

One Hundred Fourteenth Congress of the United States of America

AT THE SECOND SESSION

*Began and held at the City of Washington on Monday,
the fourth day of January, two thousand and sixteen*

An Act

To provide for improvements to the rivers and harbors of the United States, to provide for the conservation and development of water and related resources, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Water Infrastructure Improvements for the Nation Act” or the “WIIN Act”.

(b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.

TITLE I—WATER RESOURCES DEVELOPMENT

Sec. 1001. Short title.

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- Sec. 1107. Great Lakes Navigation System.
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- Sec. 1119. Indian tribes.
- Sec. 1120. Tribal consultation reports.
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- Sec. 1127. Non-Federal construction of authorized flood damage reduction projects.
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Sec. 1135. Data transparency.
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 Sec. 1150. Ice jam prevention and mitigation.
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SEC. 1153. 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.”;

(2) by redesignating subsection (c) as subsection (d);

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

“(c) ADDITIONAL REQUIREMENTS.—

“(1) APPLICABLE LAWS AND REGULATIONS.—The Secretary may only use materials or services accepted under this section if such materials and services comply with all applicable laws and regulations that would apply if such materials and services were acquired by the Secretary.

“(2) SUPPLEMENTARY SERVICES.—The Secretary may only accept and use services under this section that provide supplementary services to existing Federal employees, and may only use such services to perform work that would not otherwise be accomplished as a result of funding or personnel limitations.”; and

(4) in subsection (d) (as redesignated by paragraph (2)) 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. 1154. 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. 1155. 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 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 non-Federal public 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 entity that collects user fees under paragraph (1)—

“(A) may 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)), shall use any retained amount for operation, maintenance, and management activities at the recreation site at which the fee is collected.

“(3) TERMS AND CONDITIONS.—The authority of a non-Federal public 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. 1156. STRUCTURES AND FACILITIES CONSTRUCTED BY SECRETARY.

(a) IN GENERAL.—Section 14 of the Act of March 3, 1899 (30 Stat. 1152, chapter 425; 33 U.S.C. 408), 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 of the activity 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 Corps of Engineers shall, to the maximum extent practicable and consistent with Federal laws—

“(i) participate in the review as a cooperating agency (unless the Corps 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—