
"(J) 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. 5006. 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) of this subsection) the follow-
ing:

"(10) NON-FEDERAL SPONSOR.—The term
'non-Federal sponsor', in the case of a project re-
ceiving 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) of this subsection) the fol-

lowing:

"(12) REHABILITATION.—The term 'rehabilita-
tion' means the repair, replacement, reconstruction,
or removal of a dam that is carried out to meet ap-
plicable State dam safety and security standards.".

(b) PROGRAM FOR REHABILITATION OF HIGH HAZ-
ARD POTENTIAL DAMS.—The National Dam Safety Pro-
gram 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 Adminis-
trator shall establish, within FEMA, a program to provide
technical, planning, design, and construction assistance in
the form of grants to non-Federal sponsors for rehabilita-
tion 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 an eligible high hazard po-
tential dam.

"(c) AWARD OF GRANTS.—

"(1) APPLICATION.—

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

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

"(2) GRANT.—

"(A) IN GENERAL.—The Administrator
may make a grant in accordance with this sec-
tion for rehabilitation of an eligible 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 and that receives assistance under this section—

“(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 sponsor 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 eligible 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.—\(\frac{1}{3}\) 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.—\(\frac{2}{3}\) 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 such States.
“(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. 5007. CHESAPEAKE BAY GRASS SURVEY.

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

“(3) Annual survey.—The Administrator shall carry out an annual survey of sea grasses in the Chesapeake Bay.”

SEC. 5008. 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—