed projects that involve the use of—

''(i) nonstructural, low-impact development;

''(ii) water conservation, efficiency, or reuse; or

''(iii) other decentralized stormwater or wastewater approaches to minimize flows into the sewer systems.

''(2) FISCAL YEAR 2019 AND THEREAFTER.—For fiscal year 2019 and each fiscal year thereafter, subject to subsection (h), the Administrator shall use the amounts made available to carry out this section to provide grants to States under subsection (a)(1) in accordance with a formula that—

''(A) shall be established by the Administrator, after providing notice and an opportunity for public comment; and

''(B) allocates to each State a proportional share of the amounts based on the total needs of the State for municipal combined sewer overflow controls and sanitary sewer overflow controls, as identified in the most recent survey—

''(i) conducted under section 210; and

''(ii) included in a report required under section 516(b)(1)(B).''; and

(4) by striking subsection (i).

SEC. 7202. SMALL AND MEDIUM TREATMENT WORKS.

(a) IN GENERAL.—Title II of the Federal Water Pollution Control Act (33 U.S.C. 1281 et seq.) is amended by adding at the end the following:

''SEC. 222. TECHNICAL ASSISTANCE FOR SMALL AND MEDIUM TREATMENT WORKS.

''(a) DEFINITIONS.—In this section:

''(1) MEDIUM TREATMENT WORKS.—The term 'medium treatment works' means a publicly owned treatment works serving not fewer than 10,001 and not more than 100,000 individuals.

''(2) QUALIFIED NONPROFIT MEDIUM TREATMENT WORKS TECHNICAL ASSISTANCE PROVIDER.—The term 'qualified nonprofit medium treatment works technical assistance provider' means a qualified nonprofit technical assistance provider of water and wastewater services to medium-sized communities that provides technical assistance (including circuit rider technical assistance programs, multi-State, regional assistance programs, and training and preliminary engineering evaluations) to owners and operators of medium treatment works, which may include State agencies.

''(3) QUALIFIED NONPROFIT SMALL TREATMENT WORKS TECHNICAL ASSISTANCE PROVIDER.—The term 'qualified nonprofit small treatment works technical assistance provider' means a nonprofit organization that, as determined by the Administrator—

''(A) is the most qualified and experienced in providing training and technical assistance to small treatment works; and

''(B) the small treatment works in the State finds to be the most beneficial and effective.

''(4) SMALL TREATMENT WORKS.—The term 'small treatment works' means a publicly owned treatment works serving not more than 10,000 individuals.

''(b) TECHNICAL ASSISTANCE.—The Administrator may use amounts made available to carry out this section to provide grants or cooperative agreements to qualified nonprofit small treatment works technical assistance providers and grants or cooperative agreements to qualified nonprofit medium treatment works technical assistance providers to provide to owners and operators of small and medium treatment works onsite technical assistance, circuit-rider technical assistance programs, multi-State, regional technical assistance programs, and onsite and regional training, to assist the treatment works in achieving compliance with this Act or obtaining financing under this Act for eligible projects.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

''(1) for grants for small treatment works technical assistance, $15,000,000 for each of fiscal years 2017 through 2021; and

''(2) for grants for medium treatment works technical assistance, $10,000,000 for each of fiscal years 2017 through 2021.''.

(b) WATER POLLUTION CONTROL REVOLVING LOAN FUNDS.—

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

(A) in subsection (d)—

(i) in the matter preceding paragraph (1), by inserting ''and as provided in subsection (e)'' after ''State law'';

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

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

''(e) ADDITIONAL USE OF FUNDS.—A State may use an additional 2 percent of the funds annually allotted to the State under this section for qualified nonprofit small treatment works technical assistance providers and qualified nonprofit medium treatment works technical assistance providers (as those terms are defined in section 222) to provide technical assistance to small treatment works and medium treatment works (as those terms are defined in section 222) in the State.''.

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

SEC. 7203. INTEGRATED PLANS.

(a) INTEGRATED PLANS.—Section 402 of the Federal Water Pollution Control Act (33 U.S.C. 1342) is amended by adding at the end the following:

''(s) INTEGRATED PLAN PERMITS.—

''(1) DEFINITIONS.—In this subsection:

''(A) GREEN INFRASTRUCTURE.—The term 'green infrastructure' means the range of measures that use plant or soil systems, permeable pavement or other permeable surfaces or substrates, stormwater harvest and reuse, or landscaping to store, infiltrate, or evapotranspirate stormwater and reduce flows to sewer systems or to surface waters.

''(B) INTEGRATED PLAN.—The term 'integrated plan' has the meaning given in Part III of the Integrated Municipal Stormwater and Wastewater Planning Approach Framework, issued by the Environmental Protection Agency and dated June 5, 2012.

''(C) MUNICIPAL DISCHARGE.—

''(i) IN GENERAL.—The term 'municipal discharge' means a discharge from a treatment works (as defined in section 212) or a discharge from a municipal storm sewer under subsection(p).

''(ii) INCLUSION.—The term 'municipal discharge' includes a discharge of wastewater or storm water collected from multiple municipalities if the discharge is covered by the same permit issued under this section.

''(2) INTEGRATED PLAN.—

''(A) IN GENERAL.—The Administrator (or a State, in the case of a permit program approved under subsection (b)) shall inform a municipal permittee or multiple municipal permittees of the opportunity to develop an integrated plan.

''(B) SCOPE OF PERMIT INCORPORATING INTEGRATED PLAN.—A permit issued under this subsection that incorporates an integrated plan may integrate all requirements under this Act addressed in the integrated plan, including requirements relating to—

''(i) a combined sewer overflow;

''(ii) a capacity, management, operation, and maintenance program for sanitary sewer collection systems;

''(iii) a municipal stormwater discharge;

''(iv) a municipal wastewater discharge; and

''(v) a water quality-based effluent limitation to implement an applicable wasteload allocation in a total maximum daily load.

''(3) COMPLIANCE SCHEDULES.—

''(A) IN GENERAL.—A permit for a municipal discharge by a municipality that incorporates an integrated plan may include a schedule of compliance, under which actions taken to meet any applicable water quality-based effluent limitation may be implemented over more than 1 permit term if the compliance schedules are authorized by State water quality standards.

''(B) INCLUSION.—Actions subject to a compliance schedule under subparagraph (A) may include green infrastructure if implemented as part of a water quality-based effluent limitation.

''(C) REVIEW.—A schedule of compliance may be reviewed each time the permit is renewed.

''(4) EXISTING AUTHORITIES RETAINED.—

''(A) APPLICABLE STANDARDS.—Nothing in this subsection modifies any obligation to comply with applicable technology and water quality-based effluent limitations under this Act.

''(B) FLEXIBILITY.—Nothing in this subsection reduces or eliminates any flexibility available under this Act, including the authority of—

''(i) a State to revise a water quality standard after a use attainability analysis under section 131.10(g) of title 40, Code of Federal Regulations (as in effect on the date of enactment of this subsection), subject to the approval of the Administrator under section 303(c); and

''(ii) the Administrator or a State to authorize a schedule of compliance that extends beyond the date of expiration of a permit term if the schedule of compliance meets the requirements of section 122.47 of title 40, Code of Federal Regulations (as in effect on the date of enactment of this subsection).

''(5) CLARIFICATION OF STATE AUTHORITY.—

''(A) IN GENERAL.—Nothing in section 301(b)(1)(C) precludes a State from authorizing in the water quality standards of the State the issuance of a schedule of compliance to meet water quality-based effluent limitations in permits that incorporate provisions of an integrated plan.

''(B) TRANSITION RULE.—In any case in which a discharge is subject to a judicial order or consent decree as of the date of enactment of the Water Resources Development Act of 2016 resolving an enforcement action under this Act, any schedule of compliance issued pursuant to an authorization in a State water quality standard shall not revise or otherwise affect a schedule of compliance in that order or decree unless the order or decree is modified by agreement of the parties and the court.''.

(b) MUNICIPAL OMBUDSMAN.—

(1) ESTABLISHMENT.—There is established within the Office of the Administrator an Office of the Municipal Ombudsman.

(2) GENERAL DUTIES.—The duties of the municipal ombudsman shall include the provision of—

(A) technical assistance to municipalities seeking to comply with the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) and the Safe Drinking Water Act (42 U.S.C. 300f et seq.); and

(B) information to the Administrator to help the Administrator ensure that agency policies are implemented by all offices of the Environmental Protection Agency, including regional offices.

(3) ACTIONS REQUIRED.—The municipal ombudsman shall work with appropriate offices at the headquarters and regional offices of the Environmental Protection Agency to ensure that the municipality seeking assistance is provided information—

(A) about available Federal financial assistance for which the municipality is eligible;

(B) about flexibility available under the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) and, if applicable, the Safe Drinking Water Act (42 U.S.C. 300f et seq.); and

(C) regarding the opportunity to develop an integrated plan, as defined in section 402(s)(1)(B) of the Federal Water Pollution Control Act (as added by subsection (a)).

(4) PRIORITY.—In carrying out paragraph (3), the municipal ombudsman shall give priority to any municipality that demonstrates affordability concerns relating to compliance with the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) or the Safe Drinking Water Act (42 U.S.C. 300f et seq.).

(5) INFORMATION SHARING.—The municipal ombudsman shall publish on the website of the Environmental Protection Agency—

(A) general information relating to—

(i) the technical assistance referred to in paragraph (2)(A);

(ii) the financial assistance referred to in paragraph (3)(A);

(iii) the flexibility referred to in paragraph 3(B); and

(iv) any resources related to integrated plans developed by the Administrator; and

(B) a copy of each permit, order, or judicial consent decree that implements or incorporates an integrated plan.

(c) MUNICIPAL ENFORCEMENT.—Section 309 of the Federal Water Pollution Control Act (33 U.S.C. 1319) is amended by adding at the end the following:

''(h) IMPLEMENTATION OF INTEGRATED PLANS THROUGH ENFORCEMENT TOOLS.—

''(1) IN GENERAL.—In conjunction with an enforcement action under subsection (a) or (b) relating to municipal discharges, the Administrator shall inform a municipality of the opportunity to develop an integrated plan, as defined in section 402(s).

''(2) MODIFICATION.—Any municipality under an administrative order under subsection (a) or settlement agreement (including a judicial consent decree) under subsection (b) that has developed an integrated plan consistent with section 402(s) may request a modification of the administrative order or settlement agreement based on that integrated plan.''.

(d) REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of this Act, the Administrator shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives and make publicly available a report on each integrated plan developed and implemented through a permit, order, or judicial consent decree since the date of publication of the ''Integrated Municipal Stormwater and Wastewater Planning Approach Framework'' issued by the Environmental Protection Agency and dated June 5, 2012, including a description of the control measures, levels of control, estimated costs, and compliance schedules for the requirements implemented through an integrated plan.

SEC. 7204. GREEN INFRASTRUCTURE PROMOTION.

Title V of the Federal Water Pollution Control Act (33 U.S.C. 1361 et seq.) is amended—

(1) by redesignating section 519 (33 U.S.C. 1251 note) as section 520; and

(2) by inserting after section 518 (33 U.S.C. 1377) the following:

''SEC. 519. ENVIRONMENTAL PROTECTION AGENCY GREEN INFRASTRUCTURE PROMOTION.

''(a) IN GENERAL.—The Administrator shall ensure that the Office of Water, the Office of Enforcement and Compliance Assurance, the Office of Research and Development, and the Office of Policy of the Environmental Protection Agency promote the use of green infrastructure in and coordinate the integration of green infrastructure into, permitting programs, planning efforts, research, technical assistance, and funding guidance.

''(b) DUTIES.—The Administrator shall ensure that the Office of Water—

''(1) promotes the use of green infrastructure in the programs of the Environmental Protection Agency; and

''(2) coordinates efforts to increase the use of green infrastructure with—

''(A) other Federal departments and agencies;

''(B) State, tribal, and local governments; and

''(C) the private sector.

''(c) REGIONAL GREEN INFRASTRUCTURE PROMOTION.—The Administrator shall direct each regional office of the Environmental Protection Agency, as appropriate based on local factors, and consistent with the requirements of this Act, to promote and integrate the use of green infrastructure within the region that includes—

''(1) outreach and training regarding green infrastructure implementation for State, tribal, and local governments, tribal communities, and the private sector; and

''(2) the incorporation of green infrastructure into permitting and other regulatory programs, codes, and ordinance development, including the requirements under consent decrees and settlement agreements in enforcement actions.

''(d) GREEN INFRASTRUCTURE INFORMATION-SHARING.—The Administrator shall promote green infrastructure information-sharing, including through an Internet website, to share information with, and provide technical assistance to, State, tribal, and local governments, tribal communities, the private sector, and the public regarding green infrastructure approaches for—

''(1) reducing water pollution;

''(2) protecting water resources;

''(3) complying with regulatory requirements; and

''(4) achieving other environmental, public health, and community goals.''.

SEC. 7205. FINANCIAL CAPABILITY GUIDANCE.

(a) DEFINITIONS.—In this section:

(1) AFFORDABILITY.—The term ''affordability'' means, with respect to payment of a utility bill, a measure of whether an individual customer or household can pay the bill without undue hardship or unreasonable sacrifice in the essential lifestyle or spending patterns of the individual or household, as determined by the Administrator.

(2) FINANCIAL CAPABILITY.—The term ''financial capability'' means the financial capability of a community to make investments necessary to make water quality or drinking water improvements.

(3) GUIDANCE.—The term ''guidance'' means the guidance published by the Administrator entitled ''Combined Sewer Overflows—Guidance for Financial Capability Assessment and Schedule Development'' and dated February 1997, as applicable to the combined sewer overflows and sanitary sewer overflows guidance published by the Administrator entitled ''Financial Capability Assessment Framework'' and dated November 24, 2014.

(b) USE OF MEDIAN HOUSEHOLD INCOME.—The Administrator shall not use median household income as the sole indicator of affordability for a residential household.

(c) REVISED GUIDANCE.—

(1) IN GENERAL.—Not later than 1 year after the date of completion of the National Academy of Public Administration study to establish a definition and framework for community affordability required by Senate Report 114–70, accompanying S. 1645 (114th Congress), the Administrator shall revise the guidance described in subsection (a)(3).

(2) USE OF GUIDANCE.—Beginning on the date on which the revised guidance referred to in paragraph (1) is finalized, the Administrator shall use the revised guidance in lieu of the guidance described in subsection (a)(3).

(d) CONSIDERATION AND CONSULTATION.—

(1) CONSIDERATION.—In revising the guidance, the Administrator shall consider—

(A) the recommendations of the study referred to in subsection (c) and any other relevant study, as determined by the Administrator;

(B) local economic conditions, including site-specific local conditions that should be taken into consideration in analyzing financial capability;

(C) other essential community investments;

(D) potential adverse impacts on distressed populations, including the percentage of low-income ratepayers within the service area of a utility and impacts in communities with disparate economic conditions throughout the entire service area of a utility;

(E) the degree to which rates of low-income consumers would be affected by water infrastructure investments and the use of rate structures to address the rates of low-income consumers;

(F) an evaluation of an array of factors, the relative importance of which may vary across regions and localities; and

(G) the appropriate weight for economic, public health, and environmental benefits associated with improved water quality.

(2) CONSULTATION.—Any revised guidance issued to replace the guidance shall be developed in consultation with stakeholders.

(e) PUBLICATION AND SUBMISSION.—

(1) IN GENERAL.—On completion of the revision of the guidance, the Administrator shall publish in the Federal Register and submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives the revised guidance.

(2) EXPLANATION.—If the Administrator makes a determination not to follow 1 or more recommendations of the study referred to in subsection (c)(1), the Administrator shall include in the publication and submission under paragraph (1) an explanation of that decision.

(f) EFFECT.—Nothing in this section preempts or interferes with any obligation to comply with any Federal law, including the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.).

SEC. 7206. CHESAPEAKE BAY GRASS SURVEY.

There is authorized to be appropriated to the Administrator for the Chesapeake Bay Grass Survey $150,000 for fiscal year 2017 and each fiscal year thereafter.

SEC. 7207. GREAT LAKES HARMFUL ALGAL BLOOM COORDINATOR.

The Administrator, acting as the chair of the Great Lakes Interagency Task Force, shall appoint a coordinator to work with appropriate Federal agencies and State, local, tribal, and foreign governments to coordinate efforts to address the issue of harmful algal blooms in the Great Lakes.

Subtitle C—Innovative Financing and Promotion of Innovative Technologies

SEC. 7301. WATER INFRASTRUCTURE PUBLIC-PRIVATE PARTNERSHIP PILOT PROGRAM.

Section 5014(c) of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2201 note; Public Law 113–121) is amended by striking ''Any activity undertaken under this section is authorized only to the extent'' and inserting ''Nothing in this section obligates the Secretary to expend funds unless''.

SEC. 7302. WATER INFRASTRUCTURE FINANCE AND INNOVATION.

(a) AUTHORITY TO PROVIDE ASSISTANCE.—Section 5023(b)(2) of the Water Infrastructure Finance and Innovation Act of 2014 (33 U.S.C. 3902(b)(2)) is amended by striking ''carry out'' and inserting ''provide financial assistance to carry out''.

(b) PROJECTS ELIGIBLE FOR ASSISTANCE.—

(1) IN GENERAL.—Section 5026 of the Water Infrastructure Finance and Innovation Act of 2014 (33 U.S.C. 3905) is amended—

(A) in paragraph (6)—

(i) by striking ''desalination project'' and inserting ''desalination project, including chloride control''; and

(ii) by striking ''or a water recycling project'' and inserting ''a water recycling project, or a project to provide alternative water supplies to reduce aquifer depletion'';

(B) by redesignating paragraphs (7), (8), and (9) as paragraphs (8), (9), and (10), respectively;

(C) by inserting after paragraph (6) the following:

''(7) A project to prevent, reduce, or mitigate the effects of drought, including projects that enhance the resilience of drought-stricken watersheds.''; and

(D) in paragraph (10) (as redesignated by subparagraph (B)), by striking ''or (7)'' and inserting ''(7), or (8)''.

(2) CONFORMING AMENDMENTS.—

(A) Section 5023(b) of the Water Infrastructure Finance and Innovation Act of 2014 (33 U.S.C. 3902(b)) is amended—

(i) in paragraph (2), by striking ''and (8)'' and inserting ''(7), and (9)''; and

(ii) in paragraph (3), by striking ''paragraph (7) or (9)'' and inserting ''paragraph (8) or (10)''.

(B) Section 5024(b) of the Water Infrastructure Finance and Innovation Act of 2014 (33 U.S.C. 3903(b)) is amended by striking ''paragraph (8) or (9)'' and inserting ''paragraph (9) or (10)''.

(C) Section 5027(3) of the Water Infrastructure Finance and Innovation Act of 2014 (33 U.S.C. 3906(3)) is amended by striking ''section 5026(7)'' and inserting ''section 5026(8)''.

(D) Section 5028 of the Water Infrastructure Finance and Innovation Act of 2014 (33 U.S.C. 3907) is amended—

(i) in subsection (a)(1)(E)—

(I) by striking ''section 5026(9)'' and inserting ''section 5026(10)''; and

(II) by striking ''section 5026(8)'' and inserting ''section 5026(9)''; and

(ii) in subsection (b)(3), by striking ''section 5026(8)'' and inserting ''section 5026(9)''.

(c) DETERMINATION OF ELIGIBILITY AND PROJECT SELECTION.—Section 5028(b)(2)(F) of the Water Infrastructure Finance and Innovation Act of 2014 (33 U.S.C. 3907(b)(2)(F)) is amended—

(1) in clause (i), by striking ''or'' at the end; and

(2) by striking clause (ii) and inserting the following:

''(ii) helps maintain or protect the environment;

''(iii) resists hazards due to a natural disaster;

''(iv) continues to serve the primary function of the water resources infrastructure project following a natural disaster;

''(v) reduces the magnitude or duration of a disruptive event to a water resources infrastructure project; or

''(vi) has the absorptive, adaptive, and recoverable capacities to withstand a potentially disruptive event.''.

(d) TERMS AND CONDITIONS.—Section 5029(b) of the Water Infrastructure Finance and Innovation Act of 2014 (33 U.S.C. 3908(b)) is amended—

(1) in paragraph (7)—

(A) by striking ''The Secretary'' and inserting the following:

''(A) IN GENERAL.—Except as provided in subparagraph (B), the Secretary''; and

(B) by adding at the end the following:

''(B) FINANCING FEES.—On request of an eligible entity, the Secretary or the Administrator, as applicable, shall allow the fees under subparagraph (A) to be financed as part of the loan.''; and

(2) by adding at the end the following:

''(10) CREDIT.—Any eligible project costs incurred and the value of any integral in-kind contributions made before receipt of assistance under this subtitle shall be credited toward the 51 percent of project costs to be provided by sources of funding other than a secured loan under this subtitle (as described in paragraph (2)(A).''.

(e) REMOVAL OF PILOT DESIGNATION.—

(1) Subtitle C of title V of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 3901 et seq.) is amended by striking the subtitle designation and heading and inserting the following:

''Subtitle C—Innovative Financing Projects''.

(2) Section 5023 of the Water Infrastructure Finance and Innovation Act of 2014 (33 U.S.C. 3092) is amended by striking ''pilot'' each place it appears.

(3) Section 5034 of the Water Infrastructure Finance and Innovation Act of 2014 (33 U.S.C. 3913) is amended by striking the section designation and heading and inserting the following:

''SEC. 5034. REPORTS ON PROGRAM IMPLEMENTATION.''.

(4) The table of contents for the Water Resources Reform and Development Act of 2014 (Public Law 113–121) is amended—

(A) by striking the item relating to subtitle C of title V and inserting the following:

''Subtitle C—Innovative Financing Projects''.; and

(B) by striking the item relating to section 5034 and inserting the following:

''Sec. 5034. Reports on program implementation.''.

(f) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) appropriations made available to carry out the Water Infrastructure Finance and Innovation Act of 2014 (33 U.S.C. 3901 et seq.) should be in addition to robust funding for the State water pollution control revolving funds established under title VI of the Federal Water Pollution Control Act (33 U.S.C. 1381 et seq.) and State drinking water treatment revolving loan funds established under section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j–12); and

(2) the appropriations made available for the funds referred to in paragraph (1) should not decrease for any fiscal year.

SEC. 7303. WATER INFRASTRUCTURE INVESTMENT TRUST FUND.

(a) CREATION OF TRUST FUND.—There is established in the Treasury of the United States a trust fund to be known as the ''Water Infrastructure Investment Trust Fund'' (referred to in this section as the ''Fund''), consisting of such amounts as may be appropriated to or deposited in such fund as provided in this section.

(b) TRANSFERS TO TRUST FUND.—The Secretary of the Treasury (referred to in this section as the ''Secretary'') shall deposit in the Fund amounts equal to the fees received before January 1, 2022, under subsection (f)(2).

(c) EXPENDITURES.—Amounts in the Fund, including interest earned and advances to the Fund and proceeds from investment under subsection (d), shall be available for expenditure, without further appropriation, as follows:

(1) 50 percent of the amounts shall be available to the Administrator for making capitalization grants under section 601 of the Federal Water Pollution Control Act (33 U.S.C. 1381).

(2) 50 percent of the amounts shall be available to the Administrator for making capitalization grants under section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j–12).

(d) INVESTMENT.—Amounts in the Fund shall be invested in accordance with section 9702 of title 31, United States Code, and any interest on, and proceeds from, any such investment shall be available for expenditure in accordance with this section.

(e) LIMITATION ON EXPENDITURES.—Amounts in the Fund may not be made available for a fiscal year under subsection (c) unless the sum of the funds appropriated to the Clean Water State Revolving Fund and the Safe Drinking Water State Revolving Fund through annual capitalization grants is not less than the average of the sum of the annual amounts provided in capitalization grants under section 601 of the Federal Water Pollution Control Act (33 U.S.C. 1381) and section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j–12) for the 5-fiscal-year period immediately preceding such fiscal year.

(f) VOLUNTARY LABELING SYSTEM.—

(1) IN GENERAL.—The Administrator, in consultation with the Administrator of the Food and Drug Administration, manufacturers, producers, and importers, shall develop and implement a program under which the Administrator provides a label designed in consultation with manufacturers, producers, and importers suitable for placement on products to inform consumers that the manufacturer, producer, or importer of the product, and other stakeholders, participates in the Fund.

(2) FEE.—The Administrator shall provide a label for a fee of 3 cents per unit.

(g) EPA STUDY ON WATER PRICING.—

(1) STUDY.—The Administrator, with participation by the States, shall conduct a study to—

(A) assess the affordability gap faced by low-income populations located in urban and rural areas in obtaining services from clean water and drinking water systems; and

(B) analyze options for programs to provide incentives for rate adjustments at the local level to achieve ''full cost'' or ''true value'' pricing for such services, while protecting low-income ratepayers from undue burden.

(2) REPORT.—Not later than 180 days after the date of enactment of this Act, the Administrator shall submit to the Committee on the Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure and the Committee on Energy and Commerce of the House of Representatives a report on the results of the study.

SEC. 7304. INNOVATIVE WATER TECHNOLOGY GRANT PROGRAM.

(a) DEFINITION OF ELIGIBLE ENTITY.—In this section, the term ''eligible entity'' means—

(1) a public utility, including publicly owned treatment works and clean water systems;

(2) a unit of local government, including a municipality or a joint powers authority;

(3) a private entity, including a farmer or manufacturer;

(4) an institution of higher education;

(5) a research institution or foundation;

(6) a State;

(7) a regional organization; or

(8) a nonprofit organization.

(b) GRANT PROGRAM AUTHORIZED.—The Administrator shall carry out a grant program for purposes described in subsection (c) to accelerate the development of innovative water technologies that address pressing water challenges.

(c) GRANTS.—In carrying out the program under subsection (b), the Administrator shall make to eligible entities grants that—

(1) finance projects to develop, deploy, test, and improve emerging water technologies;

(2) fund entities that provide technical assistance to deploy innovative water technologies more broadly, especially—

(A) to increase adoption of innovative water technologies in—

(i) municipal drinking water and wastewater treatment systems;

(ii) areas served by private wells; or

(iii) water supply systems in arid areas that are experiencing, or have recently experienced, prolonged drought conditions; and

(B) in a manner that reduces ratepayer or community costs over time, including the cost of future capital investments; or

(3) support technologies that, as determined by the Administrator—

(A) improve water quality of a water source;

(B) improve the safety and security of a drinking water delivery system;

(C) minimize contamination of drinking water and drinking water sources, including contamination by lead, bacteria, chlorides, and nitrates;

(D) improve the quality and timeliness and decrease the cost of drinking water quality tests, especially technologies that can be deployed within water systems and at individual faucets to provide accurate real-time tests of water quality, especially with respect to lead, bacteria, and nitrate content;

(E) increase water supplies in arid areas that are experiencing, or have recently experienced, prolonged drought conditions;

(F) treat edge-of-field runoff to improve water quality;

(G) treat agricultural, municipal, and industrial wastewater;

(H) recycle or reuse water;

(I) manage urban storm water runoff;

(J) reduce sewer or stormwater overflows;

(K) conserve water;

(L) improve water quality by reducing salinity;

(M) mitigate air quality impacts associated with declining water resources;

(N) address treatment byproduct and brine disposal alternatives; or

(O) address urgent water quality and human health needs.

(d) PRIORITY FUNDING.—In making grants under this section, the Administrator shall give priority to projects that have the potential—

(1) to provide substantial cost savings across a sector;

(2) to significantly improve human health or the environment; or

(3) to provide additional water supplies with minimal environmental impact.

(e) COST-SHARING.—The Federal share of the cost of activities carried out using a grant made under this section shall be not more than 65 percent.

(f) LIMITATION.—The maximum amount of a grant provided to a project under this section shall be $5,000,000.

(g) REPORT.—Each year, the Administrator shall submit to Congress and make publicly available on the website of the Administrator a report that describes any advancements during the previous year in development of innovative water technologies made as a result of funding provided under this section.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $50,000,000 for each fiscal year.

(i) FUNDING.—Out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Administrator to provide grants to eligible entities under this section $10,000,000, to remain available until expended.

SEC. 7305. WATER RESOURCES RESEARCH ACT AMENDMENTS.

(a) CONGRESSIONAL FINDINGS AND DECLARATIONS.—Section 102 of the Water Resources Research Act of 1984 (42 U.S.C. 10301) is amended—

(1) by redesignating paragraphs (7) through (9) as paragraphs (8) through (10), respectively;

(2) in paragraph (8) (as so redesignated), by striking ''and'' at the end; and

(3) by inserting after paragraph (6) the following:

''(7) additional research is required to increase the effectiveness and efficiency of new and existing treatment works through alternative approaches, including—

''(A) nonstructural alternatives;

''(B) decentralized approaches;

''(C) water use efficiency and conservation; and

''(D) actions to reduce energy consumption or extract energy from wastewater;''.

(b) WATER RESOURCES RESEARCH AND TECHNOLOGY INSTITUTES.—Section 104 of the Water Resources Research Act of 1984 (42 U.S.C. 10303) is amended—

(1) in subsection (b)(1)—

(A) in subparagraph (B)(ii), by striking ''water-related phenomena'' and inserting ''water resources''; and

(B) in subparagraph (D), by striking the period at the end and inserting ''; and'';

(2) in subsection (c)—

(A) by striking ''From the'' and inserting the following:

''(1) IN GENERAL.—From the''; and

(B) by adding at the end the following:

''(2) REPORT.—Not later than December 31 of each fiscal year, the Secretary shall submit to the Committee on Environment and Public Works of the Senate, the Committee on the Budget of the Senate, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on the Budget of the House of Representatives a report regarding the compliance of each funding recipient with this subsection for the immediately preceding fiscal year.'';

(3) by striking subsection (e) and inserting the following:

''(e) EVALUATION OF WATER RESOURCES RESEARCH PROGRAM.—

''(1) IN GENERAL.—The Secretary shall conduct a careful and detailed evaluation of each institute at least once every 3 years to determine—

''(A) the quality and relevance of the water resources research of the institute;

''(B) the effectiveness of the institute at producing measured results and applied water supply research; and

''(C) whether the effectiveness of the institute as an institution for planning, conducting, and arranging for research warrants continued support under this section.

''(2) PROHIBITION ON FURTHER SUPPORT.—If, as a result of an evaluation under paragraph (1), the Secretary determines that an institute does not qualify for further support under this section, no further grants to the institute may be provided until the qualifications of the institute are reestablished to the satisfaction of the Secretary.'';

(4) in subsection (f)(1), by striking ''$12,000,000 for each of fiscal years 2007 through 2011'' and inserting ''$7,500,000 for each of fiscal years 2017 through 2021''; and

(5) in subsection (g)(1), in the first sentence, by striking ''$6,000,000 for each of fiscal years 2007 through 2011'' and inserting ''$1,500,000 for each of fiscal years 2017 through 2021''.

SEC. 7306. REAUTHORIZATION OF WATER DESALINATION ACT OF 1996.

(a) AUTHORIZATION OF RESEARCH AND STUDIES.—Section 3 of the Water Desalination Act of 1996 (42 U.S.C. 10301 note; Public Law 104–298) is amended—

(1) in subsection (a)—

(A) in paragraph (6), by striking ''and'' at the end;

(B) in paragraph (7), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

''(8) development of metrics to analyze the costs and benefits of desalination relative to other sources of water (including costs and benefits related to associated infrastructure, energy use, environmental impacts, and diversification of water supplies); and

''(9) development of design and siting specifications that avoid, minimize, or offset adverse social, economic, and environmental impacts.''; and

(2) by adding at the end the following:

''(e) PRIORITIZATION.—In carrying out this section, the Secretary shall prioritize funding for research—

''(1) to reduce energy consumption and lower the cost of desalination, including chloride control;

''(2) to reduce the environmental impacts of seawater desalination and develop technology and strategies to minimize those impacts;

''(3) to improve existing reverse osmosis and membrane technology;

''(4) to carry out basic and applied research on next generation desalination technologies, including improved energy recovery systems and renewable energy-powered desalination systems that could significantly reduce desalination costs;

''(5) to develop portable or modular desalination units capable of providing temporary emergency water supplies for domestic or military deployment purposes; and

''(6) to develop and promote innovative desalination technologies, including chloride control, identified by the Secretary.''.

(b) DESALINATION DEMONSTRATION AND DEVELOPMENT.—Section 4 of the Water Desalination Act of 1996 (42 U.S.C. 10301 note; Public Law 104–298) is amended by adding at the end the following:

''(c) PRIORITIZATION.—In carrying out demonstration and development activities under this section, the Secretary shall prioritize projects—

''(1) for the benefit of drought-stricken States and communities;

''(2) for the benefit of States that have authorized funding for research and development of desalination technologies and projects;

''(3) that can reduce reliance on imported water supplies that have an impact on species listed under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); and

''(4) that demonstrably leverage the experience of international partners with considerable expertise in desalination, such as the State of Israel.''.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 8 of the Water Desalination Act of 1996 (42 U.S.C. 10301 note; Public Law 104–298) is amended—

(1) in the first sentence of subsection (a)—

(A) by striking ''$5,000,000'' and inserting ''$8,000,000''; and

(B) by striking ''2013'' and inserting ''2021''; and

(2) in subsection (b), by striking ''for each of fiscal years 2012 through 2013'' and inserting ''for each of fiscal years 2017 through 2021''.

(d) CONSULTATION.—Section 9 of the Water Desalination Act of 1996 (42 U.S.C. 10301 note; Public Law 104–298) is amended—

(1) by striking the section designation and heading and all that follows through ''In carrying out'' in the first sentence and inserting the following:

''SEC. 9. CONSULTATION AND COORDINATION.

''(a) CONSULTATION.—In carrying out'';

(2) in the second sentence, by striking ''The authorization'' and inserting the following:

''(c) OTHER DESALINATION PROGRAMS.—The authorization''; and

(3) by inserting after subsection (a) (as designated by paragraph (1)) the following:

''(b) COORDINATION OF FEDERAL DESALINATION RESEARCH AND DEVELOPMENT.—The White House Office of Science and Technology Policy shall develop a coordinated strategic plan that—

''(1) establishes priorities for future Federal investments in desalination;

''(2) coordinates the activities of Federal agencies involved in desalination, including the Bureau of Reclamation, the Corps of Engineers, the United States Army Tank Automotive Research, Development and Engineering Center, the National Science Foundation, the Office of Naval Research of the Department of Defense, the National Laboratories of the Department of Energy, the United States Geological Survey, the Environmental Protection Agency, and the National Oceanic and Atmospheric Administration;

''(3) strengthens research and development cooperation with international partners, such as the State of Israel, in the area of desalination technology; and

''(4) promotes public-private partnerships to develop a framework for assessing needs for, and to optimize siting and design of, future ocean desalination projects.''.

SEC. 7307. NATIONAL DROUGHT RESILIENCE GUIDELINES.

(a) IN GENERAL.—The Secretary of the Interior, the Secretary of Agriculture, the Secretary of Commerce, the Administrator, and other appropriate Federal agency heads along with State, local, and tribal governments, shall jointly develop nonregulatory national drought resilience guidelines relating to drought preparedness planning and investments for communities, water utilities, and other water users and providers, in a manner consistent with the Presidential Memorandum entitled ''Building National Capabilities for Long-Term Drought Resilience'' (81 Fed. Reg. 16053 (March 21, 2016)).

(b) CONSULTATION.—In developing the national drought resilience guidelines, the Administrator and other Federal agency heads referred to in subsection (a) shall consult with—

(1) State and local governments;

(2) water utilities;

(3) scientists;

(4) institutions of higher education;

(5) relevant private entities; and

(6) other stakeholders.

(c) CONTENTS.—The national drought resilience guidelines developed under this section shall, to the maximum extent practicable, provide recommendations for a period of 10 years that—

(1) address a broad range of potential actions, including—

(A) analysis of the impacts of the changing frequency and duration of drought on the future effectiveness of water management tools;

(B) the identification of drought-related water management challenges in a broad range of fields, including—

(i) public health and safety;

(ii) municipal and industrial water supply;

(iii) agricultural water supply;

(iv) water quality;

(v) ecosystem health; and

(vi) water supply planning;

(C) water management tools to reduce drought-related impacts, including—

(i) water use efficiency through gallons per capita reduction goals, appliance efficiency standards, water pricing incentives, and other measures;

(ii) water recycling;

(iii) groundwater clean-up and storage;

(iv) new technologies, such as behavioral water efficiency; and

(v) stormwater capture and reuse;

(D) water-related energy and greenhouse gas reduction strategies; and

(E) public education and engagement; and

(2) include recommendations relating to the processes that Federal, State, and local governments and water utilities should consider when developing drought resilience preparedness and plans, including—

(A) the establishment of planning goals;

(B) the evaluation of institutional capacity;

(C) the assessment of drought-related risks and vulnerabilities, including the integration of climate-related impacts;

(D) the establishment of a development process, including an evaluation of the cost-effectiveness of potential strategies;

(E) the inclusion of private entities, technical advisors, and other stakeholders in the development process;

(F) implementation and financing issues; and

(G) evaluation of the plan, including any updates to the plan.

SEC. 7308. INNOVATION IN STATE WATER POLLUTION CONTROL REVOLVING LOAN FUNDS.

(a) IN GENERAL.—Subsection (j)(1)(B) (as redesignated by section 7202(b)(1)(A)(ii)) of section 603 of the Federal Water Pollution Control Act (33 U.S.C. 1383) is amended—

(1) in clause (iii), by striking ''or'' at the end;

(2) in clause (iv), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(v) to encourage the use of innovative water technologies related to any of the issues identified in clauses (i) through (iv) or, as determined by the State, any other eligible project and activity eligible for assistance under subsection (c)''.

(b) INNOVATIVE WATER TECHNOLOGIES.—Section 603 of the Federal Water Pollution Control Act (33 U.S.C. 1383) (as amended by section 7202(b)(1)) is amended by adding at the end the following:

''(k) TECHNICAL ASSISTANCE.—The Administrator may provide technical assistance to facilitate and encourage the provision of financial assistance for innovative water technologies.

''(l) REPORT.—Not later than 1 year after the date of enactment of the Water Resources Development Act of 2016, and not less frequently than every 5 years thereafter, the Administrator shall submit to Congress a report that describes—

''(1) the amount of financial assistance provided by State water pollution control revolving funds to deploy innovative water technologies;

''(2) the barriers impacting greater use of innovative water technologies; and

''(3) the cost-saving potential to cities and future infrastructure investments from emerging technologies.''.

SEC. 7309. INNOVATION IN DRINKING WATER STATE REVOLVING LOAN FUNDS.

Section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j–12) (as amended by section 7105) is amended—

(1) in subsection (d)—

(A) by striking the heading and inserting ''ADDITIONAL ASSISTANCE.—'';

(B) in paragraph (1)—

(i) by striking ''Notwithstanding'' and inserting the following:

''(A) IN GENERAL.—Notwithstanding''; and

(ii) by adding at the end the following:

''(B) INNOVATIVE WATER TECHNOLOGY.—Notwithstanding any other provision of this section, in the case of a State that makes a loan under subsection (a)(2) to carry out an eligible activity through the use of an innovative water technology (including technologies to improve water treatment to ensure compliance with this title and technologies to identify and mitigate sources of drinking water contamination, including lead contamination), the State may provide additional subsidization, including forgiveness of principal that is not more than 50 percent of the cost of the portion of the project associated with the innovative technology.'';

(C) in paragraph (2)—

(i) by striking ''For each fiscal year'' and inserting the following:

''(A) IN GENERAL.—For each fiscal year''; and

(ii) by adding at the end the following:

''(B) INNOVATIVE WATER TECHNOLOGY.—For each fiscal year, not more than 20 percent of the loan subsidies that may be made by a State under paragraph (1) may be used to provide additional subsidization under subparagraph (B) of that paragraph.''; and

(D) in paragraph (3), in the first sentence, by inserting '', or portion of a service area,'' after ''service area''; and

(2) by adding at the end the following:

''(t) TECHNICAL ASSISTANCE.—The Administrator may provide technical assistance to facilitate and encourage the provision of financial assistance for the deployment of innovative water technologies.

''(u) REPORT.—Not later than 1 year after the date of enactment of the Water Resources Development Act of 2016, and not less frequently than every 5 years thereafter, the Administrator shall submit to Congress a report that describes—

''(1) the amount of financial assistance provided by State loan funds to deploy innovative water technologies;

''(2) the barriers impacting greater use of innovative water technologies; and

''(3) the cost-saving potential to cities and future infrastructure investments from emerging technologies.''.

Subtitle D—Drinking Water Disaster Relief and Infrastructure Investments

SEC. 7401. DRINKING WATER INFRASTRUCTURE.

(a) DEFINITIONS.—In this section:

(1) ELIGIBLE STATE.—The term ''eligible State'' means a State for which the President has declared an emergency under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) relating to the public health threats associated with the presence of lead or other contaminants in a public drinking water supply system.

(2) ELIGIBLE SYSTEM.—The term ''eligible system'' means a public drinking water supply system that has been the subject of an emergency declaration referred to in paragraph (1).

(b) STATE REVOLVING LOAN FUND ASSISTANCE.—

(1) IN GENERAL.—An eligible system shall be—

(A) considered to be a disadvantaged community under section 1452(d) of the Safe Drinking Water Act (42 U.S.C. 300j–12(d)); and

(B) eligible to receive loans with additional subsidization under that Act (42 U.S.C. 300f et seq.), including forgiveness of principal under section 1452(d)(1) of that Act (42 U.S.C. 300j–12(d)(1)).

(2) AUTHORIZATION.—

(A) IN GENERAL.—Using funds provided under subsection (e)(1)(A), an eligible State may provide assistance to an eligible system within the eligible State, for the purpose of addressing lead or other contaminants in drinking water, including repair and replacement of public and private drinking water infrastructure.

(B) INCLUSION.—Assistance provided under subparagraph (A) may include additional subsidization under the Safe Drinking Water Act (42 U.S.C. 300f et seq.), as described in paragraph (1)(B).

(C) EXCLUSION.—Assistance provided under subparagraph (A) shall not include assistance for a project that is financed (directly or indirectly), in whole or in part, with proceeds of any obligation issued after the date of enactment of this Act—

(i) the interest of which is exempt from the tax imposed under chapter 1 of the Internal Revenue Code of 1986; or

(ii) with respect to which credit is allowable under subpart I or J of part IV of subchapter A of chapter 1 of such Code.

(3) LIMITATION.—Section 1452(d)(2) of the Safe Drinking Water Act (42 U.S.C. 300j–12(d)(2)) shall not apply to—

(A) any funds provided under subsection (e)(1)(A); or

(B) any other loan provided to an eligible system.

(c) WATER INFRASTRUCTURE FINANCING.—

(1) SECURED LOANS.—

(A) IN GENERAL.—Using funds provided under subsection (e)(2)(A), the Administrator may make a secured loan under the Water Infrastructure Finance and Innovation Act of 2014 (33 U.S.C. 3901 et seq.) to—

(i) an eligible State to carry out a project eligible under paragraphs (2) through (9) of section 5026 of that Act (33 U.S.C. 3905) to address lead or other contaminants in drinking water in an eligible system, including repair and replacement of public and private drinking water infrastructure; and

(ii) any eligible entity under section 5025 of that Act (33 U.S.C. 3904) for a project eligible under paragraphs (2) through (9) of section 5026 of that Act (33 U.S.C. 3905).

(B) AMOUNT.—Notwithstanding section 5029(b)(2) of the Water Infrastructure Finance and Innovation Act of 2014 (33 U.S.C. 3908(b)(2)), the amount of a secured loan provided under subparagraph (A)(i) may be equal to not more than 80 percent of the reasonably anticipated costs of the projects.

(2) FEDERAL INVOLVEMENT.—Notwithstanding section 5029(b)(9) of the Water Infrastructure Finance and Innovation Act of 2014 (33 U.S.C. 3908(b)(9)), any costs for a project to address lead or other contaminants in drinking water in an eligible system that are not covered by a secured loan under paragraph (1) may be covered using amounts in the State revolving loan fund under section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j–12).

(d) NONDUPLICATION OF WORK.—An activity carried out pursuant to this section shall not duplicate the work or activity of any other Federal or State department or agency.

(e) FUNDING.—

(1) ADDITIONAL DRINKING WATER STATE REVOLVING FUND CAPITALIZATION GRANTS.—

(A) IN GENERAL.—The Secretary of the Treasury shall make available to the Administrator a total of $100,000,000 to provide additional grants to eligible States pursuant to section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j–12), to be available for a period of 18 months beginning on the date on which the funds are made available, for the purposes described in subsection (b)(2), and after the end of the 18-month period, until expended for the purposes described in subparagraph (C).

(B) SUPPLEMENTED INTENDED USE PLANS.—From funds made available under subparagraph (A), the Administrator shall obligate to an eligible State such amounts as are necessary to meet the needs identified in a supplemented intended use plan by not later than 30 days after the date on which the eligible State submits to the Administrator a supplemented intended use plan under section 1452(b) of the Safe Drinking Water Act (42 U.S.C. 300j–12(b)) that includes preapplication information regarding projects to be funded using the additional assistance, including, with respect to each such project—

(i) a description of the project;

(ii) an explanation of the means by which the project will address a situation causing a declared emergency in the eligible State;

(iii) the estimated cost of the project; and

(iv) the projected start date for construction of the project.

(C) UNOBLIGATED AMOUNTS.—Of any amounts made available to the Administrator under subparagraph (A) that are unobligated on the date that is 18 months after the date on which the amounts are made available—

(i) 50 percent shall be available to provide additional grants under section 1459A of the Safe Drinking Water Act (as added by section 7106); and

(ii) 50 percent shall be available to provide additional grants under section 1459B of the Safe Drinking Water Act (as added by section 7107).

(D) APPLICABILITY.—Section 1452(b)(1) of the Safe Drinking Water Act (42 U.S.C. 300j–12(b)(1)) shall not apply to a supplement to an intended use plan under subparagraph (B).

(2) WIFIA FUNDING.—

(A) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary of the Treasury shall make available to the Administrator $70,000,000 to provide credit subsidies, in consultation with the Director of the Office of Management and Budget, for secured loans under subsection (c)(1)(A) with a goal of providing secured loans totaling at least $700,000,000.

(B) USE.—Secured loans provided pursuant to subparagraph (A) shall be available to carry out activities described in subsection (c)(1)(A).

(C) EXCLUSION.—Of the amounts made available under subparagraph (A), $20,000,000 shall not be used to provide assistance for a project that is financed (directly or indirectly), in whole or in part, with proceeds of any obligation issued after the date of enactment of this Act—

(i) the interest of which is exempt from the tax imposed under chapter 1 of the Internal Revenue Code of 1986; or

(ii) with respect to which credit is allowable under subpart I or J of part IV of subchapter A of chapter 1 of such Code.

(3) APPLICABILITY.—Unless explicitly waived, all requirements under the Safe Drinking Water Act (42 U.S.C. 300f et seq.) and the Water Infrastructure Finance and Innovation Act of 2014 (33 U.S.C. 3901 et seq.) shall apply to funding provided under this subsection.

(f) HEALTH EFFECTS EVALUATION.—

(1) IN GENERAL.—Pursuant to section 104(i)(1)(E) of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9604(i)(1)(E)), and on receipt of a request of an appropriate State or local health official of an eligible State, the Director of the Agency for Toxic Substances and Disease Registry of the National Center for Environmental Health shall in coordination with other agencies, as appropriate, conduct voluntary surveillance activities to evaluate any adverse health effects on individuals exposed to lead from drinking water in the affected communities.

(2) CONSULTATIONS.—Pursuant to section 104(i)(4) of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9604(i)(4)), and on receipt of a request of an appropriate State or local

health official of an eligible State, the Director of the Agency for Toxic Substances and Disease Registry of the National Center for Environmental Health shall provide consultations regarding health issues described in paragraph (1).

SEC. 7402. LOAN FORGIVENESS.

The matter under the heading ''STATE AND TRIBAL ASSISTANCE GRANTS'' under the heading ''ENVIRONMENTAL PROTECTION AGENCY'' in title II of division G of the Consolidated Appropriations Act, 2016 (Public Law 114–113), is amended in paragraph (1), by striking the semicolon at the end and inserting the following: ''or, if a Federal or State emergency declaration has been issued due to a threat to public health from heightened exposure to lead in a municipal drinking water supply, before the date of enactment of this Act: *Provided further*, That in a State in which such an emergency declaration has been issued, the State may use more than 20 percent of the funds made available under this title to the State for Drinking Water State Revolving Fund capitalization grants to provide additional subsidy to eligible recipients;''.

SEC. 7403. REGISTRY FOR LEAD EXPOSURE AND ADVISORY COMMITTEE.

(a) DEFINITIONS.—In this section:

(1) CITY.—The term ''City'' means a city exposed to lead contamination in the local drinking water system.

(2) COMMITTEE.—The term ''Committee'' means the Advisory Committee established under subsection (c).

(3) SECRETARY.—The term ''Secretary'' means the Secretary of Health and Human Services.

(b) LEAD EXPOSURE REGISTRY.—The Secretary shall establish within the Agency for Toxic Substances and Disease Registry or another relevant agency at the discretion of the Secretary, or establish through a grant award or contract, a lead exposure registry to collect data on the lead exposure of residents of a City on a voluntary basis.

(c) ADVISORY COMMITTEE.—

(1) MEMBERSHIP.—

(A) IN GENERAL.—The Secretary shall establish an Advisory Committee in coordination with the Director of the Centers for Disease Control and Prevention and other relevant agencies as determined by the Secretary consisting of Federal members and non-Federal members, and which shall include—

(i) an epidemiologist;

(ii) a toxicologist;

(iii) a mental health professional;

(iv) a pediatrician;

(v) an early childhood education expert;

(vi) a special education expert;

(vii) a dietician; and

(viii) an environmental health expert.

(B) REQUIREMENTS.—Membership in the Committee shall not exceed 15 members and not less than ½ of the members shall be Federal members.

(2) CHAIR.—The Secretary shall designate a chair from among the Federal members appointed to the Committee.

(3) TERMS.—Members of the Committee shall serve for a term of not more than 3 years and the Secretary may reappoint members for consecutive terms.

(4) APPLICATION OF FACA.—The Committee shall be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

(5) RESPONSIBILITIES.—The Committee shall, at a minimum—

(A) review the Federal programs and services available to individuals and communities exposed to lead;

(B) review current research on lead poisoning to identify additional research needs;

(C) review and identify best practices, or the need for best practices, regarding lead screening and the prevention of lead poisoning;

(D) identify effective services, including services relating to healthcare, education, and nutrition for individuals and communities affected by lead exposure and lead poisoning, including in consultation with, as appropriate, the lead exposure registry as established in subsection (b); and

(E) undertake any other review or activities that the Secretary determines to be appropriate.

(6) REPORT.—Annually for 5 years and thereafter as determined necessary by the Secretary or as required by Congress, the Committee shall submit to the Secretary, the Committees on Finance, Health, Education, Labor, and Pensions, and Agriculture, Nutrition, and Forestry of the Senate and the Committees on Education and the Workforce, Energy and Commerce, and Agriculture of the House of Representatives a report that includes—

(A) an evaluation of the effectiveness of the Federal programs and services available to individuals and communities exposed to lead;

(B) an evaluation of additional lead poisoning research needs;

(C) an assessment of any effective screening methods or best practices used or developed to prevent or screen for lead poisoning;

(D) input and recommendations for improved access to effective services relating to healthcare, education, or nutrition for individuals and communities impacted by lead exposure; and

(E) any other recommendations for communities affected by lead exposure, as appropriate.

(d) MANDATORY FUNDING.—

(1) IN GENERAL.—On the date of enactment of this Act, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary, to be available during the period of fiscal years 2016 through 2020—

(A) $17,500,000 to carry out subsection (b); and

(B) $2,500,000 to carry out subsection (c).

(2) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out subsections (b) and (c) the funds transferred under subparagraphs (A) and (B) of paragraph (1), respectively, without further appropriation.

SEC. 7404. ADDITIONAL FUNDING FOR CERTAIN CHILDHOOD HEALTH PROGRAMS.

(a) CHILDHOOD LEAD POISONING PREVENTION PROGRAM.—

(1) IN GENERAL.—On the date of enactment of this Act, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Director of the Centers for Disease Control and Prevention, to be available during the period of fiscal years 2017 and 2018, $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).

(2) RECEIPT AND ACCEPTANCE.—The Director of the Centers for Disease Control and Prevention shall be entitled to receive, shall accept, and shall use to carry out the childhood lead poisoning prevention program authorized under section 317A of the Public Health Service Act (42 U.S.C. 247b–1) the funds transferred under paragraph (1), without further appropriation.

(b) HEALTHY HOMES PROGRAM.—

(1) IN GENERAL.—On the date of enactment of this Act, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary of Housing and Urban Development, to be available during the period of fiscal years 2017 and 2018, $10,000,000 to carry out the Healthy Homes Initiative of the Department of Housing and Urban Development.

(2) RECEIPT AND ACCEPTANCE.—The Secretary of Housing and Urban Development shall be entitled to receive, shall accept, and shall use to carry out the Healthy Homes Initiative of the Department of Housing and Urban Development the funds transferred under paragraph (1), without further appropriation.

(c) HEALTHY START PROGRAM.—

(1) IN GENERAL.—On the date of enactment of this Act, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Administrator of the Health Resources and Services Administration, to be available during the period of fiscal years 2017 and 2018, $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).

(2) RECEIPT AND ACCEPTANCE.—The Administrator of the Health Resources and Services Administration shall be entitled to receive, shall accept, and shall use to carry out the Healthy Start Initiative under section 330H of the Public Health Service Act (42 U.S.C. 254c–8) the funds transferred under paragraph (1), without further appropriation.

SEC. 7405. REVIEW AND REPORT.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Attorney General and the Inspector General of the Environmental Protection Agency shall submit to the Committees on Appropriations, Environment and Public Works, and Homeland Security and Governmental Affairs of the Senate and the Committees on Appropriations, Energy and Commerce, Transportation and Infrastructure, and Oversight and Government Reform of the House of Representatives a report on the status of any ongoing investigations into the Federal and State response to the contamination of the drinking water supply of the City of Flint, Michigan.

(b) REVIEW.—Not later than 30 days after the completion of the investigations described in subsection (a), the Comptroller General of the United States shall commence a review of issues that are not addressed by the investigations and relating to—

(1) the adequacy of the response by the State of Michigan and the City of Flint to the drinking water crisis in Flint, Michigan, including the timeliness and transparency of the response, as well as the capacity of the State and City to manage the drinking water system; and

(2) the adequacy of the response by Region 5 of the Environmental Protection Agency to the drinking water crisis in Flint, Michigan, including the timeliness and transparency of the response.

(c) CONTENTS OF REPORT.—Not later than 1 year after commencing each review under subsection (b), the Comptroller General of the United States shall submit to Congress a report that includes—

(1) a statement of the principal findings of the review; and

(2) recommendations for Congress and the President to take any actions to prevent a similar situation in the future and to protect public health.

Subtitle E—Report on Groundwater Contamination

SEC. 7501. DEFINITIONS.

In this subtitle:

(1) COMPREHENSIVE STRATEGY.—The term ''comprehensive strategy'' means a plan for—

(A) the remediation of the plume under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.); or

(B) corrective action under the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

(2) GROUNDWATER.—The term ''groundwater'' means water in a saturated zone or stratum beneath the surface of land or water.

(3) PLUME.—The term ''plume'' means any hazardous waste (as defined in section 1004 of the Solid Waste Disposal Act (42 U.S.C. 6903)) or hazardous substance (as defined in section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601)) found in the groundwater supply.

(4) SITE.—The term ''site'' means the site located at 830 South Oyster Bay Road, Bethpage, New York, 11714 (Environmental Protection Agency identification number NYD002047967).

SEC. 7502. REPORT ON GROUNDWATER CONTAMINATION.

Not later than 180 days after the date of enactment of this Act and annually thereafter, the Secretary of the Navy shall submit to Congress a report on the groundwater contamination from the site that includes—

(1) a description of the status of the groundwater contaminants that are leaving the site and migrating to a location within a 10-mile radius of the site, including—

(A) detailed mapping of the movement of the plume over time; and

(B) projected migration rates of the plume;

(2) an analysis of the current and future impact of the movement of the plume on drinking water facilities; and

(3) a comprehensive strategy to prevent the groundwater contaminants from the site from contaminating drinking water wells that, as of the date of the submission of the report, have not been affected by the migration of the plume.

Subtitle F—Restoration

PART I—GREAT LAKES RESTORATION

SEC. 7611. GREAT LAKES RESTORATION INITIATIVE.

Section 118(c) of the Federal Water Pollution Control Act (33 U.S.C. 1268(c)) is amended by striking paragraph (7) and inserting the following:

''(7) GREAT LAKES RESTORATION INITIATIVE.—

''(A) ESTABLISHMENT.—There is established in the Agency a Great Lakes Restoration Initiative (referred to in this paragraph as the 'Initiative') to carry out programs and projects for Great Lakes protection and restoration.

''(B) FOCUS AREAS.—Each fiscal year under a 5-year Initiative Action Plan, the Initiative shall prioritize programs and projects, carried out in coordination with non-Federal partners, that address priority areas, such as—

''(i) the remediation of toxic substances and areas of concern;

''(ii) the prevention and control of invasive species and the impacts of invasive species;

''(iii) the protection and restoration of nearshore health and the prevention and mitigation of nonpoint source pollution;

''(iv) habitat and wildlife protection and restoration, including wetlands restoration and preservation; and

''(v) accountability, monitoring, evaluation, communication, and partnership activities.

''(C) PROJECTS.—Under the Initiative, the Agency shall collaborate with Federal partners, including the Great Lakes Interagency Task Force, to select the best combination of programs and projects for Great Lakes protection and restoration using appropriate principles and criteria, including whether a program or project provides—

''(i) the ability to achieve strategic and measurable environmental outcomes that implement the Great Lakes Action Plan and the Great Lakes Water Quality Agreement;

''(ii) the feasibility of—

''(I) prompt implementation;

''(II) timely achievement of results; and

''(III) resource leveraging; and

''(iii) the opportunity to improve interagency and inter-organizational coordination and collaboration to reduce duplication and streamline efforts.

''(D) IMPLEMENTATION OF PROJECTS.—

''(i) IN GENERAL.—Subject to subparagraph (G)(ii), funds made available to carry out the Initiative shall be used to strategically implement—

''(I) Federal projects; and

''(II) projects carried out in coordination with States, Indian tribes, municipalities, institutions of higher education, and other organizations.

''(ii) TRANSFER OF FUNDS.—With amounts made available for the Initiative each fiscal year, the Administrator may—

''(I) transfer not more than $300,000,000 to the head of any Federal department or agency, with the concurrence of the department or agency head, to carry out activities to support the Initiative and the Great Lakes Water Quality Agreement;

''(II) enter into an interagency agreement with the head of any Federal department or agency to carry out activities described in subclause (I); and

''(III) make grants to governmental entities, nonprofit organizations, institutions, and individuals for planning, research, monitoring, outreach, and implementation of projects in furtherance of the Initiative and the Great Lakes Water Quality Agreement.

''(E) SCOPE.—

''(i) IN GENERAL.—Projects shall be carried out under the Initiative on multiple levels, including—

''(I) Great Lakes-wide; and

''(II) Great Lakes basin-wide.

''(ii) LIMITATION.—No funds made available to carry out the Initiative may be used for any water infrastructure activity (other than a green infrastructure project that improves habitat and other ecosystem functions in the Great Lakes) for which amounts are made available from—

''(I) a State water pollution control revolving fund established under title VI; or

''(II) a State drinking water revolving loan fund established under section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j–12).

''(F) ACTIVITIES BY OTHER FEDERAL AGENCIES.—Each relevant Federal department or agency shall, to the maximum extent practicable—

''(i) maintain the base level of funding for the Great Lakes activities of that department or agency without regard to funding under the Initiative; and

''(ii) identify new activities and projects to support the environmental goals of the Initiative and the Great Lakes Water Quality Agreement.

''(G) FUNDING.—

''(i) IN GENERAL.—There is authorized to be appropriated to carry out this paragraph $300,000,000 for each of fiscal years 2017 through 2021.

''(ii) LIMITATION.—Nothing in this paragraph creates, expands, or amends the authority of the Administrator to implement programs or projects under—

''(I) this section;

''(II) the Initiative Action Plan; or

''(III) the Great Lakes Water Quality Agreement.''.

SEC. 7612. AMENDMENTS TO THE GREAT LAKES FISH AND WILDLIFE RESTORATION ACT OF 1990.

(a) REFERENCES.—Except as otherwise expressly provided, wherever in this section an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be made to a section or other provision of the Great Lakes Fish and Wildlife Restoration Act of 1990 (16 U.S.C. 941 et seq.).

(b) FINDINGS.—The Act is amended by striking section 1002 and inserting the following:

''SEC. 1002. FINDINGS.

''Congress finds that—

''(1) the Great Lakes have fish and wildlife communities that are structurally and functionally changing;

''(2) successful fish and wildlife management focuses on the lakes as ecosystems, and effective management requires the coordination and integration of efforts of many partners;

''(3) it is in the national interest to undertake activities in the Great Lakes Basin that support sustainable fish and wildlife resources of common concern provided under the Great Lakes Restoration Initiative Action Plan based on the recommendations of the Great Lakes Regional Collaboration authorized under Executive Order 13340 (69 Fed. Reg. 29043; relating to the Great Lakes Interagency Task Force);

''(4) additional actions and better coordination are needed to protect and effectively manage the fish and wildlife resources, and the habitats on which the resources depend, in the Great Lakes Basin;

''(5) as of the date of enactment of this Act, actions are not funded that are considered essential to meet the goals and objectives in managing the fish and wildlife resources, and the habitats on which the resources depend, in the Great Lakes Basin; and

''(6) this Act allows Federal agencies, States, and Indian tribes to work in an effective partnership by providing the funding for restoration work.''.

(c) IDENTIFICATION, REVIEW, AND IMPLEMENTATION OF PROPOSALS AND REGIONAL PROJECTS.—

(1) REQUIREMENTS FOR PROPOSALS AND REGIONAL PROJECTS.—Section 1005(b)(2)(B) (16 U.S.C. 941c(b)(2)(B)) is amended—

(A) in clause (v), by striking ''and'' at the end;

(B) in clause (vi), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

''(vii) the strategic action plan of the Great Lakes Restoration Initiative; and

''(viii) each applicable State wildlife action plan.''.

(2) REVIEW OF PROPOSALS.—Section 1005(c)(2)(C) (16 U.S.C. 941c(c)(2)(C)) is amended by striking ''Great Lakes Coordinator of the''.

(3) COST SHARING.—Section 1005(e) (16 U.S.C. 941c(e)) is amended—

(A) in paragraph (1)—

(i) by striking ''Except as provided in paragraphs (2) and (4), not less than 25 percent of the cost of implementing a proposal'' and inserting the following:

''(A) NON-FEDERAL SHARE.—Except as provided in paragraphs (3) and (5) and subject to paragraph (2), not less than 25 percent of the cost of implementing a proposal or regional project''; and

(ii) by adding at the end the following:

''(B) TIME PERIOD FOR PROVIDING MATCH.—The non-Federal share of the cost of implementing a proposal or regional project required under subparagraph (A) may be provided at any time during the 2-year period preceding January 1 of the year in which the Director receives the application for the proposal or regional project.'';

(B) by redesignating paragraphs (2) through (4) as paragraphs (3) through (5), respectively; and

(C) by inserting before paragraph (3) (as so redesignated) the following:

''(2) AUTHORIZED SOURCES OF NON-FEDERAL SHARE.—

''(A) IN GENERAL.—The Director may determine the non-Federal share under paragraph (1) by taking into account—

''(i) the appraised value of land or a conservation easement as described in subparagraph (B); or

''(ii) as described in subparagraph (C), the costs associated with—

''(I) land acquisition or securing a conservation easement; and

''(II) restoration or enhancement of that land or conservation easement.

''(B) APPRAISAL OF LAND OR CONSERVATION EASEMENT.—

''(i) IN GENERAL.—The value of land or a conservation easement may be used to satisfy the non-Federal share of the cost of implementing a proposal or regional project required under paragraph (1)(A) if the Director determines that the land or conservation easement—

''(I) meets the requirements of subsection (b)(2);

''(II) is acquired before the end of the grant period of the proposal or regional project;

''(III) is held in perpetuity for the conservation purposes of the programs of the United States Fish and Wildlife Service related to the Great Lakes Basin, as described in section 1006, by an accredited land trust or conservancy or a Federal, State, or tribal agency;

''(IV) is connected either physically or through a conservation planning process to the proposal or regional project; and

''(V) is appraised in accordance with clause (ii).

''(ii) APPRAISAL.—With respect to the appraisal of land or a conservation easement described in clause (i)—

''(I) the appraisal valuation date shall be not later than 1 year after the price of the land or conservation easement was set under a contract; and

''(II) the appraisal shall—

''(aa) conform to the Uniform Standards of Professional Appraisal Practice (USPAP); and

''(bb) be completed by a Federal- or State-certified appraiser.

''(C) COSTS OF LAND ACQUISITION OR SECURING CONSERVATION EASEMENT.—

''(i) IN GENERAL.—All costs associated with land acquisition or securing a conservation easement and restoration or enhancement of that land or conservation easement may be used to satisfy the non-Federal share of the cost of implementing a proposal or regional project required under paragraph (1)(A) if the activities and expenses associated with the land acquisition or securing the conservation easement and restoration or enhancement of that land or conservation easement meet the requirements of subparagraph (B)(i).

''(ii) INCLUSION.—The costs referred to in clause (i) may include cash, in-kind contributions, and indirect costs.

''(iii) EXCLUSION.—The costs referred to in clause (i) may not be costs associated with mitigation or litigation (other than costs associated with the Natural Resource Damage Assessment program).''.

(d) ESTABLISHMENT OF OFFICES.—Section 1007 (16 U.S.C. 941e) is amended—

(1) in subsection (b)—

(A) in the subsection heading, by striking ''FISHERY RESOURCES'' and inserting ''FISH AND WILDLIFE CONSERVATION''; and

(B) by striking ''Fishery Resources'' each place it appears and inserting ''Fish and Wildlife Conservation'';

(2) in subsection (c)—

(A) in the subsection heading, by striking ''FISHERY RESOURCES'' and inserting ''FISH AND WILDLIFE CONSERVATION''; and

(B) by striking ''Fishery Resources'' each place it appears and inserting ''Fish and Wildlife Conservation'';

(3) by striking subsection (a); and

(4) by redesignating subsections (b) and (c) as subsections (a) and (b), respectively.

(e) REPORTS.—Section 1008 (16 U.S.C. 941f) is amended—

(1) in subsection (a), in the matter preceding paragraph (1), by striking ''2011'' and inserting ''2021'';

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking ''2007 through 2012'' and inserting ''2016 through 2020''; and

(B) in paragraph (5), by inserting ''the Great Lakes Restoration Initiative Action Plan based on'' after ''in support of''; and

(3) by striking subsection (c) and inserting the following:

''(c) CONTINUED MONITORING AND ASSESSMENT OF STUDY FINDINGS AND RECOMMENDATIONS.—The Director—

''(1) shall continue to monitor the status, and the assessment, management, and restoration needs, of the fish and wildlife resources of the Great Lakes Basin; and

''(2) may reassess and update, as necessary, the findings and recommendations of the Report.''.

(f) AUTHORIZATION OF APPROPRIATIONS.—Section 1009 (16 U.S.C. 941g) is amended—

(1) in the matter preceding paragraph (1), by striking ''2007 through 2012'' and inserting ''2016 through 2021'';

(2) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking ''$14,000,000'' and inserting ''$6,000,000'';

(B) in subparagraph (A), by striking ''$4,600,000'' and inserting ''$2,000,000''; and

(C) in subparagraph (B), by striking ''$700,000'' and inserting ''$300,000''; and

(3) in paragraph (2), by striking ''the activities of'' and all that follows through ''section 1007'' and inserting ''the activities of the Upper Great Lakes Fish and Wildlife Conservation Offices and the Lower Great Lakes Fish and Wildlife Conservation Office under section 1007''.

(g) CONFORMING AMENDMENT.—Section 8 of the Great Lakes Fish and Wildlife Restoration Act of 2006 (16 U.S.C. 941 note; Public Law 109–326) is repealed.

PART II—LAKE TAHOE RESTORATION

SEC. 7621. FINDINGS AND PURPOSES.

The Lake Tahoe Restoration Act (Public Law 106–506; 114 Stat. 2351) is amended by striking section 2 and inserting the following:

''SEC. 2. FINDINGS AND PURPOSES.

''(a) FINDINGS.—Congress finds that—

''(1) Lake Tahoe—

''(A) is one of the largest, deepest, and clearest lakes in the world;

''(B) has a cobalt blue color, a biologically diverse alpine setting, and remarkable water clarity; and

''(C) is recognized nationally and worldwide as a natural resource of special significance;

''(2) in addition to being a scenic and ecological treasure, the Lake Tahoe Basin is one of the outstanding recreational resources of the United States, which—

''(A) offers skiing, water sports, biking, camping, and hiking to millions of visitors each year; and

''(B) contributes significantly to the economies of California, Nevada, and the United States;

''(3) the economy in the Lake Tahoe Basin is dependent on the conservation and restoration of the natural beauty and recreation opportunities in the area;

''(4) the ecological health of the Lake Tahoe Basin continues to be challenged by the impacts of land use and transportation patterns developed in the last century;

''(5) the alteration of wetland, wet meadows, and stream zone habitat have compromised the capacity of the watershed to filter sediment, nutrients, and pollutants before reaching Lake Tahoe;

''(6) forests in the Lake Tahoe Basin suffer from over a century of fire damage and periodic drought, which have resulted in—

''(A) high tree density and mortality;

''(B) the loss of biological diversity; and

''(C) a large quantity of combustible forest fuels, which significantly increases the threat of catastrophic fire and insect infestation;

''(7) the establishment of several aquatic and terrestrial invasive species (including perennial pepperweed, milfoil, and Asian clam) threatens the ecosystem of the Lake Tahoe Basin;

''(8) there is an ongoing threat to the economy and ecosystem of the Lake Tahoe Basin of the introduction and establishment of other invasive species (such as yellow starthistle, New Zealand mud snail, Zebra mussel, and quagga mussel);

''(9) 78 percent of the land in the Lake Tahoe Basin is administered by the Federal Government, which makes it a Federal responsibility to restore ecological health to the Lake Tahoe Basin;

''(10) the Federal Government has a long history of environmental stewardship at Lake Tahoe, including—

''(A) congressional consent to the establishment of the Planning Agency with—

''(i) the enactment in 1969 of Public Law 91–148 (83 Stat. 360); and

''(ii) the enactment in 1980 of Public Law 96–551 (94 Stat. 3233);

''(B) the establishment of the Lake Tahoe Basin Management Unit in 1973;

''(C) the enactment of Public Law 96–586 (94 Stat. 3381) in 1980 to provide for the acquisition of environmentally sensitive land and erosion control grants in the Lake Tahoe Basin;

''(D) the enactment of sections 341 and 342 of the Department of the Interior and Related Agencies Appropriations Act, 2004 (Public Law 108–108; 117 Stat. 1317), which amended the Southern Nevada Public Land Management Act of 1998 (Public Law 105–263; 112 Stat. 2346) to provide payments for the environmental restoration programs under this Act; and

''(E) the enactment of section 382 of the Tax Relief and Health Care Act of 2006 (Public Law 109–432; 120 Stat. 3045), which amended the Southern Nevada Public Land Management Act of 1998 (Public Law 105–263; 112 Stat. 2346) to authorize development and implementation of a comprehensive 10-year hazardous fuels and fire prevention plan for the Lake Tahoe Basin;

''(11) the Assistant Secretary was an original signatory in 1997 to the Agreement of Federal Departments on Protection of the Environment and Economic Health of the Lake Tahoe Basin;

''(12) the Chief of Engineers, under direction from the Assistant Secretary, has continued to be a significant contributor to Lake Tahoe Basin restoration, including—

''(A) stream and wetland restoration; and

''(B) programmatic technical assistance;

''(13) at the Lake Tahoe Presidential Forum in 1997, the President renewed the commitment of the Federal Government to Lake Tahoe by—

''(A) committing to increased Federal resources for ecological restoration at Lake Tahoe; and

''(B) establishing the Federal Interagency Partnership and Federal Advisory Committee to consult on natural resources issues concerning the Lake Tahoe Basin;

''(14) at the 2011 and 2012 Lake Tahoe Forums, Senator Reid, Senator Feinstein, Senator Heller, Senator Ensign, Governor Gibbons, Governor Sandoval, and Governor Brown—

''(A) renewed their commitment to Lake Tahoe; and

''(B) expressed their desire to fund the Federal and State shares of the Environmental Improvement Program through 2022;

''(15) since 1997, the Federal Government, the States of California and Nevada, units of local government, and the private sector have contributed more than $1,955,500,000 to the Lake Tahoe Basin, including—

''(A) $635,400,000 from the Federal Government;

''(B) $758,600,000 from the State of California;

''(C) $123,700,000 from the State of Nevada;

''(D) $98,900,000 from units of local government; and

''(E) $338,900,000 from private interests;

''(16) significant additional investment from Federal, State, local, and private sources is necessary—

''(A) to restore and sustain the ecological health of the Lake Tahoe Basin;

''(B) to adapt to the impacts of fluctuating water temperature and precipitation; and

''(C) to prevent the introduction and establishment of invasive species in the Lake Tahoe Basin; and

''(17) the Secretary has indicated that the Lake Tahoe Basin Management Unit has the capacity for at least $10,000,000 annually for the Fire Risk Reduction and Forest Management Program.

''(b) PURPOSES.—The purposes of this Act are—

''(1) to enable the Chief of the Forest Service, the Director of the United States Fish and Wildlife Service, and the Administrator, in cooperation with the Planning Agency and the States of California and Nevada, to fund, plan, and implement significant new environmental restoration activities and forest management activities in the Lake Tahoe Basin;

''(2) to ensure that Federal, State, local, regional, tribal, and private entities continue to work together to manage land in the Lake Tahoe Basin;

''(3) to support local governments in efforts related to environmental restoration, stormwater pollution control, fire risk reduction, and forest management activities; and

''(4) to ensure that agency and science community representatives in the Lake Tahoe Basin work together—

''(A) to develop and implement a plan for integrated monitoring, assessment, and applied research to evaluate the effectiveness of the Environmental Improvement Program; and

''(B) to provide objective information as a basis for ongoing decisionmaking, with an emphasis on decisionmaking relating to resource management in the Lake Tahoe Basin.''.

SEC. 7622. DEFINITIONS.

The Lake Tahoe Restoration Act (Public Law 106–506; 114 Stat. 2351) is amended by striking section 3 and inserting the following:

''SEC. 3. DEFINITIONS.

''In this Act:

''(1) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Environmental Protection Agency.

''(2) ASSISTANT SECRETARY.—The term 'Assistant Secretary' means the Assistant Secretary of the Army for Civil Works.

''(3) CHAIR.—The term 'Chair' means the Chair of the Federal Partnership.

''(4) COMPACT.—The term 'Compact' means the Tahoe Regional Planning Compact included in the first section of Public Law 96–551 (94 Stat. 3233).

''(5) DIRECTORS.—The term 'Directors' means—

''(A) the Director of the United States Fish and Wildlife Service; and

''(B) the Director of the United States Geological Survey.

''(6) ENVIRONMENTAL IMPROVEMENT PROGRAM.—The term 'Environmental Improvement Program' means—

''(A) the Environmental Improvement Program adopted by the Planning Agency; and

''(B) any amendments to the Program.

''(7) ENVIRONMENTAL THRESHOLD CARRYING CAPACITY.—The term 'environmental threshold carrying capacity' has the meaning given the term in Article II of the Compact.

''(8) FEDERAL PARTNERSHIP.—The term 'Federal Partnership' means the Lake Tahoe Federal Interagency Partnership established by Executive Order 13057 (62 Fed. Reg. 41249) (or a successor Executive order).

''(9) FOREST MANAGEMENT ACTIVITY.—The term 'forest management activity' includes—

''(A) prescribed burning for ecosystem health and hazardous fuels reduction;

''(B) mechanical and minimum tool treatment;

''(C) stream environment zone restoration and other watershed and wildlife habitat enhancements;

''(D) nonnative invasive species management; and

''(E) other activities consistent with Forest Service practices, as the Secretary determines to be appropriate.

''(10) MAPS.—The term 'Maps' means the maps—

''(A) entitled—

''(i) 'LTRA USFS-CA Land Exchange/North Shore';

''(ii) 'LTRA USFS-CA Land Exchange/West Shore'; and

''(iii) 'LTRA USFS-CA Land Exchange/South Shore'; and

''(B) dated January 4, 2016, and on file and available for public inspection in the appropriate offices of—

''(i) the Forest Service;

''(ii) the California Tahoe Conservancy; and

''(iii) the California Department of Parks and Recreation.

''(11) NATIONAL WILDLAND FIRE CODE.—The term 'national wildland fire code' means—

''(A) the most recent publication of the National Fire Protection Association codes numbered 1141, 1142, 1143, and 1144;

''(B) the most recent publication of the International Wildland-Urban Interface Code of the International Code Council; or

''(C) any other code that the Secretary determines provides the same, or better, standards for protection against wildland fire as a code described in subparagraph (A) or (B).

''(12) PLANNING AGENCY.—The term 'Planning Agency' means the Tahoe Regional Planning Agency established under Public Law 91–148 (83 Stat. 360) and Public Law 96–551 (94 Stat. 3233).

''(13) PRIORITY LIST.—The term 'Priority List' means the environmental restoration priority list developed under section 5(b).

''(14) SECRETARY.—The term 'Secretary' means the Secretary of Agriculture, acting through the Chief of the Forest Service.

''(15) STREAM ENVIRONMENT ZONE.—The term 'Stream Environment Zone' means an area that generally owes the biological and physical characteristics of the area to the presence of surface water or groundwater.

''(16) TOTAL MAXIMUM DAILY LOAD.—The term 'total maximum daily load' means the total maximum daily load allocations adopted under section 303(d) of the Federal Water Pollution Control Act (33 U.S.C. 1313(d)).

''(17) WATERCRAFT.—The term 'watercraft' means motorized and non-motorized watercraft, including boats, seaplanes, personal watercraft, kayaks, and canoes.''.

SEC. 7623. IMPROVED ADMINISTRATION OF THE LAKE TAHOE BASIN MANAGEMENT UNIT.

Section 4 of the Lake Tahoe Restoration Act (Public Law 106–506; 114 Stat. 2353) is amended—

(1) in subsection (b)(3), by striking ''basin'' and inserting ''Basin''; and

(2) by adding at the end the following:

''(c) FOREST MANAGEMENT ACTIVITIES.—

''(1) COORDINATION.—

''(A) IN GENERAL.—In conducting forest management activities in the Lake Tahoe Basin Management Unit, the Secretary shall, as appropriate, coordinate with the Administrator and State and local agencies and organizations, including local fire departments and volunteer groups.

''(B) GOALS.—The coordination of activities under subparagraph (A) should aim to increase efficiencies and maximize the compatibility of management practices across public property boundaries.

''(2) MULTIPLE BENEFITS.—

''(A) IN GENERAL.—In conducting forest management activities in the Lake Tahoe Basin Management Unit, the Secretary shall conduct the activities in a manner that—

''(i) except as provided in subparagraph (B), attains multiple ecosystem benefits, including—

''(I) reducing forest fuels;

''(II) maintaining biological diversity;

''(III) improving wetland and water quality, including in Stream Environment Zones; and

''(IV) increasing resilience to changing water temperature and precipitation; and

''(ii) helps achieve and maintain the environmental threshold carrying capacities established by the Planning Agency.

''(B) EXCEPTION.—Notwithstanding subparagraph (A)(i), the attainment of multiple ecosystem benefits shall not be required if the Secretary determines that management for multiple ecosystem benefits would excessively increase the cost of a program in relation to the additional ecosystem benefits gained from the management activity.

''(3) GROUND DISTURBANCE.—Consistent with applicable Federal law and Lake Tahoe Basin Management Unit land and resource management plan direction, the Secretary shall—

''(A) establish post-program ground condition criteria for ground disturbance caused by forest management activities; and

''(B) provide for monitoring to ascertain the attainment of the post-program conditions.

''(d) WITHDRAWAL OF FEDERAL LAND.—

''(1) IN GENERAL.—Subject to valid existing rights and paragraph (2), the Federal land located in the Lake Tahoe Basin Management Unit is withdrawn from—

''(A) all forms of entry, appropriation, or disposal under the public land laws;

''(B) location, entry, and patent under the mining laws; and

''(C) disposition under all laws relating to mineral and geothermal leasing.

''(2) EXCEPTIONS.—A conveyance of land shall be exempt from withdrawal under this subsection if carried out under—

''(A) this Act; or

''(B) Public Law 96–586 (94 Stat. 3381) (commonly known as the 'Santini-Burton Act').

''(e) ENVIRONMENTAL THRESHOLD CARRYING CAPACITY.—The Lake Tahoe Basin Management Unit shall support the attainment of the environmental threshold carrying capacities.

''(f) COOPERATIVE AUTHORITIES.—During the 4 fiscal years following the date of enactment of the Water Resources Development Act of 2016, the Secretary, in conjunction with land adjustment programs, may enter into contracts and cooperative agreements with States, units of local government, and other public and private entities to provide for fuel reduction, erosion control, reforestation, Stream Environment Zone restoration, and similar management activities on Federal land and non-Federal land within the programs.''.

SEC. 7624. AUTHORIZED PROGRAMS.

The Lake Tahoe Restoration Act (Public Law 106–506; 114 Stat. 2351) is amended by striking section 5 and inserting the following:

''SEC. 5. AUTHORIZED PROGRAMS.

''(a) IN GENERAL.—The Secretary, the Assistant Secretary, the Directors, and the Administrator, in coordination with the Planning Agency and the States of California and Nevada, may carry out or provide financial assistance to any program that—

''(1) is described in subsection (d);

''(2) is included in the Priority List under subsection (b); and

''(3) furthers the purposes of the Environmental Improvement Program if the program has been subject to environmental review and approval, respectively, as required under Federal law, Article VII of the Compact, and State law, as applicable.

''(b) PRIORITY LIST.—

''(1) DEADLINE.—Not later than March 15 of the year after the date of enactment of the Water Resources Development Act of 2016, the Chair, in consultation with the Secretary, the Administrator, the Directors, the Planning Agency, the States of California and Nevada, the Federal Partnership, the Washoe Tribe, the Lake Tahoe Federal Advisory Committee, and the Tahoe Science Consortium (or a successor organization) shall submit to Congress a prioritized Environmental Improvement Program list for the Lake Tahoe Basin for the program categories described in subsection (d).

''(2) CRITERIA.—The ranking of the Priority List shall be based on the best available science and the following criteria:

''(A) The 4-year threshold carrying capacity evaluation.

''(B) The ability to measure progress or success of the program.

''(C) The potential to significantly contribute to the achievement and maintenance of the environmental threshold carrying capacities identified in Article II of the Compact.

''(D) The ability of a program to provide multiple benefits.

''(E) The ability of a program to leverage non-Federal contributions.

''(F) Stakeholder support for the program.

''(G) The justification of Federal interest.

''(H) Agency priority.

''(I) Agency capacity.

''(J) Cost-effectiveness.

''(K) Federal funding history.

''(3) REVISIONS.—The Priority List submitted under paragraph (1) shall be revised every 2 years.

''(4) FUNDING.—Of the amounts made available under section 10(a), $80,000,000 shall be made available to the Secretary to carry out projects listed on the Priority List.

''(c) RESTRICTION.—The Administrator shall use not more than 3 percent of the funds provided under subsection (a) for administering the programs described in paragraphs (1) and (2) of subsection (d).

''(d) DESCRIPTION OF ACTIVITIES.—

''(1) FIRE RISK REDUCTION AND FOREST MANAGEMENT.—

''(A) IN GENERAL.—Of the amounts made available under section 10(a), $150,000,000 shall be made available to the Secretary to carry out, including by making grants, the following programs:

''(i) Programs identified as part of the Lake Tahoe Basin Multi-Jurisdictional Fuel Reduction and Wildfire Prevention Strategy 10-Year Plan.

''(ii) Competitive grants for fuels work to be awarded by the Secretary to communities that have adopted national wildland fire codes to implement the applicable portion of the 10-year plan described in clause (i).

''(iii) Biomass programs, including feasibility assessments.

''(iv) Angora Fire Restoration under the jurisdiction of the Secretary.

''(v) Washoe Tribe programs on tribal lands within the Lake Tahoe Basin.

''(vi) Development of an updated Lake Tahoe Basin multijurisdictional fuel reduction and wildfire prevention strategy, consistent with section 4(c).

''(vii) Development of updated community wildfire protection plans by local fire districts.

''(viii) Municipal water infrastructure that significantly improves the firefighting capability of local government within the Lake Tahoe Basin.

''(ix) Stewardship end result contracting projects carried out under section 604 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6591c).

''(B) MINIMUM ALLOCATION.—Of the amounts made available to the Secretary to carry out subparagraph (A), at least $100,000,000 shall be used by the Secretary for programs under subparagraph (A)(i).

''(C) PRIORITY.—Units of local government that have dedicated funding for inspections and enforcement of defensible space regulations shall be given priority for amounts provided under this paragraph.

''(D) COST-SHARING REQUIREMENTS.—

''(i) IN GENERAL.—As a condition on the receipt of funds, communities or local fire districts that receive funds under this paragraph shall provide a 25-percent match.

''(ii) FORM OF NON-FEDERAL SHARE.—

''(I) IN GENERAL.—The non-Federal share required under clause (i) may be in the form of cash contributions or in-kind contributions, including providing labor, equipment, supplies, space, and other operational needs.

''(II) CREDIT FOR CERTAIN DEDICATED FUNDING.—There shall be credited toward the non-Federal share required under clause (i) any dedicated funding of the communities or local fire districts for a fuels reduction management program, defensible space inspections, or dooryard chipping.

''(III) DOCUMENTATION.—Communities and local fire districts shall—

''(aa) maintain a record of in-kind contributions that describes—

''(AA) the monetary value of the in-kind contributions; and

''(BB) the manner in which the in-kind contributions assist in accomplishing program goals and objectives; and

''(bb) document in all requests for Federal funding, and include in the total program budget, evidence of the commitment to provide the non-Federal share through in-kind contributions.

''(2) INVASIVE SPECIES MANAGEMENT.—

''(A) IN GENERAL.—Of the amounts made available under section 10(a), $45,000,000 shall be made available to the Director of the United States Fish and Wildlife Service for the Aquatic Invasive Species Program and the watercraft inspections described in subparagraph (B).

''(B) DESCRIPTION OF ACTIVITIES.—The Director of the United States Fish and Wildlife Service, in coordination with the Assistant Secretary, the Planning Agency, the California Department of Fish and Wildlife, and the Nevada Department of Wildlife, shall deploy strategies consistent with the Lake Tahoe Aquatic Invasive Species Management Plan to prevent the introduction or spread of aquatic invasive species in the Lake Tahoe region.

''(C) CRITERIA.—The strategies referred to in subparagraph (B) shall provide that—

''(i) combined inspection and decontamination stations be established and operated at not less than 2 locations in the Lake Tahoe region; and

''(ii) watercraft not be allowed to launch in waters of the Lake Tahoe region if the watercraft has not been inspected in accordance with the Lake Tahoe Aquatic Invasive Species Management Plan.

''(D) CERTIFICATION.—The Planning Agency may certify State and local agencies to perform the decontamination activities described in subparagraph (C)(i) at locations outside the Lake Tahoe Basin if standards at the sites meet or exceed standards for similar sites in the Lake Tahoe Basin established under this paragraph.

''(E) APPLICABILITY.—The strategies and criteria developed under this paragraph shall apply to all watercraft to be launched on water within the Lake Tahoe region.

''(F) FEES.—The Director of the United States Fish and Wildlife Service may collect and spend fees for decontamination only at a level sufficient to cover the costs of operation of inspection and decontamination stations under this paragraph.

''(G) CIVIL PENALTIES.—

''(i) IN GENERAL.—Any person that launches, attempts to launch, or facilitates launching of watercraft not in compliance with strategies deployed under this paragraph shall be liable for a civil penalty in an amount not to exceed $1,000 per violation.

''(ii) OTHER AUTHORITIES.—Any penalties assessed under this subparagraph shall be separate from penalties assessed under any other authority.

''(H) LIMITATION.—The strategies and criteria under subparagraphs (B) and (C), respectively, may be modified if the Secretary of the Interior, in a nondelegable capacity and in consultation with the Planning Agency and State governments, issues a determination that alternative measures will be no less effective at preventing introduction of aquatic invasive species into Lake Tahoe than the strategies and criteria developed under subparagraphs (B) and (C), respectively.

''(I) SUPPLEMENTAL AUTHORITY.—The authority under this paragraph is supplemental to all actions taken by non-Federal regulatory authorities.

''(J) SAVINGS CLAUSE.—Nothing in this title restricts, affects, or amends any other law or the authority of any department, instrumentality, or agency of the United States, or any State or political subdivision thereof, respecting the control of invasive species.

''(3) STORMWATER MANAGEMENT, EROSION CONTROL, AND TOTAL WATERSHED RESTORATION.—Of the amounts made available under section 10(a), $113,000,000 shall be made available—

''(A) to the Secretary, the Secretary of the Interior, the Assistant Secretary, or the Administrator for the Federal share of stormwater management and related programs consistent with the adopted Total Maximum Daily Load and near-shore water quality goals;

''(B) for grants by the Secretary and the Administrator to carry out the programs described in subparagraph (A);

''(C) to the Secretary or the Assistant Secretary for the Federal share of the Upper Truckee River restoration programs and

other watershed restoration programs identified in the Priority List established under section 5(b); and

''(D) for grants by the Administrator to carry out the programs described in subparagraph (C).

''(4) SPECIAL STATUS SPECIES MANAGEMENT.—Of the amounts made available under section 10(a), $20,000,000 shall be made available to the Director of the United States Fish and Wildlife Service for the Lahontan Cutthroat Trout Recovery Program.''.

SEC. 7625. PROGRAM PERFORMANCE AND ACCOUNTABILITY.

The Lake Tahoe Restoration Act (Public Law 106–506; 114 Stat. 2351) is amended by striking section 6 and inserting the following:

''SEC. 6. PROGRAM PERFORMANCE AND ACCOUNTABILITY.

''(a) PROGRAM PERFORMANCE AND ACCOUNTABILITY.—

''(1) IN GENERAL.—Of the amounts made available under section 10(a), not less than $5,000,000 shall be made available to the Secretary to carry out this section.

''(2) PLANNING AGENCY.—Of the amounts described in paragraph (1), not less than 50 percent shall be made available to the Planning Agency to carry out the program oversight and coordination activities established under subsection (d).

''(b) CONSULTATION.—In carrying out this Act, the Secretary, the Administrator, and the Directors shall, as appropriate and in a timely manner, consult with the heads of the Washoe Tribe, applicable Federal, State, regional, and local governmental agencies, and the Lake Tahoe Federal Advisory Committee.

''(c) CORPS OF ENGINEERS; INTERAGENCY AGREEMENTS.—

''(1) IN GENERAL.—The Assistant Secretary may enter into interagency agreements with non-Federal interests in the Lake Tahoe Basin to use Lake Tahoe Partnership-Miscellaneous General Investigations funds to provide programmatic technical assistance for the Environmental Improvement Program.

''(2) LOCAL COOPERATION AGREEMENTS.—

''(A) IN GENERAL.—Before providing technical assistance under this section, the Assistant Secretary shall enter into a local cooperation agreement with a non-Federal interest to provide for the technical assistance.

''(B) COMPONENTS.—The agreement entered into under subparagraph (A) shall—

''(i) describe the nature of the technical assistance;

''(ii) describe any legal and institutional structures necessary to ensure the effective long-term viability of the end products by the non-Federal interest; and

''(iii) include cost-sharing provisions in accordance with subparagraph (C).

''(C) FEDERAL SHARE.—

''(i) IN GENERAL.—The Federal share of program costs under each local cooperation agreement under this paragraph shall be 65 percent.

''(ii) FORM.—The Federal share may be in the form of reimbursements of program costs.

''(iii) CREDIT.—The non-Federal interest may receive credit toward the non-Federal share for the reasonable costs of related technical activities completed by the non-Federal interest before entering into a local cooperation agreement with the Assistant Secretary under this paragraph.

''(d) EFFECTIVENESS EVALUATION AND MONITORING.—In carrying out this Act, the Secretary, the Administrator, and the Directors, in coordination with the Planning Agency and the States of California and Nevada, shall—

''(1) develop and implement a plan for integrated monitoring, assessment, and applied research to evaluate the effectiveness of the Environmental Improvement Program;

''(2) include funds in each program funded under this section for monitoring and assessment of results at the program level; and

''(3) use the integrated multiagency performance measures established under this section.

''(e) REPORTING REQUIREMENTS.—Not later than March 15 of each year, the Secretary, in cooperation with the Chair, the Administrator, the Directors, the Planning Agency, and the States of California and Nevada, consistent with subsection (a), shall submit to Congress a report that describes—

''(1) the status of all Federal, State, local, and private programs authorized under this Act, including to the maximum extent practicable, for programs that will receive Federal funds under this Act during the current or subsequent fiscal year—

''(A) the program scope;

''(B) the budget for the program; and

''(C) the justification for the program, consistent with the criteria established in section 5(b)(2);

''(2) Federal, State, local, and private expenditures in the preceding fiscal year to implement the Environmental Improvement Program;

''(3) accomplishments in the preceding fiscal year in implementing this Act in accordance with the performance measures and other monitoring and assessment activities; and

''(4) public education and outreach efforts undertaken to implement programs authorized under this Act.

''(f) ANNUAL BUDGET PLAN.—As part of the annual budget of the President, the President shall submit information regarding each Federal agency involved in the Environmental Improvement Program (including the Forest Service, the Environmental Protection Agency, the United States Fish and Wildlife Service, the United States Geological Survey, and the Corps of Engineers), including—

''(1) an interagency crosscut budget that displays the proposed budget for use by each Federal agency in carrying out restoration activities relating to the Environmental Improvement Program for the following fiscal year;

''(2) a detailed accounting of all amounts received and obligated by Federal agencies to achieve the goals of the Environmental Improvement Program during the preceding fiscal year; and

''(3) a description of the Federal role in the Environmental Improvement Program, including the specific role of each agency involved in the restoration of the Lake Tahoe Basin.''.

SEC. 7626. CONFORMING AMENDMENTS; UPDATES TO RELATED LAWS.

(a) LAKE TAHOE RESTORATION ACT.—The Lake Tahoe Restoration Act (Public Law 106–506; 114 Stat. 2351) is amended—

(1) by striking sections 8 and 9;

(2) by redesignating sections 10, 11, and 12 as sections 8, 9, and 10, respectively; and

(3) in section 9 (as redesignated by paragraph (2)) by inserting '', Director, or Administrator'' after ''Secretary''.

(b) TAHOE REGIONAL PLANNING COMPACT.—Subsection (c) of Article V of the Tahoe Regional Planning Compact (Public Law 96–551; 94 Stat. 3240) is amended in the third sentence by inserting ''and, in so doing, shall ensure that the regional plan reflects changing economic conditions and the economic effect of regulation on commerce'' after ''maintain the regional plan''.

(c) TREATMENT UNDER TITLE 49, UNITED STATES CODE.—Section 5303(r)(2)(C) of title 49, United States Code, is amended—

(1) by inserting ''and 25 square miles of land area'' after ''145,000''; and

(2) by inserting ''and 12 square miles of land area'' after ''65,000''.

SEC. 7627. AUTHORIZATION OF APPROPRIATIONS.

The Lake Tahoe Restoration Act (Public Law 106–506; 114 Stat. 2351) is amended by striking section 10 (as redesignated by section 7626(a)(2)) and inserting the following:

''SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

''(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this Act $415,000,000 for a period of 10 fiscal years beginning the first fiscal year after the date of enactment of the Water Resources Development Act of 2016.

''(b) EFFECT ON OTHER FUNDS.—Amounts authorized under this section and any amendments made by this Act—

''(1) shall be in addition to any other amounts made available to the Secretary, the Administrator, or the Directors for expenditure in the Lake Tahoe Basin; and

''(2) shall not reduce allocations for other Regions of the Forest Service, the Environmental Protection Agency, or the United States Fish and Wildlife Service.

''(c) COST-SHARING REQUIREMENT.—Except as provided in subsection (d) and section 5(d)(1)(D), funds for activities carried out under section 5 shall be available for obligation on a 1-to-1 basis with funding of restoration activities in the Lake Tahoe Basin by the States of California and Nevada.

''(d) RELOCATION COSTS.—Notwithstanding subsection (c), the Secretary shall provide to local utility districts ⅔ of the costs of relocating facilities in connection with—

''(1) environmental restoration programs under sections 5 and 6; and

''(2) erosion control programs under section 2 of Public Law 96–586 (94 Stat. 3381).

''(e) SIGNAGE.—To the maximum extent practicable, a program provided assistance under this Act shall include appropriate signage at the program site that—

''(1) provides information to the public on—

''(A) the amount of Federal funds being provided to the program; and

''(B) this Act; and

''(2) displays the visual identity mark of the Environmental Improvement Program.''.

SEC. 7628. LAND TRANSFERS TO IMPROVE MANAGEMENT EFFICIENCIES OF FEDERAL AND STATE LAND.

Section 3(b) of Public Law 96–586 (94 Stat. 3384) (commonly known as the ''Santini-Burton Act'') is amended—

(1) by striking ''(b) Lands'' and inserting the following:

''(b) ADMINISTRATION OF ACQUIRED LAND.—

''(1) IN GENERAL.—Land''; and

(2) by adding at the end the following:

''(2) CALIFORNIA CONVEYANCES.—

''(A) IN GENERAL.—If the State of California (acting through the California Tahoe Conservancy and the California Department of Parks and Recreation) offers to donate to the United States the non-Federal land described in subparagraph (B)(i), the Secretary—

''(i) may accept the offer; and

''(ii) convey to the State of California, subject to valid existing rights and for no consideration, all right, title, and interest of the United States in and to the Federal land.

''(B) DESCRIPTION OF LAND.—

''(i) NON-FEDERAL LAND.—The non-Federal land referred to in subparagraph (A) includes—

''(I) the approximately 1,936 acres of land administered by the California Tahoe Conservancy and identified on the Maps as 'Tahoe Conservancy to the USFS'; and

''(II) the approximately 183 acres of land administered by California State Parks and

identified on the Maps as 'Total USFS to California'.

''(ii) FEDERAL LAND.—The Federal land referred to in subparagraph (A) includes the approximately 1,995 acres of Forest Service land identified on the Maps as 'U.S. Forest Service to Conservancy and State Parks'.

''(C) CONDITIONS.—Any land conveyed under this paragraph shall—

''(i) be for the purpose of consolidating Federal and State ownerships and improving management efficiencies;

''(ii) not result in any significant changes in the uses of the land; and

''(iii) be subject to the condition that the applicable deed include such terms, restrictions, covenants, conditions, and reservations as the Secretary determines necessary—

''(I) to ensure compliance with this Act; and

''(II) to ensure that the transfer of development rights associated with the conveyed parcels shall not be recognized or available for transfer under chapter 51 of the Code of Ordinances for the Tahoe Regional Planning Agency.

''(D) CONTINUATION OF SPECIAL USE PERMITS.—The land conveyance under this paragraph shall be subject to the condition that the State of California accept all special use permits applicable, as of the date of enactment of the Water Resources Development Act of 2016, to the land described in subparagraph (B)(ii) for the duration of the special use permits, and subject to the terms and conditions of the special use permits.

''(3) NEVADA CONVEYANCES.—

''(A) IN GENERAL.—In accordance with this section and on request by the Governor of Nevada, the Secretary may transfer the land or interests in land described in subparagraph (B) to the State of Nevada without consideration, subject to appropriate deed restrictions to protect the environmental quality and public recreational use of the land transferred.

''(B) DESCRIPTION OF LAND.—The land referred to in subparagraph (A) includes—

''(i) the approximately 38.68 acres of Forest Service land identified on the map entitled 'State of Nevada Conveyances' as 'Van Sickle Unit USFS Inholding'; and

''(ii) the approximately 92.28 acres of Forest Service land identified on the map entitled 'State of Nevada Conveyances' as 'Lake Tahoe Nevada State Park USFS Inholding'.

''(C) CONDITIONS.—Any land conveyed under this paragraph shall—

''(i) be for the purpose of consolidating Federal and State ownerships and improving management efficiencies;

''(ii) not result in any significant changes in the uses of the land; and

''(iii) be subject to the condition that the applicable deed include such terms, restrictions, covenants, conditions, and reservations as the Secretary determines necessary—

''(I) to ensure compliance with this Act; and

''(II) to ensure that the development rights associated with the conveyed parcels shall not be recognized or available for transfer under section 90.2 of the Code of Ordinances for the Tahoe Regional Planning Agency.

''(D) CONTINUATION OF SPECIAL USE PERMITS.—The land conveyance under this paragraph shall be subject to the condition that the State of Nevada accept all special use permits applicable, as of the date of enactment of the Water Resources Development Act of 2016, to the land described in subparagraph (B)(ii) for the duration of the special use permits, and subject to the terms and conditions of the special use permits.

''(4) AUTHORIZATION FOR CONVEYANCE OF FOREST SERVICE URBAN LOTS.—

''(A) CONVEYANCE AUTHORITY.—Except in the case of land described in paragraphs (2) and (3), the Secretary of Agriculture may convey any urban lot within the Lake Tahoe Basin under the administrative jurisdiction of the Forest Service.

''(B) CONSIDERATION.—A conveyance under subparagraph (A) shall require consideration in an amount equal to the fair market value of the conveyed lot.

''(C) AVAILABILITY AND USE.—The proceeds from a conveyance under subparagraph (A) shall be retained by the Secretary of Agriculture and used for—

''(i) purchasing inholdings throughout the Lake Tahoe Basin; or

''(ii) providing additional funds to carry out the Lake Tahoe Restoration Act (Public Law 106–506; 114 Stat. 2351) in excess of amounts made available under section 10 of that Act.

''(D) OBLIGATION LIMIT.—The obligation and expenditure of proceeds retained under this paragraph shall be subject to such fiscal year limitation as may be specified in an Act making appropriations for the Forest Service for a fiscal year.

''(5) REVERSION.—If a parcel of land transferred under paragraph (2) or (3) is used in a manner that is inconsistent with the use described for the parcel of land in paragraph (2) or (3), respectively, the parcel of land, shall, at the discretion of the Secretary, revert to the United States.

''(6) FUNDING.—

''(A) IN GENERAL.—Of the amounts made available under section 10(a) of the Lake Tahoe Restoration Act (Public Law 106–506; 114 Stat. 2351), $2,000,000 shall be made available to the Secretary to carry out the activities under paragraphs (2), (3), and (4).

''(B) OTHER FUNDS.—Of the amounts available to the Secretary under paragraph (1), not less than 50 percent shall be provided to the California Tahoe Conservancy to facilitate the conveyance of land described in paragraphs (2) and (3).''.

PART III—LONG ISLAND SOUND RESTORATION

SEC. 7631. RESTORATION AND STEWARDSHIP PROGRAMS.

(a) LONG ISLAND SOUND RESTORATION PROGRAM.—Section 119 of the Federal Water Pollution Control Act (33 U.S.C. 1269) is amended—

(1) in subsection (b), by striking the subsection designation and heading and all that follows through ''The Office shall'' and inserting the following:

''(b) OFFICE.—

''(1) ESTABLISHMENT.—The Administrator shall—

''(A) continue to carry out the conference study; and

''(B) establish an office, to be located on or near Long Island Sound.

''(2) ADMINISTRATION AND STAFFING.—The Office shall'';

(2) in subsection (c)—

(A) in the matter preceding paragraph (1), by striking ''Management Conference of the Long Island Sound Study'' and inserting ''conference study'';

(B) in paragraph (2)—

(i) in each of subparagraphs (A) through (G), by striking the commas at the end of the subparagraphs and inserting semicolons;

(ii) in subparagraph (H), by striking '', and'' and inserting a semicolon;

(iii) in subparagraph (I), by striking the period at the end and inserting a semicolon; and

(iv) by adding at the end the following:

''(J) environmental impacts on the Long Island Sound watershed, including—

''(i) the identification and assessment of vulnerabilities in the watershed;

''(ii) the development and implementation of adaptation strategies to reduce those vulnerabilities; and

''(iii) the identification and assessment of the impacts of sea level rise on water quality, habitat, and infrastructure; and

''(K) planning initiatives for Long Island Sound that identify the areas that are most suitable for various types or classes of activities in order to reduce conflicts among uses, reduce adverse environmental impacts, facilitate compatible uses, or preserve critical ecosystem services to meet economic, environmental, security, or social objectives;'';

(C) by striking paragraph (4) and inserting the following:

''(4) develop and implement strategies to increase public education and awareness with respect to the ecological health and water quality conditions of Long Island Sound;'';

(D) in paragraph (5), by inserting ''study'' after ''conference'';

(E) in paragraph (6)—

(i) by inserting ''(including on the Internet)'' after ''the public''; and

(ii) by inserting ''study'' after ''conference''; and

(F) by striking paragraph (7) and inserting the following:

''(7) monitor the progress made toward meeting the identified goals, actions, and schedules of the Comprehensive Conservation and Management Plan, including through the implementation and support of a monitoring system for the ecological health and water quality conditions of Long Island Sound; and'';

(3) in subsection (d)(3), in the second sentence, by striking ''50 per centum'' and inserting ''60 percent'';

(4) by redesignating subsection (f) as subsection (i); and

(5) by inserting after subsection (e) the following:

''(f) REPORT.—

''(1) IN GENERAL.—Not later than 2 years after the date of enactment of the Water Resources Development Act of 2016, and biennially thereafter, the Director of the Office, in consultation with the Governor of each Long Island Sound State, shall submit to Congress a report that—

''(A) summarizes and assesses the progress made by the Office and the Long Island Sound States in implementing the Long Island Sound Comprehensive Conservation and Management Plan, including an assessment of the progress made toward meeting the performance goals and milestones contained in the Plan;

''(B) assesses the key ecological attributes that reflect the health of the ecosystem of the Long Island Sound watershed;

''(C) describes any substantive modifications to the Long Island Sound Comprehensive Conservation and Management Plan made during the 2-year period preceding the date of submission of the report;

''(D) provides specific recommendations to improve progress in restoring and protecting the Long Island Sound watershed, including, as appropriate, proposed modifications to the Long Island Sound Comprehensive Conservation and Management Plan;

''(E) identifies priority actions for implementation of the Long Island Sound Comprehensive Conservation and Management Plan for the 2-year period following the date of submission of the report; and

''(F) describes the means by which Federal funding and actions will be coordinated with the actions of the Long Island Sound States and other entities.

''(2) PUBLIC AVAILABILITY.—The Administrator shall make the report described in

paragraph (1) available to the public, including on the Internet.

''(g) ANNUAL BUDGET PLAN.—The President shall submit, together with the annual budget of the United States Government submitted under section 1105(a) of title 31, United States Code, information regarding each Federal department and agency involved in the protection and restoration of the Long Island Sound watershed, including—

''(1) an interagency crosscut budget that displays for each department and agency—

''(A) the amount obligated during the preceding fiscal year for protection and restoration projects and studies relating to the watershed;

''(B) the estimated budget for the current fiscal year for protection and restoration projects and studies relating to the watershed; and

''(C) the proposed budget for succeeding fiscal years for protection and restoration projects and studies relating to the watershed; and

''(2) a summary of any proposed modifications to the Long Island Sound Comprehensive Conservation and Management Plan for the following fiscal year.

''(h) FEDERAL ENTITIES.—

''(1) COORDINATION.—The Administrator shall coordinate the actions of all Federal departments and agencies that impact water quality in the Long Island Sound watershed in order to improve the water quality and living resources of the watershed.

''(2) METHODS.—In carrying out this section, the Administrator, acting through the Director of the Office, may—

''(A) enter into interagency agreements; and

''(B) make intergovernmental personnel appointments.

''(3) FEDERAL PARTICIPATION IN WATERSHED PLANNING.—A Federal department or agency that owns or occupies real property, or carries out activities, within the Long Island Sound watershed shall participate in regional and subwatershed planning, protection, and restoration activities with respect to the watershed.

''(4) CONSISTENCY WITH COMPREHENSIVE CONSERVATION AND MANAGEMENT PLAN.—To the maximum extent practicable, the head of each Federal department and agency that owns or occupies real property, or carries out activities, within the Long Island Sound watershed shall ensure that the property and all activities carried out by the department or agency are consistent with the Long Island Sound Comprehensive Conservation and Management Plan (including any related subsequent agreements and plans).''.

(b) LONG ISLAND SOUND STEWARDSHIP PROGRAM.—

(1) LONG ISLAND SOUND STEWARDSHIP ADVISORY COMMITTEE.—Section 8 of the Long Island Sound Stewardship Act of 2006 (33 U.S.C. 1269 note; Public Law 109–359) is amended—

(A) in subsection (g), by striking ''2011'' and inserting ''2021''; and

(B) by adding at the end the following:

''(h) NONAPPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to—

''(1) the Advisory Committee; or

''(2) any board, committee, or other group established under this Act.''.

(2) REPORTS.—Section 9(b)(1) of the Long Island Sound Stewardship Act of 2006 (33 U.S.C. 1269 note; Public Law 109–359) is amended in the matter preceding subparagraph (A) by striking ''2011'' and inserting ''2021''.

(3) AUTHORIZATION.—Section 11 of the Long Island Sound Stewardship Act of 2006 (33 U.S.C. 1269 note; Public Law 109–359) is amended—

(A) by striking subsection (a);

(B) by redesignating subsections (b) through (d) as subsections (a) through (c), respectively; and

(C) in subsection (a) (as so redesignated), by striking ''under this section each'' and inserting ''to carry out this Act for a''.

(4) EFFECTIVE DATE.—The amendments made by this subsection take effect on October 1, 2011.

SEC. 7632. REAUTHORIZATION.

(a) IN GENERAL.—There are authorized to be appropriated to the Administrator such sums as are necessary for each of fiscal years 2017 through 2021 for the implementation of—

(1) section 119 of the Federal Water Pollution Control Act (33 U.S.C. 1269), other than subsection (d) of that section; and

(2) the Long Island Sound Stewardship Act of 2006 (33 U.S.C. 1269 note; Public Law 109–359).

(b) LONG ISLAND SOUND GRANTS.—There is authorized to be appropriated to the Administrator to carry out section 119(d) of the Federal Water Pollution Control Act (33 U.S.C. 1269(d)) $40,000,000 for each of fiscal years 2017 through 2021.

(c) LONG ISLAND SOUND STEWARDSHIP GRANTS.—There is authorized to be appropriated to the Administrator to carry out the Long Island Sound Stewardship Act of 2006 (33 U.S.C. 1269 note; Public Law 109–359) $25,000,000 for each of fiscal years 2017 through 2021.

PART IV—DELAWARE RIVER BASIN CONSERVATION

SEC. 7641. FINDINGS.

Congress finds that—

(1) the Delaware River Basin is a national treasure of great cultural, environmental, ecological, and economic importance;

(2) the Basin contains over 12,500 square miles of land in the States of Delaware, New Jersey, New York, and Pennsylvania, including nearly 800 square miles of bay and more than 2,000 tributary rivers and streams;

(3) the Basin is home to more than 8,000,000 people who depend on the Delaware River and the Delaware Bay as an economic engine, a place of recreation, and a vital habitat for fish and wildlife;

(4) the Basin provides clean drinking water to more than 15,000,000 people, including New York City, which relies on the Basin for approximately half of the drinking water supply of the city, and Philadelphia, whose most significant threat to the drinking water supply of the city is loss of forests and other natural cover in the Upper Basin, according to a study conducted by the Philadelphia Water Department;

(5) the Basin contributes $25,000,000,000 annually in economic activity, provides $21,000,000,000 in ecosystem goods and services per year, and is directly or indirectly responsible for 600,000 jobs with $10,000,000,000 in annual wages;

(6) almost 180 species of fish and wildlife are considered special status species in the Basin due to habitat loss and degradation, particularly sturgeon, eastern oyster, horseshoe crabs, and red knots, which have been identified as unique species in need of habitat improvement;

(7) the Basin provides habitat for over 200 resident and migrant fish species, includes significant recreational fisheries, and is an important source of eastern oyster, blue crab, and the largest population of the American horseshoe crab;

(8) the annual dockside value of commercial eastern oyster fishery landings for the Delaware Estuary is nearly $4,000,000, making it the fourth most lucrative fishery in the Delaware River Basin watershed, and proven management strategies are available to increase oyster habitat, abundance, and harvest;

(9) the Delaware Bay has the second largest concentration of shorebirds in North America and is designated as one of the 4 most important shorebird migration sites in the world;

(10) the Basin, 50 percent of which is forested, also has over 700,000 acres of wetland, more than 126,000 acres of which are recognized as internationally important, resulting in a landscape that provides essential ecosystem services, including recreation, commercial, and water quality benefits;

(11) much of the remaining exemplary natural landscape in the Basin is vulnerable to further degradation, as the Basin gains approximately 10 square miles of developed land annually, and with new development, urban watersheds are increasingly covered by impervious surfaces, amplifying the quantity of polluted runoff into rivers and streams;

(12) the Delaware River is the longest undammed river east of the Mississippi; a critical component of the National Wild and Scenic Rivers System in the Northeast, with more than 400 miles designated; home to one of the most heavily visited National Park units in the United States, the Delaware Water Gap National Recreation Area; and the location of 6 National Wildlife Refuges;

(13) the Delaware River supports an internationally renowned cold water fishery in more than 80 miles of its northern headwaters that attracts tens of thousands of visitors each year and generates over $21,000,000 in annual revenue through tourism and recreational activities;

(14) management of water volume in the Basin is critical to flood mitigation and habitat for fish and wildlife, and following 3 major floods along the Delaware River since 2004, the Governors of the States of Delaware, New Jersey, New York, and Pennsylvania have called for natural flood damage reduction measures to combat the problem, including restoring the function of riparian corridors;

(15) the Delaware River Port Complex (including docking facilities in the States of Delaware, New Jersey, and Pennsylvania) is one of the largest freshwater ports in the world, the Port of Philadelphia handles the largest volume of international tonnage and 70 percent of the oil shipped to the East Coast, and the Port of Wilmington, a full-service deepwater port and marine terminal supporting more than 12,000 jobs, is the busiest terminal on the Delaware River, handling more than 400 vessels per year with an annual import/export cargo tonnage of more than 4,000,000 tons;

(16) the Delaware Estuary, where freshwater from the Delaware River mixes with saltwater from the Atlantic Ocean, is one of the largest and most complex of the 28 estuaries in the National Estuary Program, and the Partnership for the Delaware Estuary works to improve the environmental health of the Delaware Estuary;

(17) the Delaware River Basin Commission is a Federal-interstate compact government agency charged with overseeing a unified approach to managing the river system and implementing important water resources management projects and activities throughout the Basin that are in the national interest;

(18) restoration activities in the Basin are supported through several Federal and State agency programs, and funding for those important programs should continue and complement the establishment of the Delaware River Basin Restoration Program, which is intended to build on and help coordinate restoration and protection funding mechanisms at the Federal, State, regional, and local levels; and

(19) the existing and ongoing voluntary conservation efforts in the Delaware River

Basin necessitate improved efficiency and cost effectiveness, as well as increased private-sector investments and coordination of Federal and non-Federal resources.

SEC. 7642. DEFINITIONS.

In this part:

(1) BASIN.—The term ''Basin'' means the 4-State Delaware Basin region, including all of Delaware Bay and portions of the States of Delaware, New Jersey, New York, and Pennsylvania located in the Delaware River watershed.

(2) BASIN STATE.—The term ''Basin State'' means each of the States of Delaware, New Jersey, New York, and Pennsylvania.

(3) DIRECTOR.—The term ''Director'' means the Director of the United States Fish and Wildlife Service.

(4) FOUNDATION.—The term ''Foundation'' means the National Fish and Wildlife Foundation, a congressionally chartered foundation established by section 2 of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3701).

(5) GRANT PROGRAM.—The term ''grant program'' means the voluntary Delaware River Basin Restoration Grant Program established under section 7644.

(6) PROGRAM.—The term ''program'' means the nonregulatory Delaware River Basin restoration program established under section 7643.

(7) RESTORATION AND PROTECTION.—The term ''restoration and protection'' means the conservation, stewardship, and enhancement of habitat for fish and wildlife to preserve and improve ecosystems and ecological processes on which they depend, and for use and enjoyment by the public.

(8) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Director.

(9) SERVICE.—The term ''Service'' means the United States Fish and Wildlife Service.

SEC. 7643. PROGRAM ESTABLISHMENT.

(a) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall establish a nonregulatory program to be known as the ''Delaware River Basin restoration program''.

(b) DUTIES.—In carrying out the program, the Secretary shall—

(1) draw on existing and new management plans for the Basin, or portions of the Basin, and work in consultation with applicable management entities, including representatives of the Partnership for the Delaware Estuary, the Delaware River Basin Commission, the Federal Government, and other State and local governments, and regional and nonprofit organizations, as appropriate, to identify, prioritize, and implement restoration and protection activities within the Basin;

(2) adopt a Basinwide strategy that—

(A) supports the implementation of a shared set of science-based restoration and protection activities developed in accordance with paragraph (1);

(B) targets cost-effective projects with measurable results; and

(C) maximizes conservation outcomes with no net gain of Federal full-time equivalent employees; and

(3) establish the voluntary grant and technical assistance programs in accordance with section 7644.

(c) COORDINATION.—In establishing the program, the Secretary shall consult, as appropriate, with—

(1) the heads of Federal agencies, including—

(A) the Administrator;

(B) the Administrator of the National Oceanic and Atmospheric Administration;

(C) the Chief of the Natural Resources Conservation Service;

(D) the Chief of Engineers; and

(E) the head of any other applicable agency;

(2) the Governors of the Basin States;

(3) the Partnership for the Delaware Estuary;

(4) the Delaware River Basin Commission;

(5) fish and wildlife joint venture partnerships; and

(6) other public agencies and organizations with authority for the planning and implementation of conservation strategies in the Basin.

(d) PURPOSES.—The purposes of the program include—

(1) coordinating restoration and protection activities among Federal, State, local, and regional entities and conservation partners throughout the Basin; and

(2) carrying out coordinated restoration and protection activities, and providing for technical assistance throughout the Basin and Basin States—

(A) to sustain and enhance fish and wildlife habitat restoration and protection activities;

(B) to improve and maintain water quality to support fish and wildlife, as well as the habitats of fish and wildlife, and drinking water for people;

(C) to sustain and enhance water management for volume and flood damage mitigation improvements to benefit fish and wildlife habitat;

(D) to improve opportunities for public access and recreation in the Basin consistent with the ecological needs of fish and wildlife habitat;

(E) to facilitate strategic planning to maximize the resilience of natural systems and habitats under changing watershed conditions;

(F) to engage the public through outreach, education, and citizen involvement, to increase capacity and support for coordinated restoration and protection activities in the Basin;

(G) to increase scientific capacity to support the planning, monitoring, and research activities necessary to carry out coordinated restoration and protection activities; and

(H) to provide technical assistance to carry out restoration and protection activities in the Basin.

SEC. 7644. GRANTS AND ASSISTANCE.

(a) DELAWARE RIVER BASIN RESTORATION GRANT PROGRAM.—To the extent that funds are available to carry out this section, the Secretary shall establish a voluntary grant and technical assistance program to be known as the ''Delaware River Basin Restoration Grant Program'' to provide competitive matching grants of varying amounts to State and local governments, nonprofit organizations, institutions of higher education, and other eligible entities to carry out activities described in section 7643(d).

(b) CRITERIA.—The Secretary, in consultation with the organizations described in section 7643(c), shall develop criteria for the grant program to help ensure that activities funded under this section accomplish one or more of the purposes identified in section 7643(d)(2) and advance the implementation of priority actions or needs identified in the Basinwide strategy adopted under section 7643(b)(2).

(c) COST SHARING.—

(1) FEDERAL SHARE.—The Federal share of the cost of a project funded under the grant program shall not exceed 50 percent of the total cost of the activity, as determined by the Secretary.

(2) NON-FEDERAL SHARE.—The non-Federal share of the cost of a project funded under the grant program may be provided in cash or in the form of an in-kind contribution of services or materials.

(d) ADMINISTRATION.—

(1) IN GENERAL.—The Secretary may enter into an agreement to manage the grant program with the National Fish and Wildlife Foundation or a similar organization that offers grant management services.

(2) FUNDING.—If the Secretary enters into an agreement under paragraph (1), the organization selected shall—

(A) for each fiscal year, receive amounts to carry out this section in an advance payment of the entire amount on October 1, or as soon as practicable thereafter, of that fiscal year;

(B) invest and reinvest those amounts for the benefit of the grant program; and

(C) otherwise administer the grant program to support partnerships between the public and private sectors in accordance with this part.

(3) REQUIREMENTS.—If the Secretary enters into an agreement with the Foundation under paragraph (1), any amounts received by the Foundation under this section shall be subject to the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3701 et seq.), excluding section 10(a) of that Act (16 U.S.C. 3709(a)).

SEC. 7645. ANNUAL REPORTS.

Not later than 180 days after the date of enactment of this Act and annually thereafter, the Secretary shall submit to Congress a report on the implementation of this part, including a description of each project that has received funding under this part.

SEC. 7646. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated to the Secretary to carry out this part $5,000,000 for each of fiscal years 2017 through 2022.

(b) USE.—Of any amount made available under this section for each fiscal year, the Secretary shall use at least 75 percent to carry out the grant program under section 7644 and to provide, or provide for, technical assistance under that program.

PART V—COLUMBIA RIVER BASIN RESTORATION

SEC. 7651. COLUMBIA RIVER BASIN RESTORATION.

Title I of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) is amended by adding at the end the following:

''SEC. 123. COLUMBIA RIVER BASIN RESTORATION.

''(a) DEFINITIONS.—

''(1) COLUMBIA RIVER BASIN.—The term 'Columbia River Basin' means the entire United States portion of the Columbia River watershed.

''(2) ESTUARY PARTNERSHIP.—The term 'Estuary Partnership' means the Lower Columbia Estuary Partnership, an entity created by the States of Oregon and Washington and the Environmental Protection Agency under section 320.

''(3) ESTUARY PLAN.—

''(A) IN GENERAL.—The term 'Estuary Plan' means the Estuary Partnership Comprehensive Conservation and Management Plan adopted by the Environmental Protection Agency and the Governors of Oregon and Washington on October 20, 1999, under section 320.

''(B) INCLUSION.—The term 'Estuary Plan' includes any amendments to the plan.

''(4) LOWER COLUMBIA RIVER ESTUARY.—The term 'Lower Columbia River Estuary' means the mainstem Columbia River from the Bonneville Dam to the Pacific Ocean and tidally influenced portions of tributaries to the Columbia River in that region.

''(5) MIDDLE AND UPPER COLUMBIA RIVER BASIN.—The term 'Middle and Upper Columbia River Basin' means the region consisting of the United States portion of the Columbia River Basin above Bonneville Dam.

''(6) PROGRAM.—The term 'Program' means the Columbia River Basin Restoration Program established under subsection (b)(1)(A).

''(b) COLUMBIA RIVER BASIN RESTORATION PROGRAM.—

''(1) ESTABLISHMENT.—

''(A) IN GENERAL.—The Administrator shall establish within the Environmental Protection Agency a Columbia River Basin Restoration Program.

''(B) EFFECT.—

''(i) The establishment of the Program does not modify any legal or regulatory authority or program in effect as of the date of enactment of this section, including the roles of Federal agencies in the Columbia River Basin.

''(ii) This section does not create any new regulatory authority.

''(2) SCOPE OF PROGRAM.—The Program shall consist of a collaborative stakeholder-based program for environmental protection and restoration activities throughout the Columbia River Basin.

''(3) DUTIES.—The Administrator shall—

''(A) assess trends in water quality, including trends that affect uses of the water of the Columbia River Basin;

''(B) collect, characterize, and assess data on water quality to identify possible causes of environmental problems; and

''(C) provide grants in accordance with subsection (d) for projects that assist in—

''(i) eliminating or reducing pollution;

''(ii) cleaning up contaminated sites;

''(iii) improving water quality;

''(iv) monitoring to evaluate trends;

''(v) reducing runoff;

''(vi) protecting habitat; or

''(vii) promoting citizen engagement or knowledge.

''(c) STAKEHOLDER WORKING GROUP.—

''(1) ESTABLISHMENT.—The Administrator shall establish a Columbia River Basin Restoration Working Group (referred to in this subsection as the 'Working Group').

''(2) MEMBERSHIP.—

''(A) IN GENERAL.—Membership in the Working Group shall be on a voluntary basis and any person invited by the Administrator under this subsection may decline membership.

''(B) INVITED REPRESENTATIVES.—The Administrator shall invite, at a minimum, representatives of—

''(i) each State located in whole or in part within the Columbia River Basin;

''(ii) the Governors of each State located in whole or in part with the Columbia River Basin;

''(iii) each federally recognized Indian tribe in the Columbia River Basin;

''(iv) local governments located in the Columbia River Basin;

''(v) industries operating in the Columbia River Basin that affect or could affect water quality;

''(vi) electric, water, and wastewater utilities operating in the Columba River Basin;

''(vii) private landowners in the Columbia River Basin;

''(viii) soil and water conservation districts in the Columbia River Basin;

''(ix) nongovernmental organizations that have a presence in the Columbia River Basin;

''(x) the general public in the Columbia River Basin; and

''(xi) the Estuary Partnership.

''(3) GEOGRAPHIC REPRESENTATION.—The Working Group shall include representatives from—

''(A) each State; and

''(B) each of the Lower, Middle, and Upper Basins of the Columbia River.

''(4) DUTIES AND RESPONSIBILITIES.—The Working Group shall—

''(A) recommend and prioritize projects and actions; and

''(B) review the progress and effectiveness of projects and actions implemented.

''(5) LOWER COLUMBIA RIVER ESTUARY.—

''(A) ESTUARY PARTNERSHIP.—The Estuary Partnership shall perform the duties and fulfill the responsibilities of the Working Group described in paragraph (4) as those duties and responsibilities relate to the Lower Columbia River Estuary for such time as the Estuary Partnership is the management conference for the Lower Columbia River National Estuary Program under section 320.

''(B) DESIGNATION.—If the Estuary Partnership ceases to be the management conference for the Lower Columbia River National Estuary Program under section 320, the Administrator may designate the new management conference to assume the duties and responsibilities of the Working Group described in paragraph (4) as those duties and responsibilities relate to the Lower Columbia River Estuary.

''(C) INCORPORATION.—If the Estuary Partnership is removed from the National Estuary Program, the duties and responsibilities for the lower 146 miles of the Columbia River pursuant to this Act shall be incorporated into the duties of the Working Group.

''(d) GRANTS.—

''(1) IN GENERAL.—The Administrator shall establish a voluntary, competitive Columbia River Basin program to provide grants to State governments, tribal governments, regional water pollution control agencies and entities, local government entities, nongovernmental entities, or soil and water conservation districts to develop or implement projects authorized under this section for the purpose of environmental protection and restoration activities throughout the Columbia River Basin.

''(2) FEDERAL SHARE.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the Federal share of the cost of any project or activity carried out using funds from a grant provided to any person (including a State, tribal, or local government or interstate or regional agency) under this subsection for a fiscal year—

''(i) shall not exceed 75 percent of the total cost of the project or activity; and

''(ii) shall be made on condition that the non-Federal share of that total cost shall be provided from non-Federal sources.

''(B) EXCEPTIONS.—With respect to cost-sharing for a grant provided under this subsection—

''(i) a tribal government may use Federal funds for the non-Federal share; and

''(ii) the Administrator may increase the Federal share under such circumstances as the Administrator determines to be appropriate.

''(3) ALLOCATION.—In making grants using funds appropriated to carry out this section, the Administrator shall—

''(A) provide not less than 25 percent of the funds to make grants for projects, programs, and studies in the Lower Columbia River Estuary;

''(B) provide not less than 25 percent of the funds to make grants for projects, programs, and studies in the Middle and Upper Columbia River Basin, which includes the Snake River Basin; and

''(C) retain for Environmental Protection Agency not more than 5 percent of the funds for purposes of implementing this section.

''(4) REPORTING.—

''(A) IN GENERAL.—Each grant recipient under this subsection shall submit to the Administrator reports on progress being made in achieving the purposes of this section.

''(B) REQUIREMENTS.—The Administrator shall establish requirements and timelines for recipients of grants under this subsection to report on progress made in achieving the purposes of this section.

''(5) RELATIONSHIP TO OTHER FUNDING.—

''(A) IN GENERAL.—Nothing in this subsection limits the eligibility of the Estuary Partnership to receive funding under section 320(g).

''(B) LIMITATION.—None of the funds made available under this subsection may be used for the administration of a management conference under section 320.

''(e) ANNUAL BUDGET PLAN.—The President, as part of the annual budget submission of the President to Congress under section 1105(a) of title 31, United States Code, shall submit information regarding each Federal agency involved in protection and restoration of the Columbia River Basin, including an interagency crosscut budget that displays for each Federal agency—

''(1) the amounts obligated for the preceding fiscal year for protection and restoration projects, programs, and studies relating to the Columbia River Basin;

''(2) the estimated budget for the current fiscal year for protection and restoration projects, programs, and studies relating to the Columbia River Basin; and

''(3) the proposed budget for protection and restoration projects, programs, and studies relating to the Columbia River Basin.''.

Subtitle G—Innovative Water Infrastructure Workforce Development

SEC. 7701. INNOVATIVE WATER INFRASTRUCTURE WORKFORCE DEVELOPMENT PROGRAM.

(a) GRANTS AUTHORIZED.—The Administrator shall establish a competitive grant program to assist the development of innovative activities relating to workforce development in the water utility sector.

(b) SELECTION OF GRANT RECIPIENTS.—In awarding grants under subsection (a), the Administrator shall, to the maximum extent practicable, select water utilities that—

(1) are geographically diverse;

(2) address the workforce and human resources needs of large and small public water and wastewater utilities;

(3) address the workforce and human resources needs of urban and rural public water and wastewater utilities;

(4) advance training relating to construction, utility operations, treatment and distribution, green infrastructure, customer service, maintenance, and engineering; and

(5)(A) have a high retiring workforce rate; or

(B) are located in areas with a high unemployment rate.

(c) USE OF FUNDS.—Grants awarded under subsection (a) may be used for activities such as—

(1) targeted internship, apprenticeship, preapprenticeship, and post-secondary bridge programs for mission-critical skilled trades, in collaboration with labor organizations, community colleges, and other training and education institutions that provide—

(A) on-the-job training;

(B) soft and hard skills development;

(C) test preparation for skilled trade apprenticeships; or

(D) other support services to facilitate post-secondary success;

(2) kindergarten through 12th grade and young adult education programs that—

(A) educate young people about the role of water and wastewater utilities in the communities of the young people;

(B) increase the career awareness and exposure of the young people to water utility careers through various work-based learning opportunities inside and outside the classroom; and

(C) connect young people to post-secondary career pathways related to water utilities;

(3) regional industry and workforce development collaborations to identify water utility employment needs, map existing career

pathways, support the development of curricula, facilitate the sharing of resources, and coordinate candidate development, staff preparedness efforts, and activities that engage and support—

(A) water utilities employers;

(B) educational and training institutions;

(C) local community-based organizations;

(D) public workforce agencies; and

(E) other related stakeholders;

(4) integrated learning laboratories embedded in high schools or other secondary educational institutions that provide students with—

(A) hands-on, contextualized learning opportunities;

(B) dual enrollment credit for post-secondary education and training programs; and

(C) direct connection to industry employers; and

(5) leadership development, occupational training, mentoring, or cross-training programs that ensure that incumbent water and wastewater utilities workers are prepared for higher-level supervisory or management-level positions.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Administrator to carry out this section $1,000,000 for each of fiscal years 2017 through 2021.

Subtitle H—Offset

SEC. 7801. OFFSET.

None of the funds available to the Secretary of Energy to provide any credit subsidy under subsection (d) of section 136 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17013) as of the date of enactment of this Act shall be obligated for new loan commitments under that subsection on or after October 1, 2020.

TITLE VIII—MISCELLANEOUS PROVISIONS

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

Section 4005 of the Solid Waste Disposal Act (42 U.S.C. 6945) is amended by adding at the end the following:

''(d) STATE PROGRAMS FOR CONTROL OF COAL COMBUSTION RESIDUALS.—

''(1) APPROVAL BY ADMINISTRATOR.—

''(A) IN GENERAL.—Each State may submit to the Administrator, in such form as the Administrator may establish, evidence of a permit program or other system of prior approval and conditions under State law for regulation by the State of coal combustion residual units that are located in the State in lieu of a Federal program under this subsection.

''(B) REQUIREMENT.—Not later than 90 days after the date on which a State submits the evidence described in subparagraph (A), the Administrator shall approve, in whole or in part, a permit program or other system of prior approval and conditions submitted under subparagraph (A) if the Administrator determines that the program or other system requires each coal combustion residual unit located in the State to achieve compliance with—

''(i) the applicable criteria for coal combustion residual units under part 257 of title 40, Code of Federal Regulations (or successor regulations), promulgated pursuant to sections 1008(a)(3) and 4004(a); or

''(ii) such other State criteria that the Administrator, after consultation with the State, determines to be at least as protective as the criteria described in clause (i).

''(C) PERMIT REQUIREMENTS.—The Administrator may approve under subparagraph (B)(ii) a State permit program or other system of prior approval and conditions that allows a State to include technical standards for individual permits or conditions of approval that differ from the technical standards under part 257 of title 40, Code of Federal Regulations (or successor regulations), if, based on site-specific conditions, the technical standards established pursuant to an approved State program or other system are at least as protective as the technical standards under that part.

''(D) WITHDRAWAL OF APPROVAL.—

''(i) PROGRAM REVIEW.—The Administrator shall review programs or other systems approved under subparagraph (B)—

''(I) from time to time, but not less frequently than once every 5 years; or

''(II) on request of any State.

''(ii) NOTIFICATION AND OPPORTUNITY FOR A PUBLIC HEARING.—The Administrator shall provide to the relevant State notice and an opportunity for a public hearing if the Administrator determines that—

''(I) a revision or correction to the permit program or other system of prior approval and conditions of the State is required for the State to achieve compliance with the requirements of subparagraph (B);

''(II) the State has not adopted and implemented an adequate permit program or other system of prior approval and conditions for each coal combustion residual unit located in the State to ensure compliance with the requirements of subparagraph (B); or

''(III) the State has, at any time, approved or failed to revoke a permit under this subsection that would lead to the violation of a law to protect human health or the environment of any other State.

''(iii) WITHDRAWAL.—

''(I) IN GENERAL.—The Administrator shall withdraw approval of a State permit program or other system of prior approval and conditions if, after the Administrator provides notice and an opportunity for a public hearing to the relevant State under clause (ii), the Administrator determines that the State has not corrected the deficiency.

''(II) REINSTATEMENT OF STATE APPROVAL.—Any withdrawal of approval under subclause (I) shall cease to be effective on the date on which the Administrator makes a determination that the State permit program or other system of prior approval and conditions complies with the requirements of subparagraph (B).

''(2) NONPARTICIPATING STATES.—

''(A) DEFINITION OF NONPARTICIPATING STATE.—In this paragraph, the term 'nonparticipating State' means a State—

''(i) for which the Administrator has not approved a State permit program or other system of prior approval and conditions under paragraph (1)(B);

''(ii) the Governor of which has not submitted to the Administrator for approval evidence to operate a State permit program or other system of prior approval and conditions under paragraph (1)(A);

''(iii) the Governor of which has provided notice to the Administrator that, not fewer than 90 days after the date on which the Governor provides notice to the Administrator, the State relinquishes an approval under paragraph (1)(B) to operate a permit program or other system of prior approval and conditions; or

''(iv) for which the Administrator has withdrawn approval for a permit program or other system of prior approval and conditions under paragraph (1)(D)(iii).

''(B) PERMIT PROGRAM.—In the case of a nonparticipating State for which the Administrator makes a determination that the nonparticipating State lacks the capacity to implement a permit program or other system of prior approval and conditions and subject to the availability of appropriations, the Administrator may implement a permit program to require each coal combustion residual unit located in the nonparticipating State to achieve compliance with applicable criteria established by the Administrator under part 257 of title 40, Code of Federal Regulations (or successor regulations).

''(3) APPLICABILITY OF CRITERIA.—The applicable criteria for coal combustion residual units under part 257 of title 40, Code of Federal Regulations (or successor regulations), promulgated pursuant to sections 1008(a)(3) and 4004(a), shall apply to each coal combustion residual unit in a State unless—

''(A) a permit under a State permit program or other system of prior approval and conditions approved by the Administrator under paragraph (1)(B) is in effect; or

''(B) a permit issued by the Administrator in a State in which the Administrator is implementing a permit program under paragraph (2)(B) is in effect.

''(4) PROHIBITION ON OPEN DUMPING.—

''(A) IN GENERAL.—Except as provided in subparagraph (B)(i) and subject to subparagraph (B)(ii), the Administrator may use the authority provided by sections 3007 and 3008 to enforce the prohibition against open dumping contained in subsection (a) with respect to a coal combustion residual unit.

''(B) FEDERAL ENFORCEMENT IN APPROVED STATE.—

''(i) IN GENERAL.—In the case of a coal combustion residual unit located in a State that is approved to operate a permit program or other system of prior approval and conditions under paragraph (1)(B), the Administrator may commence an administrative or judicial enforcement action under section 3008 if—

''(I) the State requests that the Administrator provide assistance in the performance of the enforcement action; or

''(II) after consideration of any other administrative or judicial enforcement action involving the coal combustion residual unit, the Administrator determines that an enforcement action is likely to be necessary to ensure that the coal combustion residual unit is operating in accordance with the criteria established under the permit program or other system of prior approval and conditions.

''(ii) NOTIFICATION.—In the case of an enforcement action by the Administrator under clause (i)(II), before issuing an order or commencing a civil action, the Administrator shall notify the State in which the coal combustion residual unit is located.

''(iii) ANNUAL REPORT TO CONGRESS.—Not later than December 31, 2017, and December 31 of each year thereafter, the Administrator shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Energy and Commerce of the House of Representatives a report that describes any enforcement action commenced under clause (i)(II), including a description of the basis for the enforcement action.

''(5) INDIAN COUNTRY.—The Administrator may establish and carry out a permit program, in accordance with this subsection, for coal combustion residual units in Indian country (as defined in section 1151 of title 18, United States Code) to require each coal combustion residual unit located in Indian country to achieve compliance with the applicable criteria established by the Administrator under part 257 of title 40, Code of Federal Regulations (or successor regulations).

''(6) TREATMENT OF COAL COMBUSTION RESIDUAL UNITS.—A coal combustion residual unit shall be considered to be a sanitary landfill for purposes of subsection (a) only if the coal combustion residual unit is operating in accordance with—

''(A) the requirements established pursuant to a program for which an approval is provided by—

''(i) the State in accordance with a program or system approved under paragraph (1)(B); or

''(ii) the Administrator pursuant to paragraph (2)(B) or paragraph (5); or

''(B) the applicable criteria for coal combustion residual units under part 257 of title 40, Code of Federal Regulations (or successor regulations), promulgated pursuant to sections 1008(a)(3) and 4004(a).

''(7) EFFECT OF SUBSECTION.—Nothing in this subsection affects any authority, regulatory determination, other law, or legal obligation in effect on the day before the date of enactment of the Water Resources Development Act of 2016.''.

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

(a) PURPOSES.—The purposes of this section are—

(1) to permanently resolve and settle those claims to Settlement Area Waters of the Choctaw Nation of Oklahoma and the Chickasaw Nation as set forth in the Settlement Agreement and this section, including all claims or defenses in and to Chickasaw Nation, Choctaw Nation v. Fallin et al., CIV 11–927 (W.D. Ok.), OWRB v. United States, et al. CIV 12–275 (W.D. Ok.), or any future stream adjudication;

(2) to approve, ratify, and confirm the Settlement Agreement;

(3) to authorize and direct the Secretary of the Interior to execute the Settlement Agreement and to perform all obligations of the Secretary of the Interior under the Settlement Agreement and this section;

(4) to approve, ratify, and confirm the amended storage contract among the State, the City and the Trust;

(5) to authorize and direct the Secretary to approve the amended storage contract for the Corps of Engineers to perform all obligations under the 1974 storage contract, the amended storage contract, and this section; and

(6) to authorize all actions necessary for the United States to meet its obligations under the Settlement Agreement, the amended storage contract, and this section.

(b) DEFINITIONS.—In this section:

(1) 1974 STORAGE CONTRACT.—The term ''1974 storage contract'' means the contract approved by the Secretary on April 9, 1974, between the Secretary and the Water Conservation Storage Commission of the State of Oklahoma pursuant to section 301 of the Water Supply Act of 1958 (43 U.S.C. 390b), and other applicable Federal law.

(2) 2010 AGREEMENT.—The term ''2010 agreement'' means the agreement entered into among the OWRB and the Trust, dated June 15, 2010, relating to the assignment by the State of the 1974 storage contract and transfer of rights, title, interests, and obligations under that contract to the Trust, including the interests of the State in the conservation storage capacity and associated repayment obligations to the United States.

(3) ADMINISTRATIVE SET-ASIDE SUBCONTRACTS.—The term ''administrative set-aside subcontracts'' means the subcontracts the City shall issue for the use of Conservation Storage Capacity in Sardis Lake as provided by section 4 of the amended storage contract.

(4) ALLOTMENT.—The term ''allotment'' means the land within the Settlement Area held by an allottee subject to a statutory restriction on alienation or held by the United States in trust for the benefit of an allottee.

(5) ALLOTTEE.—The term ''allottee'' means an enrolled member of the Choctaw Nation or citizen of the Chickasaw Nation who, or whose estate, holds an interest in an allotment.

(6) AMENDED PERMIT APPLICATION.—The term ''amended permit application'' means the permit application of the City to the OWRB, No. 2007–17, as amended as provided by the Settlement Agreement.

(7) AMENDED STORAGE CONTRACT TRANSFER AGREEMENT; AMENDED STORAGE CONTRACT .—The terms ''amended storage contract transfer agreement'' and ''amended storage contract'' mean the 2010 Agreement between the City, the Trust, and the OWRB, as amended, as provided by the Settlement Agreement and this section.

(8) ATOKA AND SARDIS CONSERVATION PROJECTS FUND.—The term ''Atoka and Sardis Conservation Projects Fund'' means the Atoka and Sardis Conservation Projects Fund established, funded, and managed in accordance with the Settlement Agreement.

(9) CITY.—The term ''City'' means the City of Oklahoma City, or the City and the Trust acting jointly, as applicable.

(10) CITY PERMIT.—The term ''City permit'' means any permit issued to the City by the OWRB pursuant to the amended permit application and consistent with the Settlement Agreement.

(11) CONSERVATION STORAGE CAPACITY.—The term ''conservation storage capacity'' means the total storage space as stated in the 1974 storage contract in Sardis Lake between elevations 599.0 feet above mean sea level and 542.0 feet above mean sea level, which is estimated to contain 297,200 acre-feet of water after adjustment for sediment deposits, and which may be used for municipal and industrial water supply, fish and wildlife, and recreation.

(12) ENFORCEABILITY DATE .—The term ''enforceability date'' means the date on which the Secretary of the Interior publishes in the Federal Register a notice certifying that the conditions of subsection (i) have been satisfied.

(13) FUTURE USE STORAGE.—The term ''future use storage'' means that portion of the conservation storage capacity that was designated by the 1974 Contract to be utilized for future water use storage and was estimated to contain 155,500 acre feet of water after adjustment for sediment deposits, or 52.322 percent of the conservation storage capacity.

(14) NATIONS.—The term ''Nations'' means, collectively, the Choctaw Nation of Oklahoma (''Choctaw Nation'') and the Chickasaw Nation.

(15) OWRB.—The term ''OWRB'' means the Oklahoma Water Resources Board.

(16) SARDIS LAKE.—The term ''Sardis Lake'' means the reservoir, formerly known as Clayton Lake, whose dam is located in Section 19, Township 2 North, Range 19 East of the Indian Meridian, Pushmataha County, Oklahoma, the construction, operation, and maintenance of which was authorized by section 203 of the Flood Control Act of 1962 (Public Law 87–874; 76 Stat. 1187).

(17) SETTLEMENT AGREEMENT.—The term ''Settlement Agreement'' means the settlement agreement as approved by the Nations, the State, the City, and the Trust effective August 22, 2016, as revised to conform with this section, as applicable.

(18) SETTLEMENT AREA.—The term ''settlement area'' means—

(A) the area lying between—

(i) the South Canadian River and Arkansas River to the north;

(ii) the Oklahoma–Texas State line to the south;

(iii) the Oklahoma–Arkansas State line to the east; and

(iv) the 98th Meridian to the west; and

(B) the area depicted in Exhibit 1 to the Settlement Agreement and generally including the following counties, or portions of, in the State:

(i) Atoka.
(ii) Bryan.
(iii) Carter.
(iv) Choctaw.
(v) Coal.
(vi) Garvin.
(vii) Grady.
(viii) McClain.
(ix) Murray.
(x) Haskell.
(xi) Hughes.
(xii) Jefferson.
(xiii) Johnston.
(xiv) Latimer.
(xv) LeFlore.
(xvi) Love.
(xvii) Marshall.
(xviii) McCurtain.
(xix) Pittsburgh.
(xx) Pontotoc.
(xxi) Pushmataha.
(xxii) Stephens.

(19) SETTLEMENT AREA WATERS.—The term ''settlement area waters'' means the waters located—

(A) within the settlement area; and

(B) within a basin depicted in Exhibit 10 to the Settlement Agreement, including any of the following basins as denominated in the 2012 Update of the Oklahoma Comprehensive Water Plan:

(i) Beaver Creek (24, 25, and 26).
(ii) Blue (11 and 12).
(iii) Clear Boggy (9).
(iv) Kiamichi (5 and 6).
(v) Lower Arkansas (46 and 47).
(vi) Lower Canadian (48, 56, 57, and 58).
(vii) Lower Little (2).
(viii) Lower Washita (14).
(ix) Mountain Fork (4).
(x) Middle Washita (15 and 16).
(xi) Mud Creek (23).
(xii) Muddy Boggy (7 and 8).
(xiii) Poteau (44 and 45).
(xiv) Red River Mainstem (1, 10, 13, and 21)
(xv) Upper Little (3).
(xvi) Walnut Bayou (22).

(20) STATE.—The term ''State'' means the State of Oklahoma.

(21) TRUST.—

(A) IN GENERAL.—The term ''Trust'' means the Oklahoma City Water Utilities Trust, formerly known as the Oklahoma City Municipal Improvement Authority, a public trust established pursuant to State law with the City as the beneficiary.

(B) REFERENCES.—A reference in this section to ''Trust'' shall refer to the Oklahoma City Water Utilities Trust, acting severally.

(c) APPROVAL OF THE SETTLEMENT AGREEMENT.—

(1) RATIFICATION.—

(A) IN GENERAL.—Except as modified by this section, and to the extent the Settlement Agreement does not conflict with this section, the Settlement Agreement is authorized, ratified, and confirmed.

(B) AMENDMENTS.—If an amendment is executed to make the Settlement Agreement consistent with this section, the amendment is also authorized, ratified and confirmed to the extent the amendment is consistent with this section.

(2) EXECUTION OF SETTLEMENT AGREEMENT.—

(A) IN GENERAL.—To the extent the Settlement Agreement does not conflict with this section, the Secretary of the Interior shall promptly execute the Settlement Agreement, including all exhibits to or parts of the Settlement Agreement requiring the signature of the Secretary of the Interior and any amendments necessary to make the Settlement Agreement consistent with this section.

(B) NOT A MAJOR FEDERAL ACTION.—Execution of the Settlement Agreement by the

Secretary of the Interior under this subsection shall not constitute a major Federal action under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(d) APPROVAL OF THE AMENDED STORAGE CONTRACT AND 1974 STORAGE CONTRACT.—

(1) RATIFICATION.—

(A) IN GENERAL.—Except to the extent any provision of the amended storage contract conflicts with any provision of this section, the amended storage contract is authorized, ratified, and confirmed.

(B) 1974 STORAGE CONTRACT.—To the extent the amended storage contract, as authorized, ratified, and confirmed, modifies or amends the 1974 storage contract, the modification or amendment to the 1974 storage contract is authorized, ratified, and confirmed.

(C) AMENDMENTS.—To the extent an amendment is executed to make the amended storage contract consistent with this section, the amendment is authorized, ratified, and confirmed.

(2) APPROVAL BY THE SECRETARY.—After the State and the City execute the amended storage contract, the Secretary shall approve the amended storage contract.

(3) MODIFICATION OF SEPTEMBER 11, 2009, ORDER IN UNITED STATES V. OKLAHOMA WATER RESOURCES BOARD, CIV 98–00521 (N.D. OK).—The Secretary, through counsel, shall cooperate and work with the State to file any motion and proposed order to modify or amend the order of the United States District Court for the Northern District of Oklahoma dated September 11, 2009, necessary to conform the order to the amended storage contract transfer agreement, the Settlement Agreement, and this section.

(4) CONSERVATION STORAGE CAPACITY.—The allocation of the use of the conservation storage capacity in Sardis Lake for administrative set-aside subcontracts, City water supply, and fish and wildlife and recreation as provided by the amended storage contract is authorized, ratified and approved.

(5) ACTIVATION; WAIVER.—

(A) FINDINGS.—Congress finds that—

(i) the earliest possible activation of any increment of future use storage in Sardis Lake will not occur until after 2050; and

(ii) the obligation to make annual payments for the Sardis future use storage operation, maintenance and replacement costs, capital costs, or interest attributable to Sardis future use storage only arises if, and only to the extent, that an increment of Sardis future use storage is activated by withdrawal or release of water from the future use storage that is authorized by the user for a consumptive use of water.

(B) WAIVER OF OBLIGATIONS FOR STORAGE THAT IS NOT ACTIVATED.—Notwithstanding section 301 of the Water Supply Act of 1958 (43 U.S.C. 390b), section 203 of the Flood Control Act of 1962 (Public Law 87–874; 76 Stat. 1187), the 1974 storage contract, or any other provision of law, effective as of January 1, 2050—

(i) the entirety of any repayment obligations (including interest), relating to that portion of conservation storage capacity allocated by the 1974 storage contract to future use storage in Sardis Lake is waived and shall be considered nonreimbursable; and

(ii) any obligation of the State and, on execution and approval of the amended storage contract, of the City and the Trust, under the 1974 storage contract regarding capital costs and any operation, maintenance, and replacement costs and interest otherwise attributable to future use storage in Sardis Lake is waived and shall be nonreimbursable, if by January 1, 2050, the right to future use storage is not activated by the withdrawal or release of water from future use storage for an authorized consumptive use of water.

(6) CONSISTENT WITH AUTHORIZED PURPOSES; NO MAJOR OPERATIONAL CHANGE.—

(A) CONSISTENT WITH AUTHORIZED PURPOSE.—The amended storage contract, the approval of the Secretary of the amended storage contract, and the waiver of future use storage under paragraph (5)—

(i) are deemed consistent with the authorized purposes for Sardis Lake as described in section 203 of the Flood Control Act of 1962 (Public Law 87–874; 76 Stat. 1187) and do not affect the authorized purposes for which the project was authorized, surveyed, planned, and constructed; and

(ii) shall not constitute a reallocation of storage.

(B) NO MAJOR OPERATIONAL CHANGE.—The amended storage contract, the approval of the Secretary of the amended storage contract, and the waiver of future use storage under paragraph (5) shall not constitute a major operational change under section 301(e) of the Water Supply Act of 1958 (43 U.S.C. 390b(e)).

(7) NO FURTHER AUTHORIZATION REQUIRED.—This section shall be considered sufficient and complete authorization, without further study or analysis, for—

(A) the Secretary to approve the amended storage contract; and

(B) after approval under subparagraph (A), the Corps of Engineers to manage storage in Sardis Lake pursuant to and in accordance with the 1974 storage contract, the amended storage contract, and the Settlement Agreement.

(e) SETTLEMENT AREA WATERS.—

(1) FINDINGS.—Congress finds that—

(A) pursuant to the Atoka Agreement as ratified by section 29 of the Act of June 28, 1898 (30 Stat. 505, chapter 517) (as modified by the Act of July 1, 1902 (32 Stat. 641, chapter 1362)), the Nations issued patents to their respective tribal members and citizens and thereby conveyed to individual Choctaws and Chickasaws, all right, title, and interest in and to land that was possessed by the Nations, other than certain mineral rights; and

(B) when title passed from the Nations to their respective tribal members and citizens, the Nations did not convey and those individuals did not receive any right of regulatory or sovereign authority, including with respect to water.

(2) PERMITTING, ALLOCATION, AND ADMINISTRATION OF SETTLEMENT AREA WATERS PURSUANT TO THE SETTLEMENT AGREEMENT.—Beginning on the enforceability date, settlement area waters shall be permitted, allocated, and administered by the OWRB in accordance with the Settlement Agreement and this section.

(3) CHOCTAW NATION AND CHICKASAW NATION.—Beginning on the enforceability date, the Nations shall have the right to use and to develop the right to use settlement area waters only in accordance with the Settlement Agreement and this section.

(4) WAIVER AND DELEGATION BY NATIONS.—In addition to the waivers under subsection (h), the Nations, on their own behalf, shall permanently delegate to the State any regulatory authority each Nation may possess over water rights on allotments, which the State shall exercise in accordance with the Settlement Agreement and this subsection.

(5) RIGHT TO USE WATER.—

(A) IN GENERAL.—An allottee may use water on an allotment in accordance with the Settlement Agreement and this subsection.

(B) SURFACE WATER USE.—

(i) IN GENERAL.—An allottee may divert and use, on the allotment of the allottee, 6 acre-feet per year of surface water per 160 acres, to be used solely for domestic uses on an allotment that constitutes riparian land under applicable State law as of the date of enactment of this Act.

(ii) EFFECT OF STATE LAW.—The use of surface water described in clause (i) shall be subject to all rights and protections of State law, as of the date of enactment of this Act, including all protections against loss for nonuse.

(iii) NO PERMIT REQUIRED.—An allottee may divert water under this subsection without a permit or any other authorization from the OWRB.

(C) GROUNDWATER USE.—

(i) IN GENERAL.—An allottee may drill wells on the allotment of the allottee to take and use for domestic uses the greater of—

(I) 5 acre-feet per year; or

(II) any greater quantity allowed under State law.

(ii) EFFECT OF STATE LAW.—The groundwater use described in clause (i) shall be subject to all rights and protections of State law, as of the date of enactment of this Act, including all protections against loss for nonuse.

(iii) NO PERMIT REQUIRED.—An allottee may drill wells and use water under this subsection without a permit or any other authorization from the OWRB.

(D) FUTURE CHANGES IN STATE LAW.—

(i) IN GENERAL.—If State law changes to limit use of water to a quantity that is less than the applicable quantity specified in subparagraph (B) or (C), as applicable, an allottee shall retain the right to use water in accord with those subparagraphs, subject to paragraphs (6)(B)(iv) and (7).

(ii) OPPORTUNITY TO BE HEARD.—Prior to taking any action to limit the use of water by an individual, the OWRB shall provide to the individual an opportunity to demonstrate that the individual is—

(I) an allottee; and

(II) using water on the allotment pursuant to and in accordance with the Settlement Agreement and this section.

(6) ALLOTTEE OPTIONS FOR ADDITIONAL WATER.—

(A) IN GENERAL.—To use a quantity of water in excess of the quantities provided under paragraph (5), an allottee shall—

(i) file an action under subparagraph (B); or

(ii) apply to the OWRB for a permit pursuant to, and in accordance with, State law.

(B) DETERMINATION IN FEDERAL DISTRICT COURT.—

(i) IN GENERAL.—In lieu of applying to the OWRB for a permit to use more water than is allowed under paragraph (5), an allottee may, after written notice to the OWRB, file an action in the United States District Court for the Western District of Oklahoma for determination of the right to water of the allottee.

(ii) JURISDICTION.—For purposes of this subsection—

(I) the United States District Court for the Western District of Oklahoma shall have jurisdiction; and

(II) the waivers of immunity under subparagraphs (A) and (B) of subsection (j)(2) shall apply.

(iii) REQUIREMENTS.—An allottee filing an action pursuant to this subparagraph shall—

(I) join the OWRB as a party; and

(II) publish notice in a newspaper of general circulation within the Settlement Area Hydrologic Basin for 2 consecutive weeks, with the first publication appearing not later than 30 days after the date on which the action is filed.

(iv) DETERMINATION FINAL.—

(I) IN GENERAL.—Subject to subclause (II), if an allottee elects to have the rights of the allottee determined pursuant to this subparagraph, the determination shall be final as to any rights under Federal law and in

lieu of any rights to use water on an allotment as provided in paragraph (5).

(II) RESERVATION OF RIGHTS.—Subclause (I) shall not preclude an allottee from—

(aa) applying to the OWRB for water rights pursuant to State law; or

(bb) using any rights allowed by State law that do not require a permit from the OWRB.

(7) OWRB ADMINISTRATION AND ENFORCEMENT.—

(A) IN GENERAL.—If an allottee exercises any right under paragraph (5) or has rights determined under paragraph (6)(B), the OWRB shall have jurisdiction to administer those rights.

(B) CHALLENGES.—An allottee may challenge OWRB administration of rights determined under this paragraph, in the United States District Court for the Western District of Oklahoma.

(8) PRIOR EXISTING STATE LAW RIGHTS.—Water rights held by an allottee as of the enforceability date pursuant to a permit issued by the OWRB shall be governed by the terms of that permit and applicable State law (including regulations).

(f) CITY PERMIT FOR APPROPRIATION OF STREAM WATER FROM THE KIAMICHI RIVER.—The City permit shall be processed, evaluated, issued, and administered consistent with and in accordance with the Settlement Agreement and this section.

(g) SETTLEMENT COMMISSION.—

(1) ESTABLISHMENT.—There is established a Settlement Commission.

(2) MEMBERS.—

(A) IN GENERAL.—The Settlement Commission shall be comprised of 5 members, appointed as follows:

(i) 1 by the Governor of the State.

(ii) 1 by the Attorney General of the State.

(iii) 1 by the Chief of the Choctaw Nation.

(iv) 1 by the Governor of the Chickasaw Nation.

(v) 1 by agreement of the members described in clauses (i) through (iv).

(B) JOINTLY APPOINTED MEMBER.—If the members described in clauses (i) through (iv) of subparagraph (A) do not agree on a member appointed pursuant to subparagraph (A)(v)—

(i) the members shall submit to the Chief Judge for the United States District Court for the Eastern District of Oklahoma, a list of not less than 3 persons; and

(ii) from the list under clause (i), the Chief Judge shall make the appointment.

(C) INITIAL APPOINTMENTS.—The initial appointments to the Settlement Commission shall be made not later than 90 days after the enforceability date.

(3) MEMBER TERMS.—

(A) IN GENERAL.—Each Settlement Commission member shall serve at the pleasure of appointing authority.

(B) COMPENSATION.—A member of the Settlement Commission shall serve without compensation, but an appointing authority may reimburse the member appointed by the entity for costs associated with service on the Settlement Commission.

(C) VACANCIES.—If a member of the Settlement Commission is removed or resigns, the appointing authority shall appoint the replacement member.

(D) JOINTLY APPOINTED MEMBER.—The member of the Settlement Commission described in paragraph (2)(A)(v) may be removed or replaced by a majority vote of the Settlement Commission based on a failure of the member to carry out the duties of the member.

(4) DUTIES.—The duties and authority of the Settlement Commission shall be set forth in the Settlement Agreement, and the Settlement Commission shall not possess or exercise any duty or authority not stated in the Settlement Agreement.

(h) WAIVERS AND RELEASES OF CLAIMS.—

(1) CLAIMS BY THE NATIONS AND THE UNITED STATES AS TRUSTEE FOR THE NATIONS.—Subject to the retention of rights and claims provided in paragraph (3) and except to the extent that rights are recognized in the Settlement Agreement or this section, the Nations and the United States, acting as a trustee for the Nations, shall execute a waiver and release of—

(A) all of the following claims asserted or which could have been asserted in any proceeding filed or that could have been filed during the period ending on the enforceability date, including Chickasaw Nation, Choctaw Nation v. Fallin et al., CIV 11–927 (W.D. Ok.), OWRB v. United States, et al. CIV 12–275 (W.D. Ok.), or any general stream adjudication, relating to—

(i) claims to the ownership of water in the State;

(ii) claims to water rights and rights to use water diverted or taken from a location within the State;

(iii) claims to authority over the allocation and management of water and administration of water rights, including authority over third-party ownership of or rights to use water diverted or taken from a location within the State and ownership or use of water on allotments by allottees or any other person using water on an allotment with the permission of an allottee;

(iv) claims that the State lacks authority over the allocation and management of water and administration of water rights, including authority over the ownership of or rights to use water diverted or taken from a location within the State;

(v) any other claim relating to the ownership of water, regulation of water, or authorized diversion, storage, or use of water diverted or taken from a location within the State, which claim is based on the status of the Chickasaw Nation or the Choctaw Nation as a federally recognized Indian tribe; and

(vi) claims or defenses asserted or which could have been asserted in Chickasaw Nation, Choctaw Nation v. Fallin et al., CIV 11–927 (W.D. Ok.), OWRB v. United States, et al. CIV 12–275 (W.D. Ok.), or any general stream adjudication;

(B) all claims for damages, losses or injuries to water rights or water, or claims of interference with, diversion, storage, taking, or use of water (including claims for injury to land resulting from the damages, losses, injuries, interference with, diversion, storage, taking, or use of water) attributable to any action by the State, the OWRB, or any water user authorized pursuant to State law to take or use water in the State, including the City, that accrued during the period ending on the enforceability date;

(C) all claims and objections relating to the amended permit application, and the City permit, including—

(i) all claims regarding regulatory control over or OWRB jurisdiction relating to the permit application and permit; and

(ii) all claims for damages, losses or injuries to water rights or rights to use water, or claims of interference with, diversion, storage, taking, or use of water (including claims for injury to land resulting from the damages, losses, injuries, interference with, diversion, storage, taking, or use of water) attributable to the issuance and lawful exercise of the City permit;

(D) all claims to regulatory control over the Permit Numbers P80–48 and 54–613 of the City for water rights from the Muddy Boggy River for Atoka Reservoir and P73–282D for water rights from the Muddy Boggy River, including McGee Creek, for the McGee Creek Reservoir;

(E) all claims that the State lacks regulatory authority over or OWRB jurisdiction relating to Permit Numbers P80–48 and 54–613 for water rights from the Muddy Boggy River for Atoka Reservoir and P73–282D for water rights from the Muddy Boggy River, including McGee Creek, for the McGee Creek Reservoir;

(F) all claims to damages, losses or injuries to water rights or water, or claims of interference with, diversion, storage, taking, or use of water (including claims for injury to land resulting from such damages, losses, injuries, interference with, diversion, storage, taking, or use of water) attributable to the lawful exercise of Permit Numbers P80–48 and 54–613 for water rights from the Muddy Boggy River for Atoka Reservoir and P73–282D for water rights from the Muddy Boggy River, including McGee Creek, for the McGee Creek Reservoir, that accrued during the period ending on the enforceability date;

(G) all claims and objections relating to the approval by the Secretary of the assignment of the 1974 storage contract pursuant to the amended storage contract; and

(H) all claims for damages, losses, or injuries to water rights or water, or claims of interference with, diversion, storage, taking, or use of water (including claims for injury to land resulting from such damages, losses, injuries, interference with, diversion, storage, taking, or use of water) attributable to the lawful exercise of rights pursuant to the amended storage contract.

(2) WAIVERS AND RELEASES OF CLAIMS BY THE NATIONS AGAINST THE UNITED STATES.—Subject to the retention of rights and claims provided in paragraph (3) and except to the extent that rights are recognized in the Settlement Agreement or this section, the Nations are authorized to execute a waiver and release of all claims against the United States (including any agency or employee of the United States) relating to—

(A) all of the following claims asserted or which could have been asserted in any proceeding filed or that could have been filed by the United States as a trustee during the period ending on the enforceability date, including Chickasaw Nation, Choctaw Nation v. Fallin et al., CIV 11-9272 (W.D. Ok.) or OWRB v. United States, et al. CIV 12-275 (W.D. Ok.), or any general stream adjudication, relating to—

(i) claims to the ownership of water in the State;

(ii) claims to water rights and rights to use water diverted or taken from a location within the State;

(iii) claims to authority over the allocation and management of water and administration of water rights, including authority over third-party ownership of or rights to use water diverted or taken from a location within the State and ownership or use of water on allotments by allottees or any other person using water on an allotment with the permission of an allottee;

(iv) claims that the State lacks authority over the allocation and management of water and administration of water rights, including authority over the ownership of or rights to use water diverted or taken from a location within the State;

(v) any other claim relating to the ownership of water, regulation of water, or authorized diversion, storage, or use of water diverted or taken from a location within the State, which claim is based on the status of the Chickasaw Nation or the Choctaw Nation as a federally recognized Indian tribe; and

(vi) claims or defenses asserted or which could have been asserted in Chickasaw Nation, Choctaw Nation v. Fallin et al., CIV 11-927 (W.D. Ok.), OWRB v. United States, et al. CIV 12-275 (W.D. Ok.), or any general stream adjudication;

(B) all claims for damages, losses or injuries to water rights or water, or claims of interference with, diversion, storage, taking, or use of water (including claims for injury to land resulting from the damages, losses, injuries, interference with, diversion, storage, taking, or use of water) attributable to any action by the State, the OWRB, or any water user authorized pursuant to State law to take or use water in the State, including the City, that accrued during the period ending on the enforceability date;

(C) all claims and objections relating to the amended permit application, and the City permit, including—

(i) all claims regarding regulatory control over or OWRB jurisdiction relating to the permit application and permit; and

(ii) all claims for damages, losses or injuries to water rights or rights to use water, or claims of interference with, diversion, storage, taking, or use of water (including claims for injury to land resulting from the damages, losses, injuries, interference with, diversion, storage, taking, or use of water) attributable to the issuance and lawful exercise of the City permit;

(D) all claims to regulatory control over the Permit Numbers P80–48 and 54–613 for water rights from the Muddy Boggy River for Atoka Reservoir and P73–282D for water rights from the Muddy Boggy River, including McGee Creek, for the McGee Creek Reservoir;

(E) all claims that the State lacks regulatory authority over or OWRB jurisdiction relating to Permit Numbers P80–48 and 54–613 for water rights from the Muddy Boggy River for Atoka Reservoir and P73–282D for water rights from the Muddy Boggy River, including McGee Creek, for the McGee Creek Reservoir;

(F) all claims to damages, losses or injuries to water rights or water, or claims of interference with, diversion, storage, taking, or use of water (including claims for injury to land resulting from the damages, losses, injuries, interference with, diversion, storage, taking, or use of water) attributable to the lawful exercise of Permit Numbers P80–48 and 54–613 for water rights from the Muddy Boggy River for Atoka Reservoir and P73–282D for water rights from the Muddy Boggy River, including McGee Creek, for the McGee Creek Reservoir, that accrued during the period ending on the enforceability date;

(G) all claims and objections relating to the approval by the Secretary of the assignment of the 1974 storage contract pursuant to the amended storage contract;

(H) all claims relating to litigation brought by the United States prior to the enforceability date of the water rights of the Nations in the State; and

(I) all claims relating to the negotiation, execution, or adoption of the Settlement Agreement (including exhibits) or this section.

(3) RETENTION AND RESERVATION OF CLAIMS BY NATIONS AND THE UNITED STATES.—

(A) IN GENERAL.—Notwithstanding the waiver and releases of claims authorized under paragraphs (1) and (2), the Nations and the United States, acting as trustee, shall retain—

(i) all claims for enforcement of the Settlement Agreement and this section;

(ii) all rights to use and protect any water right of the Nations recognized by or established pursuant to the Settlement Agreement, including the right to assert claims for injuries relating to the rights and the right to participate in any general stream adjudication, including any inter se proceeding;

(iii) all claims relating to activities affecting the quality of water that are not waived under paragraph (1)(A)(v) or paragraph (2)(A)(v), including any claims the Nations may have under—

(I) the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.), including for damages to natural resources;

(II) the Safe Drinking Water Act (42 U.S.C. 300f et seq.);

(III) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.); and

(IV) any regulations implementing the Acts described in items (aa) through (cc);

(iv) all claims relating to damage, loss, or injury resulting from an unauthorized diversion, use, or storage of water, including damages, losses, or injuries to land or nonwater natural resources associated with any hunting, fishing, gathering, or cultural right; and

(v) all rights, remedies, privileges, immunities, and powers not specifically waived and released pursuant to this section or the Settlement Agreement.

(B) AGREEMENT.—

(i) IN GENERAL.—As provided in the Settlement Agreement, the Chickasaw Nation shall convey an easement to the City, which easement shall be as described and depicted in Exhibit 15 to the Settlement Agreement.

(ii) APPLICATION.—The Chickasaw Nation and the City shall cooperate and coordinate on the submission of an application for approval by the Secretary of the Interior of the conveyance under clause (i), in accordance with applicable Federal law.

(iii) RECORDING.—On approval by the Secretary of the Interior of the conveyance of the easement under this clause, the City shall record the easement.

(iv) CONSIDERATION.—In exchange for conveyance of the easement under clause (i), the City shall pay to the Chickasaw Nation the value of past unauthorized use and consideration for future use of the land burdened by the easement, based on an appraisal secured by the City and Nations and approved by the Secretary of the Interior.

(4) EFFECTIVE DATE OF WAIVER AND RELEASES.—The waivers and releases under this subsection take effect on the enforceability date.

(5) TOLLING OF CLAIMS.—Each applicable period of limitation and time-based equitable defense relating to a claim described in this subsection shall be tolled during the period beginning on the date of enactment of this Act and ending on the earlier of the enforceability date or the expiration date under subsection (i)(2).

(i) ENFORCEABILITY DATE.—

(1) IN GENERAL.—The Settlement Agreement shall take effect and be enforceable on the date on which the Secretary of the Interior publishes in the Federal Register a certification that—

(A) to the extent the Settlement Agreement conflicts with this section, the Settlement Agreement has been amended to conform with this section;

(B) the Settlement Agreement, as amended, has been executed by the Secretary of the Interior, the Nations, the Governor of the State, the OWRB, the City, and the Trust;

(C) to the extent the amended storage contract conflicts with this section, the amended storage contract has been amended to conform with this section;

(D) the amended storage contract, as amended to conform with this section, has been—

(i) executed by the State, the City, and the Trust; and

(ii) approved by the Secretary;

(E) an order has been entered in United States v. Oklahoma Water Resources Board, Civ. 98–C–521–E with any modifications to the order dated September 11, 2009, as provided in the Settlement Agreement;

(F) orders of dismissal have been entered in Chickasaw Nation, Choctaw Nation v. Fallin et al., Civ 11–297 (W.D. Ok.) and OWRB v. United States, et al. Civ 12–275 (W.D. Ok.) as provided in the Settlement Agreement;

(G) the OWRB has issued the City Permit;

(H) the final documentation of the Kiamichi Basin hydrologic model is on file at the Oklahoma City offices of the OWRB; and

(I) the Atoka and Sardis Conservation Projects Fund has been funded as provided in the Settlement Agreement.

(2) EXPIRATION DATE.—If the Secretary of the Interior fails to publish a statement of findings under paragraph (1) by not later than September 30, 2020, or such alternative later date as is agreed to by the Secretary of the Interior, the Nations, the State, the City, and the Trust under paragraph (4), the following shall apply:

(A) This section, except for this subsection and any provisions of this section that are necessary to carry out this subsection (but only for purposes of carrying out this subsection) are not effective beginning on September 30, 2020, or the alternative date.

(B) The waivers and release of claims, and the limited waivers of sovereign immunity, shall not become effective.

(C) The Settlement Agreement shall be null and void, except for this paragraph and any provisions of the Settlement Agreement that are necessary to carry out this paragraph.

(D) Except with respect to this paragraph, the State, the Nations, the City, the Trust, and the United States shall not be bound by any obligations or benefit from any rights recognized under the Settlement Agreement.

(E) If the City permit has been issued, the permit shall be null and void, except that the City may resubmit to the OWRB, and the OWRB shall be considered to have accepted, OWRB permit application No. 2007–017 without having waived the original application priority date and appropriative quantities.

(F) If the amended storage contract has been executed or approved, the contract shall be null and void, and the 2010 agreement shall be considered to be in force and effect as between the State and the Trust.

(G) If the Atoka and Sardis Conservation Projects Fund has been established and funded, the funds shall be returned to the respective funding parties with any accrued interest.

(3) NO PREJUDICE.—The occurrence of the expiration date under paragraph (2) shall not in any way prejudice—

(A) any argument or suit that the Nations may bring to contest—

(i) the pursuit by the City of OWRB permit application No. 2007–017, or a modified version; or

(ii) the 2010 agreement;

(B) any argument, defense, or suit the State may bring or assert with regard to the claims of the Nations to water or over water in the settlement area; or

(C) any argument, defense or suit the City may bring or assert—

(i) with regard to the claims of the Nations to water or over water in the settlement area relating to OWRB permit application No. 2007–017, or a modified version; or

(ii) to contest the 2010 agreement.

(4) EXTENSION.—The expiration date under paragraph (2) may be extended in writing if the Nations, the State, the OWRB, the United States, and the City agree that an extension is warranted.

(j) JURISDICTION, WAIVERS OF IMMUNITY FOR INTERPRETATION AND ENFORCEMENT.—

(1) JURISDICTION.—

(A) IN GENERAL.—

(i) EXCLUSIVE JURISDICTION.—The United States District Court for the Western District of Oklahoma shall have exclusive jurisdiction for all purposes and for all causes of action relating to the interpretation and enforcement of the Settlement Agreement, the amended storage contract, or interpretation or enforcement of this section, including all actions filed by an allottee pursuant to subsection (e)(4)(B).

(ii) RIGHT TO BRING ACTION.—The Choctaw Nation, the Chickasaw Nation, the State, the City, the Trust, and the United States shall each have the right to bring an action pursuant to this section.

(iii) NO ACTION IN OTHER COURTS.—No action may be brought in any other Federal, Tribal, or State court or administrative forum for any purpose relating to the Settlement Agreement, amended storage contract, or this section.

(iv) NO MONETARY JUDGMENT.—Nothing in this section authorizes any money judgment or otherwise allows the payment of funds by the United States, the Nations, the State (including the OWRB), the City, or the Trust.

(B) NOTICE AND CONFERENCE.—An entity seeking to interpret or enforce the Settlement Agreement shall comply with the following:

(i) Any party asserting noncompliance or seeking interpretation of the Settlement Agreement or this section shall first serve written notice on the party alleged to be in breach of the Settlement Agreement or violation of this section.

(ii) The notice under clause (i) shall identify the specific provision of the Settlement Agreement or this section alleged to have been violated or in dispute and shall specify in detail the contention of the party asserting the claim and any factual basis for the claim.

(iii) Representatives of the party alleging a breach or violation and the party alleged to be in breach or violation shall meet not later than 30 days after receipt of notice under clause (i) in an effort to resolve the dispute.

(iv) If the matter is not resolved to the satisfaction of the party alleging breach not later than 90 days after the original notice under clause (i), the party may take any appropriate enforcement action consistent with the Settlement Agreement and this subsection.

(2) LIMITED WAIVERS OF SOVEREIGN IMMUNITY.—

(A) IN GENERAL.—The United States and the Nations may be joined in an action filed in the United States District Court for the Western District of Oklahoma.

(B) UNITED STATES IMMUNITY.—Any claim by the United States to sovereign immunity from suit is irrevocably waived for any action brought by the State, the Chickasaw Nation, the Choctaw Nation, the City, the Trust, or (solely for purposes of actions brought pursuant to subsection (e)) an allottee in the Western District of Oklahoma relating to interpretation or enforcement of the Settlement Agreement or this section, including of the appellate jurisdiction of the United States Court of Appeals for the Tenth Circuit and the Supreme Court of the United States.

(C) CHICKASAW NATION IMMUNITY.—For the exclusive benefit of the State (including the OWRB), the City, the Trust, the Choctaw Nation, and the United States, the sovereign immunity of the Chickasaw Nation from suit is waived solely for any action brought in the Western District of Oklahoma relating to interpretation or enforcement of the Settlement Agreement or this section, if the action is brought by the State or the OWRB, the City, the Trust, the Choctaw Nation, or the United States, including the appellate jurisdiction of the United States Court of Appeals for the Tenth Circuit and the Supreme Court of the United States.

(D) CHOCTAW NATION IMMUNITY.—For the exclusive benefit of the State (including the OWRB), the City, the Trust, the Chickasaw Nation, and the United States, the Choctaw Nation shall expressly and irrevocably consent to a suit and waive sovereign immunity from a suit solely for any action brought in the Western District of Oklahoma relating to interpretation or enforcement of the Settlement Agreement or this section, if the action is brought by the State, the OWRB, the City, the Trust, the Chickasaw Nation, or the United States, including the appellate jurisdiction of the United States Court of Appeals for the Tenth Circuit and the Supreme Court of the United States.

(k) DISCLAIMER.—

(1) IN GENERAL.—The Settlement Agreement applies only to the claims and rights of the Nations.

(2) NO PRECEDENT.—Nothing in this section or the Settlement Agreement shall be construed in any way to quantify, establish, or serve as precedent regarding the land and water rights, claims, or entitlements to water of any American Indian Tribe other than the Nations, including any other American Indian Tribe in the State.

SEC. 8003. LAND TRANSFER AND TRUST LAND FOR THE MUSCOGEE (CREEK) NATION.

(a) TRANSFER.—

(1) IN GENERAL.—Subject to paragraph (2) and for the consideration described in subsection (c), the Secretary shall transfer to the Secretary of the Interior the land described in subsection (b) to be held in trust for the benefit of the Muscogee (Creek) Nation.

(2) CONDITIONS.—The land transfer under this subsection shall be subject to the following conditions:

(A) The transfer—

(i) shall not interfere with the Corps of Engineers operation of the Eufaula Lake Project or any other authorized civil works projects; and

(ii) shall be subject to such other terms and conditions as the Secretary determines to be necessary and appropriate to ensure the continued operation of the Eufaula Lake Project or any other authorized civil works project.

(B) The Secretary shall retain the right to inundate with water the land transferred to the Secretary of the Interior under this subsection, as necessary to carry out an authorized purpose of the Eufaula Lake Project or any other civil works project.

(C) No gaming activities may be conducted on the land transferred under this subsection.

(b) LAND DESCRIPTION.—

(1) IN GENERAL.—The land to be transferred pursuant to subsection (a) is the approximately 18.38 acres of land located in the Northwest Quarter (NW 1/4) of sec. 3, T. 10 N., R. 16 E., McIntosh County, Oklahoma, generally depicted as ''USACE'' on the map entitled ''Muscogee (Creek) Nation Proposed Land Acquisition'' and dated October 16, 2014.

(2) SURVEY.—The exact acreage and legal description of the land to be transferred under subsection (a) shall be determined by a survey satisfactory to the Secretary and the Secretary of the Interior.

(c) CONSIDERATION.—The Muscogee (Creek) Nation shall pay—

(1) to the Secretary an amount that is equal to the fair market value of the land transferred under subsection (a), as determined by the Secretary, which funds may be accepted and expended by the Secretary; and

(2) all costs and administrative expenses associated with the transfer of land under subsection (a), including the costs of —

(A) the survey under subsection (b)(2);

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

(C) any coordination necessary with respect to requirements related to endangered species, cultural resources, clean water, and clean air.

SEC. 8004. REAUTHORIZATION OF DENALI COMMISSION.

(a) ADMINISTRATION.—Section 303 of the Denali Commission Act of 1998 (42 U.S.C. 3121 note; Public Law 105–277) is amended—

(1) in subsection (c)—

(A) in the first sentence, by striking ''The Federal Cochairperson'' and inserting the following:

''(1) TERM OF FEDERAL COCHAIRPERSON.—The Federal Cochairperson'';

(B) in the second sentence, by striking ''All other members'' and inserting the following:

''(3) TERM OF ALL OTHER MEMBERS.—All other members'';

(C) in the third sentence, by striking ''Any vacancy'' and inserting the following:

''(4) VACANCIES.—Except as provided in paragraph (2), any vacancy''; and

(D) by inserting before paragraph (3) (as designated by subparagraph (B)) the following:

''(2) INTERIM FEDERAL COCHAIRPERSON.—In the event of a vacancy for any reason in the position of Federal Cochairperson, the Secretary may appoint an Interim Federal Cochairperson, who shall have all the authority of the Federal Cochairperson, to serve until such time as the vacancy in the position of Federal Cochairperson is filled in accordance with subsection (b)(2)).''; and

(2) by adding at the end the following:

''(f) NO FEDERAL EMPLOYEE STATUS.—No member of the Commission, other than the Federal Cochairperson, shall be considered to be a Federal employee for any purpose.

''(g) CONFLICTS OF INTEREST.—

''(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), no member of the Commission (referred to in this subsection as a 'member') shall participate personally or substantially, through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise, in any proceeding, application, request for a ruling or other determination, contract claim, controversy, or other matter in which, to the knowledge of the member, 1 or more of the following has a direct financial interest:

''(A) The member.

''(B) The spouse, minor child, or partner of the member.

''(C) An organization described in subparagraph (B), (C), (D), (E), or (F) of subsection (b)(1) for which the member is serving as officer, director, trustee, partner, or employee.

''(D) Any individual, person, or organization with which the member is negotiating or has any arrangement concerning prospective employment.

''(2) DISCLOSURE.—Paragraph (1) shall not apply if the member—

''(A) immediately advises the designated agency ethics official for the Commission of the nature and circumstances of the matter presenting a potential conflict of interest;

''(B) makes full disclosure of the financial interest; and

''(C) before the proceeding concerning the matter presenting the conflict of interest, receives a written determination by the designated agency ethics official for the Commission that the interest is not so substantial as to be likely to affect the integrity of the services that the Commission may expect from the member.

''(3) ANNUAL DISCLOSURES.—Once per calendar year, each member shall make full disclosure of financial interests, in a manner to be determined by the designated agency ethics official for the Commission.

''(4) TRAINING.—Once per calendar year, each member shall undergo disclosure of financial interests training, as prescribed by the designated agency ethics official for the Commission.

''(5) VIOLATION.—Any person that violates this subsection shall be fined not more than $10,000, imprisoned for not more than 2 years, or both.''.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—Section 310 of the Denali Commission Act of 1998 (42 U.S.C. 3121 note; Public Law 105–277) (as redesignated by section 1960(1) of SAFETEA–LU (Public Law 109–59; 119 Stat. 1516)) is amended, in subsection (a), by striking ''under section 4 under this Act'' and all that follows through ''2008'' and inserting ''under section 304, $20,000,000 for fiscal year 2017, and such sums as are necessary for each of fiscal years 2018 through 2021.''.

(2) CLERICAL AMENDMENT.—Section 310 of the Denali Commission Act of 1998 (42 U.S.C. 3121 note; Public Law 105–277) (as redesignated by section 1960(1) of SAFETEA–LU (Public Law 109–59; 119 Stat. 1516)) is redesignated as section 312.

SEC. 8005. RECREATIONAL ACCESS OF FLOATING CABINS.

The Tennessee Valley Authority Act of 1933 is amended by inserting after section 9a (16 U.S.C. 831h–1) the following:

''SEC. 9b. RECREATIONAL ACCESS.

''(a) DEFINITION OF FLOATING CABIN.—In this section, the term 'floating cabin' means a watercraft or other floating structure—

''(1) primarily designed and used for human habitation or occupation; and

''(2) not primarily designed or used for navigation or transportation on water.

''(b) RECREATIONAL ACCESS.—The Board may allow the use of a floating cabin if—

''(1) the floating cabin is maintained by the owner to reasonable health, safety, and environmental standards, as required by the Board;

''(2) the Corporation has authorized the use of recreational vessels on the waters; and

''(3) the floating cabin was located on waters under the jurisdiction of the Corporation as of the date of enactment of this section.

''(c) FEES.—The Board may assess fees on the owner of a floating cabin on waters under the jurisdiction of the Corporation for the purpose of ensuring compliance with subsection (b) if the fees are necessary and reasonable for those purposes.

''(d) CONTINUED RECREATIONAL USE.—

''(1) IN GENERAL.—With respect to a floating cabin located on waters under the jurisdiction of the Corporation on the date of enactment of this section, the Board—

''(A) may not require the removal of the floating cabin—

''(i) in the case of a floating cabin that was granted a permit by the Corporation before the date of enactment of this section, for a period of 15 years beginning on that date of enactment; and

''(ii) in the case of a floating cabin not granted a permit by the Corporation before the date of enactment of this section, for a period of 5 years beginning on that date of enactment; and

''(B) shall approve and allow the use of the floating cabin on waters under the jurisdiction of the Corporation at such time and for such duration as—

''(i) the floating cabin meets the requirements of subsection (b); and

''(ii) the owner of the floating cabin has paid any fee assessed pursuant to subsection (c).

''(2) SAVINGS PROVISIONS.—

''(A) Nothing in this subsection restricts the ability of the Corporation to enforce health, safety, or environmental standards.

''(B) This section applies only to floating cabins located on waters under the jurisdiction of the Corporation.

''(e) NEW CONSTRUCTION.—The Corporation may establish regulations to prevent the construction of new floating cabins.''.

SEC. 8006. REGULATION OF ABOVEGROUND STORAGE AT FARMS.

Section 1049(c) of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 1361 note; Public Law 113–121) is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and indenting appropriately;

(2) by striking the subsection designation and heading and all that follows through ''subsection (b),'' and inserting the following:

''(c) REGULATION OF ABOVEGROUND STORAGE AT FARMS.—

''(1) CALCULATION OF AGGREGATE ABOVEGROUND STORAGE CAPACITY.—For purposes of subsection (b),''; and

(3) by adding at the end the following:

''(2) CERTAIN FARM CONTAINERS.—Part 112 of title 40, Code of Federal Regulations (or successor regulations), shall not apply to the following containers located at a farm:

''(A) Containers on a separate parcel that have—

''(i) an individual capacity of not greater than 1,000 gallons; and

''(ii) an aggregate capacity of not greater than 2,000 gallons.

''(B) A container holding animal feed ingredients approved for use in livestock feed by the Commissioner of Food and Drugs.''.

SEC. 8007. SALT CEDAR REMOVAL PERMIT REVIEWS.

(a) IN GENERAL.—In the case of an application for a permit for the mechanized removal of salt cedar from an area that consists of not more than 500 acres—

(1) any review by the Secretary under section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344) or section 10 of the Act of March 3, 1899 (commonly known as the ''Rivers and Harbors Appropriation Act of 1899'') (33 U.S.C. 403), and any review by the Director of the United States Fish and Wildlife Service (referred to in this section as the ''Director'') under section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1536), shall, to the maximum extent practicable, occur concurrently;

(2) all participating and cooperating agencies shall, to the maximum extent practicable, adopt and use any environmental document prepared by the lead agency under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) to the same extent that a Federal agency could adopt or use a document prepared by another Federal agency under—

(A) that Act; and

(B) parts 1500 through 1508 of title 40, Code of Federal Regulations (or successor regulations); and

(3) the review of the application shall, to the maximum extent practicable, be completed not later than the date on which the Secretary, in consultation with, and with the concurrence of, the Director, establishes.

(b) CONTRIBUTED FUNDS.—The Secretary may accept and expend funds received from non-Federal public or private entities to conduct a review referred to in subsection (a).

(c) LIMITATIONS.—Nothing in this section preempts or interferes with—

(1) any obligation to comply with the provisions of any Federal law, including—

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

(B) any other Federal environmental law;

(2) the reviewability of any final Federal agency action in a court of the United States or in the court of any State;

(3) any requirement for seeking, considering, or responding to public comment; or

(4) any power, jurisdiction, responsibility, duty, or authority that a Federal, State, or local governmental agency, Indian tribe, or project sponsor has with respect to carrying out a project or any other provision of law applicable to projects.

SEC. 8008. INTERNATIONAL OUTFALL INTERCEPTOR REPAIR, OPERATIONS, AND MAINTENANCE.

(a) SENSE OF CONGRESS.—It is the sense of Congress that, pursuant to the Act of July 27, 1953 (22 U.S.C. 277d–10 et seq.), and notwithstanding the memorandum of agreement between the United States Section of the International Boundary and Water Commission and the City of Nogales, Arizona, dated January 20, 2006 (referred to in this section as the ''Agreement''), an equitable proportion of the costs of operation and maintenance of the Nogales sanitation project to be contributed by the City of Nogales, Arizona (referred to in this section as the ''City''), should be based on the average daily volume of wastewater originating from the City.

(b) CAPITAL COSTS EXCLUDED.—Pursuant to the Agreement and the Act of July 27, 1953 (22 U.S.C. 277d–10 et seq.), the City shall have no obligation to contribute to any capital costs of repairing or upgrading the Nogales sanitation project.

(c) OVERCHARGES.—Notwithstanding the Agreement and subject to subsection (d), the United States Section of the International Boundary and Water Commission shall reimburse the City for, and shall not charge the City after the date of enactment of this Act for, operations and maintenance costs in excess of an equitable proportion of the costs, as described in subsection (a).

(d) LIMITATION.—Costs reimbursed or a reduction in costs charged under subsection (c) shall not exceed $4,000,000.

SEC. 8009. PECHANGA BAND OF LUISEÑO MISSION INDIANS WATER RIGHTS SETTLEMENT.

(a) PURPOSES.—The purposes of this section are—

(1) to achieve a fair, equitable, and final settlement of claims to water rights and certain claims for injuries to water rights in the Santa Margarita River Watershed for—

(A) the Band; and

(B) the United States, acting in its capacity as trustee for the Band and Allottees;

(2) to achieve a fair, equitable, and final settlement of certain claims by the Band and Allottees against the United States;

(3) to authorize, ratify, and confirm the Pechanga Settlement Agreement to be entered into by the Band, RCWD, and the United States;

(4) to authorize and direct the Secretary—

(A) to execute the Pechanga Settlement Agreement; and

(B) to take any other action necessary to carry out the Pechanga Settlement Agreement in accordance with this section; and

(5) to authorize the appropriation of amounts necessary for the implementation of the Pechanga Settlement Agreement and this section.

(b) DEFINITIONS.—In this section:

(1) ADJUDICATION COURT.—The term ''Adjudication Court'' means the United States District Court for the Southern District of California, which exercises continuing jurisdiction over the Adjudication Proceeding.

(2) ADJUDICATION PROCEEDING.—The term ''Adjudication Proceeding'' means litigation initiated by the United States regarding relative water rights in the Santa Margarita

River Watershed in United States v. Fallbrook Public Utility District et al., Civ. No. 3:51–cv–01247 (S.D.C.A.), including any litigation initiated to interpret or enforce the relative water rights in the Santa Margarita River Watershed pursuant to the continuing jurisdiction of the Adjudication Court over the Fallbrook Decree.

(3) ALLOTTEE.—The term ''Allottee'' means an individual who holds a beneficial real property interest in an Indian allotment that is—

(A) located within the Reservation; and

(B) held in trust by the United States.

(4) BAND.—The term ''Band'' means Pechanga Band of Luiseño Mission Indians, a federally recognized sovereign Indian tribe that functions as a custom and tradition Indian tribe, acting on behalf of itself and its members, but not acting on behalf of members in their capacities as Allottees.

(5) CLAIMS.—The term ''claims'' means rights, claims, demands, actions, compensation, or causes of action, whether known or unknown.

(6) EMWD.—The term ''EMWD'' means Eastern Municipal Water District, a municipal water district organized and existing in accordance with the Municipal Water District Law of 1911, Division 20 of the Water Code of the State of California, as amended.

(7) EMWD CONNECTION FEE.—The term ''EMWD Connection Fee'' has the meaning set forth in the Extension of Service Area Agreement.

(8) ENFORCEABILITY DATE.—The term ''enforceability date'' means the date on which the Secretary publishes in the Federal Register the statement of findings described in subsection (f)(5).

(9) ESAA CAPACITY AGREEMENT.—The term ''ESAA Capacity Agreement'' means the ''Agreement to Provide Capacity for Delivery of ESAA Water'', among the Band, RCWD and the United States.

(10) ESAA WATER.—The term ''ESAA Water'' means imported potable water that the Band receives from EMWD and MWD pursuant to the Extension of Service Area Agreement and delivered by RCWD pursuant to the ESAA Water Delivery Agreement.

(11) ESAA WATER DELIVERY AGREEMENT.—The term ''ESAA Water Delivery Agreement'' means the agreement among EMWD, RCWD, and the Band, establishing the terms and conditions of water service to the Band.

(12) EXTENSION OF SERVICE AREA AGREEMENT.—The term ''Extension of Service Area Agreement'' means the ''Agreement for Extension of Existing Service Area'', among the Band, EMWD, and MWD, for the provision of water service by EMWD to a designated portion of the Reservation using water supplied by MWD.

(13) FALLBROOK DECREE.—

(A) IN GENERAL.—The term ''Fallbrook Decree'' means the ''Modified Final Judgment And Decree'', entered in the Adjudication Proceeding on April 6, 1966.

(B) INCLUSIONS.—The term ''Fallbrook Decree'' includes all court orders, interlocutory judgments, and decisions supplemental to the ''Modified Final Judgment And Decree'', including Interlocutory Judgment No. 30, Interlocutory Judgment No. 35, and Interlocutory Judgment No. 41.

(14) FUND.—The term ''Fund'' means the Pechanga Settlement Fund established by subsection (h).

(15) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

(16) INJURY TO WATER RIGHTS.—The term ''injury to water rights'' means an interference with, diminution of, or deprivation of water rights under Federal or State law.

(17) INTERIM CAPACITY.—The term ''Interim Capacity'' has the meaning set forth in the ESAA Capacity Agreement.

(18) INTERIM CAPACITY NOTICE.—The term ''Interim Capacity Notice'' has the meaning set forth in the ESAA Capacity Agreement.

(19) INTERLOCUTORY JUDGMENT NO. 41.—The term ''Interlocutory Judgment No. 41'' means Interlocutory Judgment No. 41 issued in the Adjudication Proceeding on November 8, 1962, including all court orders, judgments and decisions supplemental to that interlocutory judgment.

(20) MWD.—The term ''MWD'' means the Metropolitan Water District of Southern California, a metropolitan water district organized and incorporated under the Metropolitan Water District Act of the State of California (Stats. 1969, Chapter 209, as amended).

(21) MWD CONNECTION FEE.—The term ''MWD Connection Fee'' has the meaning set forth in the Extension of Service Area Agreement.

(22) PECHANGA ESAA DELIVERY CAPACITY ACCOUNT.—The term ''Pechanga ESAA Delivery Capacity account'' means the account established by subsection (h)(3)(B).

(23) PECHANGA RECYCLED WATER INFRASTRUCTURE ACCOUNT.—The term ''Pechanga Recycled Water Infrastructure account'' means the account established by subsection (h)(3)(A).

(24) PECHANGA SETTLEMENT AGREEMENT.—The term ''Pechanga Settlement Agreement'' means the Pechanga Settlement Agreement, dated June 17, 2014, together with the exhibits to that agreement, entered into by the Band, the United States on behalf of the Band, its members and Allottees, MWD, EMWD, and RCWD, including—

(A) the Extension of Service Area Agreement;

(B) the ESAA Capacity Agreement; and

(C) the ESAA Water Delivery Agreement.

(25) PECHANGA WATER CODE.—The term ''Pechanga Water Code'' means a water code to be adopted by the Band in accordance with subsection (d)(6).

(26) PECHANGA WATER FUND ACCOUNT.—The term ''Pechanga Water Fund account'' means the account established by subsection (h)(3)(C).

(27) PECHANGA WATER QUALITY ACCOUNT.—The term ''Pechanga Water Quality account'' means the account established by subsection (h)(3)(D).

(28) PERMANENT CAPACITY.—The term ''Permanent Capacity'' has the meaning set forth in the ESAA Capacity Agreement.

(29) PERMANENT CAPACITY NOTICE.—The term ''Permanent Capacity Notice'' has the meaning set forth in the ESAA Capacity Agreement.

(30) RCWD.—

(A) IN GENERAL.—The term ''RCWD'' means the Rancho California Water District organized pursuant to section 34000 et seq. of the California Water Code.

(B) INCLUSIONS.—The term ''RCWD'' includes all real property owners for whom RCWD acts as an agent pursuant to an agency agreement.

(31) RECYCLED WATER INFRASTRUCTURE AGREEMENT.—The term ''Recycled Water Infrastructure Agreement'' means the ''Agreement for Recycled Water Infrastructure'' among the Band, RCWD, and the United States.

(32) RECYCLED WATER TRANSFER AGREEMENT.—The term ''Recycled Water Transfer Agreement'' means the ''Recycled Water Transfer Agreement'' between the Band and RCWD.

(33) RESERVATION.—

(A) IN GENERAL.—The term ''Reservation'' means the land depicted on the map attached to the Pechanga Settlement Agreement as Exhibit I.

(B) APPLICABILITY OF TERM.—The term ''Reservation'' shall be used solely for the purposes of the Pechanga Settlement Agreement, this section, and any judgment or decree issued by the Adjudication Court approving the Pechanga Settlement Agreement.

(34) SANTA MARGARITA RIVER WATERSHED.—The term ''Santa Margarita River Watershed'' means the watershed that is the subject of the Adjudication Proceeding and the Fallbrook Decree.

(35) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(36) STATE.—The term ''State'' means the State of California.

(37) STORAGE POND.—The term ''Storage Pond'' has the meaning set forth in the Recycled Water Infrastructure Agreement.

(38) TRIBAL WATER RIGHT.—The term ''Tribal Water Right'' means the water rights ratified, confirmed, and declared to be valid for the benefit of the Band and Allottees, as set forth and described in subsection (d).

(c) APPROVAL OF THE PECHANGA SETTLEMENT AGREEMENT.—

(1) RATIFICATION OF PECHANGA SETTLEMENT AGREEMENT.—

(A) IN GENERAL.—Except as modified by this section, and to the extent that the Pechanga Settlement Agreement does not conflict with this section, the Pechanga Settlement Agreement is authorized, ratified, and confirmed.

(B) AMENDMENTS.—Any amendment to the Pechanga Settlement Agreement is authorized, ratified, and confirmed, to the extent that the amendment is executed to make the Pechanga Settlement Agreement consistent with this section.

(2) EXECUTION OF PECHANGA SETTLEMENT AGREEMENT.—

(A) IN GENERAL.—To the extent that the Pechanga Settlement Agreement does not conflict with this section, the Secretary is directed to and promptly shall execute—

(i) the Pechanga Settlement Agreement (including any exhibit to the Pechanga Settlement Agreement requiring the signature of the Secretary); and

(ii) any amendment to the Pechanga Settlement Agreement necessary to make the Pechanga Settlement Agreement consistent with this section.

(B) MODIFICATIONS.—Nothing in this section precludes the Secretary from approving modifications to exhibits to the Pechanga Settlement Agreement not inconsistent with this section, to the extent those modifications do not otherwise require congressional approval pursuant to section 2116 of the Revised Statutes (25 U.S.C. 177) or other applicable Federal law.

(3) ENVIRONMENTAL COMPLIANCE.—

(A) IN GENERAL.—In implementing the Pechanga Settlement Agreement, the Secretary shall promptly comply with all applicable requirements of—

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

(ii) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(iii) all other applicable Federal environmental laws; and

(iv) all regulations promulgated under the laws described in clauses (i) through (iii).

(B) EXECUTION OF THE PECHANGA SETTLEMENT AGREEMENT.—

(i) IN GENERAL.—Execution of the Pechanga Settlement Agreement by the Secretary under this subsection shall not constitute a major Federal action under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(ii) COMPLIANCE.—The Secretary is directed to carry out all Federal compliance necessary to implement the Pechanga Settlement Agreement.

(C) LEAD AGENCY.—The Bureau of Reclamation shall be designated as the lead agency with respect to environmental compliance.

(d) TRIBAL WATER RIGHT.—

(1) INTENT OF CONGRESS.—It is the intent of Congress to provide to each Allottee benefits that are equal to or exceed the benefits Allottees possess as of the date of enactment of this section, taking into consideration—

(A) the potential risks, cost, and time delay associated with litigation that would be resolved by the Pechanga Settlement Agreement and this section;

(B) the availability of funding under this section;

(C) the availability of water from the Tribal Water Right and other water sources as set forth in the Pechanga Settlement Agreement; and

(D) the applicability of section 7 of the Act of February 8, 1887 (25 U.S.C. 381), and this section to protect the interests of Allottees.

(2) CONFIRMATION OF TRIBAL WATER RIGHT.—

(A) IN GENERAL.—A Tribal Water Right of up to 4,994 acre-feet of water per year that, under natural conditions, is physically available on the Reservation is confirmed in accordance with the Findings of Fact and Conclusions of Law set forth in Interlocutory Judgment No. 41, as affirmed by the Fallbrook Decree.

(B) USE.—Subject to the terms of the Pechanga Settlement Agreement, this section, the Fallbrook Decree and applicable Federal law, the Band may use the Tribal Water Right for any purpose on the Reservation.

(3) HOLDING IN TRUST.—The Tribal Water Right, as set forth in paragraph (2), shall—

(A) be held in trust by the United States on behalf of the Band and the Allottees in accordance with this subsection;

(B) include the priority dates described in Interlocutory Judgment No. 41, as affirmed by the Fallbrook Decree; and

(C) not be subject to forfeiture or abandonment.

(4) ALLOTTEES.—

(A) APPLICABILITY OF ACT OF FEBRUARY 8, 1887.—The provisions of section 7 of the Act of February 8, 1887 (25 U.S.C. 381), relating to the use of water for irrigation purposes shall apply to the Tribal Water Right.

(B) ENTITLEMENT TO WATER.—Any entitlement to water of allotted land located within the exterior boundaries of the Reservation under Federal law shall be satisfied from the Tribal Water Right.

(C) ALLOCATIONS.—Allotted land located within the exterior boundaries of the Reservation shall be entitled to a just and equitable allocation of water for irrigation and domestic purposes from the Tribal Water Right.

(D) EXHAUSTION OF REMEDIES.—Before asserting any claim against the United States under section 7 of the Act of February 8, 1887 (25 U.S.C. 381), or any other applicable law, an Allottee shall exhaust remedies available under the Pechanga Water Code or other applicable tribal law.

(E) CLAIMS.—Following exhaustion of remedies available under the Pechanga Water Code or other applicable tribal law, an Allottee may seek relief under section 7 of the Act of February 8, 1887 (25 U.S.C. 381), or other applicable law.

(F) AUTHORITY.—The Secretary shall have the authority to protect the rights of Allottees as specified in this subsection.

(5) AUTHORITY OF BAND.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Band shall have authority to use, allocate, distribute, and lease the Tribal Water Right on the Reservation in accordance with—

(i) the Pechanga Settlement Agreement; and

(ii) applicable Federal law.

(B) LEASES BY ALLOTTEES.—

(i) IN GENERAL.—An Allottee may lease any interest in land held by the Allottee, together with any water right determined to be appurtenant to that interest in land.

(ii) WATER RIGHT APPURTENANT.—Any water right determined to be appurtenant to an interest in land leased by an Allottee shall be used on the Reservation.

(6) PECHANGA WATER CODE.—

(A) IN GENERAL.—Not later than 18 months after the enforceability date, the Band shall enact a Pechanga Water Code, that provides for—

(i) the management, regulation, and governance of all uses of the Tribal Water Right in accordance with the Pechanga Settlement Agreement; and

(ii) establishment by the Band of conditions, permit requirements, and other limitations relating to the storage, recovery, and use of the Tribal Water Right in accordance with the Pechanga Settlement Agreement.

(B) INCLUSIONS.—The Pechanga Water Code shall provide—

(i) that allocations of water to Allottees shall be satisfied with water from the Tribal Water Right;

(ii) that charges for delivery of water for irrigation purposes for Allottees shall be assessed in accordance with section 7 of the Act of February 8, 1887 (25 U.S.C. 381);

(iii) a process by which an Allottee (or any successor in interest to an Allottee) may request that the Band provide water for irrigation or domestic purposes in accordance with this section;

(iv) a due process system for the consideration and determination by the Band of any request by an Allottee (or any successor in interest to an Allottee) for an allocation of such water for irrigation or domestic purposes on allotted land, including a process for—

(I) appeal and adjudication of any denied or disputed distribution of water; and

(II) resolution of any contested administrative decision; and

(v) a requirement that any Allottee (or any successor in interest to an Allottee) with a claim relating to the enforcement of rights of the Allottee (or any successor in interest to an Allottee) under the Pechanga Water Code or relating to the amount of water allocated to land of the Allottee must first exhaust remedies available to the Allottee under tribal law and the Pechanga Water Code before initiating an action against the United States or petitioning the Secretary pursuant to paragraph (4)(D).

(C) ACTION BY SECRETARY.—

(i) IN GENERAL.—The Secretary shall administer the Tribal Water Right until the Pechanga Water Code is enacted and approved under this subsection.

(ii) APPROVAL.—Any provision of the Pechanga Water Code and any amendment to the Pechanga Water Code that affects the rights of Allottees—

(I) shall be subject to the approval of the Secretary; and

(II) shall not be valid until approved by the Secretary.

(iii) APPROVAL PERIOD.—The Secretary shall approve or disapprove the Pechanga Water Code within a reasonable period of time after the date on which the Band submits the Pechanga Water Code to the Secretary for approval.

(7) EFFECT.—Except as otherwise specifically provided in this section, nothing in this section—

(A) authorizes any action by an Allottee (or any successor in interest to an Allottee) against any individual or entity, or against the Band, under Federal, State, tribal, or local law; or

(B) alters or affects the status of any action pursuant to section 1491(a) of title 28, United States Code.

(e) SATISFACTION OF CLAIMS.—

(1) IN GENERAL.—The benefits provided to the Band under the Pechanga Settlement Agreement and this Act shall be in complete replacement of, complete substitution for, and full satisfaction of all claims of the Band against the United States that are waived and released pursuant to subsection (f).

(2) ALLOTTEE CLAIMS.—The benefits realized by the Allottees under this section shall be in complete replacement of, complete substitution for, and full satisfaction of—

(A) all claims that are waived and released pursuant to subsection (f); and

(B) any claims of the Allottees against the United States that the Allottees have or could have asserted that are similar in nature to any claim described in subsection (f).

(3) NO RECOGNITION OF WATER RIGHTS.—Except as provided in subsection (d)(4), nothing in this section recognizes or establishes any right of a member of the Band or an Allottee to water within the Reservation.

(4) CLAIMS RELATING TO DEVELOPMENT OF WATER FOR RESERVATION.—

(A) IN GENERAL.—The amounts authorized to be appropriated pursuant to subsection (j) shall be used to satisfy any claim of the Allottees against the United States with respect to the development or protection of water resources for the Reservation.

(B) SATISFACTION OF CLAIMS.—Upon the complete appropriation of amounts authorized pursuant to subsection (j), any claim of the Allottees against the United States with respect to the development or protection of water resources for the Reservation shall be deemed to have been satisfied.

(f) WAIVER OF CLAIMS.—

(1) IN GENERAL.—

(A) WAIVER OF CLAIMS BY THE BAND AND THE UNITED STATES ACTING IN ITS CAPACITY AS TRUSTEE FOR THE BAND.—

(i) IN GENERAL.—Subject to the retention of rights set forth in paragraph (3), in return for recognition of the Tribal Water Right and other benefits as set forth in the Pechanga Settlement Agreement and this section, the Band, on behalf of itself and the members of the Band (but not on behalf of a tribal member in the capacity of Allottee), and the United States, acting as trustee for the Band, are authorized and directed to execute a waiver and release of all claims for water rights within the Santa Margarita River Watershed that the Band, or the United States acting as trustee for the Band, asserted or could have asserted in any proceeding, including the Adjudication Proceeding, except to the extent that such rights are recognized in the Pechanga Settlement Agreement and this section.

(ii) CLAIMS AGAINST RCWD.—Subject to the retention of rights set forth in paragraph (3) and notwithstanding any provisions to the contrary in the Pechanga Settlement Agreement, the Band and the United States, on behalf of the Band and Allottees, fully release, acquit, and discharge RCWD from—

(I) claims for injuries to water rights in the Santa Margarita River Watershed for land located within the Reservation arising or occurring at any time up to and including June 30, 2009;

(II) claims for injuries to water rights in the Santa Margarita River Watershed for land located within the Reservation arising or occurring at any time after June 30, 2009, resulting from the diversion or use of water

in a manner not in violation of the Pechanga Settlement Agreement or this section;

(III) claims for subsidence damage to land located within the Reservation arising or occurring at any time up to and including June 30, 2009;

(IV) claims for subsidence damage arising or occurring after June 30, 2009, to land located within the Reservation resulting from the diversion of underground water in a manner consistent with the Pechanga Settlement Agreement or this section; and

(V) claims arising out of, or relating in any manner to, the negotiation or execution of the Pechanga Settlement Agreement or the negotiation or execution of this section.

(B) CLAIMS BY THE UNITED STATES ACTING IN ITS CAPACITY AS TRUSTEE FOR ALLOTTEES.—Subject to the retention of claims set forth in paragraph (3), in return for recognition of the water rights of the Band and other benefits as set forth in the Pechanga Settlement Agreement and this section, the United States, acting as trustee for Allottees, is authorized and directed to execute a waiver and release of all claims for water rights within the Santa Margarita River Watershed that the United States, acting as trustee for the Allottees, asserted or could have asserted in any proceeding, including the Adjudication Proceeding.

(C) CLAIMS BY THE BAND AGAINST THE UNITED STATES.—Subject to the retention of rights set forth in paragraph (3), the Band, on behalf of itself and the members of the Band (but not on behalf of a tribal member in the capacity of Allottee), is authorized to execute a waiver and release of—

(i) all claims against the United States (including the agencies and employees of the United States) relating to claims for water rights in, or water of, the Santa Margarita River Watershed that the United States, acting in its capacity as trustee for the Band, asserted, or could have asserted, in any proceeding, including the Adjudication Proceeding, except to the extent that those rights are recognized in the Pechanga Settlement Agreement and this section;

(ii) all claims against the United States (including the agencies and employees of the United States) relating to damages, losses, or injuries to water, water rights, land, or natural resources due to loss of water or water rights (including damages, losses or injuries to hunting, fishing, gathering, or cultural rights due to loss of water or water rights, claims relating to interference with, diversion, or taking of water or water rights, or claims relating to failure to protect, acquire, replace, or develop water, water rights, or water infrastructure) in the Santa Margarita River Watershed that first accrued at any time up to and including the enforceability date;

(iii) all claims against the United States (including the agencies and employees of the United States) relating to the pending litigation of claims relating to the water rights of the Band in the Adjudication Proceeding; and

(iv) all claims against the United States (including the agencies and employees of the United States) relating to the negotiation or execution of the Pechanga Settlement Agreement or the negotiation or execution of this section.

(2) EFFECTIVENESS OF WAIVERS AND RELEASES.—The waivers under paragraph (1) shall take effect on the enforceability date.

(3) RESERVATION OF RIGHTS AND RETENTION OF CLAIMS.—Notwithstanding the waivers and releases authorized in this section, the Band, on behalf of itself and the members of the Band, and the United States, acting in its capacity as trustee for the Band and Allottees, retain—

(A) all claims for enforcement of the Pechanga Settlement Agreement and this section;

(B) all claims against any person or entity other than the United States and RCWD, including claims for monetary damages;

(C) all claims for water rights that are outside the jurisdiction of the Adjudication Court;

(D) all rights to use and protect water rights acquired on or after the enforceability date; and

(E) all remedies, privileges, immunities, powers, and claims, including claims for water rights, not specifically waived and released pursuant to this section and the Pechanga Settlement Agreement.

(4) EFFECT OF PECHANGA SETTLEMENT AGREEMENT AND ACT.—Nothing in the Pechanga Settlement Agreement or this section—

(A) affects the ability of the United States, acting as sovereign, to take actions authorized by law, including any laws relating to health, safety, or the environment, including—

(i) the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.);

(ii) the Safe Drinking Water Act (42 U.S.C. 300f et seq.);

(iii) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.); and

(iv) any regulations implementing the Acts described in clauses (i) through (iii);

(B) affects the ability of the United States to take actions acting as trustee for any other Indian tribe or an Allottee of any other Indian tribe;

(C) confers jurisdiction on any State court—

(i) to interpret Federal law regarding health, safety, or the environment;

(ii) to determine the duties of the United States or other parties pursuant to Federal law regarding health, safety, or the environment; or

(iii) to conduct judicial review of Federal agency action;

(D) waives any claim of a member of the Band in an individual capacity that does not derive from a right of the Band;

(E) limits any funding that RCWD would otherwise be authorized to receive under any Federal law, including, the Reclamation Wastewater and Groundwater Study and Facilities Act (43 U.S.C. 390h et seq.) as that Act applies to permanent facilities for water recycling, demineralization, and desalination, and distribution of nonpotable water supplies in Southern Riverside County, California;

(F) characterizes any amounts received by RCWD under the Pechanga Settlement Agreement or this section as Federal for purposes of section 1649 of the Reclamation Wastewater and Groundwater Study and Facilities Act (43 U.S.C. 390h–32); or

(G) affects the requirement of any party to the Pechanga Settlement Agreement or any of the exhibits to the Pechanga Settlement Agreement to comply with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) or the California Environmental Quality Act (Cal. Pub. Res. Code 21000 et seq.) prior to performing the respective obligations of that party under the Pechanga Settlement Agreement or any of the exhibits to the Pechanga Settlement Agreement.

(5) ENFORCEABILITY DATE.—The enforceability date shall be the date on which the Secretary publishes in the Federal Register a statement of findings that—

(A) the Adjudication Court has approved and entered a judgment and decree approving the Pechanga Settlement Agreement in substantially the same form as Appendix 2 to the Pechanga Settlement Agreement;

(B) all amounts authorized by this section have been deposited in the Fund;

(C) the waivers and releases authorized in paragraph (1) have been executed by the Band and the Secretary;

(D) the Extension of Service Area Agreement—

(i) has been approved and executed by all the parties to the Extension of Service Area Agreement; and

(ii) is effective and enforceable in accordance with the terms of the Extension of Service Area Agreement; and

(E) the ESAA Water Delivery Agreement—

(i) has been approved and executed by all the parties to the ESAA Water Delivery Agreement; and

(ii) is effective and enforceable in accordance with the terms of the ESAA Water Delivery Agreement.

(6) TOLLING OF CLAIMS.—

(A) IN GENERAL.—Each applicable period of limitation and time-based equitable defense relating to a claim described in this subsection shall be tolled for the period beginning on the date of enactment of this Act and ending on the earlier of—

(i) April 30, 2030, or such alternate date after April 30, 2030, as is agreed to by the Band and the Secretary; or

(ii) the enforceability date.

(B) EFFECTS OF SUBSECTION.—Nothing in this subsection revives any claim or tolls any period of limitation or time-based equitable defense that expired before the date of enactment of this Act.

(C) LIMITATION.—Nothing in this subsection precludes the tolling of any period of limitations or any time-based equitable defense under any other applicable law.

(7) TERMINATION.—

(A) IN GENERAL.—If all of the amounts authorized to be appropriated to the Secretary pursuant to this section have not been made available to the Secretary by April 30, 2030—

(i) the waivers authorized by this subsection shall expire and have no force or effect; and

(ii) all statutes of limitations applicable to any claim otherwise waived under this subsection shall be tolled until April 30, 2030.

(B) VOIDING OF WAIVERS.—If a waiver authorized by this subsection is void under subparagraph (A)—

(i) the approval of the United States of the Pechanga Settlement Agreement under subsection (c) shall be void and have no further force or effect;

(ii) any unexpended Federal amounts appropriated or made available to carry out this section, together with any interest earned on those amounts, and any water rights or contracts to use water and title to other property acquired or constructed with Federal amounts appropriated or made available to carry out this section shall be returned to the Federal Government, unless otherwise agreed to by the Band and the United States and approved by Congress; and

(iii) except for Federal amounts used to acquire or develop property that is returned to the Federal Government under clause (ii), the United States shall be entitled to set off any Federal amounts appropriated or made available to carry out this section that were expended or withdrawn, together with any interest accrued, against any claims against the United States relating to water rights asserted by the Band or Allottees in any future settlement of the water rights of the Band or Allottees.

(g) WATER FACILITIES.—

(1) IN GENERAL.—The Secretary shall, subject to the availability of appropriations, using amounts from the designated accounts of the Fund, provide the amounts necessary to fulfill the obligations of the Band under

the Recycled Water Infrastructure Agreement and the ESAA Capacity Agreement, in an amount not to exceed the amounts deposited in the designated accounts for such purposes plus any interest accrued on such amounts from the date of deposit in the Fund to the date of disbursement from the Fund, in accordance with this section and the terms and conditions of those agreements.

(2) NONREIMBURSABILITY OF COSTS.—All costs incurred by the Secretary in carrying out this subsection shall be nonreimbursable.

(3) RECYCLED WATER INFRASTRUCTURE.—

(A) IN GENERAL.—The Secretary shall, using amounts from the Pechanga Recycled Water Infrastructure account, provide amounts for the Storage Pond in accordance with this paragraph.

(B) STORAGE POND.—

(i) IN GENERAL.—The Secretary shall, subject to the availability of appropriations, provide the amounts necessary to fulfill the obligations of the Band under the Recycled Water Infrastructure Agreement for the design and construction of the Storage Pond, in an amount not to exceed $2,656,374.

(ii) PROCEDURE.—The procedure for the Secretary to provide amounts pursuant to this paragraph shall be as set forth in the Recycled Water Infrastructure Agreement.

(iii) LEAD AGENCY.—The Bureau of Reclamation shall be the lead agency for purposes of the implementation of this paragraph.

(iv) LIABILITY.—The United States shall have no responsibility or liability for the Storage Pond.

(4) ESAA DELIVERY CAPACITY.—

(A) IN GENERAL.—The Secretary shall, using amounts from the Pechanga ESAA Delivery Capacity account, provide amounts for Interim Capacity and Permanent Capacity in accordance with this paragraph.

(B) INTERIM CAPACITY.—

(i) IN GENERAL.—The Secretary shall, subject to the availability of appropriations, using amounts from the ESAA Delivery Capacity account, provide amounts necessary to fulfill the obligations of the Band under the ESAA Capacity Agreement for the provision by RCWD of Interim Capacity to the Band in an amount not to exceed $1,000,000.

(ii) PROCEDURE.—The procedure for the Secretary to provide amounts pursuant to this subparagraph shall be as set forth in the ESAA Capacity Agreement.

(iii) LEAD AGENCY.—The Bureau of Reclamation shall be the lead agency for purposes of the implementation of this subparagraph.

(iv) LIABILITY.—The United States shall have no responsibility or liability for the Interim Capacity to be provided by RCWD.

(v) TRANSFER TO BAND.—If RCWD does not provide the Interim Capacity Notice required pursuant to the ESAA Capacity Agreement by the date that is 60 days after the date required under the ESAA Capacity Agreement, the amounts in the Pechanga ESAA Delivery Capacity account for purposes of the provision of Interim Capacity and Permanent Capacity, including any interest that has accrued on those amounts, shall be available for use by the Band to provide alternative interim capacity in a manner that is similar to the Interim Capacity and Permanent Capacity that the Band would have received had RCWD provided such Interim Capacity and Permanent Capacity.

(C) PERMANENT CAPACITY.—

(i) IN GENERAL.—On receipt of the Permanent Capacity Notice pursuant to section 5(b) of the ESAA Capacity Agreement, the Secretary, acting through the Bureau of Reclamation, shall enter into negotiations with RCWD and the Band to establish an agreement that will allow for the disbursement of amounts from the Pechanga ESAA Delivery Capacity account in accordance with clause (ii).

(ii) SCHEDULE OF DISBURSEMENT.—Subject to the availability of amounts under subsection (h)(5), on execution of the ESAA Capacity Agreement, the Secretary shall, subject to the availability of appropriations and using amounts from the ESAA Delivery Capacity account, provide amounts necessary to fulfill the obligations of the Band under the ESAA Capacity Agreement for the provision by RCWD of Permanent Capacity to the Band in an amount not to exceed the amount available in the ESAA Delivery Capacity account as of the date on which the ESAA Capacity Agreement is executed.

(iii) PROCEDURE.—The procedure for the Secretary to provide funds pursuant to this subparagraph shall be as set forth in the ESAA Capacity Agreement.

(iv) LEAD AGENCY.—The Bureau of Reclamation shall be the lead agency for purposes of the implementation of this subparagraph.

(v) LIABILITY.—The United States shall have no responsibility or liability for the Permanent Capacity to be provided by RCWD.

(vi) TRANSFER TO BAND.—If RCWD does not provide the Permanent Capacity Notice required pursuant to the ESAA Capacity Agreement by the date that is 5 years after the enforceability date, the amounts in the Pechanga ESAA Delivery Capacity account for purposes of the provision of Permanent Capacity, including any interest that has accrued on those amounts, shall be available for use by the Band to provide alternative permanent capacity in a manner that is similar to the Permanent Capacity that the Band would have received had RCWD provided such Permanent Capacity.

(h) PECHANGA SETTLEMENT FUND.—

(1) ESTABLISHMENT.—There is established in the Treasury of the United States a fund to be known as the ''Pechanga Settlement Fund'', to be managed, invested, and distributed by the Secretary and to be available until expended, and, together with any interest earned on those amounts, to be used solely for the purpose of carrying out this section.

(2) TRANSFERS TO FUND.—The Fund shall consist of such amounts as are deposited in the Fund under subsection (j), together with any interest earned on those amounts, which shall be available in accordance with paragraph (5).

(3) ACCOUNTS OF PECHANGA SETTLEMENT FUND.—The Secretary shall establish in the Fund the following accounts:

(A) Pechanga Recycled Water Infrastructure account, consisting of amounts authorized pursuant to subsection (j)(1).

(B) Pechanga ESAA Delivery Capacity account, consisting of amounts authorized pursuant to subsection (j)(2).

(C) Pechanga Water Fund account, consisting of amounts authorized pursuant to subsection (j)(3).

(D) Pechanga Water Quality account, consisting of amounts authorized pursuant to subsection (j)(4).

(4) MANAGEMENT OF FUND.—The Secretary shall manage, invest, and distribute all amounts in the Fund in a manner that is consistent with the investment authority of the Secretary under—

(A) the first section of the Act of June 24, 1938 (25 U.S.C. 162a);

(B) the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.); and

(C) this subsection.

(5) AVAILABILITY OF AMOUNTS.—Amounts appropriated to, and deposited in, the Fund, including any investment earnings accrued from the date of deposit in the Fund through the date of disbursement from the Fund, shall be made available to the Band by the Secretary beginning on the enforceability date.

(6) WITHDRAWALS BY BAND PURSUANT TO THE AMERICAN INDIAN TRUST FUND MANAGEMENT REFORM ACT.—

(A) IN GENERAL.—The Band may withdraw all or part of the amounts in the Fund on approval by the Secretary of a tribal management plan submitted by the Band in accordance with the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.).

(B) REQUIREMENTS.—

(i) IN GENERAL.—In addition to the requirements under the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.), the tribal management plan under subparagraph (A) shall require that the Band shall spend all amounts withdrawn from the Fund in accordance with this section.

(ii) ENFORCEMENT.—The Secretary may carry out such judicial or administrative actions as the Secretary determines to be necessary to enforce the tribal management plan to ensure that amounts withdrawn by the Band from the Fund under this paragraph are used in accordance with this section.

(7) WITHDRAWALS BY BAND PURSUANT TO AN EXPENDITURE PLAN.—

(A) IN GENERAL.—The Band may submit an expenditure plan for approval by the Secretary requesting that all or part of the amounts in the Fund be disbursed in accordance with the plan.

(B) REQUIREMENTS.—The expenditure plan under subparagraph (A) shall include a description of the manner and purpose for which the amounts proposed to be disbursed from the Fund will be used, in accordance with paragraph (8).

(C) APPROVAL.—If the Secretary determines that an expenditure plan submitted under this subsection is consistent with the purposes of this section, the Secretary shall approve the plan.

(D) ENFORCEMENT.—The Secretary may carry out such judicial or administrative actions as the Secretary determines necessary to enforce an expenditure plan to ensure that amounts disbursed under this paragraph are used in accordance with this section.

(8) USES.—Amounts from the Fund shall be used by the Band for the following purposes:

(A) PECHANGA RECYCLED WATER INFRASTRUCTURE ACCOUNT.—The Pechanga Recycled Water Infrastructure account shall be used for expenditures by the Band in accordance with subsection (g)(3).

(B) PECHANGA ESAA DELIVERY CAPACITY ACCOUNT.—The Pechanga ESAA Delivery Capacity account shall be used for expenditures by the Band in accordance with subsection (g)(4).

(C) PECHANGA WATER FUND ACCOUNT.—The Pechanga Water Fund account shall be used for—

(i) payment of the EMWD Connection Fee;

(ii) payment of the MWD Connection Fee; and

(iii) any expenses, charges, or fees incurred by the Band in connection with the delivery or use of water pursuant to the Pechanga Settlement Agreement.

(D) PECHANGA WATER QUALITY ACCOUNT.—The Pechanga Water Quality account shall be used by the Band to fund groundwater desalination activities within the Wolf Valley Basin.

(9) LIABILITY.—The Secretary and the Secretary of the Treasury shall not be liable for the expenditure of, or the investment of any

amounts withdrawn from, the Fund by the Band under paragraph (6) or (7).

(10) NO PER CAPITA DISTRIBUTIONS.—No portion of the Fund shall be distributed on a per capita basis to any member of the Band.

(i) MISCELLANEOUS PROVISIONS.—

(1) WAIVER OF SOVEREIGN IMMUNITY BY THE UNITED STATES.—Except as provided in subsections (a) through (c) of section 208 of the Department of Justice Appropriation Act, 1953 (43 U.S.C. 666), nothing in this section waives the sovereign immunity of the United States.

(2) OTHER TRIBES NOT ADVERSELY AFFECTED.—Nothing in this section quantifies or diminishes any land or water right, or any claim or entitlement to land or water, of an Indian tribe, band, or community other than the Band.

(3) LIMITATION ON CLAIMS FOR REIMBURSEMENT.—With respect to Indian land within the Reservation—

(A) the United States shall not submit against any Indian-owned land located within the Reservation any claim for reimbursement of the cost to the United States of carrying out this section and the Pechanga Settlement Agreement; and

(B) no assessment of any Indian-owned land located within the Reservation shall be made regarding that cost.

(4) EFFECT ON CURRENT LAW.—Nothing in this subsection affects any provision of law (including regulations) in effect on the day before the date of enactment of this Act with respect to preenforcement review of any Federal environmental enforcement action.

(j) AUTHORIZATION OF APPROPRIATIONS.—

(1) PECHANGA RECYCLED WATER INFRASTRUCTURE ACCOUNT.—There is authorized to be appropriated $2,656,374, for deposit in the Pechanga Recycled Water Infrastructure account, to carry out the activities described in subsection (g)(3).

(2) PECHANGA ESAA DELIVERY CAPACITY ACCOUNT.—There is authorized to be appropriated $17,900,000, for deposit in the Pechanga ESAA Delivery Capacity account, which amount shall be adjusted for changes in construction costs since June 30, 2009, as is indicated by ENR Construction Cost Index, 20-City Average, as applicable to the types of construction required for the Band to provide the infrastructure necessary for the Band to provide the Interim Capacity and Permanent Capacity in the event that RCWD elects not to provide the Interim Capacity or Permanent Capacity as set forth in the ESAA Capacity Agreement and contemplated in subparagraphs (B)(v) and (C)(vi) of subsection (g)(4), with such adjustment ending on the date on which funds authorized to be appropriated under this subsection have been deposited in the Fund.

(3) PECHANGA WATER FUND ACCOUNT.—There is authorized to be appropriated $5,483,653, for deposit in the Pechanga Water Fund account, which amount shall be adjusted for changes in appropriate cost indices since June 30, 2009, with such adjustment ending on the date of deposit in the Fund, for the purposes set forth in subsection (h)(8)(C).

(4) PECHANGA WATER QUALITY ACCOUNT.—There is authorized to be appropriated $2,460,000, for deposit in the Pechanga Water Quality account, which amount shall be adjusted for changes in appropriate cost indices since June 30, 2009, with such adjustment ending on the date of deposit in the Fund, for the purposes set forth in subsection (h)(8)(D).

(k) REPEAL ON FAILURE OF ENFORCEABILITY DATE.—If the Secretary does not publish a statement of findings under subsection (f)(5) by April 30, 2021, or such alternative later date as is agreed to by the Band and the Secretary, as applicable—

(1) this section is repealed effective on the later of May 1, 2021, or the day after the alternative date agreed to by the Band and the Secretary;

(2) any action taken by the Secretary and any contract or agreement pursuant to the authority provided under any provision of this section shall be void;

(3) any amounts appropriated under subsection (j), together with any interest on those amounts, shall immediately revert to the general fund of the Treasury; and

(4) any amounts made available under subsection (j) that remain unexpended shall immediately revert to the general fund of the Treasury.

(l) ANTIDEFICIENCY.—

(1) IN GENERAL.—Notwithstanding any authorization of appropriations to carry out this section, the expenditure or advance of any funds, and the performance of any obligation by the Department in any capacity, pursuant to this section shall be contingent on the appropriation of funds for that expenditure, advance, or performance.

(2) LIABILITY.—The Department of the Interior shall not be liable for the failure to carry out any obligation or activity authorized by this section if adequate appropriations are not provided to carry out this section.

SEC. 8010. GOLD KING MINE SPILL RECOVERY.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Environmental Protection Agency.

(2) CLAIMANT.—The term ''claimant'' means a State, Indian tribe, or local government that submits a claim under subsection (c).

(3) GOLD KING MINE RELEASE.—The term ''Gold King Mine release'' means the discharge on August 5, 2015, of approximately 3,000,000 gallons of contaminated water from the Gold King Mine north of Silverton, Colorado, into Cement Creek that occurred while contractors of the Environmental Protection Agency were conducting an investigation of the Gold King Mine to assess mine conditions.

(4) NATIONAL CONTINGENCY PLAN.—The term ''National Contingency Plan'' means the National Contingency Plan prepared and published under part 300 of title 40, Code of Federal Regulations (or successor regulations).

(5) RESPONSE.—The term ''response'' has the meaning given the term in section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601).

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Administrator should receive and process, as expeditiously as possible, claims under chapter 171 of title 28, United States Code (commonly known as the ''Federal Tort Claims Act'') for any injury arising out of the Gold King Mine release.

(c) GOLD KING MINE RELEASE CLAIMS PURSUANT TO THE COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION, AND LIABILITY ACT.—

(1) IN GENERAL.—The Administrator shall, consistent with the National Contingency Plan, receive and process under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.), and pay from appropriations made available to the Administrator to carry out that Act, any claim made by a State, Indian tribe, or local government for eligible response costs relating to the Gold King Mine release.

(2) ELIGIBLE RESPONSE COSTS.—

(A) IN GENERAL.—Response costs incurred between August 5, 2015, and September 9, 2016, are eligible for payment by the Administrator under this subsection, without prior approval by the Administrator, if the response costs are not inconsistent with the National Contingency Plan.

(B) PRIOR APPROVAL REQUIRED.—Response costs incurred after September 9, 2016, are eligible for payment by the Administrator under this subsection if—

(i) the Administrator approves the response costs under section 111(a)(2) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9611(a)(2)); and

(ii) the response costs are not inconsistent with the National Contingency Plan.

(3) PRESUMPTION.—

(A) IN GENERAL.—The Administrator shall consider response costs claimed under paragraph (1) to be eligible response costs if a reasonable basis exists to establish that the response costs are not inconsistent with the National Contingency Plan.

(B) APPLICABLE STANDARD.—In determining whether a response cost is not inconsistent with the National Contingency Plan, the Administrator shall apply the same standard that the United States applies in seeking recovery of the response costs of the United States from responsible parties under section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9607).

(4) TIMING.—

(A) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Administrator shall make a decision on, and pay, any eligible response costs submitted to the Administrator before that date of enactment.

(B) SUBSEQUENTLY FILED CLAIMS.—Not later than 90 days after the date on which a claim is submitted to the Administrator, the Administrator shall make a decision on, and pay, any eligible response costs.

(C) DEADLINE.—All claims under this subsection shall be submitted to the Administrator not later than 180 days after the date of enactment of this Act.

(D) NOTIFICATION.—Not later than 30 days after the date on which the Administrator makes a decision under subparagraph (A) or (B), the Administrator shall notify the claimant of the decision.

(d) WATER QUALITY PROGRAM.—

(1) IN GENERAL.—In response to the Gold King Mine release, the Administrator, in conjunction with affected States, Indian tribes, and local governments, shall, subject to the availability of appropriations, develop and implement a program for long-term water quality monitoring of rivers contaminated by the Gold King Mine release.

(2) REQUIREMENTS.—In carrying out the program described in paragraph (1), the Administrator, in conjunction with affected States, Indian tribes, and local governments, shall—

(A) collect water quality samples and sediment data;

(B) provide the public with a means of viewing the water quality sample results and sediment data referred to in subparagraph (A) by, at a minimum, posting the information on the website of the Administrator;

(C) take any other reasonable measure necessary to assist affected States, Indian tribes, and local governments with long-term water monitoring; and

(D) carry out additional program activities related to long-term water quality monitoring that the Administrator determines to be necessary.

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Administrator such sums as may be necessary to carry out this subsection, including the reimbursement of affected States, Indian tribes, and local governments for the costs of long-term water quality monitoring of any river contaminated by the Administrator.

(e) EXISTING STATE AND TRIBAL LAW.—Nothing in this section affects the jurisdiction or authority of any department, agency, or officer of any State government or any Indian tribe.

(f) SAVINGS CLAUSE.—Nothing in this section affects any right of any State, Indian tribe, or other person to bring a claim against the United States for response costs or natural resources damages pursuant to section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9607).

SEC. 8011. REPORTS BY THE COMPTROLLER GENERAL.

Not later than 5 years after the date of enactment of this Act, the Comptroller General of the United States shall conduct the following reviews and submit to Congress reports describing the results of the reviews:

(1) A review of the implementation and effectiveness of the Columbia River Basin restoration program authorized under part V of subtitle F of title VII.

(2) A review of the implementation and effectiveness of watercraft inspection stations established by the Secretary under section 104 of the River and Harbor Act of 1958 (33 U.S.C. 610) in preventing the spread of aquatic invasive species at reservoirs operated and maintained by the Secretary.

SEC. 8012. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) State water quality standards that impact the disposal of dredged material should be developed collaboratively, with input from all relevant stakeholders;

(2) Open-water disposal of dredged material should be reduced to the maximum extent practicable;

(3) Where practicable, the preference is for disputes between states related to the disposal of dredged material and the protection of water quality to be resolved between the states in accordance with regional plans and involving regional bodies.

Mr. INHOFE. Mr. President, I know of no further debate on this amendment.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to amendment No. 5042, as modified.

The amendment (No. 5042), as modified, was agreed to.

The PRESIDING OFFICER. Amendment No. 5042, as modified, having been agreed to, amendment No. 4980 falls.

MORNING BUSINESS

Mr. INHOFE. Mr. President, before I make a very brief comment, I ask unanimous consent that the Senate be in a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

WRDA

Mr. INHOFE. Mr. President, this is a very significant piece of legislation. What we just now moved forward on is the managers' amendment. Senator BOXER and I are the managers. I want to, first of all, compliment her for working very hard with us and our staff. I mean, they really did drill on this thing. So it is a major bill. We are supposed to have a WRDA bill, or the Water Resources Development Act, every 2 years. We went through a 7-year period from 2007 to 2014. Now we are back on schedule. I am happy to say that we are on schedule now to get this passed tomorrow.

We are going to stay on a 2-year schedule. Senator BOXER did a great job. It was great teamwork. We have moved a long way.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I want to say this to Senator INHOFE. I know he has a hectic schedule ahead of him. What a pleasure it is to work with him and his staff member Alex and our Jason and Ted and others. We had a lot of disagreements on a lot of issues, but we set those aside. It is exciting to get something done for the people.

For example, in this managers' package, we have a new Chief's report in Pennsylvania, a critical restoration program in Oregon and Washington, funding for restoration of the Great Lakes, a wide variety of other policy recommendations that come from all over the country, from all of our colleagues. So I not only want to thank Senator INHOFE, who is my chairman, but also my staff and Senator INHOFE's staff—in particular, Bettina Poirier, Jason Albritton, and Ted Illston, from my staff.

This has not been easy to get all of us together and to have a unanimous consent request agreed to. I also want to thank the floor staff—Trish and Gary on our side—because I made them a little crazy during this process. They actually allowed me to do that.

But it does take a lot of push and pull to get a bill like this done. So what I would like to do for the next few minutes—I know Senator MURKOWSKI will speak following me—is that I just want to talk about why we have worked so hard and why it is critical that we pass this bill this week—S. 2848, the Water Resources Development Act, which we called WRDA 2016.

We need to repair our Nation's aging infrastructure. We need to grow our economy and create jobs. I think that is where the sweet spot is across the aisle. We have an infrastructure crisis in our country. It is not me saying it; it is the American Society of Civil Engineers. They are Democrats, they are Republicans, and they are Independents. They are north, south, east, and west. They came together and said: Our infrastructure is a D-plus—a D-plus.

So we just have to move forward. Also, we need to make sure that the Army Corps, when they write a Chief's report, has the go-ahead from Congress. We don't have anymore the ability as Members to say this is an earmark. We don't do that. What we must do is look at the Corps report and give them the authority to move ahead if we feel that the Corps report is in the best interest of our people.

We have over $14 billion for 30 Chief's reports in 19 States. These projects—you ask: What do they do? They increase navigation. They are flood risk management. They are coastal storm damage reduction. They are ecosystem restoration. As far as navigation is concerned, we know that we authorize important projects to maintain vital navigation routes for commerce and the movement of goods.

Our bill builds on the reforms to the harbor maintenance trust fund. So we are just going to show a few charts. This is the Port of Charleston. If you look at these containers, they look small on this boat. Each one of those is just enormous. What we know is, if we can't move goods to and from the country, our economy stalls.

So that is critical. We extend permanently prioritization for donor and energy transfer ports, emerging harbors, and Great Lakes ports. We allow additional ports to qualify for these funds, and we make clear that the Corps can maintain harbors of refuge. The bill also authorizes nine Chief's reports that I mentioned in nine States that will allow investment in central port and waterway projects, including the deepening of the Charleston Harbor in South Carolina.

It does no good to have these ships try to get in—if you need to dredge the waterway, you better have authorization to do it. We widen and deepen the navigation channels at Port Everglades in Florida, to address safety issues and congestion. We construct new locks in Pennsylvania at three of the oldest locks and dams on the Ohio River System.

These aging locks were built in the 1920s and the 1930s. We have to address the aging infrastructure. This is what you see the workers doing. Our ports and waterways, which are essential to the U.S. economy, moved 2.3 billion tons of goods in 2014.

WRDA 2016 will provide major economic benefits that will keep us competitive in the global marketplace. We also deal with storms and floods. Now, we have seen these storms and floods just expand exponentially. We are stunned when we see our beautiful citizens looking at everything they possess being lost in a flood. It is billions of dollars of damage. It is loss of life. We have seen communities wiped out. This is the scene from Louisiana.

This bill will save lives by helping to rebuild critical levee systems around the country, including levees to protect the capital of my State and surrounding communities. Sacramento is in desperate need of flood control. We have done it year after year. We are very hopeful that the work we put into it will make sure that we do not see a Katrina happening anywhere in my State or in any other place.

This bill authorizes $8 billion for 17 flood control and storm damage projects in 13 States, including a project to build levees and flood control structures to reduce flood risk in San Antonio, TX.

I think we have the picture of the flooding there. Look at this. We just

have to rebuild our infrastructure to protect against floods.

We also have a project to rebuild aging levees in Manhattan, in Kansas, which protects public and private structures valued at $1 billion, and projects to protect coastal communities in South Carolina, in Florida, North Carolina, New Jersey, and Louisiana.

WRDA also establishes a new program at FEMA to fund the repair of high-hazard dams that present a public safety threat. These hazardous dams are threatening numerous communities across the Nation, and WRDA 2016 will make those communities safer.

The bill authorizes more than $3 billion for projects to restore critical ecosystems, like the Florida Everglades. WRDA 2016 updates existing programs. It creates new initiatives to advance the restoration of some of the Nation's most iconic ecosystems, such as the Great Lakes, the Long Island Sound, the Delaware River, the Chesapeake Bay, the Columbia River, and Puget Sound.

WRDA responds to the serious challenges many of our communities are facing. While we have horrific flooding, we also have horrific droughts, especially in the West. This was all predicted by scientists who said: Watch out; climate change is coming. We have seen terrible fires, terrible flooding, terrible droughts, and more extreme weather all over. That was predicted.

So we want to make sure that we can improve the operations of our dams and reservoirs to increase water supply and better conserve existing water resources.

I have a very special excitement associated with the dealing of droughts, because the bill is on my legislation, the Water in the 21st Century Act—or, as I call it, W21—to provide essential support for the development of innovative water technologies, such as desalination and water recycling.

I had the opportunity to visit a desal plant in California—the only one operating. It is pretty remarkable. It is not cheap. It is a public-private partnership. But when you need water, you need water. So, absolutely we have to look at ways to utilize energy in a smart way and move toward desal and move toward water recycling and water recharging.

The bill allows States to provide additional incentives for the use of these innovative technologies, through the State revolving fund. It establishes a new, innovative water technology grant program, and it reauthorizes successful existing programs such as the Water Desalination Act.

It also deals with Flint, MI. I am so grateful to everyone on both sides who allowed us to finally address Flint, MI. I want to show you what they dealt with in this corrosive piping. The State changed the way they got their water. They started to draw from highly polluted water. This is what it did to the pipes.

As to the lead contamination in Flint, we know all about it. But it is not only in Flint. It is in other cities across the country that are dealing with aging lead pipes, such as Jackson, MS, Sebring, OH, and Durham, NC. The American people have some rights. They have a right to clean water. When they turn on their faucet, they should not be scared of what is going to come out.

Yet the American Water Works Association estimates that as many as 22 million people live in homes that receive water from lead service lines. Now, this bill begins the much needed work to ensure safe, reliable drinking water for every American. It provides $100 million in State revolving fund loans and grants for communities that have a declared drinking water emergency. It provides more than $700 million in loans under the Water Infrastructure Finance and Innovation Act, which we call WIFIA.

We have a program in transportation that my friend in the chair, the Presiding Officer, is very familiar with, called TIFIA, and he and I worked on together to save it. WIFIA works the same way. If a local government has revenues, they can use those to pay back the Federal Government for practically interest-free loans and complete a project far faster.

So this WIFIA is very exciting for me because I am leaving here. I would like to leave behind a way for communities to access help this way. It is not a giveaway. It just says to a community: If you are willing to help yourself, the Federal Government can front the money. You can rebuild your infrastructure much quicker.

When it comes to crumbling infrastructure, we don't have a minute to waste. So the WRDA bill helps those communities dealing with the horrible effects of lead poisoning by investing in public health programs to help families deal with the impacts. The bill changes the law to require that communities are quickly notified if high lead levels are found in the drinking water.

The worst thing is to ignore that and then have some child, all of a sudden, have learning disabilities, and you don't know why. You have done everything right, and your child is suffering. We want to say: The minute there is too much lead in the water, parents, you are going to know about it, and you can protect your child. The one way to protect a child is to get rid of their exposure to lead, whether it is in the air, whether it is in the water, or whether it is in a product. We know that for sure.

Now, in closing, I am going to talk about a few things for my great State, because we have 40 million people there. We have so much congestion, and we have so many problems. We also have so many assets—mostly our people—and we have so much beauty in that State, but I am going to talk about a few things we did.

First, we authorized a critical project to revitalize the Los Angeles River. Yes, there is a river in Los Angeles. Everyone kind of looks at me and says: You have to be kidding. No, there is.

The whole area has been neglected. Finally, after working with the community—and, boy, this took effort on everyone's part—the city, the county, Senator FEINSTEIN, me, and Members of Congress. Everybody worked together—the Chamber of Commerce, the unions, everybody. We got together a great plan for how we are going to revitalize the river, make it a beautiful place to go, and stimulate economic development.

Our bill also authorizes a project to restore wetlands and improve flood protection in San Francisco Bay. This is one of the most iconic photos I could show you, the Golden Gate Bridge, but we need to improve flood protection. We are going to have the rising sea levels. I will tell you one of the great ways to get hold of that issue is to restore wetlands because then when the floods come, it slows up, it slows up the flow, and takes the nutrients that would otherwise go into the bay. Whether we are dealing with Lake Tahoe, which I will talk about in a minute, or San Francisco Bay, you want to make sure you have your flood protection work so these wetlands will hold back the water and hold back the nutrients.

We will rebuild levees that protect Sacramento, which is a critical area, and we have an amazing and important program to provide critical habitat and improve air quality near the Salton Sea.

I don't have time to go into explaining what the Salton Sea is, but it is one of the largest manmade lakes known. It is drying up because of the drought. What happened is, the farmers would take their extra water and dump it into the Salton Sea. There are a lot of harmful toxins from the pesticides in there. As the sea dries up, the sand holds all this toxin. When the wind blows, it carries these toxins and these chemicals into the lungs of the people who live around this gorgeous area. It was once a thriving area, but it has changed. It also is the landing place for about 400 different species of beautiful waterfowl that rest on the Pacific Flyway. It has been neglected. We need to make sure that where the sea is drying out we can have pockets where there are wetlands, where there is restoration. We are working together with the State.

I am excited about the fact that this bill will authorize the use of local people, nonprofit people. City councils, supervisors, State and Federal Government and water districts will now be able to work together on common projects to save the Salton Sea. This is a tough one. I am going to be leaving the Senate knowing this isn't fixed, and I don't like that; that I will not be here to fix it. I am leaving it to everybody—that includes the Presiding Officer, you will be here a while. You have

to keep your eye on the Salton Sea because it is disappearing and we have to fix it.

Finally, this bill invests in the restoration of the ''Jewel of the Sierra,'' Lake Tahoe. Oh, this is something. I was just out there with Senator FEINSTEIN, Senator REID, and Governor Brown. It is quite a special place. Actually, it is a treasure. California shares it with Nevada. It is home to more than 290 species of wildlife, and it lures 3 million visitors every year, but it has real problems, the same types of problems I talked about with the bay—nutrients flowing into the sea. The warmer temperatures of Lake Tahoe mean we have algae growing. We have problems with clarity, and it needs our attention.

We have done a great job over the last 20 years when President Clinton came out. We had bipartisan support then, and we now have bipartisan support from Senators REID, HELLER, FEINSTEIN, and myself to continue making sure Lake Tahoe thrives.

The words everybody waits for when a Senator makes a speech, ''in conclusion,'' WRDA 2016 is truly a bipartisan bill which benefits every region of this great country. It will invest in our Nation's water infrastructure, create jobs in the construction industry, protect people from flooding, and enable commerce to move through our ports. It will encourage innovative financing through WIFIA, and it will begin the hard work of preparing for and responding to extreme weather.

The bill is supported by 90 organizations—we will just give you a sample—representing business, labor, local government, ports, environmental conservation groups, and faith communities. As an example, the California State Coastal Conservancy, the Coalition for the Delaware River Watershed, the Congregation of Saint Joseph, association of water agencies, the Lake Carriers' Association, the Michigan Environmental Council of the States, GreenFaith, Friends Committee on National Legislation, and Franciscan Action Network.

There is one more chart. Nature Abounds, Orange County Sanitation District, U.S. Chamber of Commerce, U.S. Conference of Mayors, U.S. Great Lakes Shipping Association, and Upper Mississippi River Basin Association.

Madam President, I ask unanimous consent to have printed in the RECORD the organizations listed on the charts.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

LETTERS OF SUPPORT—S. 2848

UPDATED 9–12–16

Advocates for a Clean Lake Erie; African American Health Alliance; Alliance for the Great Lakes; American Association of Port Authorities; American Council of Engineering Companies; American Great Lakes Ports Association; American Public Health Association; American Rivers; American Shore and Beach Preservation Association (ASBPA); American Society of Civil Engineers; Associated General Contractors of America; Association of Metropolitan Water Agencies; Bad River Watershed Association; Bay Area Council; Bay Conservation and Development Commission; Bay Planning Coalition; BaySail; Big River Coalition; Black Heritage Society Inc.; Black Millennials for Flint; BlueGreen Alliance; California Association of Sanitation Agencies; California Marine Affairs and Navigation Conference; California State Coastal Conservancy; Casa de Esperanza; City of Sacramento; Clean Water Action; Coalition for the Delaware River Watershed; Community Based Organization Partners; Congregation of St. Joseph.

Delta Institute; Ducks Unlimited; Earthjustice; Environment America; Environment Michigan; Environmental Defense Fund; Environmental Law & Policy Center; Franciscan Action Network; Freshwater for Life Action Coalition; Freshwater Future; Friends Committee on National Legislation; Genesee County Hispanic Latino Collaborative; Genesee County NOW; GreenFaith; GreenLatinos; Gulf Intracoastal Canal Association; Gulf Ports Association of the Americas; Headwaters Chapter, Izaak Walton League; Heart of the Lakes; Hispanic Association of Colleges and Universities; Hispanic Federation; Hoosier Environmental Council; Huron River Watershed Council; International Union of Operating Engineers; Lake Carriers Association; Land Trust Alliance; League of Conservation Voters; League of United Latin American Citizens; League of Women Voters of the United States.

MANA, A National Latina Organization; Michigan Environmental Council; Midwest Environmental Advocates; Milwaukee Riverkeeper; National Association of Clean Water Agencies; National Association of Flood & Stormwater Management Agencies; National Association of Hispanic Federal Executives; National Coalition Of Blacks for Reparations in America; National Conference of Puerto Rican Women, Inc.; National Ground Water Association; National Rural Water Association; National Wildlife Federation; Natural Resources Defense Council; Nature Abounds; North Atlantic Ports Association; Ohio Environmental Council; Orange County Sanitation District; Orange County Water District; Pacific Northwest Waterways Association; Physicians for Social Responsibility; Prairie Rivers Network; Realize America's Maritime Promise; Rural Community Assistance Partnership; San Francisco Public Utilities Commission; Save the Bay; The Bay Institute; The Nature Conservancy; U.S. Chamber of Commerce; U.S. Conference of Mayors; U.S. Great Lakes Shipping Association; Upper Mississippi River Basin Association; and Waterways Council, Inc.

Mrs. BOXER. You can tell from just the few I read what an amazing coalition we have. We can do this.

I have a fabulous committee that I am the ranking member of—fabulous on my side, wonderful on the Republican side. We really care about getting things done. I hope we will have a fabulous vote on this final passage and that the House will take up our bill, pass it, and not go back to square one and start arguing.

I say to my friends in this House, through this opportunity I have on the floor, this is an example of bipartisanship. This is an example of good governance. This is an example you should follow because we avoided the fights, we worked together, and we worked it out. Let's get it done. Let's get it to the President's desk. Let's not wait for a lameduck. There is no reason. People should be able to know we did something good for them. We did something great for them.

This bill, while I am sure it isn't 100-percent perfect from anybody's eyes, is very solid, very strong, very good. I hope we will pass it with the biggest vote we can and the House will take it up.

Thank you so much for your patience.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Ms. MURKOWSKI. Mr. President, I thank and acknowledge the work of the Senator from California, as well as the chairman of the Environment and Public Works Committee, not only on this WRDA bill but on previous matters relating to our water, resources, and our infrastructure—

Mrs. BOXER. And highways.

Ms. MURKOWSKI. Our highway bill. This has been a collaboration that has been recognized in the Senate. I think sometimes we joke that sometimes we have some polar opposites in the Senate on certain issues, but when there is a desire and a will to create something, to create legislation and make good things happen, that good will rises to the surface. I think we have seen that play out with our colleagues from California and Oklahoma.

Mrs. BOXER. May I make a comment through the Chair to my friend?

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. I just wish to thank you because you and Senator CANTWELL are also an example of a team that is working through the toughest of issues. If somebody from the press asked you how do you do it—and I am sure they ask Senator INHOFE all the time, how do you do it with something who is a polar opposite in so many other areas—well, you have to find that sweet spot. You never know if you are going to be able to do it, but if there is good will and there is also respect, you can find it. You have found it in your committee. We have found it in ours.

I also thank you because in all of my work, you have always been there, being very helpful and supportive, so I thank you very much.

Ms. MURKOWSKI. I thank the Senator from California and do recognize that tough issues come to us. If they were easy, they wouldn't be here, and so it is our job to kind of thread that needle and do that.

I know the Senator mentioned the people of Flint being happy with a resolution here. It is not just the people of Flint and the communities you have named in California. I can tell you that when we successfully pass this, the people in the small communities of Craig, the Pribilof Islands, Seward, and Little Diomede are looking for this infrastructure that will allow them, as very small communities, to have an economy because they now have a port, a harbor, and some infrastructure they can rely on.

When we think we are not making a difference, all we need to do is look to measures such as this WRDA bill.

I commend my colleague for working with me, working with Senator SULLIVAN, including many of the priorities we had tried to advance on behalf of the good people of Alaska.

KING COVE, ALASKA

Ms. MURKOWSKI. As we consider their bill—and I am pleased we have moved forward with this managers' amendment—I wish to speak to an amendment that is not part of a managers' package, and it is not an amendment I will call up and ask for consideration, but it is an issue I have presented to Members on the floor in the past. I wanted to take just a few minutes this evening to bring about, again, discussion about another community, a community in Alaska, a community that is in crisis.

We have heard a lot about communities in crisis—whether it is Flint, MI, whether it is those communities that have suffered the flooding in Louisiana, but I have a community in Alaska—a little, small community of less than 1,000 people—by the name of King Cove.

King Cove remains at risk, not because of flooding, not because of a failed water system but because of a decision that was made by our own government, a heartless decision made by the Federal Government. King Cove's problem is not contamination in its drinking water supply, it is something far more fundamental, and it is something that virtually all of our communities—whether you are in Colorado or California—take for granted. What the people in King Cove are asking for is a very simple road, a reliable access to medical emergency transportation. They simply want to be able to reach proper care in time in the event of an injury or an illness.

So for those who aren't familiar with the small community of King Cove, it is a remote fishing community. It is about 625 air miles southwest of Anchorage. It is near the Alaska Peninsula. Eighty-five percent of the residents there are Alaska Natives. Many are Aleut and members of the federally recognized Agdaagux Tribe. As we have so many communities in the State of Alaska—in fact, 80 percent of our communities are not connected by road, but King Cove can only be reached by boat or by airplane. Often that is a challenge. The community is kind of nestled in this spit of land and is surrounded on one side by ocean and on the other by high volcanic oceans.

This is an area that isn't known for its weather. It is very high winds, huge storms, and dense fog all the way down to the ground. King Cove does have a gravel airstrip it can access, and the small planes that fly in and out regularly grapple with low visibility and very strong turbulence that comes down off the mountains, forces the planes down. You have gale-force crosswinds. It is not a place for beginner pilots. I shouldn't even say that because it makes it sound too light. These are very serious flying conditions, but that is how you get in and out.

I did mention it is accessible by boat, but if it is stormy in the air, it is also stormy on the water. Local mariners are facing the same conditions, plus you add in 12-foot to 14-foot seas to contend with.

Most of the time you are saying: I am not going to travel when the weather is that foul, but there are times when you have to travel, when a medical emergency occurs that is beyond the capacity or the capability of the local clinic there. Keep in mind, this is a very small clinic. You don't have a doctor that can just get in a car and provide services. We don't have a doctor there. We have a physician's assistant. We may have doctors come occasionally, but you don't have the medical care you need. If you have severe trauma or if you are a woman in labor, if you have any kind of a serious illness, King Cove Clinic just simply cannot provide the level of service and care you need.

So what do you do? The first step is to transport those who are sick and injured to the nearby community of Cold Bay. Cold Bay is host to a 10,000-foot-long all-weather runway. It is one of the longest runways we have in the State. It was built after World War II. It is almost always open because they don't get the same weather conditions. Here is the beauty of it. It is only 30 miles from where you are in King Cove. So really, the challenge here, for people who need to get out quickly, is not getting from Cold Bay to Anchorage—the 625 air miles—but from King Cove to Cold Bay, 30 miles. That is the toughest part of the journey there.

Having seen this firsthand, I know that for the people who live in King Cove—the Natives who live there—the best answer, really the only answer, is to do what virtually every other community would do, which is build this short connector road.

Keep in mind, we are talking about a distance of 30 miles between the two communities. But it is not even 30 miles I am talking about. What we are seeking is a short—about 10 to 11 miles—gravel, one-lane, noncommercial-use road. That is what we are talking about. That is all that is needed to connect two existing roads. There is one that runs out of King Cove and another that runs out of Cold Bay. We need to link these two communities to finally and fully protect the health and safety of nearly 1,000 Alaskans. What we need is a 10-mile, one-lane, gravel, noncommercial-use road.

One might say: Well, do it. Why haven't you built the road? The reason is we cannot secure permission from our own Federal Government because—and here is the catch—it would cross a small sliver of the Izembek National Wildlife Refuge that was designated back in the 1980s as Federal wilderness. They failed to consult with the Native people who were in King Cove at the time, but that designation was put in place. So we have been working through this for a period of years—actually, a period of decades.

We thought we had this resolved back in 2009. We overwhelmingly passed a lands bill through this Chamber that was signed into law by this President, and it gave the Department of the Interior the ability to approve a road for King Cove. It was a land exchange. And, quite honestly, it was an unbelievable deal. Alaskans offered a roughly 300-to-1 land exchange—a 300-to-1 land exchange—in the Federal Government's favor.

The people of King Cove said: We need 206 acres for a road corridor, and we, along with the State of Alaska, are willing to exchange 61,000 acres of our State lands and of our Native lands. Let me repeat that. They were willing to give back to the Federal Government the lands that were conveyed to the Natives upon settlement of their Native land claims so they could get a small 206-acre corridor. So between the Native lands and the State lands, a 300-to-1 land exchange was offered up—a pretty sweet deal.

Against all odds, the Secretary of the Interior rejected that offer. She did this on the day before Christmas Eve back in 2013. I think she was hoping that no one was going to pay attention. She decided against cherry-stemming these 206 acres—which, keep in mind, is about 0.07 percent of the refuge—because she said that somebody needs to speak up for the birds. Someone needs to speak up and represent the waterfowl. And she decided that protecting the people of King Cove while expanding the Izembek Refuge by tens of thousands of acres was somehow just not worth it.

To this day, years later, I still struggle with how she could come to that decision. It was a horrible decision. It was cruel. It was coldhearted against the Alaskan Native people of King Cove who care deeply about these lands and have stewarded them for thousands of years.

It was baffling. It is not as if there are no roads in this area. Since World War II, we have had roads in this area. The birds have flown. They have used it as their feeding site. It is not as if this is this protected, pristine area. The Fish and Wildlife Service brags on its Web site that local waterfowl hunting is world famous and spectacular. Come on out. If you want to be a sportsman, come out and go hunt on the refuge here. But you can't have this 10-mile, one-lane, gravel, noncommercial-use road there because someone has to watch out for the birds.

The decision reflects a double standard when you think about refuges in other parts of the country. We have roads through our refuges throughout the country, whether in Florida, Maryland, Texas, Louisiana, North Carolina, Arizona, Montana, Missouri, Illinois,

New Mexico, Nevada, or Washington State. So this would not be the first time you would have a small, narrow road through a refuge area.

It is also ignorant. It is ignorant of the fact that human lives have been lost in King Cove as medevacs were attempted in bad weather. We have had a total of 19 people who have died since 1980, either in plane crashes or because they didn't last before they could be taken out.

The decision of the Department of the Interior was cynical. It was callous. It devastated the people of King Cove, who finally thought help was on the way. It shattered the trust responsibility the Federal Government is supposed to have to our Native people, and it has left these people in the same situation they have been in for decades now. They are at the mercy of the elements. They have the potential to suffer needless pain, perhaps even death, if they should have a medical emergency.

People have said to me: Well, LISA, there are lots of places in Alaska where it is really tough to get in and out of, where weather shuts you down and you are not connected by a road. So why is King Cove so different, so special? It is not that they are so different or so special; it is that there is an easier answer that is right there. In many of the communities, there is not an easier answer. Again, we are talking about a small connector road that could be the answer here.

It has been nearly 1,000 days since Secretary Jewell decided just to wash her hands of this issue. She promised the local residents she was going to figure out a way to help them gain reliable transportation to Cold Bay. Instead of working toward a real solution, she has decided to run the clock out. We have seen no engagement with local residents, no budget request, no administrative action, just one topical study of alternatives. And this alternative is one that has been examined before and rejected before as unworkable.

As chairman of the Energy and Natural Resources Committee, I held an oversight hearing earlier this year, and the Presiding Officer had an opportunity to hear from the residents of King Cove, to hear what they have gone through, the anguish this has caused their community. We heard about King Cove's decades-long fight for a lifesaving road from its mayor and from its spokeswoman of the Agdaagux Tribe. We heard strong support for the road from Alaska's Lieutenant Governor, a member of the Democratic Party and an Alaskan Native. We also heard from a representative of the National Congress of American Indians.

We also heard some really unsettling things. We heard about the Valium dispenser at the local medical clinic, where many of the residents who have such anxiety and stress about flying—because of the hazards of flying out of this little strip—are given two pills out of these dispensaries, one for the flight out of King Cove and one for when they return.

We also heard from a retired Coast Guard commander who led a mission to locate a plane crash that killed four individuals, including a fisherman who was being medevaced out because of an amputated foot. The commander told us about the horror of finding these bodies still upright, belted into their seats, with limbs that were frozen and could not be untangled—a memory you just don't ever forget.

King Cove has now had a total of 51 more medevacs—51 more medevacs—since Secretary Jewell's decision in December of 2013 when she rejected this road. Our U.S. Coast Guard has carried out 17 of those medevacs, risking their own crews to rescue those in need. We thank them for that, though that is not the Coast Guard's mission. But they are there when you call them.

Those patients who have been medevaced have been individuals in terrible pain and trauma. One man had dislocated both hips when a 600-pound crab pot fell on him. We have had elderly residents with internal bleeding or sepsis or apparent heart attacks. We had an infant baby boy who was struggling to breathe.

Just this past month—we think: Oh, summertime, August, good weather. This was a bad month for King Cove. No fewer than four medevacs have been carried out. One was an elderly woman who arrived at the medical clinic with a hip fracture. She needed to be medevaced to Anchorage but had to wait for more than 40 hours because the heavy fog on the ground would not lift.

So that is what is happening in King Cove without a lifesaving road. And I know, Mr. President, that King Cove, AK, is a long way from where we are here. Many in this Chamber—most in this Chamber—will never go there. Most people in America will not ever go there. But as remote as they are, as small as this community is, I would remind my colleagues this is still an American community. These are Americans. These are people who deserve to have our help, and it is our job to assist them. They are not asking for much.

We should not let this continue. The people of King Cove are suffering, and it is entirely within our power to protect them. My amendment, and what I have offered in legislation and in amendments, is an opportunity, after decades of waiting and delay and frustration and pain, to finally authorize a short, one-lane, gravel, noncommercial-use road.

As I mentioned, I am not going to be raising my amendment to a vote on the WRDA bill, but I do want the Senate to understand it is well past time to help the good people of King Cove. We need to ensure they have reliable access to emergency medical transportation, and we need to do it this year so that we can put an end to the dangers, an end to the anxiety, an end to the suffering this community is enduring because of a decision by our own Federal Government.

With that, Mr. President, I thank the Chair, and I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. GARDNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. DAINES). Without objection, it is so ordered.

CONSTITUTION WEEK

Mr. MCCONNELL. Mr. President, for the last 229 years, one document has shaped our system of government and embodied the character of our country. It has guided us through crisis and promoted our national ideals of equal justice, limited government, and the rule of law.

I speak, of course, of the U.S. Constitution. More than two centuries ago, the Founders met to write it in the same Pennsylvania State House, now called Independence Hall, where the Declaration of Independence was signed and where George Washington received his commission as commander of the Continental Army.

The Constitution was drafted in 1787 and signed in that year on September 17. That is why this coming week of September 17 to the 23 is Constitution Week, a time we set aside to commemorate this revered document.

During Constitution Week, we teach the history of our Constitution and of America's promise of liberty for all to the younger generations. One organization that has taken the lead in helping young Kentuckians learn about the Constitution is the Bryan Station chapter of the National Society Daughters of the American Revolution. Located in Lexington, the Bryan Station NSDAR will reach out to several schools in the area to help students understand the historical significance of our guiding document.

They will work to educate students of their rights and responsibilities as citizens. They will show them how the Constitution lays the foundation for our country's heritage of liberty. And they will encourage students to study the historical events which led to the drafting of the Constitution and its signing on September 17, 1787.

So in commemoration of Constitution Week 2016, I want to commend the Bryan Station NSDAR for their commitment to civic participation and civic education in the Commonwealth. I want to recognize all the students, teachers, and community leaders in Kentucky and across the Nation who are working to spread an understanding of the Constitution and the ideals it symbolizes.

I also want to especially recognize and thank the men and women in uniform who swear an oath to defend our

Constitution, particularly those who serve in Kentucky at Fort Knox, Fort Campbell, the Blue Grass Army Depot, or as Reservists or members of the National Guard. Without their service and sacrifice, we would not enjoy the liberties enshrined in this historical document.

As Abraham Lincoln once said, ours is a government of the people, by the people, and for the people. The Constitution begins with the very words, ''We the people.'' It ensures that, in America, power is dependent on the consent of the people. And that principle has helped to build a nation that represents the greatest hope for freedom around the world.

TRIBUTE TO MARGARET HOULIHAN SMITH

Mr. DURBIN. Mr. President, today I want to congratulate a former member of my Senate staff, Margaret Houlihan Smith. Margaret served as my Chicago director and previously as a senior member of my 1996 campaign team. Since 2004, Margaret has served as director of corporate and government affairs for United Airlines, responsible for advancing its legislative objectives and protecting its commercial interests in Illinois.

Next week, Margaret is receiving the Rerum Novarum Award at St. Joseph College Seminary in Chicago. The Rerum Novarum Award, or Rights and Duties of Capital and Labor, is named after an encyclical written by Pope Leo XIII in 1891 that addressed issues facing the working class. Specifically, Rerum Novarum's fundamental principles are respect for the dignity of every person and their labor, the right to organize and belong to a union, and the right to a living wage.

Every year, on behalf of St. Joseph College Seminary, the Seminary Salutes Committee honors men and women who have supported these ideals in the Chicagoland area. Well, I want to tell you that the committee couldn't have made a better choice than Margaret Houlihan Smith.

Margaret learned the importance of these values and public service from her father, Dan Houlihan. Known as Dan-the-man to his constituents—he represented the South Side of Chicago—the Beverly neighborhood—in the Illinois House of Representatives. Public service was in Margaret's blood.

So it is no surprise that, after graduating from St. Mary's College in Winona, MN, Margaret started right at the top in Illinois politics and began working for Michael Madigan, Speaker of the Illinois House of Representatives. In 1995, she helped run my first Senate campaign. And in 1996, Margaret agreed to be the director of my Chicago office. Her boundless energy, quick wit, and great judgment made her an outstanding member of my staff and set a high bar for those that followed.

One day, while working in my Chicago office, Margaret lost her voice. When she tried to talk, she croaked like a frog. Her doctor urged her to stop talking for about a week. But anyone that knows Margaret knows this would be a challenge. You see, Margaret is the definition of an Irish lass: a wonderful sense of humor and, above all, a great storyteller—so great that she never stops telling stories. And let me assure you, her doctor's urgings didn't stop her. But I couldn't be more proud that Margaret is still out there sharing stories and lending her voice to the issues that matter in her community.

Margaret is driven by a willingness to offer a helping hand and is one of the most generous people I have had the pleasure to know. In her spare time, she serves on the boards of Misericordia Heart of Mercy, Abraham Lincoln Presidential Library and Museum, Irish Fellowship of Chicago, the Civic Federation, and the Chicagoland Chamber of Commerce PAC Board. If that wasn't enough, Margaret is also a founding member of the Illinois Women's Institute for Leadership.

She is an extraordinarily accomplished professional, but it is her caring heart that makes Margaret such a deserving recipient of this award. For more than a decade, Margaret has served on the Seminary Salutes Committee, tirelessly advocating for the St. Joseph College Seminary. Year after year, she works to raise money and vocation awareness in Chicagoland. And because of her efforts, the Seminary Salutes annual fundraising event, which benefits the scholarship program for low-income students, continues to be a success. I am honored to congratulate her on all the work she has done for St. Joseph College Seminary.

Despite her many achievements, her proudest accomplishment is her family. Never forgetting where she comes from—a trait her father and his beloved wife of 50 years, Mary Alice Houlihan, instilled in her—Margaret lives in the Beverly neighborhood of Chicago with her husband, Jim, and their two children: 8-year-old son Jack and 6-year-old daughter Maeve.

Let me close with this: Margaret's father used to have a favorite saying—''He has a big hat size.'' It was Dan's way to describe someone who was full of themselves. Well, Margaret has never forgotten those words and always stayed humble. I couldn't be more proud of the work she has done and the person she has become. And although her father is no longer with us, I know he feels the same way.

Congratulations, Margaret, on a well-deserved honor.

JUDICIAL NOMINATIONS

Mr. LEAHY. Mr. President, for 2 years, President Obama's five eminently qualified nominees to the U.S. Court of Federal Claims have been awaiting a vote. This court has been referred to as the ''keeper of the nation's conscience'' and ''the People's Court.'' It was created by Congress approximately 160 years ago and embodies the constitutional principle that individuals have rights against their government. As President Lincoln said, ''It is as much the duty of Government to render prompt justice against itself, in favor of citizens, as it is to administer the same between private individuals.'' That is what this Court does: it allows citizens to seek prompt justice against our government.

Yet 2 years of obstruction by a single Senator, the junior Senator from Arkansas, has forced the court to operate without one-third of its allotted judges. While these five nominees have been waiting for a vote, another judge retired, leaving the court with only 10 judges for 16 seats, or a vacancy rate of 38 percent. This takes Senate Republican obstruction of judicial nominees to a new level.

The court's jurisdiction is authorized by statute, and it primarily hears monetary claims against the U.S. Government deriving from the Constitution, Federal statutes, executive regulations, and civilian or military contracts. For example, the court has presided over such important cases as the savings and loan crisis of the 1980s and the World War II internment of Japanese-Americans. It also presides over civilian and military pay claims and money claims under the Fifth Amendment's Takings Clause.

I have heard no objections to the qualifications of any of the five nominees to this court. One of these nominees, Armando Bonilla, would be the first Hispanic judge to hold a seat on the Court. He is endorsed by the Hispanic National Bar Association. He has spent his entire career—now spanning over two decades—as an attorney for the Department of Justice. He was hired out of law school in the Department's prestigious honors program and has risen to become the Associate Deputy Attorney General in the Department. Mr. Bonilla should be confirmed without further delay.

Another nominee, Jeri Somers, also has a long record of public service. She served her country in the Air Force, retiring with the rank of lieutenant colonel. She spent over two decades serving first as a judge advocate general and then as a military judge in the U.S. Air Force and the District of Columbia's Air National Guard. In 2007, she became a board judge with the U.S. Civilian Board of Contract Appeals and currently serves as its vice chair.

Armando Bonilla and Jeri Somers are just two of the five nominees that Senate Republicans have been denying a confirmation vote. These are two individuals that have done right every step of the way in their careers and are willing to serve the American people on this important Court. They have dedicated the majority of their careers in service to our Nation. They deserve better than the treatment they are receiving from the Senate.

During the Bush administration, the Senate confirmed nine judges to the Court of Federal Claims, with the support of every Senate Republican. So far, during the Obama administration, only three Court of Federal Claims nominees have received confirmation votes. That is nine CFC judges during the Bush administration to only three so far in the Obama administration.

It appears that the Senate Republicans' obstruction playbook leaves no court behind. It spans from the very top, with their complete refusal to give a hearing and a vote to Chief Judge Merrick Garland, to the article III circuit and district courts, to the article I Court of Federal Claims, where citizens go to sue their government.

This blockade of all five CFC nominees makes no sense, especially because not a single Republican on the Senate Judiciary Committee raised a concern about these nominees either during the committee hearings on these nominations 2 years ago or during the Committee debate 2 years ago or last year.

None of President Bush's nominees to the Court of Federal Claims spent longer than 4 months on the Senate floor before receiving a confirmation vote. Two of them waited only a single day. After 2 years, it is well past time for these five nominees to receive a vote so they can get to work on the shorthanded Court of Federal Claims.

RECOGNIZING THE VERMONT CENTER FOR EMERGING TECHNOLOGIES

Mr. LEAHY. Mr. President, Vermonters are proud of the innovation and creativity that generate successful businesses in our small State. And for years, Vermont's tech incubator, the Vermont Center for Emerging Technology, VCET, has been providing space for entrepreneurs to take the next steps in driving their startup businesses. As demonstrated in a recent profile of VCET in the New York Times, any objective observer can see Vermont as more than just an outdoor enthusiasts' playground—but also as an oyster community of emerging technologies and innovative thinking in building smart cities and the infrastructure to go with them.

It is no secret that Vermont is full of entrepreneurs eager to take the next steps in their respective fields. From ice cream to craft beverages, digital forensics to game programming, our State is home to many successful business endeavors. The Vermont Center for Emerging Technologies plays a key role in expanding Vermont's tech network while addressing the skilled labor shortage in the State. At its helm is president and fund manager David Bradbury, whose vision for the city of Burlington as an east coast Silicon Valley has driven the nonprofit's development and success.

Housed in a brick building in downtown Burlington, VCET is powered by a city-owned green energy grid with an enviable fast internet connection. The small but skilled team not only manages the Vermont Seed Capital Fund to administer initial funding for high-opportunity businesses and teams but also provides mentoring and advice to new startups. In collaboration with other Burlington-based companies and nonprofits, including BTV Ignite and Vermont HITECH, VCET encourages technology pioneers to dream big. With the help of local colleges offering courses in high growth fields, students learn the skills needed to thrive in a fast-changing economy. In turn, Vermont employers benefit from a larger pool of skilled technology workers, while employees gain access to better jobs and benefits.

The success of David's vision to grow Burlington into a technology hub while addressing the lack of skilled workers is rooted in something deeper than the rapidly expanding field of technology. Vermont's community and socially focused values bring neighbors together to benefit from shared experiences while providing local, sustainable, and accessible services. Corporate responsibility and attention to green energy reflect Vermont's commitment to lessening our environmental footprint while promoting energy conservation and efficiency. Whether encouraging Vermonters to pursue their passion for technology or forging new paths in the field, VCET is spurring economic development and technology jobs throughout our Green Mountain State.

I ask unanimous consent that a New York Times article from July 20, ''A 'Smart' Green Tech Hub in Vermont Reimagines the Status Quo,'' be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From The New York Times, July 20, 2016]

A ''SMART'' GREEN TECH HUB IN VERMONT REIMAGINES THE STATUS QUO

(By Constance Gustke)

Inside a plain brick building in Burlington lies the Vermont Center for Emerging Technologies, a buzzing hipster incubator that looks as if it could be in Silicon Valley. It is powered invisibly by forces that any city would envy: a green grid that is highly energy-efficient and a superfast one-gigabit internet connection.

''People would kill for this internet connection,'' said Tom Torti, president of the Lake Champlain Regional Chamber of Commerce. ''For us to grow our tech network, we needed to double down on fiber network.'' The new Burlington economy is going to be knowledge- and skills-based, he added.

This digital superhighway runs through beautiful Burlington, a small city sandwiched between the distant Green Mountains and the 125-mile-long Lake Champlain. It is an outlier as far as emerging technology hubs and so-called smart cities go. But Burlington, which has a lower unemployment rate than Silicon Valley, is now spawning a wave of technology pioneers.

The technology center, called VCET, provides free advice, mentoring, seed money and gorgeous co-working spaces that are available to entrepreneurs for a low fee. Students can use these spaces free, so Max Robbins and Peter Silverman, 20-year-old college students, are starting their business, Beacon VT, there. It is similar to the dating site OkCupid, but for employment, matching students with employers.

''We're trying to give people an unfair advantage,'' said David Bradbury, president and fund manager at VCET. ''There's nothing too big that you can't dream here. And the snowball is moving faster.''

An ultrahigh-speed internet backbone even helped Burlington form a partnership with US Ignite, which aims to build the next generation of internet apps, to form BTV Ignite. Its goal is to mindfully build on the city's network and further innovation, said Michael Schirling, who heads BTV Ignite.

''Smart cities and new technologies have the potential to change everything,'' said Mr. Schirling, a former Burlington police chief ''When you put in the right building blocks, you get a collision of ideas, which can become self-generating. It's attitude and infrastructure.''

A result is that Burlington, once a timber port, has a stunningly low unemployment rate of 2.3 percent. On the downside, the city is also experiencing a skilled-labor shortage; hundreds of coding jobs alone languish on job boards. Burlington was named a TechHire city by the White House in 2016 to help link local employers with local workers, and to help these workers get the skills they need for a fast-changing economy. The designation does not come with funding, but it does help Burlington get grants for free training.

The TechHire mandate in Burlington is to train 400 technology workers through 2020.

''We want younger people to know that there are career opportunities here,'' Mr. Torti said. ''We're trying to grow our work force rather than importing it.''

A nonprofit organization known as Vermont Hitec is a crucial part of that vision.

It works in partnership with local companies to offer boot camps online and in classrooms that teach skills such as medical coding and programming that lead to good-paying jobs with benefits.

Vermont Information Processing, which develops software for the beverage industry, has been working with Vermont Hitec so that it can retrain or recruit employees as its business grows and it becomes less interested in outsourcing.

Colleges like the University of Vermont, which offers a biotechnology program, and Champlain College are also helping solve the employment puzzle Champlain College offers degrees in high-demand careers like digital forensics and game programming, along with a special program for federal employees who can get online degrees in high-growth fields.

''We're responsive, nimble and entrepreneurial,'' said Don Laackman, president of Champlain College. ''There's a connection between employment needs and sources offered.''

Burlington got its first push into technology start-ups when IDX Systems, a health care software maker, was founded there in 1969. It was sold to General Electric about 10 years ago.

''IDX created a lot of wealth and talent, and these people could be angel investors,'' Mr. Bradbury said. ''It was a tipping point.''

The next wave of innovation has come from internet companies like MyWebGrocer, which offers digital grocery services, and Dealer.com, which offers digital marketing services for the auto industry. Dealer.com became a legend in Burlington after it was sold for $1 billion a couple of years ago. Mike Lane, one of Dealer.com's founders and its former chief operations officer, who is now on the VCET board, is an angel investor who has funded eight start-ups. One of his investments is Faraday Inc., which uses data analytics to help companies target customers.

''In the future, there will be several $50 million to $100 million exits here,'' Mr. Lane said, ''along with other larger ones mixed in.''

He credits Vermont's community and socially conscious spirit with his success. ''We didn't buy the philosophy that we had to be in a hot spot,'' said Mr. Lane, who returned to Vermont after working in Cambridge, Mass. ''Even Zuckerberg realized that he could have been anywhere to build Facebook.''

That can-do spirit also inspired Marguerite Dibble, 26, who began her firm GameTheory while she was still a student at Champlain College. Its mission is to use gaming to inspire behavior changes, such as teaching teens financial literacy.

''In Burlington, I can call anyone and learn from their experience,'' said Ms. Dibble, who was born in a small Vermont town with no ZIP code. ''The degrees of separation are lessened here. There's a shared Vermontiness.''

The energy to power GameTheory's innovation comes from Burlington's green grid, which is owned by the city. The state has long been one of the country's greenest. But in 2014, Burlington upped the ante by turning only to wind, water and biomass to power the city—one of the first cities in the nation to do so. There are also incentives for reducing energy. Landlords, for example, can choose to have free energy audits, and more than 100 have done so.

Other Burlington businesses also work hard to save energy on their own. Seventh Generation, which makes environmentally conscious household products and was founded in Burlington, gives its employees bonuses for helping reduce greenhouse gases. Like many other companies in Burlington, Seventh Generation also aims to be socially responsible and was formed as a B Corp, which means it has to meet social, environmental, accountability and transparency standards.

With this focus on energy efficiency, the city's electricity rates have not risen in eight years, said Neale Lunderville, general manager of the Burlington Electric Department. ''And there are no rate increases on the horizon,'' he said, ''since we're not chasing the next kilowatt-hour.''

Electric cars even have their own parking spaces with chargers.

Burlington will eventually become a net-zero city, said the mayor, Miro Weinberger. ''Our isolation promotes a commitment to pride and place,'' he said.

The city that helped propel Senator Bernie Sanders also has its own nonprofit urban farm called the Intervale Center. The land was once an abandoned dumping ground with old tires and cars. That space now contains 350 acres with bee hives, commercial farms, greenhouses and other projects. Through its food hub, local foods are delivered to area businesses and individuals.

Intervale's farm incubator, a five-year program, even teaches new farmers the ropes, said Travis Marcotte, executive director of Intervale Center. ''They then transition out of the Intervale,'' he said, ''So we're spinning off whole farms.''

It is a hopeful message, Mr. Marcotte said.

MAKE THE LAW WORK FOR EVERYONE WITH DISABILITIES

Mr. TILLIS. Mr. President, the constituencies in North Carolina are as varied as any in America. I am honored to represent America's largest Army Post—Fort Bragg—as well as 45 percent of the U.S. Marine Corps at Camp Lejeune and Cherry Point. Because of their presence and our proud military tradition, by 2020, one in every nine North Carolinians will be a veteran. We are also home to outstanding companies that serve our disabled citizens like the Winston-Salem Industries for the Blind. The confluence of these two communities—veterans and services for the disabled—and how each is treated by the Federal Government is of particular concern to me.

For decades, both the general disabled community and the disabled veterans' community have existed in a harmonious balance when it came to securing jobs and competitive contracts with the Federal Government. The Javits Wagner O'Day Act of 1938, the AbilityOne Program, and the Veterans Benefits, Health Insurance, and Information Technology Act of 2006 assist Americans who are blind, citizens with severe disabilities, and our U.S. military veterans through leveraging the procurement power of the U.S. Department of Veteran Affairs. Unfortunately, the recent Kingdomware Technologies, Inc. v. United States Supreme Court ruling reinterpreted these acts to preclude certain disabled groups from bidding for jobs and business with the Department of Veterans Affairs. These are not laws designed to build barriers to stop disabled veterans from bidding for work outside of the Veterans Administration or the blind for bidding for work within the VA, but that is what has happened.

I am asking my colleagues in Congress to take another look at this situation. Level the playing field. These laws should continue their mutual coexistence by maintaining set-aside opportunities that create sustainable employment opportunities for the 70 percent of blind or severely disabled Americans who are seeking jobs, in addition to competitive contract opportunities for veterans who take the initiative to start their own small businesses. Let's get this right.

ADDITIONAL STATEMENTS

RECOGNIZING MARION COUNTY'S COMMITMENT TO VETERANS

● Mr. BOOZMAN. Mr. President, I rise today to recognize Marion County, AR, on becoming the first Purple Heart County in Arkansas on November 15, 2015.

Created by George Washington in 1782, the Purple Heart is our Nation's oldest military medal. The Purple Heart is awarded to members of the Armed Forces who are wounded or killed in combat. These men and women are some of the finest heroes that our Nation has to offer.

Last year, Marion County chose to honor the service and sacrifice of our Purple Heart heroes in Arkansas by becoming the first Purple Heart County in Arkansas. Marion County's unwavering support of the heroic actions of our Purple Heart recipients stands as a reflection of the appreciation and gratitude of its residents.

Marion County recently held a celebration of its designation as Arkansas' first Purple Heart County that brought the community together to honor Purple Heart recipients. Showing our admiration for those who have served and sacrificed so much for our freedom is such a worthy endeavor, and this recognition is well deserved.

On behalf of all Arkansans, I echo the sentiments of the citizens of Marion County in saying how grateful we are for our veterans and their willingness to serve their country. There truly is no greater display of service and sacrifice than that.

I would like to take this opportunity to applaud Marion County for publicly recognizing our veterans and Purple Heart recipients by becoming Arkansas' first Purple Heart County. Arkansas is proud that our local communities are paying respect to our veterans and standing behind them.●

RECOGNIZING CRAWFORD COUNTY ADULT EDUCATION CENTER

● Mr. BOOZMAN. Mr. President, today I wish to recognize the Crawford County Adult Education Center as it celebrates its 50th anniversary this year.

Founded in 1966, the Crawford County Adult Education Center offers ongoing learning opportunities and helps prepare students for career advancement, postsecondary education, technological innovation, and life enrichment. Among many other services, the center offers classes in computer literacy, English as a Second Language, and citizenship, as well as courses that allow adult learners to earn their GED. It also provides students the opportunity to take college-level classes through Vincennes University.

While we strive to give our children the best educational opportunities available, it is important to recognize that some people in our communities are forced to put their educations on hold for various reasons. Adult education programs are an important resource in helping these individuals to better themselves, continue their educational development, seek out tools to help them advance in their careers, or learn new skills.

The Crawford County Adult Education Center lives up to those responsibilities and then some. It has helped many Crawford County residents realize their full potential and pursue their dreams.

It is never too late for anybody to set new goals or invest in themselves through continued education. As many who have benefitted from the services of the adult education center in Crawford County have attested, the excellent staff and volunteers play such a vital role in providing opportunities to citizens in all stages of life. Additionally, the results of the center's high-quality services and programs speak for themselves.

Let me again reiterate my gratitude for the wonderful work that the Crawford County Adult Education Center does each day. I congratulate the center on achieving this milestone as it celebrates 50 years of service, and I look forward to hearing many more success stories as a result of the center's ongoing work.●

RECOGNIZING THE IDAHO STATE POLICE

● Mr. CRAPO. Mr. President, my colleague Senator JIM RISCH joins me today in honoring the Idaho State Police, ISP, of Meridian, ID, for being selected as a recipient of the 2016 Secretary of Defense Employer Support Freedom Award, known as the Freedom Award.

The U.S. Department of Defense indicates that the Freedom Award is the highest recognition it gives to employers for ''exceptional support of their National Guard and Reserve employees.'' The ISP is one of only 15 employers chosen this year for this national recognition out of the 2,424 nominations submitted by National Guard and Reserve Servicemembers. U.S. Defense Secretary Ash Carter stated, ''Without the unfaltering support of employers like them, the men and women of the National Guard and Reserve would not be able to fulfill their vital roles in our National Security Strategy.'' The Freedom Award has been given to 220 employers over the past 20 years.

Guard and Reserve members or their family members nominate employers for the Freedom Award. This makes the award especially meaningful, as nominators have direct knowledge of their treatment at work. The Department reported that Army National Guard Sgt. Sara Breckon, who suffered a concussion during Active-Duty training, nominated the ISP for this year's award. She described to the Department how her supervisor went the extra mile working with her medical team to assist with her progressive return to work, successful therapy, and recovery. Her coworkers also assisted by donating 80 hours of personal leave so she could receive her pay. Sergeant Breckon told the department, ''It is a privilege to work for ISP as they set the bar for all leaders in the military and civilian sectors.''

The Department of Defense also noted that the Idaho State Police actively recruits Guardsmen and Reservists through the Hero2Hired program, and 18 percent of the Idaho State Police workforce has served or is serving in the U.S. Armed Forces. The ISP joins a group of four Idaho employers selected for the award since the Freedom Award was established.

Being recognized as a great employer of Guardsmen and women and Reservists is a distinct accomplishment. We commend the Idaho State Police for setting a model leadership standard. The men and women who serve in the Guard and Reserve and their families give immensely of their time and talents to serving our Nation. Their skills and commitment add great value to the workforce and our communities. This award is a tribute to the excellent treatment and regard Idaho employers have demonstrated to valued members of our communities. Congratulations to the Idaho State Police on this achievement.●

RECOGNIZING ELECTRIC MEMBERSHIP COOPERATIVE EMPLOYEES

● Mr. ISAKSON. Mr. President, today I would like to recognize and thank Steve Robinson, Wesley Thames, David Baskin, James Abbott, Andrew Harris, and Ian Hansman. They work for Cowetta-Fayette EMC, and Cobb EMC, and Carroll EMC, electric cooperatives in the great State of Georgia.

In July, these gentlemen traveled to Costa Rica as volunteers for the National Rural Electric Cooperative Association International Foundation. During their time in the town of Guanacaste, they helped construct an electric distribution system and worked alongside employees at the local electric co-op, Coopeguanacaste.

Along with local linemen, their volunteer efforts connected five families in Guanacaste with first-time access to electricity by building almost 2 kilometers of power lines. While working together, they shared safety and best construction practices with their counterparts at Coopeguanacaste.

Access to electric service for these families will improve their quality of life and allow them to compete in a growing and competitive economy. With electricity, these families can improve their livestock farming by preserving meats and dairy products, beginning their own businesses or selling at the market. This first-time access to electricity also will help with environmental conservation because residents will no longer need to burn wood and other traditional fuels for cooking and light.

National Rural Electric Cooperative Association International has been active in rural electrification development in Costa Rica since 1963, with direct involvement in the establishment of four electric cooperatives in Costa Rica. Today these co-ops serve approximately 200,000 consumer members.

Thanks to these volunteers, more families in the world now have a chance to a better life. Once again, thank you to these fine Georgians for their work, dedication, and selfless commitment to improving the lives of others.●

RECOGNIZING ROYAL MISSIONARY BAPTIST CHURCH

● Mr. SCOTT. Mr. President, I would like to congratulate and honor Royal Missionary Baptist Church in North Charleston, SC, for their 100th anniversary, which will be celebrated on September 25, 2016.

Originally founded in 1916 by Rev. Handy Washington, the Royal Missionary Baptist Church was first housed in the home of Sister Brooks. In its early years, many of the members worked together to construct their own building in Burton Quarters. The church then purchased their Pearson Street property and today is blessed with both the Pearson Sanctuary and their Luella Street property to better serve God.

Rev. Isaac J. Holt, Jr., has served the church as its pastor since 1993. Under his leadership, the church has prospered and expanded to such an extent that it was necessary to add two new services and build an additional sanctuary. The church has faithfully upheld its motto, ''The Church where Everybody is Somebody But Christ is Essential,'' and proudly credits the guidance of Jesus and the Holy Spirit for their success. I acknowledge with pleasure the church's influence in North Charleston and recognize their growth and success.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The messages received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE RECEIVED DURING ADJOURNMENT

ENROLLED BILL SIGNED

Under the authority of the order of the Senate of January 6, 2015, the Secretary of the Senate, on September 12, 2016, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker pro tempore (Mr. THORNBERRY) has signed the following enrolled bill:

S. 2040. An act to deter terrorism, provide justice for victims, and for other purposes.

Under the authority of the order of the Senate of January 6, 2015, the enrolled bill was signed on September 12, 2016, during the adjournment of the Senate, by the Acting President pro tempore (Mr. CORNYN).

MESSAGES FROM THE HOUSE

At 12:08 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 1579. An act to enhance and integrate Native American tourism, empower Native

American communities, increase coordination and collaboration between Federal tourism assets, and expand heritage and cultural tourism opportunities in the United States.

The message also announced that the House has passed the following bill, with an amendment, in which it requests the concurrence of the Senate:

S. 246. An act to establish the Alyce Spotted Bear and Walter Soboleff Commission on Native Children, and for other purposes.

The message further announced that the House has agreed to the following concurrent resolution:

S. Con. Res. 46. Concurrent resolution expressing support for the goal of ensuring that all Holocaust victims live with dignity, comfort, and security in their remaining years, and urging the Federal Republic of Germany to continue to reaffirm its commitment to comprehensively address the unique health and welfare needs of vulnerable Holocaust victims, including home care and other medically prescribed needs.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 295. An act to reauthorize the Historically Black Colleges and Universities Historic Preservation program.

H.R. 921. An act to provide protections for certain sports medicine professionals who provide certain medical services in a secondary State.

H.R. 1301. An act to direct the Federal Communications Commission to amend its rules so as to prohibit the application to amateur stations of certain private land use restrictions, and for other purposes.

H.R. 3471. An act to amend title 38, United States Code, to make certain improvements in the provision of automobiles and adaptive equipment by the Department of Veterans Affairs.

H.R. 4576. An act to implement the Convention on the Conservation and Management of High Seas Fisheries Resources in the North Pacific Ocean, to implement the Convention on the Conservation and Management of High Seas Fishery Resources in the South Pacific Ocean, and for other purposes.

H.R. 4979. An act to foster civilian research and development of advanced nuclear energy technologies and enhance the licensing and commercial deployment of such technologies.

H.R. 5104. An act to prohibit, as an unfair and deceptive act or practice in commerce, the sale or use of certain software to circumvent control measures used by Internet ticket sellers to ensure equitable consumer access to tickets for any given event, and for other purposes.

H.R. 5111. An act to prohibit the use of certain clauses in form contracts that restrict the ability of a consumer to communicate regarding the goods or services offered in interstate commerce that were the subject of the contract, and for other purposes.

H.R. 5484. An act to modify authorities that provide for rescission of determinations of countries as state sponsors of terrorism, and for other purposes.

H.R. 5936. An act to authorize the Secretary of Veterans Affairs to enter into certain leases at the Department of Veterans Affairs West Los Angeles Campus in Los Angeles, California, to make certain improvements to the enhanced-use lease authority of the Department, and for other purposes.

H.R. 5937. An act to amend title 36, United States Code, to authorize the American Battle Monuments Commission to acquire, operate, and maintain the Lafayette Escadrille Memorial in Marnes-la-Coquette, France, and for other purposes.

The message further announced that pursuant to section 803(a) of the Congressional Recognition for Excellence in Arts Education Act (2 U.S.C. 803(a)), the Minority Leader appoints Mr. Steven L. Roberts of St. Louis, Missouri, to the Congressional Award Board.

The message also announced that pursuant to section 214(a) of the Help America Vote Act of 2002 (52 U.S.C. 20944), the Minority Leader appoints Dr. Philip B. Stark of Berkeley, California, to the U.S. Election Assistance Commission Board of Advisors.

ENROLLED BILLS SIGNED

At 5:30 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 1579. An act to enhance and integrate Native American tourism, empower Native American communities, increase coordination and collaboration between Federal tourism assets, and expand heritage and cultural tourism opportunities in the United States.

H.R. 3969. An act to designate the Department of Veterans Affairs community-based outpatient clinic in Laughlin, Nevada, as the ''Master Chief Petty Officer Jesse Dean VA Clinic''.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 295. An act to reauthorize the Historically Black Colleges and Universities Historic Preservation program; to the Committee on Energy and Natural Resources.

H.R. 921. An act to provide protections for certain sports medicine professionals who provide certain medical services in a secondary State; to the Committee on Health, Education, Labor, and Pensions.

H.R. 3471. An act to amend title 38, United States Code, to make certain improvements in the provision of automobiles and adaptive equipment by the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

H.R. 4979. An act to foster civilian research and development of advanced nuclear energy technologies and enhance the licensing and commercial deployment of such technologies; to the Committee on Energy and Natural Resources.

H.R. 5104. An act to prohibit, as an unfair and deceptive act or practice in commerce, the sale or use of certain software to circumvent control measures used by Internet ticket sellers to ensure equitable consumer access to tickets for any given event, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 5484. An act to modify authorities that provide for rescission of determinations of countries as state sponsors of terrorism, and for other purposes; to the Committee on Foreign Relations.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 3318. A bill to amend the Consumer Financial Protection Act of 2010 to subject the Bureau of Consumer Financial Protection to the regular appropriations process, and for other purposes.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on September 12, 2016, she had presented to the President of the United States the following enrolled bill:

S. 2040. An act to deter terrorism, provide justice for victims, and for other purposes.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Ms. MURKOWSKI, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 2383. A bill to withdraw certain Bureau of Land Management land in the State of Utah from all forms of public appropriation, to provide for the shared management of the withdrawn land by the Secretary of the Interior and the Secretary of the Air Force to facilitate enhanced weapons testing and pilot training, enhance public safety, and provide for continued public access to the withdrawn land, to provide for the exchange of certain Federal land and State land, and for other purposes (Rept. No. 114–349).

By Ms. MURKOWSKI, from the Committee on Energy and Natural Resources, with an amendment:

S. 2548. A bill to establish the 400 Years of African-American History Commission, and for other purposes (Rept. No. 114–350).

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of nominations were submitted:

By Mr. MCCAIN for the Committee on Armed Services.

Air Force nomination of Lt. Gen. Timothy M. Ray, to be Lieutenant General.

Air Force nomination of Lt. Gen. Mark C. Nowland, to be Lieutenant General.

Air Force nomination of Maj. Gen. Jerry P. Martinez, to be Lieutenant General.

Army nomination of Maj. Gen. Paul M. Nakasone, to be Lieutenant General.

Army nomination of Maj. Gen. Aundre F. Piggee, to be Lieutenant General.

Navy nomination of Rear Adm. Charles A. Richard, to be Vice Admiral.

Navy nomination of Rear Adm. Philip G. Howe, to be Vice Admiral.

Air Force nomination of Col. Charles L. Plummer, to be Brigadier General.

Air Force nomination of Lt. Gen. Samuel A. Greaves, to be Lieutenant General.

Air Force nomination of Maj. Gen. Mark D. Kelly, to be Lieutenant General.

Army nomination of Col. Joseph F. Jarrard, to be Brigadier General.

Army nomination of Col. Laurel J. Hummel, to be Brigadier General.

Army nomination of Lt. Gen. Gustave F. Perna, to be General.

Army nomination of Lt. Gen. Daniel R. Hokanson, to be Lieutenant General.

Navy nomination of Vice Adm. James G. Foggo III, to be Vice Admiral.

Air Force nomination of Lt. Gen. John W. Raymond, to be General.

Mr. MCCAIN. Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Air Force nominations beginning with Nathan J. Abel and ending with Bai Lan Zhu, which nominations were received by the Senate and appeared in the Congressional Record on June 16, 2016.

Air Force nominations beginning with Ebon S. Alley and ending with Kendra S. Zbir, which nominations were received by the Senate and appeared in the Congressional Record on June 16, 2016.

Air Force nominations beginning with Olujimisola M. Adelani and ending with Kellie J. Zentz, which nominations were received by the Senate and appeared in the Congressional Record on June 16, 2016.

Air Force nominations beginning with Steven S. Alexander and ending with Stacey Scott Zdanavage, which nominations were received by the Senate and appeared in the Congressional Record on July 13, 2016.

Air Force nomination of Rebecca L. Powers, to be Major.

Air Force nomination of William L. White, to be Major.

Air Force nomination of Anthony B. Mulhare, to be Colonel.

Air Force nominations beginning with Robert M. Clontz II and ending with Rebecca K. Kemmet, which nominations were received by the Senate and appeared in the Congressional Record on September 6, 2016.

Air Force nomination of Paul K. Clark, to be Major.

Air Force nomination of Anthony S. Robbins, to be Lieutenant Colonel.

Army nomination of Andrell J. Hardy, to be Lieutenant Colonel.

Army nomination of Hector I. Martinezpineiro, to be Colonel.

Army nominations beginning with Chattie N. Levy and ending with Lisa G. Wilson, which nominations were received by the Senate and appeared in the Congressional Record on July 14, 2016.

Army nominations beginning with Arthur J. Bilenker and ending with Inez E. Wright, which nominations were received by the Senate and appeared in the Congressional Record on July 14, 2016.

Army nominations beginning with John J. Brady and ending with Elizabeth A. Werns, which nominations were received by the Senate and appeared in the Congressional Record on July 14, 2016.

Army nominations beginning with Richard J. Butalla and ending with Mark B. Young, which nominations were received by the Senate and appeared in the Congressional Record on July 14, 2016.

Army nominations beginning with Christopher B. Aasgaard and ending with William A. Socrates, which nominations were received by the Senate and appeared in the Congressional Record on July 14, 2016.

Army nomination of Paul V. Rahm, to be Colonel.

Army nominations beginning with Michael A. Dean and ending with Mark O. Worley, which nominations were received by the Senate and appeared in the Congressional Record on July 14, 2016.

Army nominations beginning with Jonnie L. Bailey and ending with Ilona L. Wright, which nominations were received by the Senate and appeared in the Congressional Record on July 14, 2016.

Army nominations beginning with Gordon B. Chiu and ending with Paul A. Viator, which nominations were received by the Senate and appeared in the Congressional Record on July 14, 2016.

Army nominations beginning with Scott B. Armen and ending with Jon S. Yamaguchi, which nominations were received by the Senate and appeared in the Congressional Record on July 14, 2016.

Army nominations beginning with Thad J. Collard and ending with Michael L. Yost, which nominations were received by the Senate and appeared in the Congressional Record on July 14, 2016.

Army nominations beginning with Ann M. B. Hall and ending with David W. Rose, which nominations were received by the Senate and appeared in the Congressional Record on July 14, 2016.

Army nominations beginning with Garry E. Oneal and ending with Cristopher A. Young, which nominations were received by the Senate and appeared in the Congressional Record on July 14, 2016.

Army nominations beginning with Freddy L. Adams II and ending with D012362, which nominations were received by the Senate and appeared in the Congressional Record on September 6, 2016.

Army nominations beginning with Alissa R. Ackley and ending with D003185, which nominations were received by the Senate and appeared in the Congressional Record on September 6, 2016.

Army nominations beginning with Geoffrey R. Adams and ending with D005579, which nominations were received by the Senate and appeared in the Congressional Record on September 6, 2016.

Army nominations beginning with Brian Bickel and ending with Melissa F. Tucker, which nominations were received by the Senate and appeared in the Congressional Record on September 6, 2016.

Army nominations beginning with Kyle D. Aemisegger and ending with Sarah M. Zate, which nominations were received by the Senate and appeared in the Congressional Record on September 6, 2016.

Army nomination of John E. Shemanski, to be Major.

Army nominations beginning with Christopher D. Baysa and ending with Sarah A. Williams Brown, which nominations were received by the Senate and appeared in the Congressional Record on September 6, 2016.

Army nominations beginning with Adrienne B. Ari and ending with Charles D. Zimmerman, Jr., which nominations were received by the Senate and appeared in the Congressional Record on September 6, 2016.

Army nominations beginning with Norman W. Gill III and ending with Michael A. Robertson, which nominations were received by the Senate and appeared in the Congressional Record on September 6, 2016.

Army nominations beginning with Derron A. Alves and ending with Chad A. Weddell, which nominations were received by the Senate and appeared in the Congressional Record on September 6, 2016.

Army nomination of Chantil A. Alexander, to be Major.

Army nomination of Yevgeny S. Vindman, to be Lieutenant Colonel.

Army nomination of David G. Ott, to be Colonel.

Army nomination of Geoffrey J. Cole, to be Lieutenant Colonel.

Army nomination of Jeffrey D. McCoy, to be Colonel.

Army nominations beginning with Joseph T. Alwan and ending with Nicholas D. Wilson, which nominations were received by the Senate and appeared in the Congressional Record on September 6, 2016.

Army nominations beginning with Dustin M. Albert and ending with Jennifer E. Zuccarelli, which nominations were received by the Senate and appeared in the Congressional Record on September 6, 2016.

Army nominations beginning with Buster D. Akers, Jr. and ending with Michael T. Zell, which nominations were received by the Senate and appeared in the Congressional Record on September 6, 2016.

Army nomination of Richard L. Weaver, to be Colonel.

Army nomination of Gail E. S. Yoshitani, to be Colonel.

Army nomination of Richard A. Dorchak, Jr., to be Lieutenant Colonel.

Army nomination of Aristidis Katerelos, to be Major.

Army nomination of Scott C. Moran, to be Colonel.

Army nomination of Mona M. McFadden, to be Major.

Army nominations beginning with Nicole N. Clark and ending with Susan R. Singalewitch, which nominations were received by the Senate and appeared in the Congressional Record on September 8, 2016.

Army nomination of Clayton T. Herriford, to be Major.

Army nominations beginning with James R. Boulware and ending with Matthew S. Wysocki, which nominations were received by the Senate and appeared in the Congressional Record on September 8, 2016.

Army nomination of David E. Foster, to be Lieutenant Colonel.

Army nomination of Justin J. Orton, to be Major.

Army nomination of Tina R. Hartley, to be Colonel.

Army nomination of Melaine A. Williams, to be Colonel.

Army nomination of Anthony T. Sampson, to be Colonel.

Navy nominations beginning with Kenric T. Aban and ending with Eric H. Yeung, which nominations were received by the Senate and appeared in the Congressional Record on July 13, 2016.

Navy nominations beginning with Brent N. Adams and ending with Emily L. Zywicke, which nominations were received by the Senate and appeared in the Congressional Record on July 13, 2016.

Navy nominations beginning with Teresita Alston and ending with Erin K. Zizak, which nominations were received by the Senate and appeared in the Congressional Record on July 13, 2016.

Navy nominations beginning with Dylan T. Burch and ending with Luke A. Whittemore, which nominations were received by the Senate and appeared in the Congressional Record on July 13, 2016.

Navy nominations beginning with Brooke M. Basford and ending with Malissa D. Wickersham, which nominations were received by the Senate and appeared in the Congressional Record on July 13, 2016.

Navy nominations beginning with Ryan P. Anderson and ending with Scott A. Wilson, which nominations were received by the Senate and appeared in the Congressional Record on July 13, 2016.

Navy nominations beginning with Jennifer D. Bowden and ending with Robert B. Wills, which nominations were received by the Senate and appeared in the Congressional Record on July 13, 2016.

Navy nominations beginning with Bradley M. Baer and ending with Gregory J. Woods, which nominations were received by the Senate and appeared in the Congressional Record on July 13, 2016.

Navy nomination of Richard M. Camarena, to be Commander.

Navy nominations beginning with Julio A. Alarcon and ending with Jodi M. Williams, which nominations were received by the Senate and appeared in the Congressional Record on September 6, 2016.

Navy nominations beginning with Rolanda A. Findlay and ending with Daphne P. Morrisonponce, which nominations were received by the Senate and appeared in the Congressional Record on September 6, 2016.

Navy nomination of Russell A. Maynard, to be Captain.

Navy nomination of William J. Kaiser, to be Captain.

Navy nominations beginning with Nicole A. Aguirre and ending with Amy F. Zucharo, which nominations were received by the Senate and appeared in the Congressional Record on September 8, 2016.

Navy nominations beginning with Alice A. T. Alcorn and ending with Malka Zipperstein, which nominations were received by the Senate and appeared in the Congressional Record on September 8, 2016.

Navy nominations beginning with Julie M. C. Anderson and ending with Bradley S. Wells, which nominations were received by the Senate and appeared in the Congressional Record on September 8, 2016.

Navy nominations beginning with Benjamin D. Adams and ending with Michael F. Whitican, which nominations were received by the Senate and appeared in the Congressional Record on September 8, 2016.

Navy nominations beginning with Stephen K. Afful and ending with Alessandra E. Ziegler, which nominations were received by the Senate and appeared in the Congressional Record on September 8, 2016.

Navy nominations beginning with Scott E. Adams and ending with Charmaine R. Yap, which nominations were received by the Senate and appeared in the Congressional Record on September 8, 2016.

Navy nominations beginning with Raymond B. Adkins and ending with Gale B. White, which nominations were received by the Senate and appeared in the Congressional Record on September 8, 2016.

Navy nominations beginning with Paul I. Ahn and ending with Shannon L. Wright, which nominations were received by the Senate and appeared in the Congressional Record on September 8, 2016.

Navy nominations beginning with Dennis L. Lang, Jr. and ending with Yasmira Leffakis, which nominations were received by the Senate and appeared in the Congressional Record on September 8, 2016.

Navy nomination of Karen J. Sankesritland, to be Lieutenant Commander.

Navy nominations beginning with Mark F. Bibeau and ending with Jason A. Laurion, which nominations were received by the Senate and appeared in the Congressional Record on September 8, 2016.

Navy nomination of Randall L. McAtee, to be Lieutenant Commander.

Navy nomination of John F. Capacchione, to be Captain.

Navy nomination of Stuart T. Kirkby, to be Commander.

Navy nomination of Carrie M. Mercier, to be Lieutenant Commander.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. CARDIN (for himself, Mr. MCCAIN, Mr. DURBIN, and Mr. SCHATZ):

S. 3313. A bill to authorize assistance to Burma and to support a principled engagement strategy for a peaceful, prosperous, and democratic Burma that respects the human rights of all its people, and for other purposes; to the Committee on Foreign Relations.

By Mr. MENENDEZ (for himself and Mr. CORNYN):

S. 3314. A bill to establish within the Smithsonian Institution the Smithsonian American Latino Museum, and for other purposes; to the Committee on Rules and Administration.

By Ms. MURKOWSKI:

S. 3315. A bill to authorize the modification or augmentation of the Second Division Memorial, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. HEINRICH (for himself and Mr. FLAKE):

S. 3316. A bill to maximize land management efficiencies, promote land conservation, generate education funding, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. LEE (for himself and Mr. HATCH):

S. 3317. A bill to prohibit the further extension or establishment of national monuments in the State of Utah except by express authorization of Congress; to the Committee on Energy and Natural Resources.

By Mr. PERDUE:

S. 3318. A bill to amend the Consumer Financial Protection Act of 2010 to subject the Bureau of Consumer Financial Protection to the regular appropriations process, and for other purposes; read the first time.

By Mr. BROWN:

S. 3319. A bill to require the Administrator of the Environmental Protection Agency to appoint a harmful algal bloom coordinator; to the Committee on Environment and Public Works.

By Mr. SULLIVAN (for himself and Ms. MURKOWSKI):

S. 3320. A bill to waive the essential health benefits requirements for certain States; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. SHAHEEN (for herself and Mr. PERDUE):

S. Res. 553. A resolution expressing the sense of the Senate on the challenges the conflict in Syria poses to long-term stability and prosperity in Lebanon; to the Committee on Foreign Relations.

By Ms. KLOBUCHAR (for herself and Mr. FRANKEN):

S. Res. 554. A resolution honoring the life of Jacob Wetterling and the efforts of Patty Wetterling and the Wetterling family to find abducted children and support their families; to the Committee on the Judiciary.

By Mr. SCHUMER:

S. Res. 555. A resolution congratulating the Optical Society on its 100th anniversary; to the Committee on Commerce, Science, and Transportation.

By Mr. CORNYN (for himself, Mr. BOOKER, Mr. WHITEHOUSE, Mr. PETERS, and Ms. MIKULSKI):

S. Res. 556. A resolution expressing support for the designation of the week of September 12 through September 16, 2016, as ''National Family Service Learning Week''; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. FISCHER (for herself and Mr. BOOKER):

S. Res. 557. A resolution designating September 2016 as ''School Bus Safety Month''; considered and agreed to.

By Mr. CASSIDY (for himself, Mr. VITTER, Mr. CORNYN, Mr. CRUZ, and Mr. LANKFORD):

S. Res. 558. A resolution honoring the memory and legacy of the 12 Louisiana citizens and 1 Texas citizen who lost their lives due to the tragic flooding in the State of Louisiana in August 2016; considered and agreed to.

ADDITIONAL COSPONSORS

S. 539

At the request of Mr. CARDIN, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 539, a bill to amend title XVIII of the Social Security Act to repeal the Medicare outpatient rehabilitation therapy caps.

S. 602

At the request of Mr. WYDEN, the name of the Senator from Massachusetts (Mr. MARKEY) was added as a cosponsor of S. 602, a bill to amend title 38, United States Code, to consider certain time spent by members of reserve components of the Armed Forces while receiving medical care from the Secretary of Defense as active duty for purposes of eligibility for Post-9/11 Educational Assistance, and for other purposes.

S. 624

At the request of Mr. BROWN, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 624, a bill to amend title XVIII of the Social Security Act to waive coinsurance under Medicare for colorectal cancer screening tests, regardless of whether therapeutic intervention is required during the screening.

S. 689

At the request of Mr. THUNE, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 689, a bill to provide protections for certain sports medicine professionals who provide certain medical services in a secondary State.

S. 743

At the request of Mr. BOOZMAN, the name of the Senator from Hawaii (Ms. HIRONO) was added as a cosponsor of S. 743, a bill to amend title 38, United States Code, to recognize the service in the reserve components of the Armed Forces of certain persons by honoring them with status as veterans under law, and for other purposes.

S. 1013

At the request of Mr. SCHUMER, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 1013, a bill to amend title XVIII of the Social Security Act to provide for coverage and payment for complex rehabilitation technology items under the Medicare program, and for other purposes.

S. 1588

At the request of Mr. FRANKEN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1588, a bill to amend the Public Health Service Act to revise and extend projects relating to children and violence to provide access to school-based comprehensive mental health programs.

S. 2373

At the request of Ms. CANTWELL, the name of the Senator from Minnesota

(Mr. FRANKEN) was added as a cosponsor of S. 2373, a bill to amend title XVIII of the Social Security Act to provide for Medicare coverage of certain lymphedema compression treatment items as items of durable medical equipment.

S. 2424

At the request of Mr. PORTMAN, the name of the Senator from Missouri (Mr. BLUNT) was added as a cosponsor of S. 2424, a bill to amend the Public Health Service Act to reauthorize a program for early detection, diagnosis, and treatment regarding deaf and hard-of-hearing newborns, infants, and young children.

S. 2645

At the request of Mrs. SHAHEEN, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 2645, a bill to impose sanctions with respect to foreign persons responsible for gross violations of internationally recognized human rights against lesbian, gay, bisexual, and transgender individuals, and for other purposes.

S. 2680

At the request of Mr. ALEXANDER, the names of the Senator from North Carolina (Mr. TILLIS) and the Senator from Montana (Mr. TESTER) were added as cosponsors of S. 2680, a bill to amend the Public Health Service Act to provide comprehensive mental health reform, and for other purposes.

S. 2782

At the request of Mr. BLUNT, the name of the Senator from Illinois (Mr. KIRK) was added as a cosponsor of S. 2782, a bill to amend the Public Health Service Act to provide for the participation of pediatric subspecialists in the National Health Service Corps program, and for other purposes.

S. 2791

At the request of Mr. FRANKEN, the name of the Senator from Hawaii (Ms. HIRONO) was added as a cosponsor of S. 2791, a bill to amend title 38, United States Code, to provide for the treatment of veterans who participated in the cleanup of Enewetak Atoll as radiation exposed veterans for purposes of the presumption of service-connection of certain disabilities by the Secretary of Veterans Affairs.

S. 2849

At the request of Mr. SASSE, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. 2849, a bill to ensure the Government Accountability Office has adequate access to information.

S. 2873

At the request of Mr. HATCH, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 2873, a bill to require studies and reports examining the use of, and opportunities to use, technology-enabled collaborative learning and capacity building models to improve programs of the Department of Health and Human Services, and for other purposes.

S. 2927

At the request of Mr. LANKFORD, the names of the Senator from Nebraska (Mrs. FISCHER), the Senator from Georgia (Mr. ISAKSON), the Senator from North Carolina (Mr. TILLIS) and the Senator from Louisiana (Mr. VITTER) were added as cosponsors of S. 2927, a bill to prevent governmental discrimination against providers of health services who decline involvement in abortion, and for other purposes.

S. 3056

At the request of Mr. LEAHY, the names of the Senator from Rhode Island (Mr. WHITEHOUSE) and the Senator from Louisiana (Mr. VITTER) were added as cosponsors of S. 3056, a bill to provide for certain causes of action relating to delays of generic drugs and biosimilar biological products.

S. 3179

At the request of Ms. HEITKAMP, the names of the Senator from Alaska (Ms. MURKOWSKI) and the Senator from Ohio (Mr. PORTMAN) were added as cosponsors of S. 3179, a bill to amend the Internal Revenue Code of 1986 to improve and extend the credit for carbon dioxide sequestration.

S. 3183

At the request of Mr. MORAN, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 3183, a bill to prohibit the circumvention of control measures used by Internet ticket sellers to ensure equitable consumer access to tickets for any given event, and for other purposes.

S. 3195

At the request of Mr. CASSIDY, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 3195, a bill to amend title XVIII of the Social Security Act to preserve Medicare beneficiary access to ventilators, and for other purposes.

S. 3198

At the request of Mr. HATCH, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 3198, a bill to amend title 38, United States Code, to improve the provision of adult day health care services for veterans.

S. 3285

At the request of Mr. RUBIO, the name of the Senator from Texas (Mr. CRUZ) was added as a cosponsor of S. 3285, a bill to prohibit the President from using funds appropriated under section 1304 of title 31, United States Code, to make payments to Iran, to impose sanctions with respect to Iranian persons that hold or detain United States citizens, and for other purposes.

S. 3296

At the request of Mr. MCCAIN, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 3296, a bill to amend the Internal Revenue Code of 1986 to provide an exemption to the individual mandate to maintain health coverage for individuals residing in counties with fewer than 2 health insurance issuers offering plans on an Exchange.

S. 3297

At the request of Mr. COTTON, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of S. 3297, a bill to amend the Internal Revenue Code of 1986 to provide an exemption to the individual mandate to maintain health coverage for certain individuals whose premium has increased by more than 10 percent, and for other purposes.

S.J. RES. 16

At the request of Mr. MENENDEZ, the name of the Senator from New Jersey (Mr. BOOKER) was added as a cosponsor of S.J. Res. 16, a joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women.

S.J. RES. 39

At the request of Mr. PAUL, the name of the Senator from New Mexico (Mr. HEINRICH) was added as a cosponsor of S.J. Res. 39, a joint resolution relating to the disapproval of the proposed foreign military sale to the Government of the Kingdom of Saudi Arabia of M1A1/A2 Abrams Tank structures and other major defense equipment.

AMENDMENT NO. 4992

At the request of Mr. WYDEN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of amendment No. 4992 intended to be proposed to S. 2848, a bill 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.

AMENDMENT NO. 5004

At the request of Mrs. GILLIBRAND, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of amendment No. 5004 intended to be proposed to S. 2848, a bill 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.

AMENDMENT NO. 5038

At the request of Mrs. CAPITO, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of amendment No. 5038 intended to be proposed to S. 2848, a bill 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.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 553—EXPRESSING THE SENSE OF THE SENATE ON THE CHALLENGES THE CONFLICT IN SYRIA POSES TO LONG-TERM STABILITY AND PROSPERITY IN LEBANON

Mrs. SHAHEEN (for herself and Mr. PERDUE) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 553

Whereas the stability of Lebanon, a pluralistic democracy in the Middle East, is in the interests of the United States and United States allies in the region;

Whereas the United States has provided more than $2,000,000,000 in assistance to Lebanon in the past decade, including training and equipment for the Lebanese Armed Forces (LAF);

Whereas the conflict in Syria threatens stability in Lebanon as a result of violent attacks against Lebanese citizens perpetrated by combatants active in Syria, as well as a massive influx of refugees fleeing the conflict;

Whereas the United States has contributed more than $5,500,000,000 in humanitarian assistance for victims of the conflict in Syria, including for refugees in Lebanon;

Whereas the people of Lebanon have shown great generosity in welcoming more than 1,000,000 refugees from Syria, a refugee population equal to ¼ of its native population;

Whereas Lebanon is hosting more refugees proportionally than any nation in the world;

Whereas the refugee crisis has challenged Lebanon's economy, which faces a national debt that is approximately 140 percent of gross domestic product and underperforming economic growth;

Whereas the LAF have been called into direct conflict with the Islamic State in Iraq and al-Sham (ISIS) as a result of attacks carried out by the terrorist group in Lebanon;

Whereas the Syrian conflict has placed additional strains on the Government of Lebanon as it continues to confront political deadlock that has kept the presidency vacant for more than two years;

Whereas the unique political constitution of Lebanon hinges on that nation's distinct demographic and social equilibrium;

Whereas the prolongation of the Syrian conflict has the potential to upset the precarious social and political balance in Lebanon;

Whereas the constitution of Lebanon is further undermined by undue foreign influence, particularly by the Islamic Republic of Iran through its terrorist proxy Hizbollah;

Whereas the United Nations Security Council passed Resolution 1701 in 2006, which calls for the disarmament of all armed groups in Lebanon and stresses the importance of full control over Lebanon by the Government of Lebanon; and

Whereas Hizbollah continues to violate United Nations Security Council Resolution 1701, including by replenishing its stock of rockets and missiles in South Lebanon: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the importance of bilateral United States assistance to the Government of Lebanon in building its capacity to provide services and security for Lebanese citizens and curbing the influence of Hizbollah;

(2) encourages continued coordination between the Department of State, the United Nations High Commissioner for Refugees, and humanitarian organizations to ensure that refugees from the conflict in Syria, including those in Lebanon, are supported in such a way as to mitigate any potentially adverse effect on their host countries;

(3) recognizes that it is in the interests of the United States to seek a negotiated end to the conflict in Syria that includes the ultimate departure of Bashar al-Assad, which would allow for the eventual return of the millions of Syrian refugees in Lebanon, Jordan, Turkey, and other countries around the world;

(4) supports full implementation of United Nations Security Council Resolution 1701; and

(5) recognizes the LAF as the sole institution entrusted with the defense of Lebanon's sovereignty and supports United States partnerships with the LAF, particularly through the global coalition to defeat the terrorist group ISIS.

SENATE RESOLUTION 554—HONORING THE LIFE OF JACOB WETTERLING AND THE EFFORTS OF PATTY WETTERLING AND THE WETTERLING FAMILY TO FIND ABDUCTED CHILDREN AND SUPPORT THEIR FAMILIES

Ms. KLOBUCHAR (for herself and Mr. FRANKEN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 554

Whereas Patty and Jerry Wetterling faced the unimaginable tragedy of having their 11-year-old son, Jacob Wetterling, abducted near their home in Stearns County, Minnesota, on October 22, 1989;

Whereas Jacob Wetterling was taken at gunpoint and his disappearance remained unsolved for nearly 27 years;

Whereas Jacob Wetterling's body was not recovered until September of 2016;

Whereas Patty Wetterling bravely turned her grief into action and devoted her life to advocating for missing and exploited children;

Whereas Patty Wetterling has become a nationally recognized educator on child abduction and the sexual exploitation of children;

Whereas Patty Wetterling serves on the Board of Directors of the National Center for Missing and Exploited Children;

Whereas Patty Wetterling and her husband co-founded the Jacob Wetterling Resource Center to educate communities about child safety issues to prevent child exploitation and abductions;

Whereas Patty Wetterling authored the publication ''When Your Child is Missing: A Family Survival Guide'', along with 4 other families;

Whereas Patty Wetterling served for more than 7 years as Director of Sexual Violence Prevention for the Minnesota Department of Health;

Whereas the Star Tribune selected Patty Wetterling as one of the ''100 Most Influential Minnesotans of the Century'';

Whereas Patty Wetterling's efforts led to the passage of the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act (Public Law 103–322; 108 Stat. 2038), a Federal law that requires States to implement a sex offender and crimes against children registry; and

Whereas Jacob Wetterling's memory lives on through the efforts of the Wetterling family: Now, therefore, be it

Resolved, That the Senate honors—

(1) the life of Jacob Wetterling; and

(2) the efforts of Patty Wetterling and the Wetterling family to prevent child exploitation and abductions across the United States.

SENATE RESOLUTION 555—CONGRATULATING THE OPTICAL SOCIETY ON ITS 100TH ANNIVERSARY

Mr. SCHUMER submitted the following resolution; which was referred to the Committee on Commerce, Science, and Transportation:

S. RES. 555

Whereas the Optical Society is the leading professional association in optics and photonics, supporting research and collaboration in the science of light;

Whereas the Optical Society was founded in 1916 in Rochester, New York, as the research catalyst for the science of light and has since become the leading voice for advancing the study and application of optics and photonics;

Whereas, today, the Optical Society connects 270,000 scientists, students, engineers, and business leaders in 177 countries around the world;

Whereas, over the course of the 100-year history of the Optical Society, 34 members of the society have been awarded the Nobel Prize in Physics, Chemistry, or Physiology or Medicine;

Whereas optics and photonics is the science of light, serving as the backbone for modern national security applications, industrial controls, telecommunications, advanced manufacturing, health care, and consumer and business products;

Whereas a 2012 National Research Council study, entitled ''Optics and Photonics: Essential Technologies for our Nation'', outlined the utility of optics and photonics and their role in facilitating economic growth, recognizing their extraordinary impact on communications, information processing and data storage, defense and national security, energy, health and medicine, advanced manufacturing, and strategic materials;

Whereas the United States Government has recognized the importance of photonics, the contributions of photonics to economic development, and the benefits of public-private partnerships by recently announcing a consortium working with the Department of Defense known as the American Institute for Manufacturing Integrated Photonics; and

Whereas optics and photonics create more than $3,000,000,000,000 in revenue annually in the United States and support more than 7,400,000 jobs: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the Optical Society on its 100th anniversary;

(2) reaffirms the critical role that optics and photonics have played over the last 100 years and continue to play in the economy of the United States and the lives of the people of the United States; and

(3) recognizes the importance of continued investment in fundamental optics and photonics research.

SENATE RESOLUTION 556—EXPRESSING SUPPORT FOR THE DESIGNATION OF THE WEEK OF SEPTEMBER 12 THROUGH SEPTEMBER 16, 2016, AS ''NATIONAL FAMILY SERVICE LEARNING WEEK''

Mr. CORNYN (for himself, Mr. BOOKER, Mr. WHITEHOUSE, Mr. PETERS, and

Ms. MIKULSKI) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 556

Whereas family service learning is a method under which children and families learn and solve problems together in a multigenerational approach with active participation in thoughtfully organized service that—

(1) is conducted in and meets the needs of their communities;

(2) is focused on children and families solving community issues together;

(3) applies college and career readiness skills for children and relevant workforce training skills for adults; and

(4) is coordinated between the community and an elementary school, secondary school, institution of higher education, or family community service program;

Whereas family service learning—

(1) is multi-generational learning that involves parents, children, caregivers, and extended family members in shared learning experiences in physical and digital environments;

(2) is integrated into and enhances the academic achievement of the children or the educational components of a family service program in which the families may be enrolled; and

(3) encompasses skills, such as investigation, planning and preparation, action, reflection, demonstration of results, and sustainability;

Whereas family service learning has been shown to have positive 2-generational effects and encourages families to invest in their communities to improve economic and societal well-being;

Whereas, through family service learning, children and families are offered the opportunity to solve community issues and learn together, thereby enabling the development of life and career skills, such as flexibility and adaptability, initiative and self-direction, social and cross-cultural skills, productivity and accountability, and leadership and responsibility;

Whereas family service learning activities provide opportunities for families to improve essential skills, such as organization, research, planning, reading and writing, technology, teamwork, and sharing;

Whereas families participating together in service are afforded quality time learning about their communities;

Whereas adults engaged in family service learning serve as positive role models for their children;

Whereas family service learning projects enable families to build substantive connections with their communities, develop a stronger sense of self-worth, experience a reduction in social isolation, and improve parenting skills;

Whereas family service learning has added benefits for English language learners by helping individuals and families to—

(1) feel more connected with their communities; and

(2) practice language skills;

Whereas family service learning is particularly important for at-risk families because it—

(1) provides opportunities for leadership and civic engagement; and

(2) helps build the capacity to advocate for the needs of children and families; and

Whereas the value that parents place on civic engagement and relationships within the community has been shown to transfer to the child who, in turn, replicates values, such as responsibility, empathy, and caring for others: Now, therefore, be it

Resolved, That the Senate—

(1) supports the designation of the week of September 12 through September 16, 2016, as ''National Family Service Learning Week'' to raise public awareness about the importance of family service learning, family literacy, community service, and 2-generational learning experiences;

(2) encourages people across the United States to support family service learning and community development programs;

(3) recognizes the importance that family service learning plays in cultivating family literacy, civic engagement, and community investment; and

(4) calls upon public, private, and nonprofit entities to support family service learning opportunities to aid in the advancement of families.

SENATE RESOLUTION 557—DESIGNATING SEPTEMBER 2016 AS ''SCHOOL BUS SAFETY MONTH''

Mrs. FISCHER (for herself and Mr. BOOKER) submitted the following resolution; which was considered and agreed to:

S. RES. 557

Whereas approximately 480,000 public and private school buses carry 26,000,000 children to and from school every weekday in the United States;

Whereas America's 480,000 public and private school buses comprise the largest mass transportation fleet in the Nation;

Whereas during the school year, school buses make more than 55,000,000 passenger trips daily and students ride these school buses 10,000,000,000 times per year as the Nation's fleet travels over 5,600,000,000 miles per school year;

Whereas in an average year, about 25 school children are killed in school bus accidents, with one-third of these children struck by their own school buses in loading/unloading zones, one-third struck by motorists who fail to stop for school buses, and one-third killed as they approach or depart a school bus stop;

Whereas The Child Safety Network, celebrating 28 years of national public service, has collaborated with the National PTA and the school bus industry to create public service announcements to reduce distracted driving near school buses, increase ridership, and provide free resources to school districts in order to increase driver safety training, provide free technology for tracking school buses, reduce on-board bullying, and educate students; and

Whereas the adoption of School Bus Safety Month will allow broadcast and digital media and social networking industries to make commitments to disseminate public service announcements designed to save children's lives by making motorists aware of school bus safety issues: Now, therefore, be it

Resolved, That the Senate designates September 2016 as ''School Bus Safety Month''.

SENATE RESOLUTION 558—HONORING THE MEMORY AND LEGACY OF THE 12 LOUISIANA CITIZENS AND 1 TEXAS CITIZEN WHO LOST THEIR LIVES DUE TO THE TRAGIC FLOODING IN THE STATE OF LOUISIANA IN AUGUST 2016

Mr. CASSIDY (for himself, Mr. VITTER, Mr. CORNYN, Mr. CRUZ, and Mr. LANKFORD) submitted the following resolution; which was considered and agreed to:

S. RES. 558

Whereas, during mid-August 2016, a historic flood swept through the southern part of the State of Louisiana, taking the lives of 13 people, damaging over 130,000 homes, displacing thousands of families, and causing over $8,700,000,000 of material damages;

Whereas William Mayfield, 67, of Zachary, Louisiana, perished on August 12, 2016;

Whereas Linda Coco Bishop, 63, perished on August 14, 2016;

Whereas Brett Broussard, 55, of Baton Rouge, Louisiana, perished on August 15, 2016;

Whereas William F. ''Bill'' Borne, 58, of Baton Rouge, Louisiana, perished on August 16, 2016;

Whereas Richard James Jr., 57, of Baton Rouge, Louisiana, perished on August 15, 2016;

Whereas Samuel Muse, 54, of Greensburg, Louisiana, perished on August 13, 2016;

Whereas Kenneth Slocum, 59, of Tangipahoa Village, Louisiana, perished on August 14, 2016;

Whereas Earrol Lewis, 49, of Houston, Texas, perished on August 15, 2016;

Whereas Stacy Ruffin, 44, of Roseland, Louisiana, perished on August 13, 2016;

Whereas Alexandra ''Ally'' Budde, 20, of Hammond, Louisiana, perished on August 14, 2016;

Whereas Ordatha Hoggatt, 57, of Leesville, Louisiana, perished on August 14, 2016;

Whereas an unnamed woman, 93, of Denham Springs, Louisiana, perished on August 17, 2016;

Whereas an unidentified man of Denham Springs, Louisiana, perished on August 17, 2016; and

Whereas the people of the United States stand united with the people of Louisiana and the families of the victims—

(1) to support all individuals affected; and

(2) to pray for healing and restoration: Now, therefore, be it

Resolved, That the Senate—

(1) honors the memory and legacy of the 12 Louisiana citizens and 1 Texas citizen who lost their lives in the August 2016 flooding;

(2) extends its heartfelt condolences and prayers to the families of the victims and to all affected individuals in the communities of the flooded parishes;

(3) recognizes the skill and sacrifice of the law enforcement officers, first responders, and volunteers who have demonstrated tremendous resolve throughout the recovery;

(4) commends the efforts of individuals who are working to care and provide for the injured and displaced;

(5) applauds the generous support, assistance, and aid provided by people across the United States; and

(6) pledges to continue to work together—

(A) to support Louisiana in its time of need.

AMENDMENTS SUBMITTED AND PROPOSED

SA 5061. Mr. BARRASSO submitted an amendment intended to be proposed to amendment SA 4979 proposed by Mr. MCCONNELL (for Mr. INHOFE (for himself and Mrs. BOXER)) to the bill S. 2848, to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; which was ordered to lie on the table.

SA 5062. Mr. PERDUE (for himself and Mr. ISAKSON) submitted an amendment intended to be proposed to amendment SA 4979 proposed by Mr. MCCONNELL (for Mr. INHOFE (for himself and Mrs. BOXER)) to the bill S. 2848, supra; which was ordered to lie on the table.

SA 5063. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 5042 proposed by Mr. INHOFE (for himself and Mrs. BOXER) to the amendment SA 4979 proposed by Mr. MCCONNELL (for Mr. INHOFE (for himself and Mrs. BOXER)) to the bill S. 2848, supra; which was ordered to lie on the table.

SA 5064. Mr. SASSE submitted an amendment intended to be proposed to amendment SA 5042 proposed by Mr. INHOFE (for himself and Mrs. BOXER) to the amendment SA 4979 proposed by Mr. MCCONNELL (for Mr. INHOFE (for himself and Mrs. BOXER)) to the bill S. 2848, supra; which was ordered to lie on the table.

SA 5065. Mr. SASSE submitted an amendment intended to be proposed to amendment SA 5042 proposed by Mr. INHOFE (for himself and Mrs. BOXER) to the amendment SA 4979 proposed by Mr. MCCONNELL (for Mr. INHOFE (for himself and Mrs. BOXER)) to the bill S. 2848, supra; which was ordered to lie on the table.

SA 5066. Mr. SASSE submitted an amendment intended to be proposed to amendment SA 5042 proposed by Mr. INHOFE (for himself and Mrs. BOXER) to the amendment SA 4979 proposed by Mr. MCCONNELL (for Mr. INHOFE (for himself and Mrs. BOXER)) to the bill S. 2848, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 5061. Mr. BARRASSO submitted an amendment intended to be proposed to amendment SA 4979 proposed by Mr. MCCONNELL (for Mr. INHOFE (for himself and Mrs. BOXER)) to the bill S. 2848, to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII, add the following:

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

SEC. 8101. SHORT TITLE.

This subtitle may be cited as the ''Irrigation Rehabilitation and Renovation for Indian Tribal Governments and Their Economies Act'' or the ''IRRIGATE Act''.

SEC. 8102. DEFINITIONS.

In this subtitle:

(1) DEFERRED MAINTENANCE.—The term ''deferred maintenance'' means any maintenance activity that was delayed to a future date, in lieu of being carried out at the time at which the activity was scheduled to be, or otherwise should have been, carried out.

(2) FUND.—The term ''Fund'' means the Indian Irrigation Fund established by section 8111.

(3) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

(4) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

PART I—INDIAN IRRIGATION FUND

SEC. 8111. ESTABLISHMENT.

There is established in the Treasury of the United States a fund, to be known as the ''Indian Irrigation Fund'', consisting of—

(1) such amounts as are deposited in the Fund under section 8113; and

(2) any interest earned on investment of amounts in the Fund under section 8115.

SEC. 8112. DEPOSITS TO FUND.

(a) IN GENERAL.—For each of fiscal years 2017 through 2038, the Secretary of the Treasury shall deposit in the Fund $35,000,000 from the general fund of the Treasury.

(b) AVAILABILITY OF AMOUNTS.—Amounts deposited in the Fund under subsection (a) shall be used, subject to appropriation, to carry out this subtitle.

SEC. 8113. EXPENDITURES FROM FUND.

(a) IN GENERAL.—Subject to subsection (b), for each of fiscal years 2017 through 2038, the Secretary may, to the extent provided in advance in appropriations Acts, expend from the Fund, in accordance with this subtitle, not more than the sum of—

(1) $35,000,000; and

(2) the amount of interest accrued in the Fund.

(b) ADDITIONAL EXPENDITURES.—The Secretary may expend more than $35,000,000 for any fiscal year referred to in subsection (a) if the additional amounts are available in the Fund as a result of a failure of the Secretary to expend all of the amounts available under subsection (a) in 1 or more prior fiscal years.

SEC. 8114. INVESTMENTS OF AMOUNTS.

(a) IN GENERAL.—The Secretary of the Treasury shall invest such portion of the Fund as is not, in the judgment of the Secretary, required to meet current withdrawals.

(b) CREDITS TO FUND.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to, and form a part of, the Fund.

SEC. 8115. TRANSFERS OF AMOUNTS.

(a) IN GENERAL.—The amounts required to be transferred to the Fund under this part shall be transferred at least monthly from the general fund of the Treasury to the Fund on the basis of estimates made by the Secretary of the Treasury.

(b) ADJUSTMENTS.—Proper adjustment shall be made in amounts subsequently transferred to the extent prior estimates are in excess of or less than the amounts required to be transferred.

SEC. 8116. TERMINATION.

On September 30, 2038—

(1) the Fund shall terminate; and

(2) the unexpended and unobligated balance of the Fund shall be transferred to the general fund of the Treasury.

PART II—REPAIR, REPLACEMENT, AND MAINTENANCE OF CERTAIN INDIAN IRRIGATION PROJECTS

SEC. 8121. REPAIR, REPLACEMENT, AND MAINTENANCE OF CERTAIN INDIAN IRRIGATION PROJECTS.

(a) IN GENERAL.—The Secretary shall establish a program to address the deferred maintenance needs and water storage needs of Indian irrigation projects that—

(1) create risks to public or employee safety or natural or cultural resources; and

(2) unduly impede the management and efficiency of the Indian irrigation program.

(b) FUNDING.—Consistent with section 8113, the Secretary shall use or transfer to the Bureau of Indian Affairs not less than $35,000,000 of amounts in the Fund, plus accrued interest, for each of fiscal years 2017 through 2038 to carry out maintenance, repair, and replacement activities for 1 or more of the Indian irrigation projects described in section 8122 (including any structures, facilities, equipment, personnel, or vehicles used in connection with the operation of those projects), subject to the condition that the funds expended under this part shall not be—

(1) subject to reimbursement by the owners of the land served by the Indian irrigation projects; or

(2) assessed as debts or liens against the land served by the Indian irrigation projects.

SEC. 8122. ELIGIBLE PROJECTS.

The projects eligible for funding under section 8121(b) are the Indian irrigation projects in the western United States that, on the date of enactment of this Act—

(1) are owned by the Federal Government, as listed in the Federal inventory required by Executive Order 13327 (40 U.S.C. 121 note; relating to Federal real property asset management);

(2) are managed and operated by the Bureau of Indian Affairs (including projects managed, operated, or maintained under contracts or compacts pursuant to the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5301 et seq.); and

(3) have deferred maintenance documented by the Bureau of Indian Affairs.

SEC. 8123. REQUIREMENTS AND CONDITIONS.

Not later than 120 days after the date of enactment of this Act and as a precondition to amounts being expended from the Fund to carry out this part, the Secretary, in consultation with the Assistant Secretary for Indian Affairs and representatives of affected Indian tribes, shall develop and submit to Congress—

(1) programmatic goals to carry out this part that—

(A) would enable the completion of repairing, replacing, modernizing , or performing maintenance on projects as expeditiously as practicable;

(B) facilitate or improve the ability of the Bureau of Indian Affairs to carry out the mission of the Bureau of Indian Affairs in operating a project;

(C) ensure that the results of government-to-government consultation required under section 8125 be addressed; and

(D) would facilitate the construction of new water storage using non-Federal contributions to address tribal, regional, and watershed-level supply needs; and

(2) funding prioritization criteria to serve as a methodology for distributing funds under this part, that take into account—

(A) the extent to which deferred maintenance of qualifying irrigation projects poses a threat to public or employee safety or health;

(B) the extent to which deferred maintenance poses a threat to natural or cultural resources;

(C) the extent to which deferred maintenance poses a threat to the ability of the Bureau of Indian Affairs to carry out the mission of the Bureau of Indian Affairs in operating the project;

(D) the extent to which repairing, replacing, modernizing, or performing maintenance on a facility or structure will—

(i) improve public or employee safety, health, or accessibility;

(ii) assist in compliance with codes, standards, laws, or other requirements;

(iii) address unmet needs; and

(iv) assist in protecting natural or cultural resources;

(E) the methodology of the rehabilitation priority index of the Secretary, as in effect on the date of enactment of this Act;

(F) the potential economic benefits of the expenditures on job creation and general economic development in the affected tribal communities;

(G) the ability of the qualifying project to address tribal, regional, and watershed level water supply needs; and

(H) such other factors as the Secretary determines to be appropriate to prioritize the use of available funds that are, to the fullest extent practicable, consistent with tribal and user recommendations received pursuant to the consultation and input process under section 8125.

SEC. 8124. STUDY OF INDIAN IRRIGATION PROGRAM AND PROJECT MANAGEMENT.

(a) TRIBAL CONSULTATION AND USER INPUT.—Before beginning to conduct the

study required under subsection (b), the Secretary shall—

(1) consult with the Indian tribes that have jurisdiction over the land on which an irrigation project eligible to receive funding under section 8122 is located; and

(2) solicit and consider the input, comments, and recommendations of—

(A) the landowners served by the irrigation project; and

(B) irrigators from adjacent irrigation districts.

(b) STUDY.—Not later than 2 years after the date of enactment of this Act, the Secretary, acting through the Assistant Secretary for Indian Affairs, shall complete a study that evaluates options for improving programmatic and project management and performance of irrigation projects managed and operated in whole or in part by the Bureau of Indian Affairs.

(c) REPORT.—On completion of the study under subsection (b), the Secretary, acting through the Assistant Secretary for Indian Affairs, shall submit to the Committee on Indian Affairs of the Senate and the Committee on Natural Resources of the House of Representatives a report that—

(1) describes the results of the study;

(2) determines the cost to financially sustain each project;

(3) recommends whether management of each project could be improved by transferring management responsibilities to other Federal agencies or water user groups; and

(4) includes recommendations for improving programmatic and project management and performance—

(A) in each qualifying project area; and

(B) for the program as a whole.

(d) STATUS REPORT.—Not later than 2 years after the date of enactment of this Act, and not less frequently than every 2 years thereafter, the Secretary, acting through the Assistant Secretary for Indian Affairs, shall submit to the Committee on Indian Affairs of the Senate and the Committee on Natural Resources of the House of Representatives a report that includes a description of—

(1) the progress made toward addressing the deferred maintenance needs of the Indian irrigation projects described in section 8122, including a list of projects funded during the fiscal period covered by the report;

(2) the outstanding needs of those projects that have been provided funding to address the deferred maintenance needs pursuant to this part;

(3) the remaining needs of any of those projects;

(4) how the goals established pursuant to section 8123 have been met, including—

(A) an identification and assessment of any deficiencies or shortfalls in meeting those goals; and

(B) a plan to address the deficiencies or shortfalls in meeting those goals; and

(5) any other subject matters the Secretary, to the maximum extent practicable consistent with tribal and user recommendations received pursuant to the consultation and input process under this section, determines to be appropriate.

SEC. 8125. TRIBAL CONSULTATION AND USER INPUT.

Before expending funds on an Indian irrigation project pursuant to section 8121 and not later than 120 days after the date of enactment of this Act, the Secretary shall—

(1) consult with the Indian tribe that has jurisdiction over the land on which an irrigation project eligible to receive funding under section 8122 is located; and

(2) solicit and consider the input, comments, and recommendations of—

(A) the landowners served by the irrigation project; and

(B) irrigators from adjacent irrigation districts.

SEC. 8126. ALLOCATION AMONG PROJECTS.

(a) IN GENERAL.—Subject to subsection (b), to the maximum extent practicable, the Secretary shall ensure that, for each of fiscal years 2017 through 2038, each Indian irrigation project eligible for funding under section 8122 that has critical maintenance needs receives part of the funding under section 8121 to address critical maintenance needs.

(b) PRIORITY.—In allocating amounts under section 8121(b), in addition to considering the funding priorities described in section 8123, the Secretary shall give priority to eligible Indian irrigation projects serving more than 1 Indian tribe within an Indian reservation and to projects for which funding has not been made available during the 10-year period ending on the day before the date of enactment of this Act under any other Act of Congress that expressly identifies the Indian irrigation project or the Indian reservation of the project to address the deferred maintenance, repair, or replacement needs of the Indian irrigation project.

(c) CAP ON FUNDING.—

(1) IN GENERAL.—Subject to paragraph (2), in allocating amounts under section 8121(b), the Secretary shall allocate not more than $15,000,000 to any individual Indian irrigation project described in section 8122 during any consecutive 3-year period.

(2) EXCEPTION.—Notwithstanding the cap described in paragraph (1), if the full amount under section 8121(b) cannot be fully allocated to eligible Indian irrigation projects because the costs of the remaining activities authorized in section 8121(b) of an irrigation project would exceed the cap described in paragraph (1), the Secretary may allocate the remaining funds to eligible Indian irrigation projects in accordance with this part.

(d) BASIS OF FUNDING.—Any amounts made available under this section shall be nonreimbursable.

(e) APPLICABILITY OF ISDEAA.—The Indian Self-Determination and Education Assistance Act (25 U.S.C. 5301 et seq.) shall apply to activities carried out under this section.

SA 5062. Mr. PERDUE (for himself and Mr. ISAKSON) submitted an amendment intended to be proposed to amendment SA 4979 proposed by Mr. MCCONNELL (for Mr. INHOFE (for himself and Mrs. BOXER)) to the bill S. 2848, to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title I, add the following:

SEC. 1_____. PROJECTS OF NATIONAL SIGNIFICANCE.

Section 902 of the Water Resources Development Act of 1986 (33 U.S.C. 2280) is amended by adding at the end the following:

''(c) PROJECTS OF NATIONAL SIGNIFICANCE.—

''(1) IN GENERAL.—In the case of a project of national significance (as described in paragraph (2)) that has not been completed, subsection (a)(1) shall not apply.

''(2) PROJECTS OF NATIONAL SIGNIFICANCE DESCRIBED.—A project of national significance means a project for water resources development and conservation and related purposes authorized to be carried out by the Secretary that has a benefit-to-cost ratio equal to or greater than 3.5 to 1, as identified in a report of the Chief of Engineers or a Post Authorization Change Report.''.

SA 5063. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 5042 proposed by Mr. INHOFE (for himself and Mrs. BOXER) to the amendment SA 4979 proposed by Mr. MCCONNELL (for Mr. INHOFE (for himself and Mrs. BOXER)) to the bill S. 2848, to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; which was ordered to lie on the table; as follows:

On page 125, between lines 18 and 19, insert the following:

SEC. 3008. REHABILITATION OF CORPS OF ENGINEERS CONSTRUCTED FLOOD CONTROL DAMS.

(a) IN GENERAL.—If the Secretary determines that the project is feasible, the Secretary may carry out a project for the rehabilitation of a dam described in subsection (b).

(b) ELIGIBLE DAMS.—A dam eligible for assistance under this section is a dam—

(1) that has been constructed, in whole or in part, by the Corps of Engineers for flood control purposes;

(2) for which construction was completed before 1940;

(3) that is classified as ''high hazard potential'' by the State dam safety agency of the State in which the dam is located; and

(4) that is operated by a non-Federal entity.

(c) COST SHARING.—Non-Federal interests shall provide 35 percent of the cost of construction of any project carried out under this section, including provision of all land, easements, rights-of-way, and necessary relocations.

(d) AGREEMENTS.—Construction of a project under this section shall be initiated only after a non-Federal interest has entered into a binding agreement with the Secretary—

(1) to pay the non-Federal share of the costs of construction under subsection (c); and

(2) to pay 100 percent of any operation, maintenance, and replacement and rehabilitation costs with respect to the project in accordance with regulations prescribed by the Secretary.

(e) COST LIMITATION.—The Secretary shall not expend more than $10,000,000 for a project at any single dam under this section.

(f) FUNDING.—There is authorized to be appropriated to carry out this section $25,000,000 for each of fiscal years 2017 through 2026.

SA 5064. Mr. SASSE submitted an amendment intended to be proposed to amendment SA 5042 proposed by Mr. INHOFE (for himself and Mrs. BOXER) to the amendment SA 4979 proposed by Mr. MCCONNELL (for Mr. INHOFE (for himself and Mrs. BOXER)) to the bill S. 2848, to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII, add the following:

SEC. 80____. PROTECTION OF CONGRESSIONAL OVERSIGHT.

Notwithstanding any other provision of law, the Secretary or the Administrator of

the Environmental Protection Agency may not enter into an agreement related to resolving a dispute or claim with an individual that would restrict in any way the individual from speaking to members of Congress or their staff on any topic not otherwise prohibited from disclosure by Federal law.

SA 5065. Mr. SASSE submitted an amendment intended to be proposed to amendment SA 5042 proposed by Mr. INHOFE (for himself and Mrs. BOXER) to the amendment SA 4979 proposed by Mr. MCCONNELL (for Mr. INHOFE (for himself and Mrs. BOXER)) to the bill S. 2848, to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 1009 and insert the following:

SEC. 1009. GAO REVIEW AND REPORT.

Not later than 2 years after the date of enactment of this Act, the Comptroller General of the United States shall conduct a review, and submit to Congress a report on the implementation and effectiveness of the projects carried out under section 219 of the Water Resources Development Act of 1992 (Public Law 102–580; 106 Stat. 4835).

SA 5066. Mr. SASSE submitted an amendment intended to be proposed to amendment SA 5042 proposed by Mr. INHOFE (for himself and Mrs. BOXER) to the amendment SA 4979 proposed by Mr. MCCONNELL (for Mr. INHOFE (for himself and Mrs. BOXER)) to the bill S. 2848, to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; which was ordered to lie on the table; as follows:

On page 65, between lines 5 and 6, insert the following:

SEC. 10____. GAO REVIEW AND REPORT.

Not later than 2 years after the date of enactment of this Act, the Comptroller General of the United States shall conduct a review, and submit to Congress a report on the implementation and effectiveness of the projects carried out under section 219 of the Water Resources Development Act of 1992 (Public Law 102–580; 106 Stat. 4835).

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. RUBIO. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on September 13, 2016, at 10 a.m., in room SR–328A of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. RUBIO. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on September 13, 2016, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. RUBIO. Mr. President, I ask unanimous consent that the Committee on Banking, Housing and Urban Affairs be authorized to meet during the session of the Senate on September 13, 2016, at 10:30 a.m. to conduct a hearing entitled ''The National Flood Insurance Program: Reviewing the Recommendations of the Technical Mapping Advisory Council's 2015 Annual Report.''.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. RUBIO. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on September 13, 2016, at 2:30 p.m., in room SR–253 of the Russell Senate Office Building to conduct a Subcommittee hearing entitled ''Examining the Better Online Ticket Sales Act of 2016.''

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. RUBIO. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on September 13, 2016, at 2:30 p.m., in room SH–219 of the Hart Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. GARDNER. Mr. President, I ask unanimous consent that my military fellow, Ashley Ritchey, be granted floor privileges for the remainder of the Congress.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZING USE OF THE CAPITOL GROUNDS

Mr. GARDNER. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H. Con. Res. 131, which is at the desk.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The senior assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 131) authorizing the use of the Capitol Grounds for the District of Columbia Special Olympics Law Enforcement Torch Run.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. GARDNER. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to and the motion to reconsider be laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 131) was agreed to.

ENCOURAGING THE GOVERNMENT OF THE DEMOCRATIC REPUBLIC OF THE CONGO TO ABIDE BY CONSTITUTIONAL PROVISIONS REGARDING THE HOLDING OF PRESIDENTIAL ELECTIONS IN 2016

Mr. GARDNER. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 574, S. Res. 485.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 485) to encourage the Government of the Democratic Republic of the Congo to abide by constitutional provisions regarding the holding of presidential elections in 2016, with the aim of ensuring a peaceful and orderly democratic transition of power.

There being no objection, the Senate proceeded to consider the resolution, which had been reported from the Committee on Foreign Relations, with an amendment and an amendment to the preamble and an amendment to the title.

(Strike out all after the resolving clause and insert the part printed in italic.)

(Strike the preamble and insert the part printed in italic.)

Whereas the United States and the Democratic Republic of the Congo (''DRC'') have a partnership grounded in economic development, investment, and mutual interests in security and stability, and marked by efforts to address the protracted humanitarian crisis facing the DRC;

Whereas, in 2006, the Government of the DRC adopted a new constitution with a provision limiting the President to two consecutive terms;

Whereas the constitution requires that elections be held in time for the inauguration of a new president on December 19, 2016, when the current presidential term expires;

Whereas events in the DRC over the last year and a half have called into serious question the commitment of the Government of the DRC to hold such elections on the required timeline, and President Joseph Kabila has not publicly committed to stepping down at the end of his term;

Whereas security and intelligence officials of the DRC have arrested, harassed, and detained peaceful activists (such as Fred Bauma and Yves Makwambala), members of civil society, political leaders, and others, and international and domestic human rights groups have reported on the worsening of the human rights situation in the DRC;

Whereas there are 12 presidential elections slated to take place on the continent of Africa by the end of 2017, and what transpires in the DRC will send an important message to leaders in the region;

Whereas President Barack Obama spoke with President Kabila on March 31, 2015, and ''emphasized the importance of timely, credible, and peaceful elections that respect the Constitution of the DRC and protect the rights of all DRC citizens'';

Whereas, on March 30, 2016, the United Nations Security Council unanimously adopted Resolution 2277, which expresses deep concern with ''the delays in the preparation of the presidential elections'' in the DRC and ''increased restrictions of the political space in the DRC'' and calls for ensuring ''the successful and timely holding of elections, in particular presidential and legislative elections on November 2016, in accordance with the Constitution'';

Whereas many observers have expressed concern that failure to move ahead with elections in the DRC could lead to violence and instability inside the DRC, which could reverberate throughout the region;

Whereas, on June 23, 2016, the Department of the Treasury imposed sanctions against General Célestin Kanyama, the Congolese National Police (PNC) Provincial police commissioner for Kinshasa, the capital city of the DRC; and

Whereas the Department of the Treasury noted that these sanctions send a ''clear message that the United States condemns the regime's violence and repressive actions, especially those of Célestin Kanyama, which threaten the future of democracy for the people of the DRC'': Now, therefore, be it

Resolved, That the Senate—

(1) expresses concern with respect to the failure of the DRC to take actions required to hold elections in November 2016 as required by the Constitution of the DRC;

(2) recognizes that impunity and lack of effective rule of law undermine democracy, and that the arrest and detention of civil society activists and the harassment of political opponents close political space and repress peaceful dissent;

(3) reaffirms its support for democracy and good governance in sub-Saharan Africa;

(4) calls on the Government of the DRC and all other parties to respect the Constitution of the DRC and to ensure a free, open, peaceful, and democratic transition of power as constitutionally required;

(5) urges the Government of the DRC to demonstrate leadership and commitment to elections by accelerating concrete steps towards holding elections, including voter registration and protecting partisan political speech and activities;

(6) encourages the Government of the DRC and all other relevant parties to engage now in a focused, urgent discussion to advance the electoral process and reach consensus rapidly on the way forward by establishing a detailed electoral calendar for all elections and enabling the candidate selection and campaign process; and

(7) urges the President of the United States, in close coordination with regional and international partners, to—

(A) continuously verify that such necessary technical dialogue occurs and proceeds in a time and manner required to ensure the conduct of timely elections;

(B) use appropriate means to ensure these objectives, which may include imposition of additional targeted sanctions on individuals or entities responsible for violence and human rights violations and undermining democratic processes in the DRC at any point in the process; and

(C) continue United States policy with respect to providing support for the organizing of free, fair, and peaceful national elections.

Mr. GARDNER. Mr. President, I ask unanimous consent that the committee-reported amendment to the resolution be agreed to; the resolution, as amended, be agreed to; the committee-reported amendment to the preamble be agreed to; the preamble, as amended, be agreed to; and that the committee-reported title amendment be agreed to; and, finally, that the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee-reported amendment in the nature of a substitute was agreed to.

The resolution (S. Res. 485), as amended, was agreed to.

The committee-reported amendment to the preamble in the nature of a substitute was agreed to.

The preamble, as amended, was agreed to.

The committee-reported title amendment was agreed to, as follows:

Amend the title so as to read: ''A resolution urging the Government of the Democratic Republic of the Congo to comply with constitutional limits on presidential terms and fulfill its constitutional mandate for a democratic transition of power in 2016.''.

SCHOOL BUS SAFETY MONTH

Mr. GARDNER. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 557, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 557) designating September 2016 as ''School Bus Safety Month.''

There being no objection, the Senate proceeded to consider the resolution.

Mr. GARDNER. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 557) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under ''Submitted Resolutions.'')

HONORING THE MEMORY AND LEGACY OF THE 12 LOUISIANA CITIZENS AND 1 TEXAS CITIZEN WHO LOST THEIR LIVES DUE TO THE TRAGIC FLOODING IN THE STATE OF LOUISIANA IN AUGUST 2016

Mr. GARDNER. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 558, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 558) honoring the memory and legacy of the 12 Louisiana citizens and 1 Texas citizen who lost their lives due to the tragic flooding in the State of Louisiana in August 2016.

There being no objection, the Senate proceeded to consider the resolution.

Mr. GARDNER. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 558) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under ''Submitted Resolutions.'')

MEASURE READ THE FIRST TIME—S. 3318

Mr. GARDNER. Mr. President, I understand that there is a bill at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill by title for the first time.

The senior assistant legislative clerk read as follows:

A bill (S. 3318) to amend the Consumer Financial Protection Act of 2010 to subject the Bureau of Consumer Financial Protection to the regular appropriations process, and for other purposes.

Mr. GARDNER. I now ask for a second reading and, in order to place the bill on the calendar under the provisions of rule XIV, I object to my own request.

The PRESIDING OFFICER. Objection having been heard, the bill will be read for the second time on the next legislative day.

ORDERS FOR WEDNESDAY, SEPTEMBER 14, 2016

Mr. GARDNER. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., Wednesday, September 14; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day; further, that following leader remarks, the Senate be in a period of morning business, with Senators permitted to speak therein until 11 a.m.; further, that the Democrats control the time from 10 a.m. until 10:30 a.m. and the majority control the time from 10:30 a.m. until 11 a.m.; further, that following morning business, the Senate resume consideration of S. 2848; further, that notwithstanding the provisions of rule XXII, all postcloture time with respect to amendment No. 4979 expire at 2:45 p.m. tomorrow; finally, that if cloture on S. 2848, as amended, if amended, is invoked, the time count as if cloture was invoked at 1 a.m., Wednesday, September 14.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. GARDNER. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 6:41 p.m., adjourned until Wednesday, September 14, 2016, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

UNITED NATIONS

CHRISTOPHER COONS, OF DELAWARE, TO BE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SEVENTY-FIRST SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

RONALD H. JOHNSON, OF WISCONSIN, TO BE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SEVENTY-FIRST SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

VALERIE BIDEN OWENS, OF DELAWARE, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SEVENTY-FIRST SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

CYNTHIA RYAN, OF THE DISTRICT OF COLUMBIA, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SEVENTY-FIRST SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

THE JUDICIARY

DIANE GUJARATI, OF NEW YORK, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF NEW YORK, VICE JOHN GLEESON, RESIGNED.