

1           rior, Environment, and Related Agencies Ap-  
2           propriations Act, 2010 (Public Law 111–88).

3           “(J) FUNDING.—

4                   “(i) IN GENERAL.—There is author-  
5                   ized to be appropriated to carry out this  
6                   paragraph \$300,000,000 for each of fiscal  
7                   years 2017 through 2021.

8                   “(ii) LIMITATION.—Nothing in this  
9                   paragraph creates, expands, or amends the  
10                  authority of the Administrator to imple-  
11                  ment programs or projects under—

12                           “(I) this section;

13                           “(II) the Initiative Action Plan;

14                           or

15                           “(III) the Great Lakes Water  
16                           Quality Agreement.”.

17 **SEC. 5006. REHABILITATION OF HIGH HAZARD POTENTIAL**  
18 **DAMS.**

19           (a) DEFINITIONS.—Section 2 of the National Dam  
20 Safety Program Act (33 U.S.C. 467) is amended—

21                   (1) by redesignating paragraphs (4), (5), (6),  
22                   (7), (8), (9), (10), (11), (12), and (13) as para-  
23                   graphs (5), (6), (7), (8), (9), (11), (13), (14), (15),  
24                   and (16), respectively;

1           (2) by inserting after paragraph (3) the fol-  
2     lowing:

3           “(4) ELIGIBLE HIGH HAZARD POTENTIAL  
4     DAM.—

5           “(A) IN GENERAL.—The term ‘eligible  
6     high hazard potential dam’ means a non-Fed-  
7     eral dam that—

8           “(i) is located in a State with a State  
9     dam safety program;

10          “(ii) is classified as ‘high hazard po-  
11     tential’ by the State dam safety agency in  
12     the State in which the dam is located;

13          “(iii) has an emergency action plan  
14     approved by the relevant State dam safety  
15     agency; and

16          “(iv) the State in which the dam is lo-  
17     cated determines—

18           “(I) fails to meet minimum dam  
19     safety standards of the State; and

20           “(II) poses an unacceptable risk  
21     to the public.

22          “(B) EXCLUSION.—The term ‘eligible high  
23     hazard potential dam’ does not include—

24           “(i) a licensed hydroelectric dam; or

1                   “(ii) a dam built under the authority  
2                   of the Secretary of Agriculture.”;

3                   (3) by inserting after paragraph (9) (as redesign-  
4                   ated by paragraph (1) of this subsection) the fol-  
5                   lowing:

6                   “(10) NON-FEDERAL SPONSOR.—The term  
7                   ‘non-Federal sponsor’, in the case of a project re-  
8                   ceiving assistance under section 8A, includes—

9                   “(A) a governmental organization; and

10                   “(B) a nonprofit organization.”; and

11                   (4) by inserting after paragraph (11) (as redesign-  
12                   ated by paragraph (1) of this subsection) the fol-  
13                   lowing:

14                   “(12) REHABILITATION.—The term ‘rehabilita-  
15                   tion’ means the repair, replacement, reconstruction,  
16                   or removal of a dam that is carried out to meet ap-  
17                   plicable State dam safety and security standards.”.

18                   (b) PROGRAM FOR REHABILITATION OF HIGH HAZ-  
19                   ARD POTENTIAL DAMS.—The National Dam Safety Pro-  
20                   gram Act is amended by inserting after section 8 (33  
21                   U.S.C. 467f) the following:

22                   **“SEC. 8A. REHABILITATION OF HIGH HAZARD POTENTIAL**  
23                   **DAMS.**

24                   “(a) ESTABLISHMENT OF PROGRAM.—The Adminis-  
25                   trator shall establish, within FEMA, a program to provide

1 technical, planning, design, and construction assistance in  
2 the form of grants to non-Federal sponsors for rehabilita-  
3 tion of eligible high hazard potential dams.

4 “(b) ELIGIBLE ACTIVITIES.—A grant awarded under  
5 this section for a project may be used for—

6 “(1) repair;

7 “(2) removal; or

8 “(3) any other structural or nonstructural  
9 measures to rehabilitate an eligible high hazard po-  
10 tential dam.

11 “(c) AWARD OF GRANTS.—

12 “(1) APPLICATION.—

13 “(A) IN GENERAL.—A non-Federal spon-  
14 sor interested in receiving a grant under this  
15 section may submit to the Administrator an ap-  
16 plication for the grant.

17 “(B) REQUIREMENTS.—An application  
18 submitted to the Administrator under this sec-  
19 tion shall be submitted at such time, be in such  
20 form, and contain such information as the Ad-  
21 ministrator may prescribe by regulation.

22 “(2) GRANT.—

23 “(A) IN GENERAL.—The Administrator  
24 may make a grant in accordance with this sec-  
25 tion for rehabilitation of an eligible high hazard

1 potential dam to a non-Federal sponsor that  
2 submits an application for the grant in accord-  
3 ance with the regulations prescribed by the Ad-  
4 ministrator.

5 “(B) PROJECT GRANT AGREEMENT.—The  
6 Administrator shall enter into a project grant  
7 agreement with the non-Federal sponsor to es-  
8 tablish the terms of the grant and the project,  
9 including the amount of the grant.

10 “(C) GRANT ASSURANCE.—As part of a  
11 project grant agreement under subparagraph  
12 (B), the Administrator shall require the non-  
13 Federal sponsor to provide an assurance, with  
14 respect to the dam to be rehabilitated under the  
15 project, that the owner of the dam has devel-  
16 oped and will carry out a plan for maintenance  
17 of the dam during the expected life of the dam.

18 “(D) LIMITATION.—A grant provided  
19 under this section shall not exceed the lesser  
20 of—

21 “(i) 12.5 percent of the total amount  
22 of funds made available to carry out this  
23 section; or

24 “(ii) \$7,500,000.

25 “(d) REQUIREMENTS.—

1           “(1) APPROVAL.—A grant awarded under this  
2 section for a project shall be approved by the rel-  
3 evant State dam safety agency.

4           “(2) NON-FEDERAL SPONSOR REQUIRE-  
5 MENTS.—To receive a grant under this section, the  
6 non-Federal sponsor shall—

7           “(A) participate in, and comply with, all  
8 applicable Federal flood insurance programs;

9           “(B) have in place a hazard mitigation  
10 plan that—

11           “(i) includes all dam risks; and

12           “(ii) complies with the Disaster Miti-  
13 gation Act of 2000 (Public Law 106–390;  
14 114 Stat. 1552);

15           “(C) commit to provide operation and  
16 maintenance of the project for the 50-year pe-  
17 riod following completion of rehabilitation;

18           “(D) comply with such minimum eligibility  
19 requirements as the Administrator may estab-  
20 lish to ensure that each owner and operator of  
21 a dam under a participating State dam safety  
22 program and that receives assistance under this  
23 section—

24           “(i) acts in accordance with the State  
25 dam safety program; and

1                   “(ii) carries out activities relating to  
2                   the public in the area around the dam in  
3                   accordance with the hazard mitigation plan  
4                   described in subparagraph (B); and

5                   “(E) comply with section 611(j)(9) of the  
6                   Robert T. Stafford Disaster Relief and Emer-  
7                   gency Assistance Act (42 U.S.C. 5196(j)(9))  
8                   (as in effect on the date of enactment of this  
9                   section) with respect to projects receiving as-  
10                  sistance under this section in the same manner  
11                  as recipients are required to comply in order to  
12                  receive financial contributions from the Admin-  
13                  istrator for emergency preparedness purposes.

14                  “(e) FLOODPLAIN MANAGEMENT PLANS.—

15                  “(1) IN GENERAL.—As a condition of receipt of  
16                  assistance under this section, the non-Federal spon-  
17                  sor shall demonstrate that a floodplain management  
18                  plan to reduce the impacts of future flood events in  
19                  the area protected by the project—

20                         “(A) is in place; or

21                         “(B) will be—

22                                 “(i) developed not later than 1 year  
23                                 after the date of execution of a project  
24                                 agreement for assistance under this sec-  
25                                 tion; and

1                   “(ii) implemented not later than 1  
2                   year after the date of completion of con-  
3                   struction of the project.

4                   “(2) INCLUSIONS.—A plan under paragraph (1)  
5                   shall address—

6                   “(A) potential measures, practices, and  
7                   policies to reduce loss of life, injuries, damage  
8                   to property and facilities, public expenditures,  
9                   and other adverse impacts of flooding in the  
10                  area protected by the project;

11                  “(B) plans for flood fighting and evacu-  
12                  ation; and

13                  “(C) public education and awareness of  
14                  flood risks.

15                  “(3) TECHNICAL SUPPORT.—The Administrator  
16                  may provide technical support for the development  
17                  and implementation of floodplain management plans  
18                  prepared under this subsection.

19                  “(f) PRIORITY SYSTEM.—The Administrator, in con-  
20                  sultation with the Board, shall develop a risk-based pri-  
21                  ority system for use in identifying eligible high hazard po-  
22                  tential dams for which grants may be made under this  
23                  section.

24                  “(g) FUNDING.—

25                  “(1) COST SHARING.—



1           “(A) IN GENERAL.—Any assistance pro-  
2           vided under this section for a project shall be  
3           subject to a non-Federal cost-sharing require-  
4           ment of not less than 35 percent.

5           “(B) IN-KIND CONTRIBUTIONS.—The non-  
6           Federal share under subparagraph (A) may be  
7           provided in the form of in-kind contributions.

8           “(2) ALLOCATION OF FUNDS.—The total  
9           amount of funds made available to carry out this  
10          section for each fiscal year shall be distributed as  
11          follows:

12          “(A) EQUAL DISTRIBUTION.— $\frac{1}{3}$  shall be  
13          distributed equally among the States in which  
14          the projects for which applications are sub-  
15          mitted under subsection (c)(1) are located.

16          “(B) NEED-BASED.— $\frac{2}{3}$  shall be distrib-  
17          uted among the States in which the projects for  
18          which applications are submitted under sub-  
19          section (c)(1) are located based on the propor-  
20          tion that—

21                  “(i) the number of eligible high haz-  
22                  ard potential dams in the State; bears to

23                  “(ii) the number of eligible high haz-  
24                  ard potential dams in all such States.

1       “(h) USE OF FUNDS.—None of the funds provided  
2 in the form of a grant or otherwise made available under  
3 this section shall be used—

4           “(1) to rehabilitate a Federal dam;

5           “(2) to perform routine operation or mainte-  
6 nance of a dam;

7           “(3) to modify a dam to produce hydroelectric  
8 power;

9           “(4) to increase water supply storage capacity;  
10 or

11          “(5) to make any other modification to a dam  
12 that does not also improve the safety of the dam.

13       “(i) CONTRACTUAL REQUIREMENTS.—

14           “(1) IN GENERAL.—Subject to paragraph (2),  
15 as a condition on the receipt of a grant under this  
16 section of an amount greater than \$1,000,000, a  
17 non-Federal sponsor that receives the grant shall re-  
18 quire that each contract and subcontract for pro-  
19 gram management, construction management, plan-  
20 ning studies, feasibility studies, architectural serv-  
21 ices, preliminary engineering, design, engineering,  
22 surveying, mapping, and related services entered  
23 into using funds from the grant be awarded in the  
24 same manner as a contract for architectural and en-  
25 gineering services is awarded under—

1                   “(A) chapter 11 of title 40, United States  
2                   Code; or

3                   “(B) an equivalent qualifications-based re-  
4                   quirement prescribed by the relevant State.

5                   “(2) NO PROPRIETARY INTEREST.—A contract  
6                   awarded in accordance with paragraph (1) shall not  
7                   be considered to confer a proprietary interest upon  
8                   the United States.

9                   “(j) AUTHORIZATION OF APPROPRIATIONS.—There  
10                  are authorized to be appropriated to carry out this sec-  
11                  tion—

12                  “(1) \$10,000,000 for fiscal years 2017 and  
13                  2018;

14                  “(2) \$25,000,000 for fiscal year 2019;

15                  “(3) \$40,000,000 for fiscal year 2020; and

16                  “(4) \$60,000,000 for each of fiscal years 2021  
17                  through 2026.”.

18                  (c) RULEMAKING.—

19                  (1) PROPOSED RULEMAKING.—Not later than  
20                  90 days after the date of enactment of this Act, the  
21                  Administrator of the Federal Emergency Manage-  
22                  ment Agency shall issue a notice of proposed rule-  
23                  making regarding applications for grants of assist-  
24                  ance under the amendments made by subsection (b)

1 to the National Dam Safety Program Act (33  
2 U.S.C. 467 et seq.).

3 (2) FINAL RULE.—Not later than 180 days  
4 after the date of enactment of this Act, the Adminis-  
5 trator of the Federal Emergency Management Agen-  
6 cy shall promulgate a final rule regarding the  
7 amendments described in paragraph (1).

8 **SEC. 5007. CHESAPEAKE BAY GRASS SURVEY.**

9 Section 117(i) of the Federal Water Pollution Control  
10 Act (33 U.S.C. 1267(i)) is amended by adding at the end  
11 the following:

12 “(3) ANNUAL SURVEY.—The Administrator  
13 shall carry out an annual survey of sea grasses in  
14 the Chesapeake Bay.”

15 **SEC. 5008. WATER INFRASTRUCTURE FINANCE AND INNO-**  
16 **VATION.**

17 (a) AUTHORITY TO PROVIDE ASSISTANCE.—Section  
18 5023(b)(2) of the Water Infrastructure Finance and Inno-  
19 vation Act of 2014 (33 U.S.C. 3902(b)(2)) is amended  
20 by striking “carry out” and inserting “provide financial  
21 assistance to carry out”.

22 (b) PROJECTS ELIGIBLE FOR ASSISTANCE.—

23 (1) IN GENERAL.—Section 5026 of the Water  
24 Infrastructure Finance and Innovation Act of 2014  
25 (33 U.S.C. 3905) is amended—