

118TH CONGRESS
1ST SESSION

S. 798

To amend title 54, United States Code, to authorize the Secretary of the Interior to make financial assistance to States under the Land and Water Conservation Fund available for water quality projects, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 14, 2023

Mr. RUBIO introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To amend title 54, United States Code, to authorize the Secretary of the Interior to make financial assistance to States under the Land and Water Conservation Fund available for water quality projects, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Land and Water Con-
5 servation Fund Water Amendments Act of 2023”.

1 **SEC. 2. FINANCIAL ASSISTANCE TO STATES FOR WATER**
 2 **QUALITY PROJECTS.**

3 Section 200305 of title 54, United States Code, is
 4 amended—

5 (1) in subsection (a), in the second sentence, by
 6 inserting “and water quality improvement” after
 7 “outdoor recreation”;

8 (2) in subsection (d), by adding at the end the
 9 following:

10 “(5) WATER QUALITY.—A comprehensive state-
 11 wide outdoor recreation plan shall identify—

12 “(A) any body of water within the bound-
 13 aries of the State for which a State water qual-
 14 ity control plan has been developed pursuant to
 15 section 303(d) of the Federal Water Pollution
 16 Control Act (33 U.S.C. 1313(d)); and

17 “(B) any proposed water quality project
 18 (as defined in subsection (e)(4)(A)) to be con-
 19 ducted with respect to a body of water that is
 20 identified under subparagraph (A).”; and

21 (3) in subsection (e)—

22 (A) in the heading, by striking “AND DE-
 23 VELOPMENT OF BASIC OUTDOOR RECREATION
 24 FACILITIES” and inserting “, DEVELOPMENT
 25 OF BASIC OUTDOOR RECREATION FACILITIES,

1 AND CONDUCT OF WATER QUALITY
2 PROJECTS”;

3 (B) in paragraph (1), by striking “and
4 (3)” and inserting “, (3), and (4)”; and

5 (C) by adding at the end the following:

6 “(4) WATER QUALITY PROJECTS.—

7 “(A) DEFINITION OF WATER QUALITY
8 PROJECT.—In this paragraph, the term ‘water
9 quality project’ means any project identified in
10 a State water quality control plan developed for
11 the purpose of restoring any body of water that
12 is identified by the State under section 303(d)
13 of the Federal Water Pollution Control Act (33
14 U.S.C. 1313(d)) as being impaired.

15 “(B) FINANCIAL ASSISTANCE.—Under
16 paragraph (1), the Secretary may provide finan-
17 cial assistance for the conduct of water quality
18 projects.

19 “(C) NON-FEDERAL SHARE CREDIT.—The
20 Secretary may credit toward the non-Federal
21 share required under subsection (c) funds allo-
22 cated by a State for the conduct of a water
23 quality project.

24 “(D) CONSULTATION.—The Secretary
25 shall consult with the Administrator of the En-

1 vironmental Protection Agency in carrying out
2 this paragraph.

3 “(E) LIMITATIONS.—

4 “(i) IN GENERAL.—In providing fi-
5 nancial assistance to water quality projects
6 under this paragraph, the Secretary shall
7 only provide financial assistance to water
8 quality projects that seek to improve water
9 quality by improving, restoring, or devel-
10 oping natural hydrological systems, such as
11 wetlands, marshes, living shorelines, or any
12 other naturally occurring hydrological fea-
13 tures the Secretary determines to be nec-
14 essary for the purpose of reducing nutrient
15 loads.

16 “(ii) NO REIMBURSEMENT.—Funds
17 made available for a water quality project
18 under this paragraph may not be used to
19 reimburse the cost of any water quality
20 project that has already been completed or
21 is otherwise fully funded.

22 “(iii) EFFECT.—Nothing in this para-
23 graph—

1 “(I) expands the authority of the
2 Federal Government over nonnav-
3 igable waters; or

4 “(II) authorizes the Secretary to
5 regulate the conduct of water quality
6 projects.”.

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