To amend the Water Resources Development Act of 1986 to improve compensatory mitigation, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. Padilla (for himself and Mr. Tillis) introduced the following bill; which was read twice and referred to the Committee on

A BILL

To amend the Water Resources Development Act of 1986 to improve compensatory mitigation, 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.

This Act may be cited as the “Improving Corps Civil Works Compensatory Mitigation Act”.

SEC. 2. FISH AND WILDLIFE MITIGATION.

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

(1) in subsection (d)(3)(B)(iv)—
(A) in subclause (I), by inserting “or contract (as defined in subsection (i)(1))” after “instrument”; and

(B) in subclause (II), by inserting “or contract (as so defined)” after “instrument”; (2) in subsection (i)—

(A) by redesignating paragraphs (1) through (4) as paragraphs (2) through (5), respectively;

(B) by inserting before paragraph (2) (as so redesignated) the following:

“(1) DEFINITION OF CONTRACT.—In this subsection, the term ‘contract’ means an agreement between the Secretary and a mitigation provider that—

“(A) uses accepted Corps of Engineers District-level mitigation practices described in part 332 of title 33, Code of Federal Regulations (or successor regulations); and

“(B) prioritizes implementation of an existing restoration plan developed by a State, local, or regional entity that covers the area or resources affected by the civil works project that is the subject of the third-party arrangement.”;
(C) in subparagraph (A) of paragraph (2)

(as so redesignated)—

(i) in clause (i), by striking “and” at the end; and

(ii) by adding at the end the following:

“(iii) the purchase of credits under part 332 of title 33, Code of Federal Regulations (or successor regulations) in accordance with section 332.4(c)(6) of that title (or a successor regulation) through a contract to satisfy the mitigation plan required under subsection (d); and”;

(D) in paragraph (3) (as so redesignated), by striking “paragraph (1)” and inserting “paragraph (2)”;

and

(E) in paragraph (4) (as so redesignated), in the matter preceding subparagraph (A)—

(i) by inserting “the Secretary shall ensure that” before “contributions”; and

(ii) by striking “may”; and

(3) by adding at the end the following:

“(l) COMPLIANCE.—In carrying out this section, the Secretary shall ensure compliance with this section and with the final rule of the Corps of Engineers and the Envi-
Environmental Protection Agency entitled ‘Compensatory Mitigation for Losses of Aquatic Resources’ (73 Fed. Reg. 19594 (April 10, 2008)) or any subsequent rule.’’