

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—115th Cong., 2d Sess.

H. R. 8

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.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended to be proposed by Mr. BARRASSO (for himself, Mr. CARPER, Mr. INHOFE, and Mr. CARDIN)

Viz:

1 Strike all after the enacting clause and insert the fol-
2 lowing:

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) **SHORT TITLE.**—This Act may be cited as the
5 “America’s Water Infrastructure Act of 2018”.

6 (b) **TABLE OF CONTENTS.**—The table of contents for
7 this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Definition of Secretary.

TITLE I—GENERAL PROVISIONS

Sec. 1001. Corps budgeting.

Sec. 1002. National Academy studies.

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- Sec. 1003. GAO study on benefit-cost analysis reforms.
- Sec. 1004. Transparency and accountability in cost-sharing for water resources projects.
- Sec. 1005. Retroactive changes to cost-sharing agreements.
- Sec. 1006. Project partnership agreements.
- Sec. 1007. Study and report on expediting certain waiver processes.
- Sec. 1008. Feasibility studies for mitigation of damage.
- Sec. 1009. Extended community assistance by the Corps of Engineers.
- Sec. 1010. Advanced funds for water resources development studies and projects.
- Sec. 1011. Implementation guidance.
- Sec. 1012. Implementation guidance for this Act.
- Sec. 1013. Easements for certain rural electric, telephone, and broadband service facilities.
- Sec. 1014. Corps capabilities.
- Sec. 1015. Project authorization funding lines.
- Sec. 1016. Consolidation of studies; report.
- Sec. 1017. Non-Federal study and construction of projects.
- Sec. 1018. Reports to Congress.
- Sec. 1019. Disposition studies.
- Sec. 1020. Natural infrastructure.
- Sec. 1021. Watercraft inspection stations.
- Sec. 1022. Reauthorization of non-Federal implementation pilot program.
- Sec. 1023. Project studies subject to independent peer review.
- Sec. 1024. Expedited consideration.
- Sec. 1025. WIFIA study.
- Sec. 1026. Enhanced development demonstration program.
- Sec. 1027. Duplication of efforts.
- Sec. 1028. Corps of Engineers Board of Appeals for certain water storage projects.
- Sec. 1029. Sense of Congress relating to local role in Corps projects.
- Sec. 1030. Sense of Congress relating to study of water resources development projects by non-Federal interests.
- Sec. 1031. Sense of Congress relating to project partnership agreements.
- Sec. 1032. Sense of Congress relating to encouraging resilient techniques and habitat connectivity in ecosystem restoration.
- Sec. 1033. Alterations to local flood control projects.
- Sec. 1034. Non-Federal construction.
- Sec. 1035. Innovative materials and advanced technologies report.
- Sec. 1036. Updates to benefit-cost analysis.
- Sec. 1037. Local government water management plans.
- Sec. 1038. Access to real estate data.
- Sec. 1039. Advanced funds for discrete segments.
- Sec. 1040. Inclusion of non-Federal interests in project consultations.
- Sec. 1041. Categorical exclusions.
- Sec. 1042. Geomatic data.
- Sec. 1043. Flexibility for projects.
- Sec. 1044. Credit in lieu of reimbursement.
- Sec. 1045. Funding to process permits.
- Sec. 1046. Predatory and other wild animals.
- Sec. 1047. Report on status of Corps feasibility studies.
- Sec. 1048. Report on status of Corps projects.
- Sec. 1049. Timely issuance of easements.

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TITLE II—STUDIES, MODIFICATIONS, AND PROJECT
AUTHORIZATIONS

Subtitle A—Studies

- Sec. 2001. Authorization of proposed feasibility studies.
- Sec. 2002. Lower Missouri River Bank stabilization and navigation.

Subtitle B—Deauthorizations, Modifications, and Related Provisions

- Sec. 2101. Savannah Harbor expansion project.
- Sec. 2102. Deauthorization of Svensen Island.
- Sec. 2103. Whittier Narrows study.
- Sec. 2104. West Tennessee tributaries project, Tennessee.
- Sec. 2105. Bridgeport Harbor-Pequonnock River navigation project, Connecticut.
- Sec. 2106. Corps of Engineers bridge repair and divestiture program for New England evacuation routes.
- Sec. 2107. Project deauthorization and study extensions.
- Sec. 2108. Deauthorization of inactive studies.
- Sec. 2109. Certain disposition studies.
- Sec. 2110. Locks and Dams 1 through 4, Kentucky River, Kentucky.
- Sec. 2111. Kissimmee River restoration.
- Sec. 2112. Norfolk Harbor and channel, Thimble Shoal widening, Virginia.
- Sec. 2113. Deauthorization of inactive projects.
- Sec. 2114. Green River and Barren River Locks and Dams, Kentucky.
- Sec. 2115. Cheatham County, Tennessee.
- Sec. 2116. Land disposal, Fort DuPont, Delaware.
- Sec. 2117. Passaic River Federal navigation channel, New Jersey.
- Sec. 2118. Levees L-212 and L-231, Four River Basin, Ocklawaha River, Florida.
- Sec. 2119. Boston Harbor reserved channel deauthorizations.

Subtitle C—Water Resources Infrastructure

- Sec. 2201. Project authorizations.
- Sec. 2202. McMicken Dam, Arizona, and Muddy River, Massachusetts.
- Sec. 2203. Environmental infrastructure projects.
- Sec. 2204. Conditional reauthorization of environmental projects.
- Sec. 2205. Sense of Congress relating to West Haven, Connecticut.
- Sec. 2206. Coastal Texas study.
- Sec. 2207. Tombigbee River Basin pilot program.
- Sec. 2208. Puget Sound and adjacent waters restoration, Washington.

Subtitle D—Expedited and Modified Studies and Projects

- Sec. 2301. Rahway River Basin flood risk management project.
- Sec. 2302. Hudson-Raritan Estuary Comprehensive Restoration Project.
- Sec. 2303. Certain projects in Rhode Island.
- Sec. 2304. Cedar River, Iowa.
- Sec. 2305. Plymouth Harbor, Massachusetts.
- Sec. 2306. Brandon Road study.
- Sec. 2307. Central Everglades Planning Project.
- Sec. 2308. Portsmouth Harbor and Piscataqua River.
- Sec. 2309. Blain Road footbridge, Thompson, Connecticut.
- Sec. 2310. Table Rock Lake, Arkansas and Missouri.
- Sec. 2311. McCook Reservoir, Illinois.

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- Sec. 2312. Baptiste Collette Bayou study, Louisiana.
- Sec. 2313. Morganza to the Gulf, Louisiana.
- Sec. 2314. Louisiana Coastal Area.
- Sec. 2315. Louisiana Coastal Area–Barataria Basin Barrier.
- Sec. 2316. West Shore Lake Pontchartrain, Louisiana.
- Sec. 2317. Southwest Coastal Louisiana.
- Sec. 2318. New York–New Jersey Harbor and Tributaries feasibility study.
- Sec. 2319. Lower Brule shoreline stabilization project.
- Sec. 2320. Hampton Harbor, New Hampshire, navigation improvement project.
- Sec. 2321. New Jersey and Delaware Back Bays Coastal Storm Risk Management.
- Sec. 2322. Minnesota locks and dams divestment study.
- Sec. 2323. Houma Navigation Canal, Louisiana.
- Sec. 2324. Red River Waterway, Louisiana, Texas, Arkansas, and Oklahoma.
- Sec. 2325. Flood risk management, East Hartford, Connecticut.
- Sec. 2326. Flood risk management, Hartford, Connecticut.
- Sec. 2327. Soo Locks, Sault Ste. Marie, Michigan.
- Sec. 2328. Penobscot River, Maine.
- Sec. 2329. Riverbank stabilization, Selma, Alabama.

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- Sec. 3002. Sense of Congress relating to continuing authorities program.
- Sec. 3003. Report relating to availability of prioritized CAP projects.

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- Sec. 3101. GAO study on navigation and ecosystem sustainability program.
- Sec. 3102. McClellan-Kerr Arkansas River Navigation System.

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- Sec. 3112. Authorization of appropriations for purchase of mat sinking unit.
- Sec. 3113. Mat sinking unit.
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- Sec. 3115. Sense of Congress relating to Wilmington Harbor dredging.
- Sec. 3116. Port of Arlington.
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- Sec. 3124. Sense of Congress relating to erosion on the banks of the Ohio River near Clarksville, Indiana.

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Sec. 3125. Sense of Congress relating to the Harbor Maintenance Trust Fund report.

Subtitle C—Locks, Dams, Levees, and Dikes

- Sec. 3201. Certain levee improvements.
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- Sec. 3204. Reauthorization of National Dam Safety Program Act.
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- Sec. 3208. Restricted areas at Corps of Engineers dams.
- Sec. 3209. Certain Bureau of Reclamation dikes.
- Sec. 3210. Rehabilitation of high-hazard potential dams.
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- Sec. 3212. Red River below Denison Dam, Arkansas, Louisiana, and Texas.

Subtitle D—Water Supply

- Sec. 3301. Authority to make entire active capacity of Fontenelle Reservoir available for use.
- Sec. 3302. Pricing of water storage contracts.
- Sec. 3303. Report on water supply contract, Wright Patman Lake, Texas.
- Sec. 3304. Sense of Congress relating to Wright Patman Lake, Sulphur River Basin, Texas.
- Sec. 3305. City reservoir expansion pilot program.
- Sec. 3306. Sense of Congress relating to water-related infrastructure in Idaho, Montana, rural Nevada, New Mexico, rural Utah, and Wyoming.
- Sec. 3307. Groundwater and well water testing and treatment program.
- Sec. 3308. Discharges from water transfer.
- Sec. 3309. Study on water and reservoir management and operation issues in Middle Rio Grande.
- Sec. 3310. Abiquiu Dam, New Mexico.
- Sec. 3311. Forecast-informed reservoir operations research study pilot program.
- Sec. 3312. Surplus water contracts and water storage agreements.

Subtitle E—Sediment Management

- Sec. 3401. Missouri River reservoir sediment management.
- Sec. 3402. Reservoir sediment.
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Subtitle F—Flood Risk Management

- Sec. 3501. Ice jam prevention and mitigation.
- Sec. 3502. Upper Missouri River Basin flood and drought monitoring.
- Sec. 3503. Policies that impact flood fight management projects within urban areas.
- Sec. 3504. Missouri River and tributaries at Kansas Cities, Missouri and Kansas.
- Sec. 3505. Fargo-Moorhead Metropolitan Area Diversion Project, North Dakota.
- Sec. 3506. Prohibition on surplus water fees, Lake Cumberland Watershed, Kentucky and Tennessee.

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- Sec. 3507. GAO audit of contracts no. 16XX630077 and no. 16XX630076 and Tainter gate repairs of Harlan County Dam.
- Sec. 3508. Old River control structure, Louisiana.

Subtitle G—River Basins, Watersheds, and Coastal Areas

- Sec. 3601. Long-term flood risk reduction, Upper Missouri River Basin, Snake River Basin, and Red River Basin.
- Sec. 3602. Sense of Congress relating to provision of resources for emergency infrastructure repairs.
- Sec. 3603. Sense of Congress on emergency management assistance.
- Sec. 3604. Great Lakes Fish and Wildlife Restoration Act of 1990.
- Sec. 3605. Great Lakes Restoration Initiative.
- Sec. 3606. Great Lakes Coastal Resiliency study.
- Sec. 3607. Hurricane and storm damage reduction.
- Sec. 3608. Snake River Basin flood prevention action plan.
- Sec. 3609. Authorization of appropriations for Columbia River Basin restoration.
- Sec. 3610. Middle Rio Grande peak flow restoration.
- Sec. 3611. North Atlantic Division report on hurricane barriers and harbors of refuge in New England.
- Sec. 3612. Study on innovative ports for offshore wind development.
- Sec. 3613. Report on Corps of Engineers activities.
- Sec. 3614. South Atlantic coastal study.
- Sec. 3615. Beneficial use of dredged material.
- Sec. 3616. Demonstration program for upper northeast coastal erosion.
- Sec. 3617. Report on IRC construction impacts on Missouri River.
- Sec. 3618. Lake Tahoe Basin restoration, Nevada and California.
- Sec. 3619. Sense of Congress relating to certain flood protection projects, Jean Lafitte, Louisiana.

Subtitle H—Environmental Management

- Sec. 3701. Reauthorization of Rio Grande environmental management program.
- Sec. 3702. Amendments to Long Island Sound programs.
- Sec. 3703. Sense of Congress relating to the Caño Martín Peña ecosystem restoration project.

Subtitle I—Tribal Programs

- Sec. 3801. Inflation adjustment of cost-sharing provisions for territories and Indian Tribes.
- Sec. 3802. Tribal Partnership Program.
- Sec. 3803. Blackfeet water rights settlement.
- Sec. 3804. Bonneville Dam, Oregon.
- Sec. 3805. John Day Dam, Oregon.
- Sec. 3806. Dalles Dam, Oregon.
- Sec. 3807. Indian irrigation fund reauthorization.
- Sec. 3808. Reauthorization of repair, replacement, and maintenance of certain Indian irrigation projects.
- Sec. 3809. Indian dam safety reauthorization.
- Sec. 3810. GAO report on Alaska Native village relocation efforts due to flooding and erosion threats.
- Sec. 3811. References to Indian tribes.

TITLE IV—SENSE OF CONGRESS RELATING TO CERTAIN
PROJECTS

Sec. 4001. Sense of Congress relating to certain projects.

TITLE V—EPA-RELATED PROVISIONS

Sec. 5001. Stormwater infrastructure funding task force.

Sec. 5002. Reauthorization of the Water Infrastructure Finance and Innovation Act.

Sec. 5003. Indian reservation drinking water and wastewater pilot program.

Sec. 5004. Technical assistance for treatment works.

Sec. 5005. Clean, safe, reliable water infrastructure.

Sec. 5006. Water infrastructure flexibility.

Sec. 5007. Water Resources Research Act amendments.

Sec. 5008. Study on intractable water systems.

Sec. 5009. National onsite wastewater recycling.

Sec. 5010. Water infrastructure and workforce investment.

Sec. 5011. Sense of Congress relating to State revolving funds.

Sec. 5012. GAO study on WIFIA projects in small communities, rural communities, disadvantaged communities, and Tribal communities.

Sec. 5013. American iron and steel products.

Sec. 5014. Drinking water State revolving funds compliance with certain State regulations.

Sec. 5015. Sense of Congress relating to access to nonpotable water.

Sec. 5016. Innovative financing for State loan funds.

Sec. 5017. Water infrastructure resiliency and sustainability.

Sec. 5018. Regional liaisons for minority, Tribal, and low-income communities.

Sec. 5019. Voluntary school and child care program lead testing grant program enhancement.

Sec. 5020. Innovative water technology grant program.

Sec. 5021. Grants for construction, refurbishing, and servicing of individual household decentralized wastewater systems for individuals with low or moderate income.

Sec. 5022. Bureau of Reclamation role in WIFIA.

1 **SEC. 2. DEFINITION OF SECRETARY.**

2 In this Act, the term “Secretary” means the Sec-
3 retary of the Army.

4 **TITLE I—GENERAL PROVISIONS**

5 **SEC. 1001. CORPS BUDGETING.**

6 (a) PURPOSES.—The purposes of this section are—

7 (1) to require the Corps of Engineers to provide
8 a budget on a 5-year basis, allowing for—

9 (A) districts of the Corps of Engineers to
10 manage projects and initiatives of regional,
11 Tribal, and local significance; and

1 (B) the headquarters office of the Corps of
2 Engineers to manage projects and initiatives of
3 national significance;

4 (2) to require the Secretary to allocate a budget
5 for each district of the Corps of Engineers and to
6 give responsibility to those districts to develop and
7 implement the district 5-year budget; and

8 (3) to increase local and non-Federal partner
9 and stakeholder input in the process to improve
10 budgeting of activities by the Secretary.

11 (b) DEFINITIONS.—In this section:

12 (1) ASSISTANT SECRETARY.—The term “Assist-
13 ant Secretary” means the Assistant Secretary of the
14 Army for Civil Works.

15 (2) COM ACCOUNTS.—

16 (A) IN GENERAL.—The term “COM ac-
17 counts” means—

18 (i) the Civil Works Program Con-
19 struction appropriations account of the
20 Secretary; and

21 (ii) the Civil Works Program Oper-
22 ation and Maintenance appropriations ac-
23 count of the Secretary.

24 (B) INCLUSION.—The term “COM ac-
25 counts” includes the portions of the Civil Works

1 Program Mississippi River and Tributaries ap-
2 propriations account of the Secretary specifi-
3 cally relating to—

4 (i) construction; or

5 (ii) operations and maintenance.

6 (3) COST-SHARE PARTNER.—The term “cost-
7 share partner” means a non-Federal government
8 agency or other entity that is legally obligated—

9 (A) to participate in project plan develop-
10 ment; or

11 (B) to provide funds or in-kind support for
12 plan development or project implementation.

13 (4) DISTRICT 5-YEAR BUDGET.—The term “dis-
14 trict 5-year budget” means a report by an appro-
15 priate District Engineer under subsection (e) that—

16 (A) includes—

17 (i) the allocations made in the most
18 recent work plan; and

19 (ii) the district budget proposal for
20 the 4-year period following the fiscal year
21 to fund increments of work within the ju-
22 risdiction of the district;

23 (B) is based on—

24 (i) an allocation provided for a fiscal
25 year; and

1 (ii) estimates based on the allocation
2 under clause (i), assuming an annual
3 growth rate of 2 percent; and

4 (C) contains—

5 (i) a list of projects and initiatives of
6 regional, Tribal, or local significance to be
7 carried out through the COM account;

8 (ii) a list of studies that the District
9 Engineer determines would potentially pro-
10 vide value to the United States to be car-
11 ried out through the Investigations ac-
12 count; and

13 (iii) a list of projects and initiatives of
14 national significance to be carried out
15 through the COM accounts, if the project
16 or initiative is selected to be carried out.

17 (5) GOVERNMENT AGENCIES.—The term “gov-
18 ernment agencies” means Federal and non-Federal
19 government agencies that can provide authority, ex-
20 pertise, or funding, in cases in which the Secretary
21 has limited authority or in which the government
22 agency can assist in developing a project alternative,
23 to collaborate on projects and plans relating to—

24 (A) flood damage reduction and risk man-
25 agement;

1 (B) reliable water supply;

2 (C) ecosystem restoration; and

3 (D) other business lines.

4 (6) HEADQUARTERS 5-YEAR BUDGET.—The
5 term “headquarters 5-year budget” means a report
6 by the Chief of Engineers under subsection (d)
7 that—

8 (A) includes—

9 (i) the allocation made in the most re-
10 cent work plan; and

11 (ii) the Corps of Engineers budget
12 proposal for the 4-year period following the
13 fiscal year to fund increments of work to
14 be carried out that is considered to be of
15 regional, Tribal, or local significance; and

16 (B) is based on—

17 (i) an amount provided for the fiscal
18 year through an appropriations Act; and

19 (ii) estimates based on the amount
20 under clause (i), assuming an annual
21 growth rate of 2 percent.

22 (7) INTEGRATED WATER RESOURCE MANAGE-
23 MENT.—The term “integrated water resource man-
24 agement” means a holistic and mission-integrated
25 process that—

1 (A) focuses on water resources challenges
2 and opportunities; and

3 (B) promotes collaboration with cost-share
4 partners, relevant government agencies, and
5 stakeholders for coordinated development and
6 active management of water and related re-
7 sources—

8 (i) to align authorities and funding;

9 (ii) to provide opportunities for infor-
10 mation sharing; and

11 (iii) to support complementary and in-
12 tegrated solutions to problems across Fed-
13 eral and non-Federal boundaries to deliver
14 value to the United States based on re-
15 gional, Tribal, or local benefits.

16 (8) INVESTIGATIONS ACCOUNT.—

17 (A) IN GENERAL.—The term “Investiga-
18 tions account” means the Civil Works Program
19 Investigations appropriations account of the
20 Secretary.

21 (B) INCLUSION.—The term “Investigations
22 account” includes the portions of the Civil
23 Works Program Mississippi River and Tribu-
24 taries appropriations account of the Secretary
25 specifically relating to investigations.

1 (9) PROJECT.—The term “project” means any
2 project, program, or activity carried out by the
3 Corps of Engineers.

4 (10) PROJECT OR INITIATIVE OF NATIONAL
5 SIGNIFICANCE.—The term “project or initiative of
6 national significance” means a Corps of Engineers
7 activity that—

8 (A) provides value to the United States;
9 and

10 (B) satisfies the economic analysis or as-
11 sumption and other legal and policy require-
12 ments, including the benefit-cost ratio, for po-
13 tential inclusion in the budget transmitted
14 under section 1105(a) of title 31, United States
15 Code.

16 (11) PROJECT OR INITIATIVE OF REGIONAL,
17 TRIBAL, OR LOCAL SIGNIFICANCE.—The term
18 “project or initiative of regional, Tribal, or local sig-
19 nificance” means a Corps of Engineers activity
20 that—

21 (A) provides value to the United States;
22 but

23 (B) does not satisfy the requirements to be
24 considered a project or initiative of national sig-
25 nificance.

1 (12) VALUE TO THE UNITED STATES.—The
2 term “value to the United States”, with respect to
3 a project, for the United States, a region, an Indian
4 Tribe, or a locality, means—

5 (A) the enhancement or stabilization of the
6 regional, Tribal, or local economy;

7 (B) the restoration or protection of the re-
8 gional, Tribal, or local environment; or

9 (C) the provision of health, safety, and
10 general welfare to maintain or improve the
11 quality of life of the people of the United
12 States.

13 (c) BUDGET RECOMMENDATIONS BY SECRETARY.—

14 (1) IN GENERAL.—Not less frequently than
15 once each fiscal year, the Secretary shall make rec-
16 ommendations to Congress on the date that the
17 budget is transmitted under section 1105(a) of title
18 31, United States Code, for the allocation and ap-
19 propriation of amounts for that fiscal year in each
20 of the major business lines for the Investigations ac-
21 count and the COM accounts for allocation to each
22 district of the Corps of Engineers, for use by—

23 (A) the District Engineer; and

24 (B) the civilian Deputy District Engineer
25 for Programs and Project Management.

1 (2) EFFECT OF SUBSECTION.—Except as spe-
2 cifically provided in this subsection, nothing in this
3 subsection affects any other appropriations account
4 of the Secretary, including—

5 (A) the Regulatory appropriations account;

6 (B) the Expenses appropriations account;

7 (C) the Formerly Utilized Sites Remedial
8 Action Program appropriations account;

9 (D) the Flood Control and Coastal Emer-
10 gencies appropriations account;

11 (E) the Office of the Assistant Secretary of
12 the Army for Civil Works appropriations ac-
13 count;

14 (F) the revolving fund established by sec-
15 tion 101 of the Civil Functions Appropriations
16 Act, 1954 (33 U.S.C. 576); and

17 (G) the automation development program
18 pursuant to House Report 103–135, accom-
19 panying the Energy and Water Development
20 Appropriations Act, 1996 (Public Law 104–46;
21 109 Stat. 402).

22 (d) HEADQUARTERS 5-YEAR BUDGET.—Not less fre-
23 quently than once each fiscal year, on the date that the
24 budget is transmitted under section 1105(a) of title 31,

1 United States Code, the Secretary shall submit to Con-
2 gress the headquarters 5-year budget.

3 (e) DISTRICT 5-YEAR BUDGET.—

4 (1) IN GENERAL.—Not less frequently than
5 once each fiscal year, on the date that the budget is
6 transmitted under section 1105(a) of title 31,
7 United States Code, each District Engineer and ci-
8 vilian Deputy District Engineer for Programs and
9 Project Management shall submit to Congress a dis-
10 trict 5-year budget.

11 (2) INCLUSION.—A district 5-year budget under
12 paragraph (1)—

13 (A) may include any project under the ju-
14 risdiction of the applicable District Engineer
15 that is not included in the budget transmitted
16 under section 1105(a) of title 31, United States
17 Code; and

18 (B) shall prioritize the projects based on
19 the value to the United States of each project.

20 (3) LEADERSHIP INPUT.—The headquarters of-
21 fice and Major Subordinate Command of the Corps
22 of Engineers shall provide appropriate quality assur-
23 ance guidance in the preparation of each district 5-
24 year budget.

1 (f) PUBLIC PARTICIPATION.—The Secretary shall
2 issue guidance that requires that for the development of,
3 or any proposed major substantive modification to, a dis-
4 trict 5-year budget, each District Engineer for each dis-
5 trict shall, not less frequently than annually—

6 (1) provide to cost-share partners, government
7 agencies, and stakeholders—

8 (A) notice and an opportunity for comment
9 for a period of not less than 30 days to submit
10 to the Secretary or to the District Engineer
11 comments, including through written submis-
12 sion of data, opinions, or arguments, with or
13 without an opportunity for oral presentation;

14 (B) written responses to comments re-
15 ceived under subparagraph (A); and

16 (C) a process through which cost-share
17 partners, government agencies, and stake-
18 holders may appeal decisions of the District En-
19 gineer regarding the contents of the district 5-
20 year budget under subsection (e)(1) to the
21 Major Subordinate Command with jurisdiction
22 over the District;

23 (2) publish the comments received under para-
24 graph (1)(A) on the internet website of the Corps of
25 Engineers;

1 (B) focuses on water resource challenges
2 and opportunities;

3 (C) promotes collaboration with stake-
4 holders, government agencies, and cost-share
5 partners for coordinated development and active
6 management of water and related resources;

7 (D) maximizes the benefits resulting from
8 Corps of Engineers investment;

9 (E) aligns Corps of Engineers, government
10 agencies, and cost-share partners authorities
11 and funding to gain efficiencies and maximize
12 return on investment; and

13 (F) pursues integrated water resource
14 management.

15 (2) SYSTEM AND WATERSHED EVALUATION
16 AND PRIORITIZATION.—The Secretary shall issue
17 guidance to ensure, in the development of a head-
18 quarters 5-year budget or district 5-year budget—

19 (A) the use of modeling and data to evalu-
20 ate the performance of project assets on a sys-
21 tem or watershed basis in yielding system-wide
22 or watershed-wide benefits; and

23 (B) the prioritization of activities and
24 management of infrastructure within each rel-
25 evant system or watershed.

1 (3) LIFECYCLE PORTFOLIO MANAGEMENT.—In
2 making a determination relating to investment at
3 any stage of a project, the Secretary shall issue
4 guidance to ensure that the principles of lifecycle
5 portfolio management are applied in the development
6 of headquarters 5-year budgets and district 5-year
7 budgets, including by—

8 (A) managing the entire lifecycle of the
9 project, within a system or watershed context,
10 using data and objective criteria as the basis for
11 risk-informed investment decision-making to
12 provide—

13 (i) the desired outcomes of the
14 project; and

15 (ii) value to the United States; and

16 (B) managing the regional and national
17 portfolios of projects to make cost-effective and
18 sequenced investment decisions.

19 (4) FEDERAL CONSIDERATIONS.—In making
20 any determination for purposes of a headquarters 5-
21 year budget or district 5-year budget, the Secretary
22 shall issue guidance to ensure that each plan in-
23 cludes an evaluation of the projected effects of each
24 project or initiative of national significance or

1 project or initiative of regional, Tribal, or local sig-
2 nificance, or project alternative, if applicable, on—

3 (A) the nonmonetary physical, chemical,
4 and biological conditions of water and related
5 land resources in the United States, at the sys-
6 tem or watershed scale;

7 (B) the economic value of—

8 (i) water and related land resources in
9 the United States; and

10 (ii) the national output of goods and
11 services produced using those resources;

12 (C) the reduction of, and remaining, risks
13 to human life and safety, as measured—

14 (i) taking into consideration applicable
15 flood and coastal storm damage reduction
16 plans, and any other relevant plans; and

17 (ii) using—

18 (I) nonmonetary units; or

19 (II) qualitative descriptions;

20 (D) significant cultural, aesthetic, and sub-
21 watershed-scale ecological resources, as meas-
22 ured using—

23 (i) nonmonetary units; or

24 (ii) qualitative descriptions; and

1 (E) the effects described in subparagraphs
2 (A) through (D) with respect to—
3 (i) low-income communities;
4 (ii) rural communities; and
5 (iii) Tribal and other minority com-
6 munities.

7 (5) BUSINESS LINE CONSIDERATIONS.—The
8 Secretary shall issue guidance to ensure that head-
9 quarters 5-year budget and district 5-year budget
10 analyze the accomplishments, projected challenges,
11 and business programs funding and performance of
12 each project or initiative of national significance and
13 project or initiative of regional, Tribal, or local sig-
14 nificance, taking into consideration any relevant
15 business lines of the project or initiative.

16 (h) EFFECT ON EXISTING PROCESS.—The 5-year
17 budgets required under subsections (d) and (e) for each
18 fiscal year shall incorporate the allocations made in the
19 most recent work plan with respect to the applicable ac-
20 counts—

21 (1) to increase transparency regarding planned
22 expenditures of the Corps of Engineers during the 4-
23 year period following that fiscal year;

24 (2) to maximize the return on Federal invest-
25 ment; and

1 (3) to ensure that the infrastructure of the
2 Corps of Engineers protects laborers and employees,
3 private investment, and production in the United
4 States.

5 (i) SAVINGS PROVISION.—Nothing in this section—

6 (1) affects or alters the standards, require-
7 ments, or criteria for approval or authorization of an
8 ecosystem restoration project;

9 (2) creates a requirement to demonstrate a
10 positive benefit-cost ratio to justify or support the
11 authorization or budgeting of an ecosystem restora-
12 tion project; or

13 (3) affects the appropriations work plan proc-
14 ess.

15 **SEC. 1002. NATIONAL ACADEMY STUDIES.**

16 As soon as practicable after the date of enactment
17 of this Act, the Secretary shall enter into an agreement
18 with the National Academy of Sciences under which the
19 National Academy shall conduct studies regarding—

20 (1) the means by which the Corps of Engineers
21 can increase transparency in cooperating with—

22 (A) Congress;

23 (B) State and local units of government;

24 (C) local stakeholders; and

1 (D) other cost-share partners, government
2 agencies, and stakeholders;

3 (2) whether Congress should use a system-wide,
4 rather than project-based, authorization process for
5 water resources development projects; and

6 (3) whether the structure and organization of
7 the Corps of Engineers, as in effect on the date of
8 enactment of this Act—

9 (A) is the most effective structure and or-
10 ganization for continued operation; or

11 (B) should be modified to increase—

12 (i) efficiency;

13 (ii) coordination;

14 (iii) transparency; or

15 (iv) cost savings.

16 **SEC. 1003. GAO STUDY ON BENEFIT-COST ANALYSIS RE-**
17 **FORMS.**

18 Not later than 1 year after the date of enactment
19 of this Act, the Comptroller General of the United States
20 shall—

21 (1) conduct a study on the benefit-cost proce-
22 dures of the Secretary and the Director of the Office
23 of Management and Budget (referred to in this sec-
24 tion as the “Director”), including—

1 (A) an examination of the benefits and
2 costs that the Secretary and the Director do
3 and do not include in the benefit-cost calcula-
4 tion, including, at a minimum, local and re-
5 gional economic benefits; and

6 (B) a review of the calculation (or lack of
7 a calculation) of navigation benefits used in a
8 calculation for a non-commercial harbor that is
9 used by a State maritime academy (as defined
10 in section 51102 of title 46, United States
11 Code) for military training purposes; and

12 (2) submit to Congress a report that—

13 (A) describes the results of the study
14 under paragraph (1); and

15 (B) includes recommendations for legisla-
16 tive or regulatory changes to improve the ben-
17 efit-cost analysis procedures of the Secretary
18 and the Director.

19 **SEC. 1004. TRANSPARENCY AND ACCOUNTABILITY IN COST-**
20 **SHARING FOR WATER RESOURCES**
21 **PROJECTS.**

22 (a) DEFINITION OF BALANCE SHEET.—In this sec-
23 tion, the term “balance sheet” means a document that de-
24 scribes—

1 (1) the funds contributed by each Federal and
2 non-Federal interest for a project; and

3 (2) the status of those funds.

4 (b) ESTABLISHMENT OF BALANCE SHEET.—Each
5 district of the Corps of Engineers shall—

6 (1) maintain a balance sheet for each project
7 carried out by the Secretary for which a non-Federal
8 cost-share is required; and

9 (2) on request of a non-Federal interest that
10 contributed funds for the project, provide to the non-
11 Federal interest a copy of the balance sheet.

12 (c) UNDER-BUDGET PROJECTS.—In the case of a
13 project carried out by the Secretary for which the project
14 is completed at a cost less than the estimated cost, the
15 Secretary shall transfer any excess non-Federal funds
16 back to the non-Federal interest, in accordance with the
17 cost-share requirement applicable to the project.

18 (d) EXCESS FUNDS.—

19 (1) IN GENERAL.—In the case of a completed
20 project carried out by the Secretary for which funds
21 in excess of the funds needed to complete the project
22 have been contributed by a non-Federal interest, the
23 Secretary shall transfer the excess non-Federal
24 funds to a separate account of the Secretary, in
25 which the funds shall remain available until the non-

1 Federal interest uses the funds in accordance with
2 paragraph (2).

3 (2) USE IN FUTURE PROJECTS OR OPERATION
4 AND MAINTENANCE COSTS.—The non-Federal inter-
5 est may use funds in the account for the non-Fed-
6 eral interest under paragraph (1)—

7 (A) to pay the cost-share for other projects
8 carried out by the Secretary for which a non-
9 Federal cost-share is required; and

10 (B) to pay the costs of operation and
11 maintenance of a project of the non-Federal in-
12 terest for which a non-Federal cost-share is re-
13 quired.

14 **SEC. 1005. RETROACTIVE CHANGES TO COST-SHARING**
15 **AGREEMENTS.**

16 Not later than 90 days after the date of enactment
17 of this Act, the Secretary shall provide to the Committee
18 on Environment and Public Works of the Senate and the
19 Committee on Transportation and Infrastructure of the
20 House of Representatives a briefing on the significant and
21 unplanned costs incurred by non-Federal sponsors and the
22 project delays associated with the retroactive changes
23 made by the Corps of Engineers in 2013 to cost-sharing
24 agreements for projects carried out under section 206 of

1 the Water Resources Development Act of 1996 (33 U.S.C.
2 2330).

3 **SEC. 1006. PROJECT PARTNERSHIP AGREEMENTS.**

4 (a) DEFINITION OF PROJECT PARTNERSHIP AGREE-
5 MENT.—In this section, the term “project partnership
6 agreement” means an agreement between the Secretary
7 and the non-Federal sponsor of a water resources project
8 that describes—

9 (1) the project; and

10 (2) the responsibilities of each of the Secretary
11 and the non-Federal sponsor with respect to cost-
12 sharing, execution of work, and other aspects of the
13 project.

14 (b) IMPROVED COST DESCRIPTION.—In any project
15 partnership agreement entered into after the date of en-
16 actment of this Act, the Secretary shall ensure that the
17 project partnership agreement includes clear and detailed
18 descriptions of operation and maintenance, repair, replace-
19 ment, and rehabilitation costs and the entity with respon-
20 sibility for those costs with respect to the project.

21 **SEC. 1007. STUDY AND REPORT ON EXPEDITING CERTAIN**
22 **WAIVER PROCESSES.**

23 Not later than 1 year after the date of enactment
24 of this Act, the Secretary shall complete, and submit to
25 the Committee on Environment and Public Works of the

1 Senate and the Committee on Transportation and Infra-
2 structure of the House of Representatives a report based
3 on the results of, a study on the best options available
4 to the Secretary to improve and expedite the waiver proc-
5 ess for the non-Federal cost-share under section 116 of
6 the Energy and Water Development and Related Agencies
7 Appropriations Act, 2010 (Public Law 111–85; 123 Stat.
8 2851).

9 **SEC. 1008. FEASIBILITY STUDIES FOR MITIGATION OF DAM-**
10 **AGE.**

11 Section 105(a)(1) of the Water Resources Develop-
12 ment Act of 1986 (33 U.S.C. 2215(a)(1)) is amended—

13 (1) in subparagraph (A), by striking “The Sec-
14 retary” and inserting “Except as provided in sub-
15 paragraph (F), the Secretary”; and

16 (2) by adding at the end the following:

17 “(F) COST-SHARE FOR CERTAIN MITIGA-
18 TION PROJECTS.—

19 “(i) IN GENERAL.—In the case of a
20 feasibility study described in clause (ii),
21 the Federal share of the cost of the study
22 shall be, as determined by the Secretary—

23 “(I) not less than 50 percent;

24 and

25 “(II) not more than 100 percent.

1 “(ii) FEASIBILITY STUDIES DE-
2 SCRIBED.—A feasibility study referred to
3 in clause (i) is a feasibility study for a
4 project for mitigation of damage to an area
5 affected by weather or other events for
6 which—

7 “(I) during the 8-year period
8 ending on the date of enactment of
9 the America’s Water Infrastructure
10 Act of 2018—

11 “(aa) the Secretary provided
12 emergency response under section
13 5 of the Act of August 18, 1941
14 (commonly known as the ‘Flood
15 Control Act of 1941’) (55 Stat.
16 650, chapter 377; 33 U.S.C.
17 701n); or

18 “(bb) the area received dis-
19 aster assistance under the Robert
20 T. Stafford Disaster Relief and
21 Emergency Assistance Act (42
22 U.S.C. 5121 et seq.); and

23 “(II) there is a significant risk
24 for future similar events (as deter-
25 mined by the Secretary).”.

1 **SEC. 1009. EXTENDED COMMUNITY ASSISTANCE BY THE**
2 **CORPS OF ENGINEERS.**

3 Section 5(a) of the Act of August 18, 1941 (com-
4 monly known as the “Flood Control Act of 1941”) (55
5 Stat. 650, chapter 377; 33 U.S.C. 701n(a)), is amended—

6 (1) by redesignating paragraph (3) as para-
7 graph (4); and

8 (2) by inserting after paragraph (2) the fol-
9 lowing:

10 “(3) EXTENDED ASSISTANCE.—

11 “(A) IN GENERAL.—A State, Tribe, or
12 other entity receiving assistance under the
13 fourth sentence of paragraph (1) on land the
14 State, Tribe, or entity owns, has jurisdiction
15 over, or otherwise controls, may petition the
16 Secretary for extended assistance, to apply after
17 the 30-day period of the project under section
18 203.61(b)(8) of title 33, Code of Federal Regu-
19 lations (or successor regulations).

20 “(B) ASSISTANCE.—On a petition under
21 subparagraph (A), the Secretary shall provide
22 extended assistance in accordance with this
23 paragraph.

24 “(C) COST-SHARING.—Except as provided
25 in subparagraph (D), extended assistance under
26 this paragraph shall be subject to a minimum

1 non-Federal cost-sharing requirement of 45
2 percent.

3 “(D) EXCEPTION.—The Secretary—

4 “(i) may waive or reduce the min-
5 imum non-Federal cost-sharing require-
6 ment under subparagraph (C), at the dis-
7 cretion of the Secretary, if the Secretary
8 determines that the financial situation of
9 the non-Federal sponsor of the project
10 warrants a reduction; and

11 “(ii) may not impose a non-Federal
12 cost-sharing requirement on a project serv-
13 ing a disadvantaged community (as defined
14 in section 1452(d) of the Safe Drinking
15 Water Act (42 U.S.C. 300j–12(d)).

16 “(E) FACTORS.—In determining how to
17 best provide extended assistance under this
18 paragraph, the Secretary shall consider whether
19 granting the extended assistance would—

20 “(i) minimize costs of long-term bur-
21 dens on the non-Federal sponsor of the
22 project;

23 “(ii) increase the resiliency of the
24 project; and

1 “(iii) align with long-term solutions to
2 problems that the project seeks to rectify.

3 “(F) SUNSET.—The authority of the Sec-
4 retary to provide extended assistance under this
5 paragraph shall terminate on the date that is 2
6 years after the date of enactment of the Amer-
7 ica’s Water Infrastructure Act of 2018.”.

8 **SEC. 1010. ADVANCED FUNDS FOR WATER RESOURCES DE-**
9 **VELOPMENT STUDIES AND PROJECTS.**

10 The Act of October 15, 1940 (54 Stat. 1176, chapter
11 884; 33 U.S.C. 701h–1) is amended—

12 (1) in the first sentence—

13 (A) by striking “Whenever any” and in-
14 serting the following:

15 “(a) IN GENERAL.—Whenever any”;

16 (B) by striking “a flood-control project
17 duly adopted and authorized by law” and in-
18 serting “an authorized water resources develop-
19 ment study or project,”; and

20 (C) by striking “such work” and inserting
21 “such study or project”;

22 (2) in the second sentence—

23 (A) by striking “The Secretary of the
24 Army” and inserting the following:

25 “(b) REPAYMENT.—The Secretary of the Army”; and

1 (B) by striking “from appropriations which
2 may be provided by Congress for flood-control
3 work” and inserting “if specific appropriations
4 are provided by Congress for such purpose”;
5 and

6 (3) by adding at the end the following:

7 “(c) AUTHORIZATION OF APPROPRIATIONS.—There
8 is authorized to be appropriated to the Secretary to pro-
9 vide repayment under subsection (b) \$50,000,000 for each
10 of fiscal years 2020 and 2021.

11 “(d) DEFINITION OF STATE.—In this section, the
12 term ‘State’ means—

13 “(1) a State;

14 “(2) the District of Columbia;

15 “(3) the Commonwealth of Puerto Rico;

16 “(4) any other territory or possession of the
17 United States; and

18 “(5) a federally recognized Indian tribe or a
19 tribal organization (as defined in section 4 of the In-
20 dian Self-Determination and Education Assistance
21 Act (25 U.S.C. 5304)).”.

22 **SEC. 1011. IMPLEMENTATION GUIDANCE.**

23 (a) IN GENERAL.—Except as provided in subsection
24 (b), not later than 120 days after the date of enactment
25 of this Act, the Secretary shall issue guidance to imple-

1 ment each provision of law (including an amendment made
2 to a provision of law) under the jurisdiction of the Sec-
3 retary, for which guidance has not been issued as of the
4 date of enactment of this Act, under—

5 (1) the Water Resources Reform and Develop-
6 ment Act of 2014 (128 Stat. 1193); and

7 (2) the Water Infrastructure Improvements for
8 the Nation Act (130 Stat. 1628).

9 (b) EXCEPTION.—Subsection (a) shall not apply with
10 respect to a provision of law for which a lack of funds
11 appropriated to carry out that provision prevents imple-
12 mentation guidance from being issued.

13 **SEC. 1012. IMPLEMENTATION GUIDANCE FOR THIS ACT.**

14 (a) IN GENERAL.—Not later than 1 year after the
15 date of enactment of this Act, the Secretary shall issue
16 guidance to carry out this Act and any amendments made
17 by this Act with respect to a provision of law under the
18 jurisdiction of the Secretary.

19 (b) EXCEPTION.—Subsection (a) shall not apply with
20 respect to a provision of law for which a lack of funds
21 appropriated to carry out that provision prevents imple-
22 mentation guidance from being issued.

23 (c) PUBLIC COMMENT.—Before issuing any guidance
24 under subsection (a), the Secretary shall provide an oppor-
25 tunity for public comment on the proposed guidance.

1 (d) SUBMISSION.—The Secretary shall submit to the
2 Committee on Environment and Public Works of the Sen-
3 ate and the Committee on Transportation and Infrastruc-
4 ture of the House of Representatives a copy of all public
5 comments received under subsection (c) and a description
6 of any consideration of those comments.

7 **SEC. 1013. EASEMENTS FOR CERTAIN RURAL ELECTRIC,**
8 **TELEPHONE, AND BROADBAND SERVICE FA-**
9 **CILITIES.**

10 Section 1172 of the Water Infrastructure Improve-
11 ments for the Nation Act (33 U.S.C. 2354) is amended—

12 (1) by redesignating subsection (c) as sub-
13 section (d); and

14 (2) by inserting after subsection (b) the fol-
15 lowing:

16 “(c) CERTAIN EASEMENTS.—

17 “(1) IN GENERAL.—The Secretary shall grant
18 an easement across water resources development
19 project land for the electric, telephone, or broadband
20 service facilities of a nonprofit organization that is
21 eligible for financing under the Rural Electrification
22 Act of 1936 (7 U.S.C. 901 et seq.) if the easement
23 does not interfere with the safe functioning of the
24 water resources development project.

1 “(2) PLACEMENT.—The placement of an ease-
2 ment under paragraph (1) shall be at the discretion
3 of the Secretary.”.

4 **SEC. 1014. CORPS CAPABILITIES.**

5 Not later than 1 year after the date of enactment
6 of this Act, the Secretary shall conduct and complete the
7 study under section 936 of the Water Resources Develop-
8 ment Act of 1986 (33 U.S.C. 2300).

9 **SEC. 1015. PROJECT AUTHORIZATION FUNDING LINES.**

10 In any case in which a project under the jurisdiction
11 of the Secretary is budgeted under a different business
12 line than the business line under which the project was
13 originally authorized, the Secretary shall ensure that the
14 project is carried out in accordance with any requirements
15 that apply to the business line under which the project
16 was originally authorized.

17 **SEC. 1016. CONSOLIDATION OF STUDIES; REPORT.**

18 (a) IN GENERAL.—Not later than 1 year after the
19 date of enactment of this Act, the Secretary shall complete
20 a study on whether section 1002 of the Water Resources
21 Reform and Development Act of 2014 (128 Stat. 1198)
22 and the amendments made by that section limit options
23 available to the Secretary to fund work relating to—

24 (1) feasibility scoping;

25 (2) project management planning; and

1 (3) review plan development.

2 (b) REPORT TO CONGRESS.—Not later than 1 year
3 after the date of enactment of this Act, the Secretary shall
4 submit to Congress a report describing the results of the
5 study under subsection (a).

6 **SEC. 1017. NON-FEDERAL STUDY AND CONSTRUCTION OF**
7 **PROJECTS.**

8 Section 203(e) of the Water Resources Development
9 Act of 1986 (33 U.S.C. 2231(e)) is amended—

10 (1) by striking “At the request of a non-Fed-
11 eral interest, the Secretary may provide” and insert-
12 ing the following:

13 “(1) IN GENERAL.—On the request of a non-
14 Federal interest, the Secretary shall provide”; and

15 (2) by adding at the end the following:

16 “(2) SAVINGS PROVISION.—The provision of
17 technical assistance by the Secretary under para-
18 graph (1)—

19 “(A) shall not be considered to be an ap-
20 proval or endorsement of the feasibility study;
21 and

22 “(B) shall not affect the responsibilities of
23 the Secretary—

24 “(i) to review the feasibility study for
25 compliance with applicable Federal laws

1 (including regulations) under subsection
2 (b); and
3 “(ii) to make recommendations to
4 Congress on the plan or design of the
5 project under subsection (c).”.

6 **SEC. 1018. REPORTS TO CONGRESS.**

7 (a) IN GENERAL.—Subject to the availability of ap-
8 propriations, the Secretary shall complete and submit to
9 Congress by the applicable date required any report or
10 study required under this Act or an amendment made by
11 this Act.

12 (b) FAILURE TO PROVIDE A COMPLETED REPORT OR
13 STUDY.—

14 (1) IN GENERAL.—Subject to subsection (c), if
15 the Secretary fails to provide a report or study de-
16 scribed in subsection (a) by the date that is 180
17 days after the applicable date required for that re-
18 port or study, \$5,000 shall be reprogrammed from
19 the General Expenses account of the civil works pro-
20 gram of the Army Corps of Engineers into the ac-
21 count of the division of the Army Corps of Engi-
22 neers with responsibility for completing that report
23 or study.

24 (2) SUBSEQUENT REPROGRAMMING.—Subject
25 to subsection (c), for each additional week after the

1 date described in paragraph (1) in which a report or
2 study described in that paragraph remains
3 uncompleted and unsubmitted to Congress, \$5,000
4 shall be reprogrammed from the General Expenses
5 account of the civil works program of the Army
6 Corps of Engineers into the account of the division
7 of the Secretary with responsibility for completing
8 that report or study.

9 (c) LIMITATIONS.—

10 (1) IN GENERAL.—For each report or study,
11 the total amounts reprogrammed under subsection
12 (b) shall not exceed, in any fiscal year, \$50,000.

13 (2) AGGREGATE LIMITATION.—The total
14 amount reprogrammed under subsection (b) in a fis-
15 cal year shall not exceed \$100,000.

16 (d) NO FAULT OF THE SECRETARY.—Amounts shall
17 not be reprogrammed under subsection (b) if the Secretary
18 certifies in a letter to the applicable committees of Con-
19 gress that—

20 (1) a major modification has been made to the
21 content of the report or study that requires addi-
22 tional analysis for the Secretary to make a final de-
23 cision on the report or study;

1 (2) amounts have not been appropriated to the
2 agency under this Act or any other Act to carry out
3 the report or study; or

4 (3) additional information is required from an
5 entity other than the Corps of Engineers and is not
6 available in a timely manner to complete the report
7 or study by the deadline.

8 (e) LIMITATION.—The Secretary shall not reprogram
9 funds to the General Expenses account of the civil works
10 program of the Corps of Engineers for the loss of the
11 funds.

12 (f) REPORT.—Not less frequently than once each fis-
13 cal year, the Secretary shall submit to the Committee on
14 Environment and Public Works of the Senate and the
15 Committee on Transportation and Infrastructure of the
16 House of Representatives a report that includes a list of
17 each report or study by the Secretary that—

18 (1) was due to be completed in the previous fis-
19 cal year; but

20 (2) was not completed during that fiscal year.

21 (g) REPEAL.—Section 1042 of the Water Resources
22 Reform and Development Act of 2014 (33 U.S.C. 2201
23 note; Public Law 113–121) is repealed.

1 **SEC. 1019. DISPOSITION STUDIES.**

2 The Secretary shall carry out any disposition study
3 for a project of the Corps of Engineers in a transparent
4 manner, including—

5 (1) by offering opportunities for public input
6 during the study; and

7 (2) publishing and making publicly available
8 final disposition studies.

9 **SEC. 1020. NATURAL INFRASTRUCTURE.**

10 In each feasibility study carried out by the Secretary
11 for a project for flood risk management or hurricane and
12 storm damage risk reduction, the Secretary shall consider
13 the use of both traditional and natural infrastructure al-
14 ternatives, alone or in conjunction with each other, if those
15 alternatives are practicable.

16 **SEC. 1021. WATERCRAFT INSPECTION STATIONS.**

17 Section 104 of the River and Harbor Act of 1958
18 (33 U.S.C. 610) is amended—

19 (1) by striking subsection (b) and inserting the
20 following:

21 “(b) AUTHORIZATION OF APPROPRIATIONS.—

22 “(1) IN GENERAL.—There is authorized to be
23 appropriated \$110,000,000 to carry out this section
24 for each fiscal year, of which—

25 “(A) \$30,000,000 shall be made available
26 to carry out subsection (d)(1)(A)(i);

1 “(B) \$30,000,000 shall be made available
2 to carry out subsection (d)(1)(A)(ii); and

3 “(C) \$30,000,000 shall be made available
4 to carry out subsection (d)(1)(A)(iii).

5 “(2) CONTROL OPERATIONS.—Any funds under
6 paragraph (1) used for control operations shall be
7 allocated by the Chief of Engineers on a priority
8 basis, based on the urgency and need of each area
9 and the availability of local funds.”; and

10 (2) in subsection (d)—

11 (A) by striking paragraph (1) and insert-
12 ing the following:

13 “(1) IN GENERAL.—

14 “(A) WATERCRAFT INSPECTION STA-
15 TIONS.—In carrying out this section, the Sec-
16 retary shall establish, operate, and maintain
17 new or existing watercraft inspection stations—

18 “(i) to protect the Columbia River
19 Basin;

20 “(ii) to protect the Upper Missouri
21 River Basin; and

22 “(iii) to protect the Upper Colorado
23 River Basin and the South Platte and Ari-
24 zona River Basins.

1 “(B) LOCATIONS.—The Secretary shall
2 place watercraft inspection stations under sub-
3 paragraph (A) at locations, as determined by
4 the Secretary in consultation with States within
5 the areas described in subparagraph (A), with
6 the highest likelihood of preventing the spread
7 of aquatic invasive species at reservoirs oper-
8 ated and maintained by the Secretary.

9 “(C) RAPID RESPONSE.—The Secretary
10 shall assist the States within the areas de-
11 scribed in subparagraph (A) with rapid re-
12 sponse to any aquatic invasive species, including
13 quagga or zebra mussel, infestation.”; and

14 (B) by striking paragraph (3)(A) and in-
15 sserting the following:

16 “(A) the Governors of the States within
17 the areas described in any of clauses (i)
18 through (iii) of paragraph (1)(A), as applica-
19 ble;”.

20 **SEC. 1022. REAUTHORIZATION OF NON-FEDERAL IMPLE-**
21 **MENTATION PILOT PROGRAM.**

22 Section 1043 of the Water Resources Reform and De-
23 velopment Act of 2014 (33 U.S.C. 2201 note; Public Law
24 113–121) is amended—

25 (1) in subsection (a)—

1 (A) in paragraph (5)(B), by inserting “and
2 not later than 3 years after the date of enact-
3 ment of the America’s Water Infrastructure Act
4 of 2018” after “this Act”;

5 (B) in paragraph (7), by striking “5
6 years” and inserting “7 years”; and

7 (C) in paragraph (8), by striking “each of
8 fiscal years 2015 through 2019” and inserting
9 “each of fiscal years 2015 through 2021”; and
10 (2) in subsection (b)—

11 (A) in paragraph (3)(A)(i), by striking
12 “date of enactment of this Act” each place it
13 appears and inserting “date of enactment of the
14 America’s Water Infrastructure Act of 2018”;

15 (B) in paragraph (4), by striking “applica-
16 ble on the day before the date of enactment of
17 this Act” and inserting “otherwise applicable”;

18 (C) in paragraph (5)(B), by inserting “and
19 not later than 3 years after the date of enact-
20 ment of the America’s Water Infrastructure Act
21 of 2018” after “this Act”;

22 (D) in paragraph (7), by striking “5
23 years” and inserting “7 years”; and

1 (E) in paragraph (8), by striking “each of
2 fiscal years 2015 through 2019” and inserting
3 “each of fiscal years 2015 through 2021”.

4 **SEC. 1023. PROJECT STUDIES SUBJECT TO INDEPENDENT**
5 **PEER REVIEW.**

6 (a) **EXTENSION.**—Section 2034(h)(2) of the Water
7 Resources Development Act of 2007 (33 U.S.C.
8 2343(h)(2)) is amended by striking “12 years” and insert-
9 ing “17 years”.

10 (b) **REPORT.**—Section 2034(i) of the Water Re-
11 sources Development Act of 2007 (33 U.S.C. 2343(i)) is
12 amended by adding at the end the following:

13 “(3) **REPORT.**—Not later than 1 year after the
14 date of enactment of the America’s Water Infra-
15 structure Act of 2018, the Secretary shall—

16 “(A) complete an analysis of—

17 “(i) cost and time overruns for
18 projects subject to this section;

19 “(ii) the effectiveness of peer review,
20 and the extent to which planning problems
21 are identified in the peer review process;
22 and

23 “(iii) whether the Secretary plans to
24 take actions to improve the general plan-
25 ning process to address planning problems

1 identified in multiple reviews by Inde-
2 pendent External Peer Review panels; and
3 “(B) submit to the Committee on Environ-
4 ment and Public Works of the Senate and the
5 Committee on Transportation and Infrastruc-
6 ture of the House of Representatives a report
7 describing the results of the analysis under sub-
8 paragraph (A).”.

9 **SEC. 1024. EXPEDITED CONSIDERATION.**

10 Section 7004(b)(4) of the Water Resources Reform
11 and Development Act of 2014 (128 Stat. 1374) is amend-
12 ed by striking “December 31, 2018” and inserting “De-
13 cember 31, 2024”.

14 **SEC. 1025. WIFIA STUDY.**

15 Not later than 1 year after the date of enactment
16 of this Act, the Secretary shall—

17 (1) carry out a study on impediments to the im-
18 plementation of the Water Infrastructure Finance
19 and Innovation Act (33 U.S.C. 3901 et seq.) for the
20 Secretary, including—

21 (A) the obstacles that need to be removed
22 for the Secretary to implement the responsibil-
23 ities of the Secretary under that Act;

1 (B) an identification of all projects that
2 the Secretary determines to be potentially viable
3 to receive assistance under that Act; and

4 (C) an identification of any amendments to
5 that Act or other legislative or regulatory
6 changes that would improve the ability of the
7 Secretary to implement that Act; and

8 (2) submit to the Committee on Environment
9 and Public Works of the Senate and the Committee
10 on Transportation and Infrastructure of the House
11 of Representatives a report on the results of the
12 study under paragraph (1).

13 **SEC. 1026. ENHANCED DEVELOPMENT DEMONSTRATION**
14 **PROGRAM.**

15 (a) IN GENERAL.—The Secretary is directed to re-
16 view the master plan and shoreline management plan for
17 any lake described in section 3134 of the Water Resources
18 Development Act of 2007 (121 Stat. 1142; 130 Stat.
19 1671) for the purpose of identifying areas suitable for en-
20 hanced development if—

21 (1) the master plan and shoreline management
22 plan of the lake have been updated since January 1,
23 2013; and

24 (2) the district office of the Corps of Engineers
25 has received a written request for such a review.

1 (b) DEFINITION OF ENHANCED DEVELOPMENT.—In
2 this section, the term “enhanced development” means
3 structures or other improvements used for non-water-de-
4 pendent commercial or hospitality industry purposes or for
5 residential or recreational purposes.

6 (c) LEASE AUTHORITY.—The Secretary is authorized
7 to lease Federal land under the jurisdiction of the Sec-
8 retary pursuant to this section for such terms as the Sec-
9 retary determines to be advisable to permit enhanced de-
10 velopment in areas approved for such uses under sub-
11 section (a).

12 (d) USE OF COMPETITIVE PROCEDURES.—The Sec-
13 retary shall require use of competitive procedures for
14 leases authorized under subsection (c).

15 (e) CONSIDERATIONS.—For leases authorized under
16 subsection (c), the Secretary shall—

17 (1) require payment of at least fair market
18 value, up to 50 percent of which amount may be
19 provided in-kind at the discretion of the Secretary;

20 (2) enter into a partnership agreement with a
21 private entity;

22 (3) consider lease durations of up to 100 years;

23 and

24 (4) consider regional economic impacts.

1 (f) TYPES OF IN-KIND CONSIDERATION.—The Sec-
2 retary is authorized to accept as in-kind consideration
3 under subsection (e)(1)—

4 (1) the maintenance, protection, alteration, re-
5 pair, improvement, or restoration of public recre-
6 ation facilities under the control of the Secretary;
7 and

8 (2) construction of new public recreation facili-
9 ties.

10 (g) DISPOSITION OF PROCEEDS.—Notwithstanding
11 section 7 of the Act of August 18, 1941 (55 Stat. 650,
12 chapter 377; 33 U.S.C. 701c-3), all proceeds received
13 from issuance of leases authorized under subsection (c)
14 shall be deposited in a special account in the Treasury
15 established for the Secretary and shall be available for the
16 following activities at the lake specified in a lease entered
17 into under this section:

18 (1) Natural resource and recreation manage-
19 ment.

20 (2) The investigation, planning, construction,
21 operation, and maintenance of public recreation fa-
22 cilities.

23 (h) PAYMENT OF ADMINISTRATIVE EXPENSES.—The
24 Secretary shall recover the administrative expenses associ-

1 ated with leases authorized under subsection (c) in accord-
2 ance with section 2695 of title 10, United States Code.

3 (i) **STUDY APPLICATION OF MILITARY LEASING AU-**
4 **THORITIES TO CIVIL WORKS PROJECTS.**—Not later than
5 2 years after the date of enactment of this Act, the Sec-
6 retary shall—

7 (1) complete a study on the application of sec-
8 tion 2667 of title 10, United States Code, enhanced
9 use leasing authorities, and other military leasing
10 authorities to the civil works program of the Sec-
11 retary; and

12 (2) submit to Congress a report on the results
13 of the study under paragraph (1), including a de-
14 scription of the obstacles that must be removed to
15 implement the authorities.

16 **SEC. 1027. DUPLICATION OF EFFORTS.**

17 In the case of a project in which the non-Federal
18 sponsor is working with an institution of higher education,
19 in order to reduce duplication of efforts, the Secretary
20 shall consider hiring an institution of higher education or
21 entity, in accordance with any applicable contract law, to
22 provide assistance under section 22 of the Water Re-
23 sources Development Act of 1974 (42 U.S.C. 1962d–16)
24 with respect to that project.

1 **SEC. 1028. CORPS OF ENGINEERS BOARD OF APPEALS FOR**
2 **CERTAIN WATER STORAGE PROJECTS.**

3 (a) **PURPOSE AND NEED STATEMENTS.**—

4 (1) **IN GENERAL.**—Not later than 90 days after
5 the date of receipt of a complete application for a
6 water storage project, the District Engineer shall de-
7 velop and provide to the applicant a purpose and
8 need statement that describes—

9 (A) whether the District Engineer concurs
10 with the assessment of the purpose of and need
11 for the water storage project proposed by the
12 applicant; and

13 (B) in any case in which the District Engi-
14 neer does not concur as described in subpara-
15 graph (A), an assessment by the District Engi-
16 neer of the purpose of and need for the project.

17 (2) **EFFECT ON ENVIRONMENTAL IMPACT**
18 **STATEMENTS.**—No environmental impact statement
19 or environmental assessment required under the Na-
20 tional Environmental Policy Act of 1969 (42 U.S.C.
21 4321 et seq.) shall substantially commence with re-
22 spect to a water storage project for which an appli-
23 cation is submitted as described in paragraph (1)
24 until the date on which the District Engineer pro-
25 vides to the applicant the purpose and need state-
26 ment under that paragraph.

1 (b) RECORDS OF DECISION.—Before the Secretary
2 issues a permit decision for any project for which a permit
3 from the Secretary is required, the Secretary shall provide
4 to the applicant a record of decision that describes all ap-
5 plicable conditions under the permit that will apply to the
6 project.

7 (c) CORPS OF ENGINEERS BOARD OF APPEALS.—

8 (1) ESTABLISHMENT.—The Secretary shall es-
9 tablish a board of appeals, to be known as the
10 “Corps of Engineers Board of Appeals” (referred to
11 in this subsection as the “Board”).

12 (2) MEMBERSHIP.—

13 (A) IN GENERAL.—The Board shall be
14 composed of 5 members, to be appointed by the
15 Secretary, of whom—

16 (i) 2 shall be representatives of State
17 water development commissions and agen-
18 cies with water storage needs;

19 (ii) 2 shall be representatives of the
20 Corps of Engineers; and

21 (iii) 1—

22 (I) shall be selected jointly by the
23 Secretary and the entities described in
24 clause (i); and

1 (II) shall not be a representative
2 of any entity described in clause (i) or
3 (ii).

4 (B) REQUIREMENTS.—In selecting mem-
5 bers to serve on the Board, the Secretary shall
6 ensure that each Board member—

7 (i) does not have a conflict of interest;

8 and

9 (ii) is not from the same State in
10 which the project that is the subject of the
11 appeal is located.

12 (3) DUTIES.—

13 (A) IN GENERAL.—The Board shall make
14 determinations on—

15 (i) all appeals relating to a purpose
16 and need statement provided under sub-
17 section (a)(1); and

18 (ii) all appeals relating to the permit
19 conditions described in a record of decision
20 under subsection (b).

21 (B) DEADLINE.—The Board shall make a
22 determination regarding an appeal under sub-
23 paragraph (A) by not later than 90 days after
24 the date on which the appeal is filed with the
25 Board.

1 (C) FACTORS FOR CONSIDERATION.—In
2 making a determination under subparagraph
3 (A), the Board shall evaluate—

4 (i) in the case of an appeal described
5 in subparagraph (A)(i), any field assess-
6 ment of the Corps of Engineers regarding
7 the purpose of and need for the applicable
8 water storage project; and

9 (ii) in the case of an appeal described
10 in subparagraph (A)(ii), any condition
11 placed on a project under a permit based
12 on the record of decision under subsection
13 (b).

14 (4) CONSIDERATION BY DISTRICT ENGINEER.—

15 (A) IN GENERAL.—In the case of any de-
16 termination of the Board under paragraph
17 (3)(A), the applicable District Engineer shall
18 reconsider the purpose and need statement or
19 permit condition, as applicable, taking into con-
20 sideration the determination of the Board under
21 paragraph (3)(A).

22 (B) EXPLANATION.—If the District Engi-
23 neer determines not to accept a determination
24 under subparagraph (A), the District Engineer
25 shall, not later than 90 days after the date on

1 which the District Engineer receives the deter-
2 mination, provide to the applicant and to the
3 Board a written explanation as to why the Dis-
4 trict Engineer rejected the determination.

5 **SEC. 1029. SENSE OF CONGRESS RELATING TO LOCAL ROLE**
6 **IN CORPS PROJECTS.**

7 It is the sense of Congress that in a case in which
8 a local non-Federal interest takes responsibility for certain
9 operation, maintenance, or capital improvement expenses
10 of a project of the Secretary, the provision of funds by
11 the local non-Federal interest results in savings to Federal
12 taxpayers.

13 **SEC. 1030. SENSE OF CONGRESS RELATING TO STUDY OF**
14 **WATER RESOURCES DEVELOPMENT**
15 **PROJECTS BY NON-FEDERAL INTERESTS.**

16 It is the sense of Congress that the amendment to
17 section 203 of the Water Resources Development Act of
18 1986 (33 U.S.C. 2231) made by section 1126 of the Water
19 Infrastructure Improvements for the Nation Act (130
20 Stat. 1648) was intended to supersede any conflicting
21 laws.

1 **SEC. 1031. SENSE OF CONGRESS RELATING TO PROJECT**
2 **PARTNERSHIP AGREEMENTS.**

3 It is the sense of Congress that the Secretary should
4 simplify and expedite the process for addressing in-kind
5 work in project partnership agreements—

6 (1) to allow for more flexibility for potential
7 changes to in-kind work; and

8 (2) to delegate approval for project partnership
9 agreements to the District Engineer, if practicable.

10 **SEC. 1032. SENSE OF CONGRESS RELATING TO ENCOUR-**
11 **AGING RESILIENT TECHNIQUES AND HABITAT**
12 **CONNECTIVITY IN ECOSYSTEM RES-**
13 **TORATION.**

14 It is the sense of Congress that the Secretary should
15 ensure that infrastructure of the Secretary can endure ex-
16 treme weather, mitigate flooding and other negative im-
17 pacts on communities, and provide a significant return on
18 investment by—

19 (1) encouraging the use of resilient structural
20 or nonstructural construction techniques; and

21 (2) clarifying that nonstructural approaches,
22 techniques, and alternatives include natural and na-
23 ture-based solutions.

1 **SEC. 1033. ALTERATIONS TO LOCAL FLOOD CONTROL**
2 **PROJECTS.**

3 The District Engineer of each district of the Corps
4 of Engineers, or, on request of the applicant, the Sec-
5 retary, shall have the authority to implement existing au-
6 thorities to approve alterations to local flood control
7 projects in accordance with section 208.10 of title 33,
8 Code of Federal Regulations (or successor regulations),
9 and other applicable laws (including regulations) relating
10 to flood control.

11 **SEC. 1034. NON-FEDERAL CONSTRUCTION.**

12 Section 204(b) of the Water Resources Development
13 Act of 1986 (33 U.S.C. 2232(b)) is amended by adding
14 at the end the following:

15 “(3) NON-FEDERAL CONSTRUCTION.—

16 “(A) IN GENERAL.—If a non-Federal in-
17 terest of a water resources development project
18 begins to carry out that water resources devel-
19 opment project under this section, the non-Fed-
20 eral interest may request that the Secretary
21 transfer all relevant data and documentation
22 within the control of the Secretary with respect
23 to that water resources development project to
24 the non-Federal interest.

25 “(B) DEADLINE.—The Secretary shall
26 transfer the data and documentation described

1 in subparagraph (A) not later than the date
2 that is 90 days after the date of the request de-
3 scribed in that subparagraph.

4 “(C) TECHNICAL ASSISTANCE.—If the Sec-
5 retary provides the data and documentation de-
6 scribed in subparagraph (A), the non-Federal
7 interest may request, and the Secretary shall
8 provide, technical assistance and relevant mate-
9 rials to the non-Federal interest to assist the
10 non-Federal interest in applying for and obtain-
11 ing the Federal permits described in paragraph
12 (2)(A) to obtain the permits in the most expedi-
13 tious manner practicable.”.

14 **SEC. 1035. INNOVATIVE MATERIALS AND ADVANCED TECH-**
15 **NOLOGIES REPORT.**

16 Not later than 1 year after the date of enactment
17 of this Act, the Secretary shall submit to Congress a re-
18 port that—

19 (1) describes activities conducted by the Corps
20 of Engineers at centers of expertise, technology cen-
21 ters, technical centers, research and development
22 centers, and similar facilities and organizations re-
23 lating to the testing, research, development, identi-
24 fication, and recommended uses for innovative mate-
25 rials and advanced technologies, including construc-

1 tion management technologies, in water resources
2 projects; and

3 (2) provides recommendations for projects in
4 which innovative materials and advanced tech-
5 nologies should be used.

6 **SEC. 1036. UPDATES TO BENEFIT-COST ANALYSIS.**

7 (a) IN GENERAL.—Subject to subsection (b) and not-
8 withstanding any other provision of law, for any project
9 of the Secretary for which construction has commenced,
10 the Secretary shall not update a benefit-cost analysis of
11 the project after the benefit-cost analysis has been admin-
12 istratively finalized.

13 (b) APPLICATION.—

14 (1) IN GENERAL.—Except as provided in para-
15 graph (2), this section shall apply to any project au-
16 thorized as of the date of enactment of this Act that
17 meets or exceeds the benefit-cost ratio threshold con-
18 sidered budgetable by the Administration.

19 (2) EXCLUSIONS.—This section shall not apply
20 to—

21 (A) a project for which the original project
22 authorization or report of the Chief of Engi-
23 neers requires an update of the benefit-cost
24 ratio;

1 (B) a project that is being evaluated or re-
2 evaluated under the National Environmental
3 Policy Act of 1969 (42 U.S.C. 4321 et seq.); or

4 (C) a project that is being reevaluated
5 under a reevaluation study conducted by the
6 Corps of Engineers.

7 **SEC. 1037. LOCAL GOVERNMENT WATER MANAGEMENT**
8 **PLANS.**

9 The Secretary, with the consent of the non-Federal
10 sponsor of a feasibility study for a water resources devel-
11 opment project, may enter into a feasibility study cost-
12 sharing agreement under section 221(a) of the Flood Con-
13 trol Act of 1970 (42 U.S.C. 1962d–5b(a)), to allow a unit
14 of local government in a watershed that has adopted a
15 local or regional water management plan to participate in
16 the feasibility study to determine if there is an opportunity
17 to include additional feasible elements in the project being
18 studied to help achieve the purposes identified in the local
19 or regional water management plan.

20 **SEC. 1038. ACCESS TO REAL ESTATE DATA.**

21 (a) IN GENERAL.—Using available funds, the Sec-
22 retary shall make publicly available, including on the inter-
23 net, all real estate assets of the Corps of Engineers in
24 the United States and other Federal real estate assets

1 owned, operated, managed, regulated, or in the custody
2 of the Corps of Engineers.

3 (b) REQUIREMENTS.—

4 (1) IN GENERAL.—The real estate data re-
5 quired under subsection (a) shall include—

6 (A) existing standardized real estate plat
7 descriptions; and

8 (B) existing geographic information sys-
9 tems and geospatial information.

10 (2) COLLABORATION.—In distributing the in-
11 formation required under subsection (a), the Sec-
12 retary shall collaborate with the Administrator of
13 General Services.

14 (c) LIMITATION.—Nothing in this section shall com-
15 pel or authorize the disclosure of data or other information
16 determined by the Secretary to be confidential, privileged,
17 national security information, personal information, or in-
18 formation the disclosure of which is otherwise prohibited
19 by law.

20 (d) TIMING.—The Secretary shall ensure that the
21 real estate data required under subsection (a) is made
22 publicly available as soon as practicable.

23 **SEC. 1039. ADVANCED FUNDS FOR DISCRETE SEGMENTS.**

24 (a) IN GENERAL.—The Secretary may accept and ex-
25 pend funds advanced from a non-Federal interest to carry

1 out a discrete segment of an authorized project for naviga-
2 tion of the Secretary if the Secretary determines that the
3 discrete segment—

4 (1) is technically feasible and environmentally
5 acceptable; and

6 (2) can be operated independently without cre-
7 ating a hazard in advance of completion of the
8 project.

9 (b) CREDIT.—The Secretary shall credit the funds
10 advanced under subsection (a) toward the non-Federal
11 share of the cost of the project for which the funds were
12 advanced.

13 **SEC. 1040. INCLUSION OF NON-FEDERAL INTERESTS IN**
14 **PROJECT CONSULTATIONS.**

15 (a) IN GENERAL.—In a timely manner, the non-Fed-
16 eral interest for a water resources development study or
17 project shall be given the opportunity to participate in all
18 consultations with Federal and State agencies and Indian
19 Tribes required by Federal law.

20 (b) CONSIDERATION OF VIEWS.—

21 (1) IN GENERAL.—The Secretary shall solicit
22 and give full consideration to the views of a non-
23 Federal interest when carrying out the responsibil-
24 ities of the Secretary with respect to consultations
25 with Federal and State agencies and Indian Tribes

1 required by Federal law for a water resources devel-
2 opment study or project.

3 (2) CONTINUED CONSULTATIONS.—The Sec-
4 retary shall require the applicable District Com-
5 mander to engage in consultation with a non-Federal
6 interest throughout the course of a water resources
7 development study or project.

8 (c) PROCESSES REQUIRED.—For any consultation
9 referred to in or required under this section, the consulta-
10 tion shall require notification to, working with, and ad-
11 dressing the concerns of the non-Federal sponsor.

12 **SEC. 1041. CATEGORICAL EXCLUSIONS.**

13 Section 2045(l) of the Water Resources Development
14 Act of 2007 (33 U.S.C. 2348(l)) is amended—

15 (1) by striking “Water Resources Reform and
16 Development Act of 2014” each place it appears and
17 inserting “America’s Water Infrastructure Act of
18 2018”;

19 (2) in paragraph (1)(A), by striking “2005”
20 and inserting “2014”; and

21 (3) in paragraph (2), by striking “(or successor
22 regulation)” and inserting “(as in effect on the date
23 of enactment of the America’s Water Infrastructure
24 Act of 2018)”.

1 **SEC. 1042. GEOMATIC DATA.**

2 If a Federal or State department or agency consid-
3 ering an aspect of an application for Federal authorization
4 requires the applicant to submit environmental data, the
5 department or agency shall consider any such data sub-
6 mitted by the applicant which was gathered by geomatic
7 techniques, including tools and techniques used in land
8 surveying, remote sensing, cartography, geographic infor-
9 mation systems, global navigation satellite systems, photo-
10 grammetry, geophysics, geography, or other remote
11 means. The applicable agency may grant conditional ap-
12 proval for Federal authorization, conditioned on the
13 verification of such data by subsequent onsite inspection.

14 **SEC. 1043. FLEXIBILITY FOR PROJECTS.**

15 (a) GOAL.—For each feasibility study initiated by the
16 Secretary on or after the date of enactment of this Act
17 under section 905(a) of the Water Resources Development
18 Act of 1986 (33 U.S.C. 2282(a)), the Secretary shall—

19 (1) establish a goal of completing the feasibility
20 study by not later than 2 years after the date of ini-
21 tiation; and

22 (2) to the maximum extent practicable, attempt
23 to comply with the goal under paragraph (1).

24 (b) AUTHORITY.—In carrying out a feasibility study
25 described in subsection (a), the Secretary shall—

1 (1) exercise all existing flexibilities under and
2 exceptions to any requirement administered by the
3 Secretary, in whole or in part; and

4 (2) otherwise provide additional flexibility or ex-
5 pedited processing with respect to the requirements
6 described in paragraph (1) to meet the goal de-
7 scribed in subsection (a)(1).

8 (c) MAINTAINING PROTECTIONS.—Nothing in this
9 section—

10 (1) supersedes, amends, or modifies—

11 (A) section 1001(a)(1) of the Water Re-
12 sources Reform and Development Act of 2014
13 (33 U.S.C. 2282c(a)(1)); or

14 (B) the National Environmental Policy Act
15 of 1969 (42 U.S.C. 4321 et seq.) or any other
16 Federal environmental law; or

17 (2) affects the responsibility of any Federal of-
18 ficer to comply with or enforce any law or require-
19 ment described in this subsection.

20 **SEC. 1044. CREDIT IN LIEU OF REIMBURSEMENT.**

21 Section 1022(b) of the Water Resources Reform and
22 Development Act of 2014 (33 U.S.C. 2225(b)) is amend-
23 ed—

24 (1) by inserting “all or a portion of” before
25 “such credit”; and

1 (2) by inserting “or of any governmental entity
2 to which such credit is transferred, subject to the
3 condition that the Secretary approves the transfer”
4 before the period at the end.

5 **SEC. 1045. FUNDING TO PROCESS PERMITS.**

6 Section 214(a) of the Water Resources Development
7 Act of 2000 (33 U.S.C. 2352(a)) is amended—

8 (1) by striking paragraph (3); and

9 (2) by redesignating paragraphs (4) and (5) as
10 paragraphs (3) and (4), respectively.

11 **SEC. 1046. PREDATORY AND OTHER WILD ANIMALS.**

12 Section 1 of the Act of March 2, 1931 (46 Stat.
13 1468, chapter 370; 7 U.S.C. 8351) is amended—

14 (1) in the second sentence, by striking “The
15 Secretary” and inserting the following:

16 “(b) ADMINISTRATION.—The Secretary”;

17 (2) in the first sentence, by striking “The Sec-
18 retary” and inserting the following:

19 “(a) IN GENERAL.—The Secretary”; and

20 (3) by adding at the end the following:

21 “(c) ACTION BY FWS.—The Director of the United
22 States Fish and Wildlife Service shall use the most expedi-
23 tious procedure practicable to process and administer per-
24 mits for take of—

1 “(1) a depredating eagle under the Act of June
2 8, 1940 (commonly known as the ‘Bald Eagle Pro-
3 tection Act’) (54 Stat. 250, chapter 278; 16 U.S.C.
4 668 et seq.), or sections 22.11 through 22.32 of title
5 50, Code of Federal Regulations (or successor regu-
6 lations) (including depredation of livestock, wildlife,
7 and species protected under the Endangered Species
8 Act of 1973 (16 U.S.C. 1531 et seq.) or any other
9 Federal management program); or

10 “(2) a migratory bird included on the list under
11 section 10.13 of title 50, Code of Federal Regula-
12 tions (or successor regulations) that is posing a con-
13 flict.”.

14 **SEC. 1047. REPORT ON STATUS OF CORPS FEASIBILITY**
15 **STUDIES.**

16 Not later than 1 year after the date of enactment
17 of this Act, the Secretary shall submit to the Committee
18 on Environment and Public Works of the Senate and the
19 Committee on Transportation and Infrastructure of the
20 House of Representatives a report that describes each out-
21 standing feasibility study, whether active or inactive, that
22 Congress has authorized the Secretary to carry out, in-
23 cluding the amount of funds spent to conduct the study.

1 **SEC. 1048. REPORT ON STATUS OF CORPS PROJECTS.**

2 Not later than 180 days after the date of enactment
3 of this Act, the Secretary shall submit to the Committee
4 on Environment and Public Works of the Senate and the
5 Committee on Transportation and Infrastructure of the
6 House of Representatives a report that describes—

7 (1) each outstanding civil works project of the
8 Secretary that Congress has approved for construc-
9 tion, including—

10 (A) the date the project was authorized;

11 (B) the purpose of the project;

12 (C) the location of the project;

13 (D) the amount of funds spent on the
14 project, including Federal and non-Federal
15 funds;

16 (E) the estimated remaining costs of the
17 project; and

18 (F) the estimated completion date of the
19 project; and

20 (2) each environmental infrastructure project
21 authorized by Congress under section 219 of the
22 Water Resources Development Act of 1992 (106
23 Stat. 4835), including—

24 (A) the date the project was authorized;

25 (B) the purpose of the project;

26 (C) the location of the project;

1 (D) the amount of funds spent on the
2 project, including Federal and non-Federal
3 funds;

4 (E) the estimated remaining costs of the
5 project; and

6 (F) the estimated completion date of the
7 project.

8 **SEC. 1049. TIMELY ISSUANCE OF EASEMENTS.**

9 (a) DEFINITION OF COVERED EASEMENT.—In this
10 section, the term “covered easement” means an easement
11 necessary to access Federal land for the placement of
12 water withdrawal intakes in the Upper Missouri Mainstem
13 Reservoirs that does not otherwise involve the alteration
14 or modification of any structures or facilities located on
15 that Federal land, other than those owned by the appli-
16 cant.

17 (b) APPLICATIONS.—

18 (1) IN GENERAL.—The Secretary shall develop
19 an application to obtain a covered easement that re-
20 quires an applicant for a covered easement to submit
21 information that includes—

22 (A) all permissible locations for the pro-
23 posed easement;

24 (B) the corresponding dimensions of the
25 proposed easement; and

1 (C) the methods of installation of the
2 water withdrawal intakes.

3 (2) RESPONSE.—Not later than 30 days after
4 the date on which the Secretary receives an applica-
5 tion under paragraph (1), the Secretary shall pro-
6 vide to the applicant a written notification that
7 states—

8 (A) whether the application is complete;
9 and

10 (B) if the application is not complete, what
11 items or materials are needed for the applica-
12 tion to be complete.

13 (c) REVIEWS.—

14 (1) IN GENERAL.—To the maximum extent
15 practicable, not later than 60 days after the date on
16 which the Secretary receives an application for a
17 covered easement, the Secretary shall—

18 (A) complete all applicable technical and
19 environmental reviews; and

20 (B) approve or deny the application for the
21 covered easement (including any necessary per-
22 mits).

23 (2) EXTENSION.—In any case in which the Sec-
24 retary determines that time beyond the period de-
25 scribed in paragraph (1) is needed to review an ap-

1 plication for a covered easement, the Secretary shall
2 provide a written notification—

3 (A) to the applicant that includes—

4 (i) a description of the reasons for
5 which the additional time is needed; and

6 (ii) an approximate date by which the
7 Secretary expects to make a decision on
8 the application (including any necessary
9 permits); and

10 (B) to the relevant congressional commit-
11 tees that includes—

12 (i) a notification of the failure to com-
13 ply with the deadline under that para-
14 graph; and

15 (ii) the information described in sub-
16 paragraph (A).

17 **TITLE II—STUDIES, MODIFICA-**
18 **TIONS, AND PROJECT AU-**
19 **THORIZATIONS**

20 **Subtitle A—Studies**

21 **SEC. 2001. AUTHORIZATION OF PROPOSED FEASIBILITY**
22 **STUDIES.**

23 The Secretary is authorized to conduct a feasibility
24 study for the following projects for water resources devel-
25 opment and conservation and other purposes, as identified

1 in the reports titled “Report to Congress on Future Water
2 Resources Development” submitted to Congress in March
3 2017 and February 2018, respectively, pursuant to section
4 7001 of the Water Resources Reform and Development
5 Act of 2014 (33 U.S.C. 2282d) or otherwise reviewed by
6 Congress:

7 (1) LOWER MISSISSIPPI RIVER, ARKANSAS, KEN-
8 TUCKY, LOUISIANA, MISSOURI, MISSISSIPPI, AND
9 TENNESSEE.—Project for water quality monitoring
10 program and planning, engineering, and design for
11 8 conservation reach habitat areas, Lower Mis-
12 sissippi River, Arkansas, Kentucky, Louisiana, Mis-
13 souri, Mississippi, and Tennessee.

14 (2) OUACHITA-BLACK RIVERS NAVIGATION
15 PROJECT, ARKANSAS AND LOUISIANA.—Project for
16 navigation, Lower Little River, Arkansas and Lou-
17 isiana.

18 (3) SAN DIEGO RIVER 1, 2, AND 3 LEVEE SYS-
19 TEM.—Project for flood risk reduction, navigation,
20 and ecosystem restoration, San Diego River 1, 2,
21 and 3 levee system, California.

22 (4) NORTHSHORE FLOOD RISK REDUCTION,
23 LOUISIANA.—Project for northshore flood risk reduc-
24 tion, St. Tammany Parish, Louisiana.

1 (5) ST. LOUIS RIVERFRONT-MERAMEC RIVER
2 BASIN, MISSOURI.—Project for ecosystem restora-
3 tion, St. Louis riverfront-Meramec River Basin, Mis-
4 souri, authorized by the resolution adopted by the
5 Committee on Transportation and Infrastructure of
6 the House of Representatives on June 21, 2000, to
7 modify the project to add flood risk management as
8 a project purpose and to expand the study area to
9 include the entire Meramec River Basin.

10 (6) CHAUTAUQUA LAKE, NEW YORK.—Project
11 for ecosystem restoration and flood risk manage-
12 ment, Chautauqua Lake, New York.

13 (7) TRINITY RIVER AND TRIBUTARIES,
14 TEXAS.—Project for navigation, Trinity River and
15 tributaries, channel to Liberty, Texas.

16 (8) COASTAL VIRGINIA WATER RESOURCES, VIR-
17 GINIA.—Project for hurricane and storm damage
18 risk reduction, coastal Virginia water resources, Vir-
19 ginia.

20 (9) TANGIER ISLAND, VIRGINIA.—Project for
21 ecosystem restoration, flood risk management, and
22 navigation, Tangier Island, Virginia.

1 **SEC. 2002. LOWER MISSOURI RIVER BANK STABILIZATION**
2 **AND NAVIGATION.**

3 The Secretary is authorized to conduct a study on
4 the function and reliability of the Lower Missouri River
5 Bank stabilization and navigation project, authorized by
6 the first section of the Act of July 25, 1912 (37 Stat.
7 219, chapter 253).

8 **Subtitle B—Deauthorizations,**
9 **Modifications, and Related Pro-**
10 **visions**

11 **SEC. 2101. SAVANNAH HARBOR EXPANSION PROJECT.**

12 Section 7002(1) of the Water Resources Reform and
13 Development Act of 2014 (128 Stat. 1364) is amended—

14 (1) by striking “\$492,000,000” and inserting
15 “\$677,613,600”;

16 (2) by striking “\$214,000,000” and inserting
17 “\$295,829,400”; and

18 (3) by striking “\$706,000,000” and inserting
19 “\$973,443,000”.

20 **SEC. 2102. DEAUTHORIZATION OF SVENSEN ISLAND.**

21 The project for flood risk management, Svensen Is-
22 land, Oregon, authorized by section 204 of the Flood Con-
23 trol Act of 1950 (64 Stat. 180), is no longer authorized
24 beginning on the date of enactment of this Act.

1 **SEC. 2103. WHITTIER NARROWS STUDY.**

2 (a) IN GENERAL.—Not later than 1 year after the
3 date of enactment of this Act, the Secretary shall complete
4 a study evaluating the impacts of removing 1 percent of
5 the flowage spreading grounds from the flood control ease-
6 ment granted for the Whittier Narrows dam for the
7 project on the San Gabriel River authorized by section 5
8 of the Act of June 22, 1936 (commonly known as the
9 “Flood Control Act of 1936”) (49 Stat. 1589, chapter
10 688; 33 U.S.C. 701h).

11 (b) REPORT.—Not later than 1 year after the date
12 of enactment of this Act, the Secretary shall submit to
13 Congress a report describing the results of the study under
14 subsection (a).

15 **SEC. 2104. WEST TENNESSEE TRIBUTARIES PROJECT, TEN-**
16 **NESSEE.**

17 The West Tennessee tributaries project along the
18 Obion and Forked Deer Rivers, Tennessee, authorized by
19 section 203 of the Flood Control Act of 1948 (62 Stat.
20 1178) and modified by section 207 of the Flood Control
21 Act of 1966 (80 Stat. 1423), section 3(a) of the Water
22 Resources Development Act of 1974 (88 Stat. 14), and
23 section 183 of the Water Resources Development Act of
24 1976 (90 Stat. 2940) is no longer authorized beginning
25 on the date of enactment of this Act.

1 **SEC. 2105. BRIDGEPORT HARBOR-PEQUONNOCK RIVER**
2 **NAVIGATION PROJECT, CONNECTICUT.**

3 The portions of the project for navigation, Bridgeport
4 Harbor-Pequonnock River, Bridgeport, Connecticut, au-
5 thorized by the first section of the Act of June 18, 1878
6 (20 Stat. 158, chapter 264), the first section of the Act
7 of August 11, 1888 (25 Stat. 401, chapter 860), the first
8 section of the Act of March 3, 1899 (30 Stat. 1122, chap-
9 ter 425), the first section of the Act of June 25, 1910
10 (36 Stat. 633, chapter 382), and the first section of the
11 Act of July 3, 1930 (46 Stat. 919, chapter 847), located
12 north of Congress Street in Bridgeport, Connecticut, are
13 no longer authorized beginning on the date of enactment
14 of this Act.

15 **SEC. 2106. CORPS OF ENGINEERS BRIDGE REPAIR AND DI-**
16 **VESTITURE PROGRAM FOR NEW ENGLAND**
17 **EVACUATION ROUTES.**

18 Subject to the availability of appropriations, the Sec-
19 retary may repair or replace, as necessary, any bridge
20 owned and operated by the Secretary that is—

21 (1) located in any of the States of Connecticut,
22 Maine, Massachusetts, New Hampshire, Rhode Is-
23 land, or Vermont; and

24 (2) necessary for evacuation during an extreme
25 weather event.

1 **SEC. 2107. PROJECT DEAUTHORIZATION AND STUDY EX-**
2 **TENSIONS.**

3 (a) PROJECT DEAUTHORIZATIONS.—Section 6003(a)
4 of the Water Resources Reform and Development Act of
5 2014 (33 U.S.C. 579c(a)) is amended—

6 (1) by striking “7-year period” each place it ap-
7 pears and inserting “10-year period”; and

8 (2) by adding at the end the following:

9 “(3) CALCULATION.—In calculating the time
10 period under paragraph (1), the Secretary shall not
11 include any period of time during which the project
12 is being reviewed and awaiting a decision by the Sec-
13 retary on a locally preferred plan for that project
14 under section 1036(a).

15 “(4) EXCEPTION.—The Secretary shall not de-
16 authorize any project during the period described in
17 paragraph (3).”.

18 (b) STUDY EXTENSIONS.—Section 1001(d)(4) of the
19 Water Resources Reform and Development Act of 2014
20 (33 U.S.C. 2282c(d)(4)) is amended by striking “7 years”
21 and inserting “10 years”.

22 **SEC. 2108. DEAUTHORIZATION OF INACTIVE STUDIES.**

23 (a) PURPOSES.—The purposes of this section are—

24 (1) to identify \$7,500,000,000 in feasibility
25 studies for water resources development projects

1 that have been authorized but are no longer viable
2 due to—

3 (A) a lack of local support;

4 (B) a lack of available Federal or non-Fed-
5 eral resources; or

6 (C) an authorizing purpose that is no
7 longer relevant;

8 (2) to create an expedited and definitive process
9 for Congress to deauthorize feasibility studies for
10 water resources development projects that are no
11 longer viable; and

12 (3) to allow the continued authorization of fea-
13 sibility studies for water resources development
14 projects that are viable.

15 (b) INTERIM DEAUTHORIZATION LIST.—

16 (1) IN GENERAL.—The Secretary shall develop
17 an interim deauthorization list that identifies each
18 feasibility study for a water resources development
19 project, or a separable element of a project (referred
20 to in this section as a “feasibility study”)—

21 (A) that has been authorized as of the date
22 of enactment of this Act; and

23 (B) for which no Federal funds have been
24 made available during the 10-year period pre-
25 ceding the date of enactment of this Act.

1 (2) PUBLIC COMMENT AND CONSULTATION.—

2 (A) IN GENERAL.—The Secretary shall so-
3 licit comments from the public and from the
4 Governor of each applicable State on the in-
5 terim deauthorization list developed under para-
6 graph (1).

7 (B) COMMENT PERIOD.—The comment pe-
8 riod shall be 90 days.

9 (3) SUBMISSION TO CONGRESS; PUBLICA-
10 TION.—Not later than 90 days after the date of the
11 close of the comment period under paragraph (2),
12 the Secretary shall—

13 (A) submit a revised interim deauthoriza-
14 tion list to the Committee on Environment and
15 Public Works of the Senate and the Committee
16 on Transportation and Infrastructure of the
17 House of Representatives; and

18 (B) publish the revised interim deauthor-
19 ization list in the Federal Register.

20 (c) FINAL DEAUTHORIZATION LIST.—

21 (1) IN GENERAL.—The Secretary shall develop
22 a final deauthorization list of feasibility studies from
23 the revised interim deauthorization list described in
24 subsection (b)(3).

25 (2) DEAUTHORIZATION AMOUNT.—

1 (A) PROPOSED FINAL LIST.—The Sec-
2 retary shall prepare a proposed final deauthor-
3 ization list of feasibility studies that have, in
4 the aggregate, an estimated Federal cost to
5 complete that is at least \$7,500,000,000.

6 (B) DETERMINATION OF FEDERAL COST
7 TO COMPLETE.—For purposes of subparagraph
8 (A), the Federal cost to complete shall take into
9 account any allowances authorized by section
10 902 of the Water Resources Development Act
11 of 1986 (33 U.S.C. 2280), as applied to the
12 most recent study schedule and cost estimate.

13 (3) IDENTIFICATION OF STUDIES.—

14 (A) SEQUENCING OF STUDIES.—

15 (i) IN GENERAL.—Except as provided
16 in clause (ii), the Secretary shall identify
17 feasibility studies for inclusion on the pro-
18 posed final deauthorization list according
19 to the order in which the feasibility studies
20 were authorized, beginning with the ear-
21 liest authorized feasibility study and end-
22 ing with the latest feasibility study nec-
23 essary to meet the aggregate amount
24 under paragraph (2)(A).

1 (ii) FACTORS TO CONSIDER.—The
2 Secretary may identify feasibility studies in
3 an order other than that established by
4 clause (i) if the Secretary determines, on a
5 case-by-case basis, that a feasibility study
6 is critical for interests of the United
7 States, based on the possible impact of the
8 project that is the subject of the feasibility
9 study on public health and safety, the na-
10 tional economy, or the environment.

11 (iii) CONSIDERATION OF PUBLIC COM-
12 MENTS.—In making determinations under
13 clause (ii), the Secretary shall consider any
14 comments received under subsection (b)(2).

15 (B) APPENDIX.—The Secretary shall in-
16 clude as part of the proposed final deauthoriza-
17 tion list an appendix that—

18 (i) identifies each feasibility study on
19 the interim deauthorization list developed
20 under subsection (b) that is not included
21 on the proposed final deauthorization list;
22 and

23 (ii) describes the reasons why the fea-
24 sibility study is not included on the pro-
25 posed final list.

1 (4) PUBLIC COMMENT AND CONSULTATION.—

2 (A) IN GENERAL.—The Secretary shall so-
3 licit comments from the public and the Gov-
4 ernor of each applicable State on the proposed
5 final deauthorization list and appendix devel-
6 oped under paragraphs (2) and (3).

7 (B) COMMENT PERIOD.—The public com-
8 ment period shall be 90 days.

9 (5) SUBMISSION OF FINAL LIST TO CONGRESS;
10 PUBLICATION.—Not later than 120 days after the
11 date of the close of the comment period under para-
12 graph (4), the Secretary shall—

13 (A) submit a final deauthorization list and
14 an appendix to the final deauthorization list in
15 a report to the Committee on Environment and
16 Public Works of the Senate and the Committee
17 on Transportation and Infrastructure of the
18 House of Representatives; and

19 (B) publish the final deauthorization list
20 and the appendix to the final deauthorization
21 list in the Federal Register.

22 (d) DEAUTHORIZATION; CONGRESSIONAL REVIEW.—

23 (1) IN GENERAL.—After the expiration of the
24 180-day period beginning on the date of submission
25 of the final deauthorization list and appendix under

1 subsection (c), a feasibility study identified in the
2 final deauthorization list shall be deauthorized, un-
3 less Congress passes a joint resolution disapproving
4 the final deauthorization list prior to the end of that
5 period.

6 (2) NON-FEDERAL CONTRIBUTIONS.—

7 (A) IN GENERAL.—A feasibility study
8 identified in the final deauthorization list under
9 subsection (c) shall not be deauthorized under
10 this subsection if, before the expiration of the
11 180-day period referred to in paragraph (1),
12 the non-Federal interest for the feasibility study
13 provides sufficient funds to complete the feasi-
14 bility study.

15 (B) TREATMENT OF STUDIES.—Notwith-
16 standing subparagraph (A), each feasibility
17 study identified in the final deauthorization list
18 shall be treated as deauthorized for purposes of
19 the aggregate deauthorization amount described
20 in subsection (c)(2)(A).

21 (3) FEASIBILITY STUDIES IDENTIFIED IN AP-
22 PENDIX.—A feasibility study identified in the appen-
23 dix to the final deauthorization list shall remain sub-
24 ject to future deauthorization by Congress.

1 **SEC. 2109. CERTAIN DISPOSITION STUDIES.**

2 (a) DEFINITION OF DISPOSITION STUDY.—In this
3 section, the term “disposition study” includes—

4 (1) a project review under section 216 of the
5 Flood Control Act of 1970 (33 U.S.C. 549a); and

6 (2) the assessment and inventory under section
7 6002 of the Water Resources Reform and Develop-
8 ment Act of 2014 (128 Stat. 1349).

9 (b) ENVIRONMENTAL QUALITY.—In carrying out a
10 disposition study, the Secretary may consider modifica-
11 tions that would improve the overall quality of the environ-
12 ment in the public interest, including removal of the
13 project or a separable element of the project.

14 **SEC. 2110. LOCKS AND DAMS 1 THROUGH 4, KENTUCKY**
15 **RIVER, KENTUCKY.**

16 (a) IN GENERAL.—Beginning on the date of enact-
17 ment of this Act, commercial navigation at Locks and
18 Dams 1 through 4, Kentucky River, Kentucky, shall no
19 longer be authorized, and the land and improvements as-
20 sociated with the locks and dams shall be disposed of con-
21 sistent with subsection (b) and in accordance with the re-
22 port of the Director of Civil Works entitled “Kentucky
23 River Locks and Dams 1, 2, 3, and 4, Disposition Study
24 and Integrated Environmental Assessment” and dated
25 April 20, 2018.

1 (b) DISPOSITION.—The Secretary shall convey to the
2 State of Kentucky (referred to in this section as the
3 “State”), for the use and benefit of the Kentucky River
4 Authority, all right, title, and interest of the United
5 States, together with any improvements on the land, in-
6 cluding improvements located in the Kentucky River, in
7 and to—

8 (1) Lock and Dam 1, located in Carroll County,
9 Kentucky;

10 (2) Lock and Dam 2, located in Owen and
11 Henry counties, Kentucky;

12 (3) Lock and Dam 3, located in Owen and
13 Henry counties, Kentucky; and

14 (4) Lock and Dam 4, located in Franklin Coun-
15 ty, Kentucky.

16 (c) CONDITIONS.—

17 (1) QUITCLAIM DEED.—A conveyance under
18 subsection (b) shall be accomplished by quitclaim
19 deed and without consideration.

20 (2) ADMINISTRATIVE COSTS.—The Secretary
21 shall be responsible for all administrative costs asso-
22 ciated with a conveyance under subsection (b), in-
23 cluding the costs of any surveys the Secretary deter-
24 mines to be necessary.

1 (3) ADDITIONAL TERMS AND CONDITIONS.—A
2 conveyance under subsection (b) shall be subject to
3 such additional terms and conditions as the Sec-
4 retary determines to be necessary to protect the pub-
5 lic interest.

6 (4) LIABILITY.—A conveyance under subsection
7 (b) shall require the State to hold the United States
8 harmless from any and all liability with respect to
9 activities carried out on the property on or after the
10 date of the conveyance under subsection (b).

11 (5) IMPROVEMENTS PROHIBITED.—

12 (A) IN GENERAL.—The Secretary may not
13 improve the locks and dams and land and im-
14 provements associated with the locks and dams
15 described in subsection (b) on or after the date
16 of enactment of this Act.

17 (B) SAVINGS CLAUSE.—Nothing in sub-
18 paragraph (A) prohibits the State from improv-
19 ing the locks and dams and the land and im-
20 provements associated with the locks and dams
21 described in subsection (b) on or after the date
22 of conveyance under subsection (b).

23 (6) APPLICABILITY OF REAL PROPERTY
24 SCREENING PROVISIONS.—Section 2696 of title 10,

1 United States Code, shall not apply to any convey-
2 ance under subsection (b).

3 (d) SAVINGS CLAUSE.—If the State does not accept
4 the conveyance under subsection (b) of the land and im-
5 provements associated with the locks and dams described
6 in subsection (b), the Secretary may dispose of the land
7 and improvements under subchapter III of chapter 5 of
8 title 40, United States Code.

9 **SEC. 2111. KISSIMMEE RIVER RESTORATION.**

10 The Secretary may credit work performed or to be
11 performed by the non-Federal sponsor of the project for
12 ecosystem restoration, Kissimmee River, Florida, author-
13 ized by section 101(8) of the Water Resources Develop-
14 ment Act of 1992 (106 Stat. 4802), as an in-kind con-
15 tribution under section 221(a)(4) of the Flood Control Act
16 of 1970 (42 U.S.C. 1962d–5b(a)(4)), in accordance with
17 the report relating to the Central and Southern Florida
18 Project, Kissimmee River Restoration Project and dated
19 April 27, 2018, subject to the availability of appropria-
20 tions for any payments due.

21 **SEC. 2112. NORFOLK HARBOR AND CHANNEL, THIMBLE**
22 **SHOAL WIDENING, VIRGINIA.**

23 The Secretary may carry out the modifications to the
24 project for navigation, Norfolk Harbor and Channels, Vir-
25 ginia, authorized by section 201(a) of the Water Resources

1 Development Act of 1986 (100 Stat. 4090), as identified
2 in the report entitled “Report to Congress on Future
3 Water Resources Development” submitted to Congress in
4 February 2018, pursuant to section 7001 of the Water
5 Resources Reform and Development Act of 2014 (33
6 U.S.C. 2282d).

7 **SEC. 2113. DEAUTHORIZATION OF INACTIVE PROJECTS.**

8 (a) IN GENERAL.—Notwithstanding any other provi-
9 sion of law, except as provided in subsection (b), in the
10 case of a project that is included on the list submitted
11 to Congress by the Secretary pursuant to section
12 1001(b)(2) of the Water Resources Development Act of
13 1986 (33 U.S.C. 579a(b)(2)) for 2016 and dated Decem-
14 ber 15, 2016—

15 (1) the deauthorization of the project under
16 that section shall not apply; and

17 (2) beginning on the date of enactment of this
18 Act, the project is no longer authorized.

19 (b) APPLICATION.—Subsection (a) shall—

20 (1) apply to projects on the list described in
21 subsection (a) for which funds were—

22 (A) never obligated; or

23 (B) last obligated for planning, design, or
24 construction not later than September 30,
25 2000; and

1 (2) not apply to the project for flood control,
2 Pearl River Basin, Mississippi, authorized by section
3 401(e)(3) of the Water Resources Development Act
4 of 1986 (100 Stat. 4132).

5 **SEC. 2114. GREEN RIVER AND BARREN RIVER LOCKS AND**
6 **DAMS, KENTUCKY.**

7 Section 1315 of the Water Infrastructure Improve-
8 ments for the Nation Act (130 Stat. 1698) is amended—

9 (1) in subsection (b)—

10 (A) in paragraph (3)—

11 (i) by redesignating subparagraphs
12 (A) and (B) as clauses (i) and (ii), respec-
13 tively, and indenting appropriately;

14 (ii) in the matter preceding clause (i)
15 (as so redesignated), by striking “The Sec-
16 retary” and inserting the following:

17 “(A) IN GENERAL.—The Secretary”; and

18 (iii) by adding at the end the fol-
19 lowing:

20 “(B) USE OF FUNDS.—If the Secretary de-
21 termines that removal of Lock and Dam 5 or
22 a portion of Lock and Dam 5 is necessary be-
23 fore the conveyance under subparagraph (A),
24 the Secretary—

1 “(i) shall proceed with that removal;

2 and

3 “(ii) to carry out that removal—

4 “(I) may use appropriated funds

5 or accept and use funds contributed

6 by entities described in that subpara-

7 graph; and

8 “(II) may work with entities de-

9 scribed in that subparagraph.”; and

10 (B) in paragraph (5)—

11 (i) by redesignating subparagraphs

12 (A) and (B) as clauses (i) and (ii), respec-

13 tively, and indenting appropriately;

14 (ii) in the matter preceding clause (i)

15 (as so redesignated), by striking “The Sec-

16 retary” and inserting the following:

17 “(A) IN GENERAL.—The Secretary”; and

18 (iii) by adding at the end the fol-

19 lowing:

20 “(B) USE OF FUNDS.—If the Secretary de-

21 termines that removal of Lock and Dam 1 or

22 a portion of Lock and Dam 1 is necessary be-

23 fore the conveyance under subparagraph (A),

24 the Secretary—

1 “(i) shall proceed with that removal;

2 and

3 “(ii) to carry out that removal—

4 “(I) may use appropriated funds

5 or accept and use funds contributed

6 by entities described in that subpara-

7 graph; and

8 “(II) may work with entities de-

9 scribed in that subparagraph.”; and

10 (2) in subsection (c), by adding at the end the

11 following:

12 “(5) REMOVAL COSTS.—In carrying out this

13 section, if the Secretary determines that removal of

14 a Lock and Dam (or a portion of a Lock and Dam)

15 described in this section is necessary, any Federal

16 costs of that removal shall be subject to the avail-

17 ability of appropriations.”.

18 **SEC. 2115. CHEATHAM COUNTY, TENNESSEE.**

19 (a) IN GENERAL.—The Secretary may convey to

20 Cheatham County, Tennessee (referred to in this section

21 as the “grantee”), all right, title, and interest of the

22 United States in and to the real property in Cheatham

23 County, Tennessee, consisting of approximately 9.19

24 acres, identified as portions of tracts E-514-1, E-514-

25 2, E-518-1, E-518-2, E-519-1, E-537-1, and E-538,

1 all being part of the Cheatham Lock and Dam project at
2 CRM 158.5, including any improvements on that property.

3 (b) DEED.—The conveyance of property under this
4 section shall be accomplished using a quitclaim deed and
5 on such terms and conditions as the Secretary determines
6 appropriate to protect the interests of the United States,
7 including retaining the right to inundate with water any
8 land conveyed under this section.

9 (c) CONSIDERATION.—The grantee shall pay to the
10 Secretary an amount that is not less than the fair market
11 value of the land conveyed under this section, as deter-
12 mined by the Secretary.

13 (d) SUBJECT TO EXISTING EASEMENTS AND OTHER
14 INTERESTS.—The conveyance of property under this sec-
15 tion shall be subject to all existing easements, rights-of-
16 way, and leases that are in effect as of the date of the
17 conveyance.

18 (e) SURVEY TO OBTAIN LEGAL DESCRIPTION.—The
19 exact acreage and the legal description of the real property
20 to be conveyed under this section shall be determined by
21 a survey that is satisfactory to the Secretary.

22 (f) APPLICABILITY OF PROPERTY SCREENING PROVI-
23 SIONS.—Section 2696 of title 10, United States Code,
24 shall not apply to any conveyance under this section.

1 (g) ADDITIONAL TERMS AND CONDITIONS.—The
2 Secretary may require that any conveyance under this sec-
3 tion be subject to such additional terms and conditions
4 as the Secretary considers necessary and appropriate to
5 protect the interests of the United States.

6 (h) COSTS OF CONVEYANCE.—The grantee shall be
7 responsible for all reasonable and necessary costs, includ-
8 ing real estate transaction and environmental documenta-
9 tion costs, associated with the conveyance.

10 (i) LIABILITY.—

11 (1) HOLD HARMLESS.—The grantee shall hold
12 the United States harmless from any liability with
13 respect to activities carried out on the real property
14 on or after the date of the conveyance.

15 (2) LIABILITY OF THE UNITED STATES.—The
16 United States shall remain responsible for any liabil-
17 ity with respect to activities carried out on the real
18 property before the date of the conveyance.

19 **SEC. 2116. LAND DISPOSAL, FORT DUPONT, DELAWARE.**

20 (a) IN GENERAL.—Notwithstanding any other provi-
21 sion of law and subject to subsection (b), not later than
22 180 days after the date of enactment of this Act, the Sec-
23 retary shall transfer—

24 (1) all right, title, and interest in and to a par-
25 cel of land known as that part of the Original Acqui-

1 sition (OADE) Tract that includes the bed and
2 banks of the Delaware Branch Channel on the north
3 side of the Fifth Street Bridge, Delaware City, Dela-
4 ware, containing approximately 31.6 acres of land,
5 to the Fort DuPont Redevelopment and Preserva-
6 tion Corporation; and

7 (2) all right, title, and interest in and to the
8 Fifth Street Bridge, together with the land known
9 as that part of the Original Acquisition (OADE)
10 Tract that includes the banks and bed of the Dela-
11 ware Branch Channel, Delaware City, Delaware,
12 containing approximately 0.27 acres of land, to the
13 State of Delaware.

14 (b) CONDITIONS.—

15 (1) STATE APPROVAL.—Before making a trans-
16 fer under subsection (a), the Secretary shall ensure
17 that the Governor of Delaware agrees to the trans-
18 fer.

19 (2) TOLL-FREE BRIDGE.—Before making a
20 transfer under subsection (a)(2), the Governor of
21 Delaware shall agree to ensure that no toll is im-
22 posed for use of the bridge referred to in that sub-
23 section, in accordance with section 109 of the River
24 and Harbor Act of 1950 (33 U.S.C. 534).

1 (3) SURVEY.—The exact acreage and legal de-
2 scription of the land to be transferred under sub-
3 section (a) shall be determined by a survey satisfac-
4 tory to the Secretary and the Governor of Delaware.

5 (4) COSTS.—Any administrative costs for the
6 transfer under subsection (a) shall be paid by Fort
7 DuPont Redevelopment and Preservation Corpora-
8 tion, the State of Delaware, or a combination of
9 those entities.

10 **SEC. 2117. PASSAIC RIVER FEDERAL NAVIGATION CHAN-**
11 **NEL, NEW JERSEY.**

12 (a) DEFINITION OF PASSAIC RIVER NAVIGATION
13 PROJECT.—In this section, the term “Passaic River navi-
14 gation project” means the project for the Passaic River
15 Federal navigation channel, New Jersey, described in the
16 document of the New York District of the Corps of Engi-
17 neers numbered 207075, entitled “Lower Passaic River
18 Commercial Navigation Analysis”, and dated March 2007,
19 as revised in December 2008 and July 2010.

20 (b) DEAUTHORIZATION.—

21 (1) IN GENERAL.—The portion of the Passaic
22 River navigation project described in paragraph (2)
23 is deauthorized.

24 (2) DESCRIPTION OF PORTION.—The portion of
25 the Passaic River navigation project referred to in

1 paragraph (1) is the portion from river mile 1.7 to
2 river mile 15.4, as bounded by—

3 (A) the coordinates of—

4 (i) West Longitude $074^{\circ} 10.33047'$
5 W;

6 (ii) North Latitude $40^{\circ} 51.99988'$ N;

7 (iii) East Longitude 074°
8 $06.05923'$ W; and

9 (iv) South Latitude $40^{\circ} 43.2217'$ N;

10 and

11 (B) the New Jersey State Plane (US Sur-
12 vey Feet, NAD-83), as follows: Upper Left x-
13 592941.27 y- 739665.34; Upper Right x-
14 602477.94 y- 740791.62; Lower Left x-
15 582974.17 y- 692561.62; Lower Right x-
16 598345.10 y- 691219.09.

17 (c) MODIFICATION.—

18 (1) IN GENERAL.—The depth of the portion of
19 the Passaic River navigation project described in
20 paragraph (2) is modified from 30 feet to 20 feet
21 (using the Mean Lower Low Water datum).

22 (2) DESCRIPTION OF PORTION.—The portion of
23 the Passaic River navigation project referred to in
24 paragraph (1) is the portion from river mile 0.6 to
25 river mile 1.7, as bounded by—

- 1 (A) the coordinates of—
2 (i) West Longitude $074^{\circ} 07.43471'$
3 W;
4 (ii) North Latitude $40^{\circ} 44.32682'$ N;
5 (iii) East Longitude 074°
6 $06.61586'$ W; and
7 (iv) South Latitude $40^{\circ} 42.39342'$ N;
8 and
9 (B) the New Jersey State Plane (US Sur-
10 vey Feet, NAD-83), as follows: Upper Left x-
11 597440.36 y- 691333.92 ; Upper Right x-
12 598345.10 y- 691219.09 ; Lower Left x-
13 596416.01 y- 685597.99 ; Lower Right x-
14 597351.18 y- 685596.08 .

15 **SEC. 2118. LEVEES L-212 AND L-231, FOUR RIVER BASIN,**
16 **OCKLAWAHA RIVER, FLORIDA.**

17 The portions of the project for flood control and other
18 purposes, Four River Basins, Florida, authorized by sec-
19 tion 203 of the Flood Control Act of 1962 (76 Stat. 1183),
20 consisting of levees L-212 and L-231 along the Ocklawaha
21 River, Florida, are no longer authorized beginning on the
22 date of enactment of this Act.

23 **SEC. 2119. BOSTON HARBOR RESERVED CHANNEL**
24 **DEAUTHORIZATIONS.**

25 (a) 40-FOOT RESERVED CHANNEL.—

1 (1) IN GENERAL.—The portions of the project
2 for navigation, Boston Harbor, Massachusetts, au-
3 thorized by the first section of the Act of October
4 17, 1940 (54 Stat. 1198, chapter 895) and modified
5 by section 101 of the River and Harbor Act of 1958
6 (72 Stat. 297), section 101(a)(13) of the Water Re-
7 sources Development Act of 1990 (104 Stat. 4607),
8 and section 7002(1) of the Water Resources Reform
9 and Development Act of 2014 (128 Stat. 1365) de-
10 scribed in paragraph (2) are no longer authorized
11 beginning on the date of enactment of this Act.

12 (2) AREAS DESCRIBED.—

13 (A) FIRST AREA.—The first areas de-
14 scribed in this paragraph are—

15 (i) beginning at a point N.
16 2950154.45, E. 785995.64;

17 (ii) running southwesterly about
18 1451.63 feet to a point N. 2950113.83, E.
19 784544.58;

20 (iii) running southeasterly about
21 54.00 feet to a point N. 2950059.85, E.
22 784546.09;

23 (iv) running southwesterly about
24 1335.82 feet to a point N. 2950022.48, E.
25 783210.79;

1 (v) running northwesterly about 83.00
2 feet to a point N. 2950105.44, E.
3 783208.47;

4 (vi) running northeasterly about
5 2787.45 feet to a point N. 2950183.44, E.
6 785994.83; and

7 (vii) running southeasterly about
8 29.00 feet to the point described in clause
9 (i).

10 (B) SECOND AREA.—The second areas de-
11 scribed in this paragraph are—

12 (i) beginning at a point N.
13 2950502.86, E. 785540.84;

14 (ii) running northeasterly about 46.11
15 feet to a point N2950504.16, E785586.94;

16 (iii) running southwesterly about
17 25.67 feet to a point N. 2950480.84, E.
18 785576.18;

19 (iv) running southwesterly to a point
20 N. 2950414.32, E. 783199.83;

21 (v) running northwesterly about 8.00
22 feet to a point N. 2950422.32, E.
23 783199.60;

101

1 (vi) running northeasterly about
2 2342.58 feet to a point N. 2950487.87, E.
3 785541.26; and

4 (vii) running northwesterly about
5 15.00 feet to the point described in clause
6 (i).

7 (b) 35-FOOT RESERVED CHANNEL.—

8 (1) IN GENERAL.—The portions of the project
9 for navigation, Boston Harbor, Massachusetts, au-
10 thorized by the first section of the Act of October
11 17, 1940 (54 Stat. 1198, chapter 895) and modified
12 by section 101 of the River and Harbor Act of 1958
13 (72 Stat. 297) described in paragraph (2) are no
14 longer authorized beginning on the date of enact-
15 ment of this Act.

16 (2) AREAS DESCRIBED.—

17 (A) FIRST AREA.—The first areas de-
18 scribed in this paragraph are—

19 (i) beginning at a point N.
20 2950143.44, E. 787532.14;

21 (ii) running southeasterly about 22.21
22 feet to a point N. 2950128.91, E.
23 787548.93;

1 (iii) running southwesterly about
2 4,339.42 feet to a point N. 2950007.48, E.
3 783211.21;

4 (iv) running northwesterly about
5 15.00 feet to a point N. 2950022.48, E.
6 783210.79; and

7 (v) running northeasterly about
8 4,323.05 feet to the point described in
9 clause (i).

10 (B) SECOND AREA.—The second areas de-
11 scribed in this paragraph are—

12 (i) beginning at a point N.
13 2950502.86, E. 785540.84;

14 (ii) running southeasterly about 15.00
15 feet to a point N. 2950487.87, E.
16 785541.26;

17 (iii) running southwesterly about
18 2342.58 feet to a point N. 2950422.32, E.
19 783199.60;

20 (iv) running southeasterly about 8.00
21 feet to a point N. 2950414.32, E.
22 783199.83;

23 (v) running southwesterly about
24 1339.12 feet to a point N. 2950376.85, E.
25 781861.23;

1 (vi) running northwesterly about
 2 23.00 feet to a point N. 2950399.84, E.
 3 781860.59; and
 4 (vii) running northeasterly about
 5 3681.70 feet to the point described in
 6 clause (i).

7 **Subtitle C—Water Resources**

8 **Infrastructure**

9 **SEC. 2201. PROJECT AUTHORIZATIONS.**

10 The following projects for water resources develop-
 11 ment and conservation and other purposes, as identified
 12 in the report entitled “Report to Congress on Future
 13 Water Resources Development” submitted to Congress in
 14 March 2017, pursuant to section 7001 of the Water Re-
 15 sources Reform and Development Act of 2014 (33 U.S.C.
 16 2282d) or otherwise reviewed by Congress, are authorized
 17 to be carried out by the Secretary substantially in accord-
 18 ance with the plans, and subject to the conditions, de-
 19 scribed in the respective reports designated in this section:

20 (1) NAVIGATION.—

| A. State | B. Name | C. Date of Report of Chief of Engineers | D. Estimated Costs |
|---------------------|---|--|--|
| 1. TX | Houston-Gal- veston Naviga- tion Channel Extension | August 8, 2017 | Federal: \$10,239,000 Non-Federal: \$5,386,000 Total: \$15,625,000 |

| A. State | B. Name | C. Date of Report of Chief of Engineers | D. Estimated Costs |
|-----------------|---|--|--|
| 2. WA | Seattle Harbor Navigation Improvement Project | June 7, 2018 | Federal: \$26,242,000 Non-Federal: \$33,797,000 Total: \$60,039,000 |
| 3. VA | Norfolk Harbor and Channels Navigation Improvements | June 29, 2018 | Federal: \$131,381,000 Non-Federal: \$140,441,000 Total: \$271,822,000 |

1 (2) FLOOD RISK MANAGEMENT.—

| A. State | B. Name | C. Date of Report of Chief of Engineers | D. Estimated Costs |
|-----------------|-----------------------------|--|--|
| 1. HI | Ala Wai Canal | December 21, 2017 | Federal: \$199,237,000 Non-Federal: \$107,281,000 Total: \$306,518,000 |
| 2. NY | Mamaroneck-Sheldrake Rivers | December 14, 2017 | Federal: \$51,920,000 Non-Federal: \$27,960,000 Total: \$79,880,000 |

2 (3) HURRICANE AND STORM DAMAGE RISK RE-
3 DUCTION.—

| A. State | B. Name | C. Date of Report of Chief of Engineers | D. Estimated Initial Costs and Estimated Renourishment Costs |
|-----------------|------------------------------|--|--|
| 1. FL | St. Johns County | August 8, 2017 | Initial Federal: \$5,712,000 Initial Non-Federal: \$19,122,000 Initial Total: \$24,834,000 Renourishment Federal: \$9,484,000 Renourishment Non-Federal: \$44,099,000 Renourishment Total: \$53,583,000 |
| 2. FL | St. Lucie County | December 15, 2017 | Initial Federal: \$7,097,000 Initial Non-Federal: \$13,179,000 Initial Total: \$20,276,000 Renourishment Federal: \$8,915,000 Renourishment Non-Federal: \$24,105,000 Renourishment Total: \$33,020,000 |
| 3. TX | Sabine Pass to Galveston Bay | December 7, 2017 | Federal: \$2,157,202,000 Non-Federal: \$1,161,570,000 Total: \$3,318,772,000 |

1 (4) FLOOD RISK MANAGEMENT AND ECO-
2 SYSTEM RESTORATION.—

| A. State | B. Name | C. Date of Report of Chief of Engineers | D. Estimated Costs |
|-----------------|---|--|---|
| 1. NM | Española Valley, Rio Grande and tributaries | May 11, 2018 | Federal: \$40,258,000 Non-Federal: \$21,742,000 Total: \$62,000,000 |

1 **SEC. 2202. MCMICKEN DAM, ARIZONA, AND MUDDY RIVER,**
2 **MASSACHUSETTS.**

3 (a) **STUDY.**—The Secretary shall conduct a study on
4 the status of—

5 (1) the project at McMicken Dam, Arizona; and

6 (2) the project for flood damage reduction and
7 environmental restoration, Muddy River, Brookline
8 and Boston, Massachusetts, authorized by section
9 522 of the Water Resources Development Act of
10 2000 (114 Stat. 2656).

11 (b) **REPORT.**—Not later than 180 days after the date
12 of enactment of this Act, the Secretary shall submit to
13 Congress a report describing the results of the study under
14 subsection (a).

15 (c) **REQUIREMENTS.**—The report under subsection
16 (b) shall include—

17 (1) a description of the reasons of the Secretary
18 for deauthorizing the projects described in sub-
19 section (a);

20 (2) if practicable, a description of conditions
21 needed by the Secretary for the Secretary to reau-
22 thorize the projects described in subsection (a).

23 (d) **TREATMENT.**—The report under subsection (b)
24 shall be considered to be a feasibility report for purposes
25 of section 7001 of the Water Resources Reform and Devel-
26 opment Act of 2014 (33 U.S.C. 2282d).

1 **SEC. 2203. ENVIRONMENTAL INFRASTRUCTURE PROJECTS.**

2 Section 219 of the Water Resources Development Act
3 of 1992 (106 Stat. 4835, 113 Stat. 334, 114 Stat. 2763A-
4 219, 121 Stat. 1242, 121 Stat. 1261) is amended—

5 (1) in subsection (f)—

6 (A) in paragraph (25), by striking
7 “\$60,000,000” and inserting “\$90,000,000”;

8 (B) in paragraph (43), by striking
9 “\$35,000,000” and inserting “\$70,000,000”;

10 and

11 (C) by striking paragraph (121) and in-
12 serting the following:

13 “(121) CHARLOTTE COUNTY, FLORIDA.—
14 \$16,000,000 for wastewater infrastructure, Char-
15 lotte County, Florida.”; and

16 (2) by adding at the end the following:

17 “(g) CONSIDERATION OF ADDITIONAL PROJECTS.—
18 The Secretary shall consider and complete an assessment
19 of the following projects:

20 “(1) MACOMB COUNTY, MICHIGAN.—The
21 project for wastewater infrastructure, Macomb
22 County, Michigan.

23 “(2) MILWAUKEE AND SHOREWOOD, WIS-
24 CONSIN.—The project for wastewater infrastructure,
25 Milwaukee and Shorewood, Wisconsin.”.

1 **SEC. 2204. CONDITIONAL REAUTHORIZATION OF ENVIRON-**
2 **MENTAL PROJECTS.**

3 (a) IN GENERAL.—A project described in subsection
4 (b) shall be authorized for each of fiscal years 2019
5 through 2021, if the Secretary receives from the project
6 sponsor a written request for the authorization by not
7 later than 90 days after the date of enactment of this Act.

8 (b) DESCRIPTION OF PROJECTS.—A project referred
9 to in subsection (a) is any of the following:

10 (1) A project that—

11 (A) is an environmental project, as deter-
12 mined by the Chief of Engineers;

13 (B) is described in section 219(f) of the
14 Water Resources Development Act of 1992
15 (106 Stat. 4835; 113 Stat. 334); and

16 (C) was authorized—

17 (i) pursuant to an amendment to that
18 section made by section 5158 of the Water
19 Resources Development Act of 2007 (121
20 Stat. 1258); and

21 (ii) for an amount equal to not more
22 than \$2,000,000 for improvements to
23 water related infrastructure.

24 (2) A project under section 5113 of the Water
25 Resources Development Act of 2007 (121 Stat.
26 1237).

1 **SEC. 2205. SENSE OF CONGRESS RELATING TO WEST**
2 **HAVEN, CONNECTICUT.**

3 It is the sense of Congress that, to the maximum ex-
4 tent practicable, the Secretary should prioritize the project
5 for storm damage reduction, West Haven, Connecticut,
6 authorized by section 101 of the River and Harbor Act
7 of 1954 (68 Stat. 1254) and section 3 of the Act of Au-
8 gust 13, 1946 (60 Stat. 1056, chapter 960; 33 U.S.C.
9 426g).

10 **SEC. 2206. COASTAL TEXAS STUDY.**

11 Notwithstanding any other provision of law, the Sec-
12 retary shall expedite the completion of studies for flood
13 damage reduction, hurricane and storm damage reduction,
14 and ecosystem restoration in the coastal areas of Texas
15 that are identified in the interim report due to be pub-
16 lished in 2018 that describes the tentatively selected plan
17 developed in accordance with section 4091 of the Water
18 Resources Development Act of 2007 (121 Stat. 1187).

19 **SEC. 2207. TOMBIGBEE RIVER BASIN PILOT PROGRAM.**

20 Section 592 of the Water Resources Development Act
21 of 1999 (113 Stat. 379) is amended—

22 (1) by striking the section designation and
23 heading and inserting the following:

24 **“SEC. 592. TOMBIGBEE RIVER BASIN PILOT PROGRAM.”;**

25 (2) in subsection (a), by striking “Mississippi”
26 and inserting “the Tombigbee River Basin”;

1 (3) in subsection (b), by striking “Mississippi”
2 and inserting “the Tombigbee River Basin”;

3 (4) by redesignating subsections (a) through (g)
4 as subsections (b) through (h), respectively; and

5 (5) by inserting before subsection (b) (as so re-
6 designated) the following:

7 “(a) DEFINITION OF TOMBIGBEE RIVER BASIN.—In
8 this section, the term ‘Tombigbee River Basin’ includes
9 the entirety of any State that includes the Tombigbee
10 River Basin.”.

11 **SEC. 2208. PUGET SOUND AND ADJACENT WATERS RES-**
12 **TORATION, WASHINGTON.**

13 Section 544(f) of the Water Resources Development
14 Act of 2000 (114 Stat. 2675) is amended by striking
15 “\$5,000,000” and inserting “\$7,000,000”.

16 **Subtitle D—Expedited and**
17 **Modified Studies and Projects**

18 **SEC. 2301. RAHWAY RIVER BASIN FLOOD RISK MANAGE-**
19 **MENT PROJECT.**

20 In accordance with section 1322(b)(2)(B) of the
21 Water Infrastructure Improvements for the Nation Act
22 (130 Stat. 1707), the Secretary shall expedite completion
23 of the report for the project for flood risk management,
24 Rahway River Basin, New Jersey, and, if the Secretary
25 determines that the project is justified in the completed

1 report, proceed directly to project preconstruction, engi-
2 neering, and design in accordance with section 910 of the
3 Water Resources Development Act of 1986 (33 U.S.C.
4 2287).

5 **SEC. 2302. HUDSON-RARITAN ESTUARY COMPREHENSIVE**
6 **RESTORATION PROJECT.**

7 (a) IN GENERAL.—The Secretary shall expedite the
8 completion of the Hudson-Raritan Estuary Comprehensive
9 Restoration Project—

10 (1) in a timely manner; and

11 (2) in accordance with section 1322(b)(2)(C) of
12 the Water Infrastructure Improvements for the Na-
13 tion Act (130 Stat. 1707).

14 (b) JAMAICA BAY UNIT.—In the case of a rec-
15 ommendation for restoration within the Jamaica Bay Unit
16 in a report of the Chief of Engineers for the project de-
17 scribed in subsection (a), that restoration shall be carried
18 out at full Federal expense by the Corps of Engineers.

19 **SEC. 2303. CERTAIN PROJECTS IN RHODE ISLAND.**

20 The Secretary shall adhere to the proposed schedules
21 and avoid delays to the extent practicable with respect
22 to—

23 (1) the project for navigation, Providence River,
24 Rhode Island, authorized by the first section of the
25 Act of August 26, 1937 (50 Stat. 845, chapter 832)

1 and section 301 of the River and Harbor Act of
2 1965 (79 Stat. 1089);

3 (2) the feasibility study for the project for
4 coastal storm risk management, Pawcatuck River,
5 Rhode Island, authorized in the matter under the
6 heading “INVESTIGATIONS” under the heading
7 “CORPS OF ENGINEERS—CIVIL” under the heading
8 “DEPARTMENT OF THE ARMY” in title X of
9 division A of the Disaster Relief Appropriations Act,
10 2013 (Public Law 113–2; 127 Stat. 23); and

11 (3) the Rhode Island historical structure flood
12 hazard vulnerability assessment.

13 **SEC. 2304. CEDAR RIVER, IOWA.**

14 The Secretary shall expedite the project for flood risk
15 management at Cedar River, Cedar Rapids, Iowa, author-
16 ized by section 7002(2) of the Water Resources Reform
17 and Development Act of 2014 (128 Stat. 1366).

18 **SEC. 2305. PLYMOUTH HARBOR, MASSACHUSETTS.**

19 The Secretary shall expedite and complete the dredg-
20 ing of Plymouth Harbor, Massachusetts, as authorized by
21 the Act of March 4, 1913 (37 Stat. 802, chapter 144)
22 and the Act of September 22, 1922 (42 Stat. 1038, chap-
23 ter 427), not later than December 31, 2019.

1 **SEC. 2306. BRANDON ROAD STUDY.**

2 (a) IN GENERAL.—The Secretary shall complete a
3 final feasibility report for the Great Lakes Mississippi
4 River Interbasin Study Brandon Road Study, authorized
5 under section 3061(d) of the Water Resources Develop-
6 ment Act of 2007 (121 Stat. 1121) and section 1538(b)(1)
7 of MAP–21 (Public Law 112–141; 126 Stat. 586) by the
8 original deadline of February 2019.

9 (b) FEDERAL SHARE.—Section 3061(d) of the Water
10 Resources Development Act of 2007 (121 Stat. 1121) is
11 amended—

12 (1) by striking “The Secretary” and inserting
13 the following:

14 “(1) IN GENERAL.—The Secretary”; and

15 (2) by adding at the end the following:

16 “(2) OPERATION AND MAINTENANCE.—The
17 Federal share of operation and maintenance costs of
18 any project authorized to be carried out pursuant to
19 the feasibility study under paragraph (1) shall be 80
20 percent.”.

21 **SEC. 2307. CENTRAL EVERGLADES PLANNING PROJECT.**

22 The Secretary shall expedite construction of a res-
23 ervoir south of Lake Okeechobee as part of the project
24 for ecosystem restoration in the central Everglades au-
25 thorized by section 1401(4) of the Water Infrastructure
26 Improvements for the Nation Act (130 Stat. 1713).

1 **SEC. 2308. PORTSMOUTH HARBOR AND PISCATAQUA RIVER.**

2 The Secretary shall expedite the project for naviga-
3 tion for Portsmouth Harbor and the Piscataqua River au-
4 thorized by section 101 of the River and Harbor Act of
5 1962 (76 Stat. 1173).

6 **SEC. 2309. BLAIN ROAD FOOTBRIDGE, THOMPSON, CON-**
7 **NECTICUT.**

8 The Secretary shall proceed with the review of design
9 plans for the Blain Road footbridge over West Thompson
10 Lake, Thompson, Connecticut.

11 **SEC. 2310. TABLE ROCK LAKE, ARKANSAS AND MISSOURI.**

12 The Secretary shall comply with section 1185 of the
13 Water Infrastructure Improvements for the Nation Act
14 (130 Stat. 1680) with respect to the Table Rock Lake
15 Master Plan and Table Rock Lake Shoreline Management
16 Plan.

17 **SEC. 2311. MCCOOK RESERVOIR, ILLINOIS.**

18 The Secretary shall consider the project for flood con-
19 trol at McCook Reservoir, Illinois, authorized by section
20 3(a)(5) of the Water Resources Development Act of 1988
21 (102 Stat. 4013; 110 Stat. 3716), a priority for the non-
22 Federal project implementation pilot project under section
23 1043(b) of the Water Resources Reform and Development
24 Act of 2014 (33 U.S.C. 2201 note; Public Law 113–121).

1 **SEC. 2312. BAPTISTE COLLETTE BAYOU STUDY, LOUISIANA.**

2 The Secretary shall expedite the review for the study
3 for navigation and channel deepening, Baptiste Collette
4 Bayou, Louisiana, under section 203 of the Water Re-
5 sources Development Act of 1986 (33 U.S.C. 2231).

6 **SEC. 2313. MORGANZA TO THE GULF, LOUISIANA.**

7 The Secretary shall expedite completion of the project
8 for hurricane and storm damage risk reduction, Morganza
9 to the Gulf, Louisiana, authorized by section 7002(3) of
10 the Water Resources Reform and Development Act of
11 2014 (128 Stat. 1368).

12 **SEC. 2314. LOUISIANA COASTAL AREA.**

13 The Secretary shall expedite completion of the project
14 for environmental restoration, Louisiana Coastal Area,
15 Louisiana, authorized by section 7002(5) of the Water Re-
16 sources Reform and Development Act of 2014 (128 Stat.
17 1370).

18 **SEC. 2315. LOUISIANA COASTAL AREA-BARATARIA BASIN**
19 **BARRIER.**

20 The Secretary shall expedite completion of the project
21 for environmental restoration, Louisiana Coastal Area-
22 Barataria Basin Barrier, Louisiana, authorized by section
23 7002(5) of the Water Resources Reform and Development
24 Act of 2014 (128 Stat. 1370).

1 **SEC. 2316. WEST SHORE LAKE PONTCHARTRAIN, LOU-**
2 **ISIANA.**

3 The Secretary shall expedite completion of the project
4 for hurricane and storm damage risk reduction, West
5 Shore Lake Pontchartrain, Louisiana, authorized by sec-
6 tion 1401(3) of the Water Infrastructure Improvements
7 for the Nation Act (130 Stat. 1712).

8 **SEC. 2317. SOUTHWEST COASTAL LOUISIANA.**

9 The Secretary shall expedite completion of the project
10 for hurricane and storm damage risk reduction and eco-
11 system restoration, Southwest Coastal Louisiana, Lou-
12 isiana, authorized by section 1401(8) of the Water Infra-
13 structure Improvements for the Nation Act (130 Stat.
14 1715).

15 **SEC. 2318. NEW YORK-NEW JERSEY HARBOR AND TRIBU-**
16 **TARIES FEASIBILITY STUDY.**

17 Not later than 90 days after the date of enactment
18 of this Act and subject to the availability of appropria-
19 tions, the Secretary shall complete the New York-New Jer-
20 sey Harbor and Tributaries Focus Area Feasibility Study
21 authorized by the first section of the Act of June 15, 1955
22 (69 Stat. 132, chapter 140).

23 **SEC. 2319. LOWER BRULE SHORELINE STABILIZATION**
24 **PROJECT.**

25 (a) IN GENERAL.—The Secretary shall carry out a
26 project for shoreline stabilization on the Lower Brule Res-

1 ervation, South Dakota, pursuant to section 203 of the
2 Water Resources Development Act of 2000 (33 U.S.C.
3 2269).

4 (b) FEDERAL SHARE.—The Federal share of the cost
5 of each separable element of the project described in sub-
6 section (a) may not exceed \$10,000,000.

7 **SEC. 2320. HAMPTON HARBOR, NEW HAMPSHIRE, NAVIGA-**
8 **TION IMPROVEMENT PROJECT.**

9 In carrying out the project for navigation, Hampton
10 Harbor, New Hampshire, under section 107 of the River
11 and Harbor Act of 1960 (33 U.S.C. 577), the Secretary
12 shall use all existing authorities of the Secretary to miti-
13 gate severe shoaling.

14 **SEC. 2321. NEW JERSEY AND DELAWARE BACK BAYS COAST-**
15 **AL STORM RISK MANAGEMENT.**

16 Notwithstanding section 1001(a)(1) of the Water Re-
17 sources Reform and Development Act of 2014 (33 U.S.C.
18 2282c(a)(1)), the final feasibility report for coastal storm
19 management, back bays, New Jersey and Delaware, shall
20 be completed by the date that is not later than 6 years
21 after the date of initiation of the feasibility study for the
22 project.

1 **SEC. 2322. MINNESOTA LOCKS AND DAMS DIVESTMENT**
2 **STUDY.**

3 (a) **EXPEDITED COMPLETION.**—The Secretary shall
4 expedite completion of the study with respect to the dives-
5 titure of the locks and dams of the Secretary in Minnesota
6 in the St. Paul district of the Corps of Engineers.

7 (b) **REPORTS.**—The Secretary shall produce a sepa-
8 rate report for each lock and dam described in subsection
9 (a) describing the result of the study described in that sub-
10 section.

11 (c) **PARTIAL DIVESTITURE.**—The Secretary shall in-
12 clude in the report describing the result of the study de-
13 scribed in subsection (a)—

14 (1) an examination of the possibility of the par-
15 tial divestiture of the Secretary from the locks and
16 dams described in that subsection;

17 (2) an examination of possible changes to the
18 use of those locks and dams; and

19 (3) a plan to expedite divestiture of those locks
20 and dams.

21 (d) **CONTRIBUTED FUNDS.**—The Secretary shall ac-
22 cept and expend funds to carry out the study described
23 in subsection (a) that are contributed by a State or a polit-
24 ical subdivision of a State under the Act of October 15,
25 1940 (54 Stat. 1176, chapter 884; 33 U.S.C. 701–1).

1 **SEC. 2323. HOUMA NAVIGATION CANAL, LOUISIANA.**

2 The Secretary shall expedite the review for the study
3 for navigation and channel deepening, Houma Navigation
4 Canal, Louisiana, authorized by section 1001(24)(B) of
5 the Water Resources Development Act of 2007 (121 Stat.
6 1053), under section 203 of the Water Resources Develop-
7 ment Act of 1986 (33 U.S.C. 2231).

8 **SEC. 2324. RED RIVER WATERWAY, LOUISIANA, TEXAS, AR-**
9 **KANSAS, AND OKLAHOMA.**

10 Subject to the availability of appropriations, the Sec-
11 retary shall carry out the project for navigation, Red River
12 Waterway, Louisiana, Texas, Arkansas, and Oklahoma,
13 authorized under section 101 of the River and Harbor Act
14 of 1968 (82 Stat. 731).

15 **SEC. 2325. FLOOD RISK MANAGEMENT, EAST HARTFORD,**
16 **CONNECTICUT.**

17 The Secretary shall expedite the completion of a fea-
18 sibility study for the project for flood risk management,
19 East Hartford, Connecticut, and if the Secretary deter-
20 mines that the project is justified in a completed report,
21 may proceed directly to preconstruction planning, engi-
22 neering, and design of the project.

23 **SEC. 2326. FLOOD RISK MANAGEMENT, HARTFORD, CON-**
24 **NECTICUT.**

25 The Secretary shall expedite the completion of a fea-
26 sibility study for the project for flood risk management,

1 Hartford, Connecticut, and if the Secretary determines
2 that the project is justified in a completed report, may
3 proceed directly to preconstruction planning, engineering,
4 and design of the project.

5 **SEC. 2327. SOO LOCKS, SAULT STE. MARIE, MICHIGAN.**

6 The Secretary shall carry out the project for Soo
7 Locks, Sault Sainte Marie, Michigan, authorized by sec-
8 tion 1149 of the Water Resources Development Act of
9 1986 (100 Stat. 4254; 121 Stat. 1131) in accordance with
10 the Economic Validation Study and Post-Authorization
11 Change Report of the Director of Civil Works relating to
12 that project and dated June 29, 2018.

13 **SEC. 2328. PENOBSCOT RIVER, MAINE.**

14 (a) DEAUTHORIZATION.—

15 (1) IN GENERAL.—Beginning on the date of en-
16 actment of this Act, the portion of the project for
17 navigation, Penobscot River, Maine, authorized by
18 the first section of the Act of July 5, 1884 (23 Stat.
19 133, chapter 229), the first section of the Act of Au-
20 gust 11, 1888 (25 Stat. 408, chapter 860), the first
21 section of the Act of July 13, 1892 (27 Stat. 96,
22 chapter 158), and the first section of the Act of
23 March 2, 1907 (34 Stat. 1074, chapter 2509), de-
24 scribed in paragraph (2) is no longer authorized.

1 (2) AREA DESCRIBED.—The portion of the
2 project referred to in paragraph (1) is an area of ap-
3 proximately 135,784 square feet—

4 (A) beginning at a point N. 410451.89, E.
5 913370.08;

6 (B) running north 34 degrees, 05 minutes,
7 52.6 seconds east about 815.4 feet to a point
8 N. 411127.11, E. 913827.20;

9 (C) running north 52 degrees, 41 minutes,
10 55.33 seconds east about 143.06 feet to a point
11 N. 411213.81, E. 913941.00;

12 (D) running north 27 degrees, 04 minutes,
13 01 second east about 1068.73 feet to a point N.
14 412165.48, E. 914427.30;

15 (E) running south 62 degrees, 55 minutes,
16 59.79 seconds east about 450 feet to a point N.
17 411960.72, E. 914828.01;

18 (F) running south 27 degrees, 04 minutes,
19 01 second west about 246.99 feet to a point N.
20 411740.78, E. 914715.62;

21 (G) running north 43 degrees, 45 minutes,
22 41.8 seconds west about 444.66 feet to a point
23 N. 412061.92, E. 914408.07;

1 (H) running south 27 degrees, 04 minutes,
2 01 second west about 946.62 feet to a point N.
3 411218.97, E. 913977.33; and

4 (I) running south 38 degrees, 21 minutes,
5 58.9 seconds west about 978.35 feet to the
6 point described in subparagraph (A).

7 (b) REDESIGNATIONS AS ANCHORAGE AREAS.—

8 (1) FIRST ANCHORAGE AREA.—

9 (A) IN GENERAL.—The portion of the
10 project referred to in subsection (a)(1) in the
11 area described in subparagraph (B) is redesign-
12 nated as a 100-foot wide and 14-foot deep an-
13 chorage area.

14 (B) AREA DESCRIBED.—The area referred
15 to in subparagraph (A) is an area of approxi-
16 mately 121,875 square feet—

17 (i) beginning at a point N.
18 410670.99, E. 914168.96;

19 (ii) running north 62 degrees, 55 min-
20 utes, 59 seconds west about 100 feet to a
21 point N. 410716.49, E. 914079.92;

22 (iii) running north 27 degrees, 04
23 minutes, 01 second east about 1236.13
24 feet to a point N. 411817.24, E.
25 914642.40;

1 (iv) running south 43 degrees, 45
2 minutes, 41.8 seconds east about 105.87
3 feet to a point N. 411740.78, E.
4 914715.62; and

5 (v) running south 27 degrees, 04 min-
6 utes, 01 second west about 1201.37 feet to
7 the point described in clause (i).

8 (2) SECOND ANCHORAGE AREA.—

9 (A) IN GENERAL.—The portion of the
10 project referred to in subsection (a)(1) in the
11 area described in subparagraph (B) is redesign-
12 ated as a 14-foot deep anchorage area with a
13 width between 220 feet and 300.08 feet.

14 (B) AREA DESCRIBED.—The area referred
15 to in subparagraph (A) is an area of approxi-
16 mately 304,058 square feet—

17 (i) beginning at a point with coordi-
18 nates N. 410761.99, E. 913990.87;

19 (ii) running north 62 degrees, 55 min-
20 utes, 59 seconds west about 300.08 feet to
21 a point N. 410898.54, E. 913723.66;

22 (iii) running north 38 degrees, 21
23 minutes, 58.9 seconds east about 408.69
24 feet to a point N. 411218.97, E.
25 913977.33;

1 (iv) running north 27 degrees, 04
2 minutes, 01 second east about 946.62 feet
3 to a point N. 412061.92, E. 914408.07;

4 (v) running south 43 degrees, 45 min-
5 utes, 41.8 seconds east about 232.92 feet
6 to a point N. 411893.70, E. 914569.17;

7 and

8 (vi) running south 27 degrees, 04
9 minutes, 01 second west about 1270.9 feet
10 to the point described in clause (i).

11 **SEC. 2329. RIVERBANK STABILIZATION, SELMA, ALABAMA.**

12 The Secretary shall expedite the completion of a fea-
13 sibility study for the project for riverbank stabilization,
14 Selma, Alabama, and if the Secretary determines that the
15 project is justified in a completed report, may proceed di-
16 rectly to preconstruction planning, engineering, and de-
17 sign of the project.

18 **TITLE III—PRIMARY CORPS OF**
19 **ENGINEERS ACTIVITIES**
20 **Subtitle A—Continuing Authorities**
21 **Programs**

22 **SEC. 3001. CORPS OF ENGINEERS CONTINUING AUTHORI-**
23 **TIES PROGRAM.**

24 (a) STORM AND HURRICANE RESTORATION AND IM-
25 PACT MINIMIZATION PROGRAM.—Section 3(c) of the Act

1 of August 13, 1946 (60 Stat. 1056, chapter 960; 33
2 U.S.C. 426g(c)) is amended—

3 (1) in paragraph (1), by striking
4 “\$30,000,000” and inserting “\$45,000,000”; and

5 (2) in paragraph (2)(B), by striking
6 “\$10,000,000” and inserting “\$15,000,000”.

7 (b) SMALL RIVER AND HARBOR IMPROVEMENT
8 PROJECTS.—Section 107 of the River and Harbor Act of
9 1960 (33 U.S.C. 577) is amended—

10 (1) in subsection (a), by striking
11 “\$50,000,000” and inserting “\$62,500,000”; and

12 (2) in subsection (b), by striking
13 “\$10,000,000” and inserting “\$12,500,000”.

14 (c) SHORE DAMAGE PREVENTION OR MITIGATION.—
15 Section 111 of the River and Harbor Act of 1968 (33
16 U.S.C. 426i) is amended—

17 (1) in subsection (c), by striking “\$10,000,000”
18 and inserting “\$15,000,000”; and

19 (2) by adding at the end the following:

20 “(f) CERTAIN PROJECTS.—Subject to the availability
21 of appropriations, in the case of a project under this sec-
22 tion that, on the date of enactment of the America’s Water
23 Infrastructure Act of 2018, is authorized to be carried out
24 at a cost greater than \$10,000,000, the Secretary may

1 provide to the project an increase in funding equal to the
2 lesser of—

3 “(1) 50 percent of the authorized amount; and

4 “(2) \$5,000,000.”.

5 (d) REGIONAL SEDIMENT MANAGEMENT.—Section
6 204 of the Water Resources Development Act of 1992 (33
7 U.S.C. 2326) is amended—

8 (1) in subsection (c)(1)(C), by striking
9 “\$10,000,000” and inserting “\$12,500,000”; and

10 (2) in subsection (g), in the first sentence, by
11 striking “\$50,000,000” and inserting
12 “\$62,500,000”.

13 (e) SMALL FLOOD CONTROL PROJECTS.—Section
14 205 of the Flood Control Act of 1948 (33 U.S.C. 701s)
15 is amended—

16 (1) in the first sentence, by striking
17 “\$55,000,000” and inserting “\$82,500,000”; and

18 (2) in the third sentence, by striking
19 “\$10,000,000” and inserting “\$15,000,000”.

20 (f) AQUATIC ECOSYSTEM RESTORATION.—Section
21 206 of the Water Resources Development Act of 1996 (33
22 U.S.C. 2330) is amended—

23 (1) in subsection (a), by adding at the end the
24 following:

1 “(3) REQUIREMENT.—In carrying out projects
2 under this section, the Secretary shall carry out—

3 “(A) not less than 2 projects in areas with
4 a population of 80,000 or less; and

5 “(B) not less than 2 projects in areas with
6 a population of 2,500,000 or more.”;

7 (2) in subsection (d), by striking
8 “\$10,000,000” and inserting “\$12,500,000”; and

9 (3) in subsection (e), by striking “\$50,000,000”
10 and inserting “\$62,500,000”.

11 (g) PROJECT MODIFICATIONS FOR IMPROVEMENT OF
12 ENVIRONMENT.—

13 (1) IN GENERAL.—Section 1135 of the Water
14 Resources Development Act of 1986 (33 U.S.C.
15 2309a) is amended—

16 (A) in subsection (d), in the third sentence,
17 by striking “\$10,000,000” and inserting
18 “\$15,000,000”;

19 (B) in subsection (h), by striking
20 “\$40,000,000” and inserting “\$60,000,000”;

21 (C) by redesignating subsections (h) and
22 (i) as subsections (i) and (j), respectively; and

23 (D) by inserting after subsection (g) the
24 following:

1 “(h) PRIORITIZATION OF CERTAIN PROJECTS.—In
2 carrying out activities under this section in the Upper Mis-
3 souri River Basin, the Secretary shall give priority to
4 projects within that area that restore degraded ecosystems
5 through modification of existing flood risk management
6 projects.”.

7 (2) CONFORMING AMENDMENT.—Section
8 4014(c)(1) of the Water Resources Reform and De-
9 velopment Act of 2014 (33 U.S.C. 2803a(c)(1)) is
10 amended by striking subparagraph (B) and inserting
11 the following:

12 “(B) Section 1135 of the Water Resources
13 Development Act of 1986 (33 U.S.C. 2309a).”.

14 (h) EMERGENCY STREAMBANK AND SHORELINE
15 PROTECTION.—Section 14 of the Flood Control Act of
16 1946 (33 U.S.C. 701r) is amended—

17 (1) by striking “\$20,000,000” and inserting
18 “\$25,000,000”;

19 (2) by striking “\$5,000,000” and inserting
20 “\$7,500,000”; and

21 (3) by striking “one fiscal year.” and inserting
22 the following: “1 fiscal year: *Provided further*, That
23 the Secretary shall give priority to areas that are re-
24 covering from significant high water levels or flood-
25 ing that occurred within the 24-month period ending

1 on the date on which the Secretary makes an allot-
2 ment under this section.”.

3 **SEC. 3002. SENSE OF CONGRESS RELATING TO CON-**
4 **TINUING AUTHORITIES PROGRAM.**

5 It is the sense of Congress that for each fiscal year,
6 there should be made available to the Secretary the full
7 amount of appropriations to carry out the continuing au-
8 thorities program, which consists of—

9 (1) section 14 of the Flood Control Act of 1946
10 (33 U.S.C. 701r);

11 (2) section 3 of the Act of August 13, 1946 (60
12 Stat. 1056, chapter 960; 33 U.S.C. 426g);

13 (3) section 107 of the River and Harbor Act of
14 1960 (33 U.S.C. 577);

15 (4) section 111 of the River and Harbor Act of
16 1968 (33 U.S.C. 426i);

17 (5) section 204 of the Water Resources Devel-
18 opment Act of 1992 (33 U.S.C. 2326);

19 (6) section 205 of the Flood Control Act of
20 1948 (33 U.S.C. 701s);

21 (7) section 206 of the Water Resources Devel-
22 opment Act of 1996 (33 U.S.C. 2330);

23 (8) section 2 of the Act of August 28, 1937 (50
24 Stat. 877, chapter 877; 33 U.S.C. 701g); and

1 (9) section 1135 of the Water Resources Devel-
2 opment Act of 1986 (33 U.S.C. 2309a).

3 **SEC. 3003. REPORT RELATING TO AVAILABILITY OF**
4 **PRIORITIZED CAP PROJECTS.**

5 As soon as practicable after the date of enactment
6 of this Act, the Secretary shall publish in the Federal Reg-
7 ister and on a publicly available website the prioritization
8 criteria and the annual report required under paragraphs
9 (2) and (3), respectively, of section 1030(a) of the Water
10 Resources Reform and Development Act of 2014 (33
11 U.S.C. 400).

12 **Subtitle B—Navigation**

13 **PART I—INLAND WATERWAYS**

14 **SEC. 3101. GAO STUDY ON NAVIGATION AND ECOSYSTEM**
15 **SUSTAINABILITY PROGRAM.**

16 Not later than 1 year after the date of enactment
17 of this Act, the Comptroller General of the United States
18 shall—

19 (1) complete a study on the implementation of
20 the navigation and ecosystem sustainability program
21 under title VIII of the Water Resources Develop-
22 ment Act of 2007 (33 U.S.C. 652 note; Public Law
23 110–114); and

24 (2) submit to Congress a report on the results
25 of the study under paragraph (1), including a de-

1 scription of the obstacles that must be removed to
2 implement the program expeditiously.

3 **SEC. 3102. MCCLELLAN-KERR ARKANSAS RIVER NAVIGA-**
4 **TION SYSTEM.**

5 (a) IN GENERAL.—For the purposes of project con-
6 tinuation, prior funding for the McClellan-Kerr Arkansas
7 River Navigation System, 12-foot channel, from appro-
8 priations Acts enacted prior to 2009 shall be deemed to
9 have come from construction-related accounts, not oper-
10 ations and maintenance accounts.

11 (b) SAVINGS PROVISION.—Nothing in this section al-
12 ters the existing prioritization for Inland Waterway Trust
13 Fund activities.

14 **PART II—PORTS AND HARBORS**

15 **SEC. 3111. BEACH RENOURISHMENT AND SHORELINE PRO-**
16 **TECTION DEMONSTRATION PROGRAM.**

17 (a) IN GENERAL.—Not later than 90 days after the
18 date of enactment of this Act, the Secretary shall establish
19 a demonstration program (referred to in this section as
20 the “demonstration program”) to carry out not more than
21 5 projects for beach renourishment and shoreline protec-
22 tion along the Mid-Atlantic coast.

23 (b) PROJECT SELECTION.—The Secretary shall con-
24 sult with relevant State agencies in selecting projects
25 under the demonstration program.

1 (c) CRITERIA.—The Secretary shall establish criteria
2 and other considerations for implementation of the dem-
3 onstration program that—

4 (1) foster Federal, State, and local collabora-
5 tion;

6 (2) evaluate the performance of project assets
7 within a system that yield system-wide benefits with-
8 in individual or multiple States; and

9 (3) include other criteria and considerations
10 that the Secretary determines to be appropriate.

11 (d) COST-SHARING.—Projects carried out under the
12 demonstration program shall be subject to the cost-shar-
13 ing requirements otherwise applicable to beach renourish-
14 ment and shoreline protection projects.

15 (e) REPORT.—Not later than 1 year after the date
16 of enactment of this Act, and annually thereafter, the Sec-
17 retary shall submit to the Committee on Environment and
18 Public Works of the Senate and the Committee on Trans-
19 portation and Infrastructure of the House of Representa-
20 tives a report that includes findings and recommendations
21 of the Secretary with respect to the projects completed
22 under the demonstration program.

23 (f) AUTHORIZATION OF APPROPRIATIONS.—There is
24 authorized to be appropriated to carry out this section
25 \$75,000,000, to remain available until expended.

1 (g) TERMINATION.—The demonstration program
2 shall terminate after completion of all projects carried out
3 pursuant to subsection (a).

4 **SEC. 3112. AUTHORIZATION OF APPROPRIATIONS FOR PUR-**
5 **CHASE OF MAT SINKING UNIT.**

6 There is authorized to be appropriated to the Sec-
7 retary \$125,000,000 for the purchase of a mat sinking
8 unit.

9 **SEC. 3113. MAT SINKING UNIT.**

10 It is the sense of Congress that, in considering the
11 least cost alternative for purchasing a mat sinking unit,
12 the Corps of Engineers should consider entering into a
13 lease to purchase.

14 **SEC. 3114. SENSE OF CONGRESS RELATING TO KENNEBEC**
15 **RIVER FEDERAL NAVIGATION CHANNEL.**

16 It is the sense of Congress that periodic maintenance
17 dredging of the Federal navigation channel in the Ken-
18 nebec River, Maine, should be prioritized, based on a joint
19 plan developed by the Secretary and the Secretary of the
20 Navy.

21 **SEC. 3115. SENSE OF CONGRESS RELATING TO WIL-**
22 **MINGTON HARBOR DREDGING.**

23 It is the sense of Congress that the Secretary should
24 prioritize annual dredging for Wilmington Harbor, Dela-
25 ware.

1 **SEC. 3116. PORT OF ARLINGTON.**

2 Subject to the availability of appropriations, the Sec-
3 retary shall reimburse the Port of Arlington, Gillam Coun-
4 ty, Oregon, not more than \$3,200,000, for the costs in-
5 curred by the Port of Arlington for construction and other
6 expenses for the project described in the matter under the
7 heading “REGULATORY PROGRAM” under the heading
8 “CORPS OF ENGINEERS—CIVIL” under the heading “DE-
9 PARTMENT OF THE ARMY” under the heading of
10 “DEPARTMENT OF DEFENSE—CIVIL” in title I of
11 division C of the Omnibus Appropriations Act, 2009 (Pub-
12 lic Law 111–8; 123 Stat. 604), as authorized under that
13 provision.

14 **SEC. 3117. PEARL RIVER BASIN DEMONSTRATION PRO-**
15 **GRAM.**

16 (a) DEFINITION OF ENVIRONMENTAL IMPACT
17 STATEMENT.—In this section, the term “environmental
18 impact statement” means the detailed written statement
19 required under section 102(2)(C) of the National Environ-
20 mental Policy Act of 1969 (42 U.S.C. 4332(2)(C)).

21 (b) DEMONSTRATION PROGRAM.—The Secretary
22 shall establish a demonstration program to allow a project
23 authorized by section 211 of the Water Resources Devel-
24 opment Act of 1996 (33 U.S.C. 701b–13) (as in effect
25 on the day before the date of enactment of the Water Re-
26 sources Reform and Development Act of 2014 (128 Stat.

1 1193)) to begin preliminary engineering and design after
2 the completion of a feasibility study and an environmental
3 impact statement for the project.

4 (c) REQUIREMENTS.—For each project authorized to
5 begin preliminary engineering and design under subsection
6 (b)—

7 (1) the project shall conform to the feasibility
8 study approved by the headquarters office of the
9 Corps of Engineers and the environmental impact
10 statement for the project; and

11 (2) the Secretary and the non-Federal sponsor
12 shall jointly agree to the construction design of the
13 project.

14 (d) REPAYMENT.—If a project authorized to begin
15 preliminary engineering and design under subsection (b)
16 does not receive a favorable final decision document, the
17 non-Federal sponsor of the project shall repay any funds
18 provided under this section for the project.

19 (e) SUNSET.—The authority to carry out the dem-
20 onstration program under this section shall terminate on
21 the date that is 5 years after the date of enactment of
22 this Act.

23 **SEC. 3118. EXPEDITED INITIATION.**

24 Section 1322(b)(2) of the Water Infrastructure Im-
25 provements for the Nation Act (130 Stat. 1707) is amend-

1 ed in the matter preceding subparagraph (A) by inserting
2 “or, in a case in which a general reevaluation report for
3 the project is required and has been submitted for ap-
4 proval,” after “completed report,”.

5 **SEC. 3119. BENEFICIAL USE OF DREDGED SEDIMENT.**

6 Notwithstanding any other provision of law, in the
7 case of a project for beach nourishment, the easement for
8 the project shall be for a period—

9 (1) agreed to by the Secretary and the non-
10 Federal interest; and

11 (2) not less than 100 percent of the anticipated
12 lifecycle of the project and not more than 200 per-
13 cent of the anticipated lifecycle of the project.

14 **SEC. 3120. RULE FOR BEACH NOURISHMENT AND SHORE-**
15 **LINE PROTECTION PROJECTS.**

16 Notwithstanding any other provision of law, in the
17 case of a project for beach nourishment or shoreline pro-
18 tection, with respect to the benefit-cost analysis for the
19 project, the Secretary shall proceed with the project if the
20 benefits of the project are equal to or greater than the
21 costs of the project.

1 **PART III—MISCELLANEOUS PROVISIONS**

2 **SEC. 3121. REPORT ON DEBRIS REMOVAL.**

3 Not later than 180 days after the date of enactment
4 of this Act, the Secretary shall submit to Congress and
5 make publicly available a report that describes—

6 (1) the extent to which the Secretary has car-
7 ried out section 3 of the Act of March 2, 1945 (59
8 Stat. 23, chapter 19; 33 U.S.C. 603a);

9 (2) how the Secretary has evaluated potential
10 projects to be carried out under that section; and

11 (3) recommendations for the establishment of a
12 pilot program to improve the implementation of that
13 section.

14 **SEC. 3122. CAPE ARUNDEL DISPOSAL SITE, MAINE.**

15 Section 113 of the Energy and Water Development
16 and Related Agencies Appropriations Act, 2014 (Public
17 Law 113–76; 128 Stat. 158) is amended by striking “for
18 5 years after the date of enactment of this Act” and in-
19 serting “until December 31, 2021”.

20 **SEC. 3123. DELAWARE RIVER NAVIGATION PROJECT.**

21 Section 1131(3) of the Water Resources Development
22 Act of 1986 (100 Stat. 4246) is amended by striking “ten
23 feet” and inserting “35 feet”.

1 **SEC. 3124. SENSE OF CONGRESS RELATING TO EROSION ON**
2 **THE BANKS OF THE OHIO RIVER NEAR**
3 **CLARKSVILLE, INDIANA.**

4 It is the sense of Congress that the Secretary should
5 use the authority provided to the Secretary under section
6 9 of the Flood Control Act of 1946 (60 Stat. 643, chapter
7 596) to address erosion issues on the Ohio River near
8 Clarksville, Indiana.

9 **SEC. 3125. SENSE OF CONGRESS RELATING TO THE HAR-**
10 **BOR MAINTENANCE TRUST FUND REPORT.**

11 It is the sense of Congress that—

12 (1) the Secretary is required to submit reports
13 under section 210(e)(3) of the Water Resources De-
14 velopment Act of 1986 (33 U.S.C. 2238(e)(3)) and
15 section 330 of the Water Resources Development
16 Act of 1992 (26 U.S.C. 9505 note; Public Law 102–
17 580);

18 (2) for the reports described in paragraph (1)
19 submitted after the date of enactment of this Act,
20 the Secretary should strengthen those reports by in-
21 cluding additional information on a project-by-
22 project basis, such as—

23 (A) identifying the most recent fiscal year
24 for which operations and maintenance activities
25 have been carried out and the cost of those ac-
26 tivities;

1 (B) the harbors and inland harbors that
2 are emerging harbors; and

3 (C) the operations and maintenance activi-
4 ties that were performed through either a rec-
5 ommendation from Congress or unspecified
6 funds made available for ongoing work;

7 (3) the reports described in paragraph (1) have
8 not been made publicly available since the reports
9 for fiscal years 2005 and 2006; and

10 (4) the Secretary should make public all reports
11 described in paragraph (1) submitted before, on, or
12 after the date of enactment of this Act.

13 **Subtitle C—Locks, Dams, Levees,**
14 **and Dikes**

15 **SEC. 3201. CERTAIN LEVEE IMPROVEMENTS.**

16 (a) IN GENERAL.—In the case of a levee described
17 in subsection (b), the Secretary is encouraged to cooperate
18 to the maximum extent practicable with non-Federal spon-
19 sors to implement necessary improvements to the levee.

20 (b) LEVEES DESCRIBED.—A levee referred to in sub-
21 section (a) is a levee that is—

22 (1) owned, operated, and maintained by the
23 Secretary; and

24 (2) hydraulically tied to a community-owned
25 levee that is not accredited by the Federal Emer-

1 agency Management Agency in accordance with sec-
2 tion 65.10 of title 44, Code of Federal Regulations
3 (or successor regulations).

4 **SEC. 3202. REHABILITATION OF CORPS OF ENGINEERS**
5 **CONSTRUCTED DAMS.**

6 Section 1177 of the Water Infrastructure Improve-
7 ments for the Nation Act (33 U.S.C. 467f–2 note; Public
8 Law 114–322) is amended—

9 (1) in subsection (e), by striking “\$10,000,000”
10 and inserting “\$40,000,000”; and

11 (2) in subsection (f), by striking “\$10,000,000”
12 and inserting “\$40,000,000”.

13 **SEC. 3203. NON-FEDERAL DAMS.**

14 The Secretary may accept and expend funds from an
15 owner of a non-Federal dam for the review and revision
16 of water operations manuals and flood control curves if
17 the Secretary regulates the non-Federal facilities associ-
18 ated with the non-Federal dam under section 7 of the Act
19 of December 22, 1944 (commonly known as the “Flood
20 Control Act of 1944”) (58 Stat. 890, chapter 665; 33
21 U.S.C. 709).

22 **SEC. 3204. REAUTHORIZATION OF NATIONAL DAM SAFETY**
23 **PROGRAM ACT.**

24 Section 14 of the National Dam Safety Program Act
25 (33 U.S.C. 467j) is amended by striking “for each of fiscal

1 years 2015 through 2019” each place it appears and in-
2 serting “for each of fiscal years 2015 through 2021”.

3 **SEC. 3205. SENSE OF CONGRESS RELATING TO IMPLEMEN-**
4 **TATION GUIDANCE FOR DAM SAFETY REPAIR**
5 **PROJECTS.**

6 It is the sense of Congress that the Secretary should
7 expeditiously issue guidance as required under section
8 1139 of the Water Infrastructure Improvements for the
9 Nation Act (33 U.S.C. 467n note; Public Law 114–322).

10 **SEC. 3206. REAUTHORIZATION OF NATIONAL LEVEE SAFE-**
11 **TY PROGRAM.**

12 (a) LEVEE SAFETY INITIATIVE.—Section 9005 of the
13 Water Resources Development Act of 2007 (33 U.S.C.
14 3303a) is amended—

15 (1) in subsection (c), by adding at the end the
16 following:

17 “(6) UPDATES.—Not later than 1 year after
18 the date of enactment of the America’s Water Infra-
19 structure Act of 2018, the Secretary shall update
20 the guidelines issued under paragraph (1) in accord-
21 ance with this subsection.”;

22 (2) in subsection (g)—

23 (A) in paragraph (1), by adding at the end
24 the following:

1 “(D) UPDATE.—Not later than 1 year
2 after the date of enactment of the America’s
3 Water Infrastructure Act of 2018, the Sec-
4 retary shall update the guidelines issued under
5 subparagraph (A) in accordance with this para-
6 graph.”; and

7 (B) in paragraph (2)(E)(i), by striking
8 “for each of fiscal years 2015 through 2019”
9 and inserting “for each of fiscal years 2015
10 through 2021”; and

11 (3) in subsection (h)(3), by adding at the end
12 the following:

13 “(F) UPDATE.—Not later than 1 year
14 after the date of enactment of the America’s
15 Water Infrastructure Act of 2018, the Sec-
16 retary shall update the guidelines issued under
17 subparagraph (D).”.

18 (b) REPORTS.—Section 9006 of the Water Resources
19 Development Act of 2007 (33 U.S.C. 3303b) is amend-
20 ed—

21 (1) in subsection (b), by inserting “, and not
22 later than 1 year after the date of enactment of the
23 America’s Water Infrastructure Act of 2018,” after
24 “this subsection,”;

1 (2) in subsection (c), in the matter preceding
2 paragraph (1), by inserting “, and not later than 1
3 year after the date of enactment of the America’s
4 Water Infrastructure Act of 2018,” after “Water
5 Resources Development Act of 2016,”; and

6 (3) in subsection (d), in the matter preceding
7 paragraph (1), by inserting “, and not later than 1
8 year after the date of enactment of the America’s
9 Water Infrastructure Act of 2018,” after “Water
10 Resources Development Act of 2016,”.

11 (c) **AUTHORIZATION OF APPROPRIATIONS.**—Section
12 9008 of the Water Resources Development Act of 2007
13 (33 U.S.C. 3305) is amended—

14 (1) in the matter preceding paragraph (1), by
15 striking “is” and inserting “are”; and

16 (2) by striking “for each of fiscal years 2015
17 through 2019” each place it appears and inserting
18 “for each of fiscal years 2015 through 2021”.

19 **SEC. 3207. REAUTHORIZATION OF LOCK OPERATIONS**
20 **PILOT PROGRAM.**

21 Section 1017(f) of the Water Resources Reform and
22 Development Act of 2014 (33 U.S.C. 2212 note; Public
23 Law 113–121) is amended by striking “5 years” and in-
24 serting “10 years”.

1 **SEC. 3208. RESTRICTED AREAS AT CORPS OF ENGINEERS**

2 **DAMS.**

3 Section 2 of the Freedom to Fish Act (Public Law
4 113–13; 127 Stat. 449, 128 Stat. 1271) is amended by
5 striking “4 years after the date of enactment of the Water
6 Resources Reform and Development Act of 2014” each
7 place it appears and inserting “5 years after the date of
8 enactment of the America’s Water Infrastructure Act of
9 2018”.

10 **SEC. 3209. CERTAIN BUREAU OF RECLAMATION DIKES.**

11 (a) IN GENERAL.—Notwithstanding any other provi-
12 sion of law (including regulations), effective beginning on
13 the date of enactment of this Act, the Federal share of
14 the operations and maintenance costs of a dike described
15 in subsection (b) shall be 100 percent.

16 (b) DESCRIPTION OF DIKES.—A dike referred to in
17 subsection (a) is a dike—

18 (1) that is owned by the Bureau of Reclamation
19 on the date of enactment of this Act;

20 (2) the construction of which was completed not
21 later than December 31, 1945;

22 (3) a corrective action study for which was com-
23 pleted not later than December 31, 2015; and

24 (4) the construction of which was authorized by
25 the Act of June 28, 1938 (52 Stat. 1215, chapter
26 795).

1 **SEC. 3210. REHABILITATION OF HIGH-HAZARD POTENTIAL**
2 **DAMS.**

3 Section 8A of the National Dam Safety Program Act
4 (33 U.S.C. 467f-2) is amended by striking subsection (e)
5 and inserting the following:

6 “(e) EMERGENCY ACTION PLANS.—

7 “(1) IN GENERAL.—As a condition of receipt of
8 assistance under this section, the non-Federal spon-
9 sor shall demonstrate that an emergency action plan
10 is in place to protect the safety of persons and prop-
11 erty in the area potentially affected by a breach of
12 the dam.

13 “(2) INCLUSIONS.—An emergency action plan
14 under paragraph (1) shall address—

15 “(A) incident detection, evaluation, and
16 emergency level determination;

17 “(B) notification and communication;

18 “(C) emergency actions;

19 “(D) termination and follow-up; and

20 “(E) public education and awareness of
21 the emergency action plan.”.

22 **SEC. 3211. MAINTENANCE OF HIGH RISK FLOOD CONTROL**
23 **PROJECTS.**

24 In any case in which the Secretary has assumed, as
25 of the date of enactment of this Act, responsibility for the
26 maintenance of a project classified as class III under the

1 Dam Safety Action Classification of the Corps of Engi-
2 neers, the Secretary shall continue to be responsible for
3 the maintenance of that project until the earlier of—

4 (1) the date on which the project is modified to
5 reduce that risk and the Secretary determines that
6 the project is no longer classified as class III under
7 the Dam Safety Action Classification of the Corps of
8 Engineers; and

9 (2) the date that is 15 years after the date of
10 enactment of this Act.

11 **SEC. 3212. RED RIVER BELOW DENISON DAM, ARKANSAS,**
12 **LOUISIANA, AND TEXAS.**

13 The Secretary shall—

14 (1) review whether the project for flood control,
15 Red River below Denison Dam, Arkansas, Lou-
16 isiana, and Texas, authorized by section 10 of the
17 Flood Control Act of 1946 (60 Stat. 647, chapter
18 596) should be modified to incorporate the Cherokee
19 Park Levee, Caddo Parish, Louisiana;

20 (2) determine whether to include the modifica-
21 tion in the report submitted to Congress pursuant to
22 section 7001 of the Water Resources Reform and
23 Development Act of 2014 (33 U.S.C. 2282d); and

1 (3) if the Secretary determines to include the
2 modification as described in paragraph (2), submit
3 to Congress a notification of that determination.

4 **Subtitle D—Water Supply**

5 **SEC. 3301. AUTHORITY TO MAKE ENTIRE ACTIVE CAPACITY** 6 **OF FONTENELLE RESERVOIR AVAILABLE** 7 **FOR USE.**

8 (a) IN GENERAL.—The Secretary of the Interior (re-
9 ferred to in this section as the “Secretary”), in coopera-
10 tion with the State of Wyoming, may amend the Definite
11 Plan Report for the Seedskadee Project authorized under
12 the first section of the Act of April 11, 1956 (commonly
13 known as the “Colorado River Storage Project Act”) (43
14 U.S.C. 620), to provide for the study, design, planning,
15 and construction activities that will enable the use of all
16 active storage capacity (as may be defined or limited by
17 legal, hydrologic, structural, engineering, economic, and
18 environmental considerations) of Fontenelle Dam and
19 Reservoir, including the placement of sufficient riprap on
20 the upstream face of Fontenelle Dam to allow the active
21 storage capacity of Fontenelle Reservoir to be used for
22 those purposes for which the Seedskadee Project was au-
23 thorized.

24 (b) COOPERATIVE AGREEMENTS.—

1 (1) IN GENERAL.—The Secretary may enter
2 into any contract, grant, cooperative agreement, or
3 other agreement that is necessary to carry out sub-
4 section (a).

5 (2) STATE OF WYOMING.—

6 (A) IN GENERAL.—The Secretary shall
7 enter into a cooperative agreement with the
8 State of Wyoming to work in cooperation and
9 collaboratively with the State of Wyoming for
10 planning, design, related preconstruction activi-
11 ties, and construction of any modification of the
12 Fontenelle Dam under subsection (a).

13 (B) REQUIREMENTS.—The cooperative
14 agreement under subparagraph (A) shall, at a
15 minimum, specify the responsibilities of the
16 Secretary and the State of Wyoming with re-
17 spect to—

18 (i) completing the planning and final
19 design of the modification of the
20 Fontenelle Dam under subsection (a);

21 (ii) any environmental and cultural re-
22 source compliance activities required for
23 the modification of the Fontenelle Dam
24 under subsection (a) including compliance
25 with—

1 (I) the National Environmental
2 Policy Act of 1969 (42 U.S.C. 4321
3 et seq.);

4 (II) the Endangered Species Act
5 of 1973 (16 U.S.C. 1531 et seq.); and

6 (III) subdivision 2 of division A
7 of subtitle III of title 54, United
8 States Code; and

9 (iii) the construction of the modifica-
10 tion of the Fontenelle Dam under sub-
11 section (a).

12 (c) FUNDING BY STATE OF WYOMING.—Pursuant to
13 the Act of March 4, 1921 (41 Stat. 1404, chapter 161;
14 43 U.S.C. 395), and as a condition of providing any addi-
15 tional storage under subsection (a), the State of Wyoming
16 shall provide to the Secretary funds for any work carried
17 out under subsection (a).

18 (d) OTHER CONTRACTING AUTHORITY.—

19 (1) IN GENERAL.—The Secretary may enter
20 into contracts with the State of Wyoming, on such
21 terms and conditions as the Secretary and the State
22 of Wyoming may agree, for division of any addi-
23 tional active capacity made available under sub-
24 section (a).

1 (2) TERMS AND CONDITIONS.—Unless other-
2 wise agreed to by the Secretary and the State of
3 Wyoming, a contract entered into under paragraph
4 (1) shall be subject to the terms and conditions of
5 Bureau of Reclamation Contract No. 14–06–400–
6 2474 and Bureau of Reclamation Contract No. 14–
7 06–400–6193.

8 (e) SAVINGS PROVISIONS.—Unless expressly provided
9 in this section, nothing in this section modifies, conflicts
10 with, preempts, or otherwise affects—

11 (1) the Boulder Canyon Project Act (43 U.S.C.
12 617 et seq.);

13 (2) the Colorado River Compact of 1922, as ap-
14 proved by the Presidential Proclamation of June 25,
15 1929 (46 Stat. 3000);

16 (3) the Boulder Canyon Project Adjustment Act
17 (43 U.S.C. 618 et seq.);

18 (4) the Treaty between the United States of
19 America and Mexico relating to the utilization of
20 waters of the Colorado and Tijuana Rivers and of
21 the Rio Grande, and supplementary protocol signed
22 November 14, 1944, signed at Washington February
23 3, 1944 (59 Stat. 1219);

1 (5) the Upper Colorado River Basin Compact
2 as consented to by the Act of April 6, 1949 (63
3 Stat. 31);

4 (6) the Act of April 11, 1956 (commonly known
5 as the “Colorado River Storage Project Act”) (43
6 U.S.C. 620 et seq.);

7 (7) the Colorado River Basin Project Act (Pub-
8 lic Law 90–537; 82 Stat. 885); or

9 (8) any State of Wyoming or other State water
10 law.

11 **SEC. 3302. PRICING OF WATER STORAGE CONTRACTS.**

12 Section 301 of the Water Supply Act of 1958 (43
13 U.S.C. 390b) is amended by adding at the end the fol-
14 lowing:

15 “(f) PRICING OF CONTRACTS.—The Secretary of the
16 Army shall price each water storage contract at a reservoir
17 project that does not include hydropower as an authorized
18 project purpose at a value not greater than 110 percent
19 of the lowest-contracted price of a storage contract exe-
20 cuted before January 1, 2018, at any facility of the Corps
21 of Engineers located within 50 miles of the water source
22 covered by the storage contract, as adjusted for infla-
23 tion.”.

1 **SEC. 3303. REPORT ON WATER SUPPLY CONTRACT, WRIGHT**
2 **PATMAN LAKE, TEXAS.**

3 Not later than June 30, 2019, the Secretary shall
4 submit to Congress a report on the status of the imple-
5 mentation of the water supply contract, Department of the
6 Army, Civil Works Contract No. 29-68-A-0130, at Wright
7 Patman Lake, Texas, that—

8 (1) describes the accomplishments or failures
9 relating to the implementation of that contract at
10 Wright Patman Lake;

11 (2) identifies—

12 (A) the activities that the Secretary ex-
13 pects to be necessary to complete the execution
14 of the contract;

15 (B) the expected completion date for each
16 activity identified under subparagraph (A); and

17 (C) the expected execution date of the con-
18 tract; and

19 (3) describes any adjustments to the timeline
20 for completion of the execution of the contract that
21 the Secretary determines to be necessary.

22 **SEC. 3304. SENSE OF CONGRESS RELATING TO WRIGHT**
23 **PATMAN LAKE, SULPHUR RIVER BASIN,**
24 **TEXAS.**

25 It is the sense of Congress that the Secretary should
26 implement the Department of the Army, Civil Works Con-

1 tract No. 29-68-A-0130, at Wright Patman Lake, Texas,
2 in an expeditious manner and in accordance with all appli-
3 cable Federal and State water laws, including through the
4 acceptance and expenditure of funds contributed by a non-
5 Federal interest for any study required by law.

6 **SEC. 3305. CITY RESERVOIR EXPANSION PILOT PROGRAM.**

7 (a) IN GENERAL.—The Secretary shall establish a
8 pilot program to expedite review of applications described
9 in subsection (b).

10 (b) APPLICATIONS DESCRIBED.—An application re-
11 ferred to in subsection (a) is an application for a permit
12 from the Secretary—

13 (1) to expand a reservoir for which not less
14 than 80 percent of the water rights are for commu-
15 nity drinking water supplies in order to accommo-
16 date projected water supply needs of a city with a
17 population of less than 80,000; and

18 (2) from a city in which—

19 (A) any portion of the water resources
20 available to the community are polluted by
21 chemicals used at a formerly used defense site
22 under the jurisdiction of the Department of De-
23 fense that is undergoing (or is scheduled to un-
24 dergo) environmental remediation under chap-
25 ter 160 of title 10, United States Code; and

1 (B) mitigation of the pollution described in
2 subparagraph (A) is ongoing.

3 (c) SUNSET.—The authority to carry out the pilot
4 program under this section shall terminate on the date
5 that is 10 years after the date of enactment of this Act.

6 **SEC. 3306. SENSE OF CONGRESS RELATING TO WATER-RE-**
7 **LATED INFRASTRUCTURE IN IDAHO, MON-**
8 **TANA, RURAL NEVADA, NEW MEXICO, RURAL**
9 **UTAH, AND WYOMING.**

10 It is the sense of Congress that appropriations au-
11 thorized by section 595(i) of the Water Resources Devel-
12 opment Act of 1999 (113 Stat. 384; 128 Stat. 1316; 130
13 Stat. 1681) should be maintained at an amount not less
14 than \$75,000,000.

15 **SEC. 3307. GROUNDWATER AND WELL WATER TESTING AND**
16 **TREATMENT PROGRAM.**

17 (a) IN GENERAL.—The Secretary shall carry out a
18 program to carry out the eligible projects described in sub-
19 section (b).

20 (b) ELIGIBLE PROJECTS DESCRIBED.—An eligible
21 project referred to in subsection (a) is a project located—

22 (1)(A) in a disadvantaged community (as de-
23 fined in section 1452(d) of the Safe Drinking Water
24 Act (42 U.S.C. 300j–12(d)); or

1 (B) in a municipality with a population of not
2 more than 100,000;

3 (2) in reasonable proximity to—

4 (A) an active military base;

5 (B) a formerly used defense site under the
6 jurisdiction of the Department of Defense that
7 is undergoing (or is scheduled to undergo) envi-
8 ronmental remediation under chapter 160 of
9 title 10, United States Code; or

10 (C) any industrial site; and

11 (3) in an area in which—

12 (A) there may be contamination in the
13 available drinking water supply; and

14 (B) the local government is requesting as-
15 sistance in the testing and treatment of ground-
16 water or of water wells.

17 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
18 authorized to be appropriated to carry out this section
19 \$50,000,000, to remain available until expended.

20 **SEC. 3308. DISCHARGES FROM WATER TRANSFER.**

21 Section 402 of the Federal Water Pollution Control
22 Act (33 U.S.C. 1342) is amended by adding at the end
23 the following:

24 “(s) WATER TRANSFER DISCHARGES.—

1 “(1) DEFINITION OF WATER TRANSFER.—In
2 this subsection, the term ‘water transfer’ means an
3 activity that conveys or connects waters of the
4 United States without subjecting the water being
5 transferred to intervening industrial, municipal, or
6 commercial use.

7 “(2) EXEMPTION FROM PERMITTING.—Except
8 as provided in paragraph (3), no permit shall be re-
9 quired under this section for any discharge from a
10 water transfer.

11 “(3) EXCEPTION.—The exemption under para-
12 graph (2) shall not apply to pollutants introduced to
13 the water in the water transfer by the water trans-
14 fer.”.

15 **SEC. 3309. STUDY ON WATER AND RESERVOIR MANAGE-**
16 **MENT AND OPERATION ISSUES IN MIDDLE**
17 **RIO GRANDE.**

18 (a) DEFINITIONS.—In this section:

19 (1) BASIN.—

20 (A) IN GENERAL.—The term “basin”
21 means the Rio Grande and the tributaries of
22 the Rio Grande between—

23 (i) the headwaters of the Rio Grande
24 and the Rio Chama in the State of Colo-
25 rado; and

1 (ii) Elephant Butte Reservoir in the
2 State.

3 (B) EXCLUSIONS.—The term “basin” does
4 not include Elephant Butte Reservoir, Caballo
5 Dam, or any portion of the Rio Grande or the
6 tributaries of the Rio Grande downstream of
7 Elephant Butte Reservoir.

8 (2) PUEBLO.—The term “Pueblo” means each
9 of the following pueblos in the State:

10 (A) Cochiti.

11 (B) Santo Domingo.

12 (C) San Felipe.

13 (D) Santa Ana.

14 (E) Sandia.

15 (F) Isleta.

16 (3) RIO GRANDE COMPACT.—The term “Rio
17 Grande Compact” means the compact approved by
18 Congress under the Act of May 31, 1939 (53 Stat.
19 785, chapter 155).

20 (4) STATE.—The term “State” means the State
21 of New Mexico.

22 (b) NATIONAL ACADEMY OF SCIENCES STUDY.—

23 (1) IN GENERAL.—Not later than 60 days after
24 the date of enactment of this Act, the Secretary and
25 the Secretary of the Interior shall enter into an ar-

1 rangement with the National Academy of Sciences to
2 carry out a study on water and reservoir manage-
3 ment and operation issues in the basin (including
4 the Heron, El Vado, Abiquiu, Cochiti, and Jemez
5 Canyon Dams and Reservoirs), which shall include—

6 (A) an evaluation of existing basin res-
7 ervoir authorizations and legal requirements;

8 (B) a summary of—

9 (i) the physical-hydrologic under-
10 standing of existing basin reservoir oper-
11 ations; and

12 (ii) any potential constraints on basin
13 reservoirs in light of climate change projec-
14 tions;

15 (C) an identification of opportunities to op-
16 timize water storage and management to ben-
17 efit the basin ecosystem, irrigators and munic-
18 ipal users, and to promote water conservation
19 through reauthorization of, reoperation of, reg-
20 ulation of, or physical improvements to the res-
21 ervoirs;

22 (D) an evaluation of the physical-hydro-
23 logic feasibility of the identified future basin
24 reservoir management scenarios;

- 1 (E) an identification of water use, supply,
2 and accounting impacts to other stakeholders in
3 the State;
- 4 (F) consideration of operations such as—
- 5 (i) the storage of supplemental water
6 acquired by and under the control of the
7 Bureau of Reclamation;
- 8 (ii) the carryover storage of San
9 Juan-Chama Project contract water;
- 10 (iii) the Pueblo Prior and Paramount
11 operation water;
- 12 (iv) changes in timing of water re-
13 leased to offset municipal pumping;
- 14 (v) changes in the timing of storage
15 and release of floodwaters;
- 16 (vi) the reduction of evaporative losses
17 from basin reservoirs;
- 18 (vii) conservation of water resulting
19 from irrigation operation changes by non-
20 Indian and Pueblo irrigators;
- 21 (viii) the impacts of management and
22 operations on recreation and hydropower;
- 23 (ix) the impacts of management and
24 operations on the basin ecosystem and the
25 habitats that support species listed under

1 the Endangered Species Act of 1973 (16
2 U.S.C. 1531 et seq.); and

3 (x) any other factors the Academy de-
4 termines to be necessary for purposes of
5 fully evaluating opportunities to achieve
6 greater water conservation, drought resil-
7 iency, and ecological health in the basin;
8 and

9 (G) recommendations for future manage-
10 ment scenarios and measures that Congress
11 could take with respect to the basin, consistent
12 with all applicable law, including the Act of
13 June 17, 1902 (43 U.S.C. 383) and the Rio
14 Grande Compact to assist the agencies in estab-
15 lishing more flexible operating procedures to
16 improve the performance of basin reservoir op-
17 erations in accommodating multiple purposes.

18 (2) COSPONSORS.—The Secretary and the Sec-
19 retary of the Interior may solicit cosponsors for the
20 study under paragraph (1), as appropriate, including
21 State or private organizations.

22 (3) PUBLIC AVAILABILITY OF STUDY.—On the
23 date on which the National Academy of Sciences
24 completes the study under paragraph (1), the Na-

1 tional Academy of Sciences shall make available to
2 the public the results of the study.

3 (4) REPORT.—Not later than 2 years after the
4 date of enactment of this Act, the National Academy
5 of Sciences shall submit to the Secretary and the
6 Secretary of the Interior a report that contains a
7 summary of the results of the study conducted under
8 paragraph (1).

9 **SEC. 3310. ABIQUIU DAM, NEW MEXICO.**

10 (a) DEFINITIONS.—In this section:

11 (1) CONTRACT.—The term “contract” means
12 the contract entered into between the Federal Gov-
13 ernment and the Albuquerque Bernalillo County
14 Water Utility Authority (referred to in this section
15 as the “Authority”) dated March 20, 1986, with re-
16 spect to water storage space in the Abiquiu Dam
17 reservoir.

18 (2) SAN JUAN-CHAMA PROJECT.—The term
19 “San Juan-Chama project” means the project au-
20 thorized by section 8 of the Act of June 13, 1962
21 (76 Stat. 97), in New Mexico and Colorado.

22 (b) INCREASE IN WATER STORAGE.—The Secretary
23 shall—

24 (1) store water at the Abiquiu Dam reservoir at
25 an elevation of not more than 6,230 feet National

1 Geodetic Vertical Datum, to the extent that the enti-
2 ty requesting the storage has acquired any necessary
3 real property interests; and

4 (2) seek to amend the contract to allow for
5 storage by the Authority, at an elevation of not more
6 than 6,230 feet National Geodetic Vertical Datum,
7 of—

8 (A) San-Juan Chama project water; or

9 (B) native Rio Grande system water.

10 (c) WATER STORAGE.—Section 5(b) of Public Law
11 97–140 (43 U.S.C. 620a note) is amended in the first sen-
12 tence by striking “a total of two hundred thousand acre-
13 feet of such”.

14 (d) CONTINUED STORAGE.—Section 1 of Public Law
15 100–522 (43 U.S.C. 620a note) is amended in the first
16 sentence—

17 (1) by striking “200,000 acre-feet of”;

18 (2) by inserting “and San Juan-Chama
19 project” after “Rio Grande system”; and

20 (3) by striking “in lieu of the water storage au-
21 thorized by section 5 of Public Law 97–140,”.

22 (e) STORAGE AGREEMENTS.—The Secretary shall—

23 (1) retain existing agreements and, as nec-
24 essary, enter into new agreements with entities for
25 a proportionate allocation of 29,100 acre-feet of

1 storage space, as authorized under Public Law 97–
2 140 (43 U.S.C. 620a note); and

3 (2) amend existing agreements or enter into
4 new agreements for storage of San Juan-Chama
5 project water or native Rio Grande system water up
6 to the space allocated for the proportionate share of
7 the San Juan-Chama project water of that entity.

8 (f) OPERATIONS DOCUMENTS.—The Secretary shall
9 revise any existing operations documents, including the
10 water control manual and operations plan for the Abiquiu
11 Dam reservoir, as necessary to conform to this section and
12 the amendments made by this section.

13 (g) LIMITATIONS.—

14 (1) IN GENERAL.—The storage of—

15 (A) native Rio Grande system water
16 shall—

17 (i) be subject to the provisions of the
18 Rio Grande Compact and the resolutions
19 of the Rio Grande Compact Commission
20 established by the compact approved by
21 Congress under the Act of May 31, 1939
22 (53 Stat. 785, chapter 155); and

23 (ii) only be authorized to the extent
24 that the necessary water ownership and

1 storage rights have been acquired by the
2 entity requesting the storage; and

3 (B) native Rio Grande system water or
4 San Juan-Chama project water shall not inter-
5 fere with the authorized purposes of the
6 Abiquiu Dam.

7 (2) COSTS.—Each user of storage space in the
8 Abiquiu Dam shall be responsible for paying for any
9 increase in costs attributable to storage of the water
10 of that user, without regard to the source of water
11 being stored.

12 **SEC. 3311. FORECAST-INFORMED RESERVOIR OPERATIONS**
13 **RESEARCH STUDY PILOT PROGRAM.**

14 (a) IN GENERAL.—Not later than 1 year after the
15 date of enactment of this Act, the Secretary shall carry
16 out, and, in the case of Coyote River Dam, Russian River,
17 complete, a forecast-informed reservoir operations re-
18 search study pilot program at the sites described in sub-
19 section (b).

20 (b) SITES DESCRIBED.—The sites referred to in sub-
21 section (a) are 2 sites in each of—

22 (1) the Russian River Basin, including 1 site at
23 Coyote Valley Dam;

24 (2) the Lower Basin of the Colorado River; and

25 (3) the Upper Missouri River Basin.

1 (c) REPORT.—

2 (1) IN GENERAL.—Not later than 1 year after
3 the date of completion of the study pilot program
4 under subsection (a), the Secretary shall submit to
5 the Committee on Environment and Public Works of
6 the Senate and the Committee on Transportation
7 and Infrastructure of the House of Representatives
8 a report on the results of the study pilot program.

9 (2) CONTENTS.—The report under paragraph
10 (1) shall include—

11 (A) an analysis of the use of forecast-in-
12 formed reservoir operations at the sites de-
13 scribed in subsection (b);

14 (B) an assessment of the viability of using
15 forecast-informed reservoir operations at other
16 dams owned or operated by the Secretary;

17 (C) an identification of other dams owned
18 or operated by the Secretary where forecast-in-
19 formed reservoir operations may assist the Sec-
20 retary in the optimization of future reservoir
21 operations; and

22 (D) any additional areas for future study
23 of forecast-informed reservoir operations.

1 **SEC. 3312. SURPLUS WATER CONTRACTS AND WATER STOR-**
2 **AGE AGREEMENTS.**

3 Section 1046(c) of the Water Resources Reform and
4 Development Act of 2014 (128 Stat. 1254) is amended—

5 (1) in paragraph (1)—

6 (A) by striking the period at the end and
7 inserting “; or”;

8 (B) by striking “shall not charge a fee”
9 and inserting the following: “shall not—

10 “(A) charge a fee”; and

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

12 “(B) assess a water storage fee with re-
13 spect to any water storage in the Upper Mis-
14 souri Mainstem Reservoirs.”; and

15 (2) in paragraph (3), by striking “10” and in-
16 serting “12”.

17 **Subtitle E—Sediment Management**

18 **SEC. 3401. MISSOURI RIVER RESERVOIR SEDIMENT MAN-**
19 **AGEMENT.**

20 Section 1179(a) of the Water Infrastructure Im-
21 provements for the Nation Act (130 Stat. 1675) is amend-
22 ed—

23 (1) by redesignating paragraphs (4) through
24 (8) as paragraphs (5) through (9), respectively;

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

1 “(4) PRIORITIZATION OF SEDIMENT MANAGE-
2 MENT PLANS.—In carrying out the pilot project
3 under this subsection, the Secretary shall give pri-
4 ority to developing and implementing sediment man-
5 agement plans that affect reservoirs that cross State
6 lines.”;

7 (3) in paragraph (8) (as so redesignated)—

8 (A) by redesignating subparagraph (B) as
9 subparagraph (C); and

10 (B) by striking subparagraph (A) and in-
11 serting the following:

12 “(A) IN GENERAL.—The Secretary shall
13 carry out the pilot program established under
14 this subsection in partnership with the Sec-
15 retary of the Interior, and the program shall
16 apply to reservoirs managed or owned by the
17 Bureau of Reclamation.

18 “(B) MEMORANDUM OF AGREEMENT.—
19 For sediment management plans that apply to
20 a reservoir managed or owned by the Bureau of
21 Reclamation under subparagraph (A), the Sec-
22 retary and the Secretary of the Interior shall
23 execute a memorandum of agreement estab-
24 lishing the framework for a partnership and the

1 terms and conditions for sharing expertise and
2 resources.”; and

3 (4) by adding at the end the following:

4 “(10) PRIORITIZATION OF FUNDS.—To the
5 maximum extent practicable, in carrying out any
6 projects or programs of the Secretary or the Sec-
7 retary of the Interior, the Secretary and the Sec-
8 retary of the Interior, as applicable, shall give pri-
9 ority to activities under this subsection.”.

10 **SEC. 3402. RESERVOIR SEDIMENT.**

11 Section 215 of the Water Resources Development Act
12 of 2000 (33 U.S.C. 2326c) is amended—

13 (1) in subsection (a)—

14 (A) by striking “the date of enactment of
15 the Water Resources Development Act of 2016”
16 and inserting “the date of enactment of the
17 America’s Water Infrastructure Act of 2018”;
18 and

19 (B) by striking “shall establish, using
20 available funds, a pilot program to accept” and
21 inserting “shall, using available funds, accept”;

22 (2) in subsection (b)—

23 (A) in paragraph (2), by adding “and” at
24 the end;

1 (B) in paragraph (3), by striking “; and”
2 at the end and inserting a period; and

3 (C) by striking paragraph (4); and
4 (3) by striking subsection (f) and inserting the
5 following:

6 “(f) REPORT TO CONGRESS.—Not later than 3 years
7 after the date of enactment of the America’s Water Infra-
8 structure Act of 2018, the Secretary may submit to the
9 Committee on Environment and Public Works of the Sen-
10 ate and the Committee on Transportation and Infrastruc-
11 ture of the House of Representatives a report describing
12 the results of the program under this section.”.

13 **SEC. 3403. REGIONAL SEDIMENT MANAGEMENT.**

14 Section 204 of the Water Resources Development Act
15 of 1992 (33 U.S.C. 2326) is amended—

16 (1) in subsection (a)—

17 (A) by striking paragraph (1) and insert-
18 ing the following:

19 “(1) SEDIMENT USE.—For sediment obtained
20 through the construction, operation, or maintenance
21 of an authorized Federal water resources project or
22 a reclamation project, including Federal reservoirs
23 authorized for flood control, the Secretary (in con-
24 sultation with the Commissioner of Reclamation (re-
25 ferred to in this section as the ‘Commissioner’)) and,

1 subject to the availability of appropriations, the
2 Commissioner (in consultation with the Secretary),
3 as applicable, shall develop, at full Federal expense,
4 regional sediment management plans, and carry out
5 projects at locations identified in plans developed
6 under this section, or identified jointly by the non-
7 Federal interest and the Secretary or the Commis-
8 sioner, as applicable, for use in the construction, re-
9 pair, modification, or rehabilitation of projects asso-
10 ciated with Federal water resources projects and rec-
11 lamation projects for purposes listed in paragraph
12 (3).”;

13 (B) in paragraph (2), by inserting “or the
14 Commissioner, as applicable,” after “Sec-
15 retary”;

16 (C) in paragraph (3), in the matter pre-
17 ceding subparagraph (A), by inserting “and rec-
18 lamation projects” after “water resources
19 projects”; and

20 (D) in paragraph (4), by inserting “or the
21 Commissioner, as applicable,” after “Sec-
22 retary”;

23 (2) in subsection (b)—

24 (A) in the heading, by striking “SECRE-
25 TARIAL” and inserting “AGENCY”; and

1 (B) in the matter preceding paragraph (1),
2 by inserting “or the Commissioner, as applica-
3 ble,” after “Secretary”;

4 (3) in subsection (c)(1)—

5 (A) in subparagraph (A), by inserting “or
6 reclamation project” after “water resources
7 project”; and

8 (B) in subparagraph (B)(ii), by inserting
9 “or the Commissioner, as applicable,” after
10 “Secretary”;

11 (4) in subsection (d)—

12 (A) by inserting “or the Commissioner, as
13 applicable,” after “Secretary” each place it ap-
14 pears; and

15 (B) in paragraph (1), in the matter pre-
16 ceeding subparagraph (A), by inserting “or rec-
17 lamation project” after “water resources
18 project”;

19 (5) in subsection (e), in the matter preceding
20 paragraph (1), by inserting “or the Commissioner,
21 as applicable,” after “Secretary”; and

22 (6) in subsection (g), in the first sentence, by
23 inserting “to the Secretary” after “appropriated”.

1 **Subtitle F—Flood Risk** 2 **Management**

3 **SEC. 3501. ICE JAM PREVENTION AND MITIGATION.**

4 Section 1150(c) of the Water Infrastructure Improve-
5 ments for the Nation Act (33 U.S.C. 701s note; Public
6 Law 114–322) is amended—

7 (1) in paragraph (1)—

8 (A) by striking “During fiscal years 2017
9 through 2022, the Secretary” and inserting
10 “The Secretary”; and

11 (B) by striking “10 projects” and inserting
12 “20 projects”;

13 (2) in paragraph (2)—

14 (A) by striking “shall ensure” and insert-
15 ing the following : “shall—

16 “(A) ensure”;

17 (B) by striking the period at the end and
18 inserting “; and”; and

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

20 “(B) select not less than 1 project on a
21 reservation (as defined in section 3 of the In-
22 dian Financing Act of 1974 (25 U.S.C. 1452))
23 that serves more than 1 Indian tribe (as defined
24 in section 4 of the Indian Self-Determination

1 and Education Assistance Act (25 U.S.C.
2 5304)).”; and

3 (3) by adding at the end the following:

4 “(3) PRIORITIZATION.—In selecting projects
5 under paragraph (1), the Secretary shall give pri-
6 ority to—

7 “(A) projects in the Upper Missouri River
8 Basin; and

9 “(B) projects in the Northeast.”.

10 **SEC. 3502. UPPER MISSOURI RIVER BASIN FLOOD AND**
11 **DROUGHT MONITORING.**

12 Section 4003(a) of the Water Resources Reform and
13 Development Act of 2014 (128 Stat. 1311, 130 Stat.
14 1677) is amended by adding at the end the following:

15 “(6) PRIORITIZATION.—To the maximum ex-
16 tent practicable, in carrying out any projects or pro-
17 grams of the Secretary, the Secretary shall give pri-
18 ority to activities under this subsection.”.

19 **SEC. 3503. POLICIES THAT IMPACT FLOOD FIGHT MANAGE-**
20 **MENT PROJECTS WITHIN URBAN AREAS.**

21 Not later than 1 year after the date of enactment
22 of this Act, the Secretary shall carry out a study on—

23 (1) flooding within urban floodplains; and

1 (2) the Federal policy constraints on the ability
2 of the Secretary to address urban flooding, includ-
3 ing—

4 (A) the regulations under part 238 of title
5 33, Code of Federal Regulations (as in effect on
6 the date of enactment of this Act); and

7 (B) the limitation under section
8 238.7(a)(1) of that title (as in effect on the
9 date of enactment of this Act) that allows the
10 Secretary to provide assistance only where the
11 flood discharge of a stream or waterway within
12 an urban area is greater than 800 cubic feet
13 per second for the 10-percent flood.

14 **SEC. 3504. MISSOURI RIVER AND TRIBUTARIES AT KANSAS**
15 **CITIES, MISSOURI AND KANSAS.**

16 (a) IN GENERAL.—The project for flood damage re-
17 duction, Argentine, East Bottoms, Fairfax-Jersey Creek,
18 and North Kansas Levees Units, Missouri River and tribu-
19 taries at Kansas Cities, Missouri and Kansas, authorized
20 by section 1001(28) of the Water Resources Development
21 Act of 2007 (121 Stat. 1054), is modified to include the
22 Armourdale and Central Industrial District Levee Units,
23 to be carried out by the Secretary substantially in accord-
24 ance with the plans, and subject to the conditions, de-
25 scribed in the report of the Chief of Engineers, dated Jan-

1 uary 27, 2015, at an additional total cost of
2 \$328,110,000, with an estimated Federal cost of
3 \$213,271,500 and an estimated non-Federal cost of
4 \$114,838,500.

5 (b) SINGLE PROJECT.—The projects described in
6 subsection (a) shall be considered a single project for
7 budgeting purposes and shall not be subject to a new start
8 decision or new investment decision.

9 (c) CONFORMING AMENDMENT.—Item 2 of the table
10 in section 1401(2) of the Water Infrastructure Improve-
11 ments for the Nation Act (130 Stat. 1710) (relating to
12 Armourdale and Central Industrial District Levee Units,
13 Missouri River and Tributaries at Kansas Citys) is re-
14 pealed.

15 **SEC. 3505. FARGO-MOORHEAD METROPOLITAN AREA DI-**
16 **VERSION PROJECT, NORTH DAKOTA.**

17 (a) IN GENERAL.—Notwithstanding section
18 404(b)(2)(B)(ii) of the Robert T. Stafford Disaster Relief
19 and Emergency Assistance Act (42 U.S.C.
20 5170c(b)(2)(B)(ii)) and any regulations promulgated to
21 carry out that section, beginning on the date of enactment
22 of this Act, any property in the State of North Dakota
23 that was acquired through hazard mitigation assistance
24 provided under section 203 of that Act (42 U.S.C. 5133),
25 section 404 of that Act (42 U.S.C. 5170c), or section 1366

1 of the National Flood Insurance Act of 1968 (42 U.S.C.
2 4104c) that was subject to any open space deed restriction
3 shall be exempt from those restrictions to the extent nec-
4 essary to complete the Fargo-Moorhead Metropolitan Area
5 Diversion Project authorized by section 7002(2) of the
6 Water Resources Reform and Development Act of 2014
7 (128 Stat. 1366), subject to the conditions that—

8 (1) no new or additional structure unrelated to
9 the Project may be erected on the property unless
10 the new or additional structure is in compliance with
11 section 404(b)(2)(B)(ii) of the Robert T. Stafford
12 Disaster Relief and Emergency Assistance Act (42
13 U.S.C. 5170c(b)(2)(B)(ii)); and

14 (2) any subsequent use of the land on the prop-
15 erty that is unrelated to the Project shall comply
16 with that section.

17 (b) SAVINGS PROVISION.—Nothing in this section af-
18 fects the responsibility of any entity to comply with all
19 other applicable laws (including regulations) with respect
20 to the properties described in subsection (a).

21 **SEC. 3506. PROHIBITION ON SURPLUS WATER FEES, LAKE**
22 **CUMBERLAND WATERSHED, KENTUCKY AND**
23 **TENNESSEE.**

24 (a) IN GENERAL.—The Secretary shall not charge a
25 fee for surplus water under a contract entered into pursu-

1 ant to section 6 of the Act of December 22, 1944 (com-
2 monly known as the “Flood Control Act of 1944”) (58
3 Stat. 890, chapter 665; 33 U.S.C. 708), if the contract
4 is for surplus water stored in the Lake Cumberland Wa-
5 tershed, Kentucky and Tennessee.

6 (b) TERMINATION.—The limitation under subsection
7 (a) shall expire on the date that is 2 years after the date
8 of enactment of this Act.

9 (c) APPLICABILITY.—Nothing in this section—

10 (1) affects the authority of the Secretary under
11 section 2695 of title 10, United States Code, to ac-
12 cept funds or to cover the administrative expenses
13 relating to certain real property transactions;

14 (2) affects the application of section 6 of the
15 Act of December 22, 1944 (commonly known as the
16 “Flood Control Act of 1944”) (58 Stat. 890, chapter
17 665; 33 U.S.C. 708), or section 301 of the Water
18 Supply Act of 1958 (43 U.S.C. 390b) to surplus
19 water stored outside of the Lake Cumberland Water-
20 shed, Kentucky and Tennessee; or

21 (3) affects the authority of the Secretary to ac-
22 cept funds under section 216(e) of the Water Re-
23 sources Development Act of 1996 (33 U.S.C.
24 2321a(e)).

1 **SEC. 3507. GAO AUDIT OF CONTRACTS NO. 16XX630077 AND**
2 **NO. 16XX630076 AND TAINTER GATE REPAIRS**
3 **OF HARLAN COUNTY DAM.**

4 (a) IN GENERAL.—Not later than 180 days after the
5 date of enactment of this Act, the Comptroller General
6 of the United States shall—

7 (1) conduct an audit of the Extraordinary
8 Maintenance Repayment Contracts No.
9 16XX630077 and No. 16XX630076 between the
10 United States and the Bostwick Division for repairs
11 to the Tainter gates and other features at Harlan
12 County Dam, including—

13 (A) an examination of whether—

14 (i) the Corps of Engineers should
15 have designated the Tainter gate rehabili-
16 tation as a “Dam Safety Modification”,
17 subject to the cost-sharing requirements
18 under section 1203 of the Water Resources
19 Development Act of 1986 (33 U.S.C.
20 467n), instead of an “extraordinary main-
21 tenance project”; and

22 (ii) a more appropriate cost-share
23 should have applied to the Bostwick Divi-
24 sion;

25 (B) a review of—

1 (i) the amounts owed by the Bostwick
2 Division to the Bureau of Reclamation;
3 and

4 (ii) any reimbursements owed by the
5 Corps of Engineers to the Bureau of Rec-
6 lamation based on the actual costs of the
7 project after completion; and

8 (C) a review of project designations and
9 cost-share policies of the Bureau of Reclama-
10 tion and other Federal agencies for similar
11 spillway gate repairs; and

12 (2) submit to Congress a report on the results
13 of the audit under paragraph (1).

14 (b) TREATMENT OF PAYMENTS.—

15 (1) IN GENERAL.—Payments made by the
16 Bostwick Division to the Bureau of Reclamation
17 under the contract described in subsection (a)(1)
18 shall be—

19 (A) transferred into a no-year account;

20 (B) held in that account until completion
21 of the review under paragraph (2); and

22 (C) disbursed in accordance with para-
23 graph (3).

24 (2) REVIEW.—Not later than 2 years after the
25 date on which the Committee on Environment and

1 Public Works of the Senate and the Committee on
2 Transportation and Infrastructure of the House of
3 Representatives receive the report on the audit
4 under subsection (a)(2), the Committees shall com-
5 plete a review of the report.

6 (3) DISBURSEMENT.—On completion of, and
7 subject to the results of, the review under paragraph
8 (2), the amounts described in paragraph (1) shall be
9 disbursed to the Bureau of Reclamation.

10 **SEC. 3508. OLD RIVER CONTROL STRUCTURE, LOUISIANA.**

11 (a) IN GENERAL.—Not later than 180 days after the
12 date of enactment of this Act, the Secretary shall submit
13 to the Committee on Transportation and Infrastructure
14 of the House of Representatives and the Committee on
15 Environment and Public Works of the Senate a report on
16 the structure and operations plan for the Old River control
17 structure authorized by section 203 of the Flood Control
18 Act of 1954 (68 Stat. 1258) based on the best available
19 science, improved monitoring capabilities, and other fac-
20 tors as determined by the Secretary, including consider-
21 ation of—

- 22 (1) flood control;
- 23 (2) navigational conditions;
- 24 (3) water supply; and

1 (4) ecosystem restoration and ecological produc-
2 tivity.

3 (b) PUBLIC PARTICIPATION.—In developing the re-
4 port under subsection (a), the Secretary shall provide op-
5 portunity for public input and stakeholder engagement, in-
6 cluding public meetings.

7 **Subtitle G—River Basins,**
8 **Watersheds, and Coastal Areas**

9 **SEC. 3601. LONG-TERM FLOOD RISK REDUCTION, UPPER**
10 **MISSOURI RIVER BASIN, SNAKE RIVER BASIN,**
11 **AND RED RIVER BASIN.**

12 Section 5 of the Act of August 18, 1941 (commonly
13 known as the “Flood Control Act of 1941”) (55 Stat. 650,
14 chapter 377; 33 U.S.C. 701n) is amended by adding at
15 the end the following:

16 “(f) LONG TERM FLOOD-RISK REDUCTION.—

17 “(1) IN GENERAL.—The Secretary shall provide
18 assistance for the operation and maintenance of any
19 project constructed under this section that, as deter-
20 mined by the Secretary, becomes permanent due to
21 the extended presence of assistance from the Sec-
22 retary under subsection (a).

23 “(2) NO TIME LIMITATION.—Notwithstanding
24 any other provision of this section or any other law,
25 the Secretary may provide assistance under this sub-

1 section for any period of time, as determined by the
2 Secretary.

3 “(3) COST-SHARE.—The cost of operation and
4 maintenance provided under this subsection for a
5 project shall be subject to the cost-sharing provisions
6 that would otherwise apply to such a project.

7 “(4) TERMINATION.—The authority to provide
8 assistance under this subsection terminates on the
9 date that is 10 years after the date of enactment of
10 the America’s Water Infrastructure Act of 2018.”.

11 **SEC. 3602. SENSE OF CONGRESS RELATING TO PROVISION**
12 **OF RESOURCES FOR EMERGENCY INFRA-**
13 **STRUCTURE REPAIRS.**

14 It is the sense of Congress that the Secretary should
15 use all existing authorities of the Secretary to accept and
16 use resources provided by a non-Federal entity under sec-
17 tion 1024 of the Water Resources Reform and Develop-
18 ment Act of 2014 (33 U.S.C. 2325a) to carry out emer-
19 gency infrastructure repairs, regardless of the cause of the
20 emergency.

21 **SEC. 3603. SENSE OF CONGRESS ON EMERGENCY MANAGE-**
22 **MENT ASSISTANCE.**

23 It is the sense of Congress that the Secretary should
24 provide technical assistance and other support to State

1 emergency management agencies to assist in the develop-
2 ment of handbooks for floodplain managers that—

3 (1) include policies to help manage the risks of
4 coastal and river flooding; and

5 (2) consider coastal protection solutions that
6 promote resilience, such as living shorelines, and re-
7 gional sediment management.

8 **SEC. 3604. GREAT LAKES FISH AND WILDLIFE RESTORA-**
9 **TION ACT OF 1990.**

10 Section 1009 of the Great Lakes Fish and Wildlife
11 Restoration Act of 1990 (16 U.S.C. 941g) is amended by
12 striking subsection (a) and inserting the following:

13 “(a) IN GENERAL.—There are authorized to be ap-
14 propriated to the Director—

15 “(1) for fiscal year 2019—

16 “(A) \$6,600,000 to implement fish and
17 wildlife restoration proposals and regional
18 projects selected by the Director under section
19 1005(d), of which—

20 “(i) not more than the lesser of 33 $\frac{1}{3}$
21 percent and \$2,000,000 may be allocated
22 to implement regional projects; and

23 “(ii) the lesser of 5 percent and
24 \$300,000 shall be allocated to the United
25 States Fish and Wildlife Service to cover

1 costs incurred in administering the pro-
2 posals by any entity; and

3 “(B) \$2,200,000, which shall be allocated
4 for the activities of the Upper Great Lakes Fish
5 and Wildlife Conservation Offices and the
6 Lower Great Lakes Fish and Wildlife Conserva-
7 tion Office under section 1007;

8 “(2) for fiscal year 2020—

9 “(A) \$7,200,000 to implement fish and
10 wildlife restoration proposals and regional
11 projects selected by the Director under section
12 1005(d), of which—

13 “(i) not more than the lesser of 33 $\frac{1}{3}$
14 percent and \$2,000,000 may be allocated
15 to implement regional projects; and

16 “(ii) the lesser of 5 percent and
17 \$300,000 shall be allocated to the United
18 States Fish and Wildlife Service to cover
19 costs incurred in administering the pro-
20 posals by any entity; and

21 “(B) \$2,400,000, which shall be allocated
22 for the activities of the Upper Great Lakes Fish
23 and Wildlife Conservation Offices and the
24 Lower Great Lakes Fish and Wildlife Conserva-
25 tion Office under section 1007; and

1 “(3) for fiscal year 2021—

2 “(A) \$7,800,000 to implement fish and
3 wildlife restoration proposals and regional
4 projects selected by the Director under section
5 1005(d), of which—

6 “(i) not more than the lesser of 33 $\frac{1}{3}$
7 percent and \$2,000,000 may be allocated
8 to implement regional projects; and

9 “(ii) the lesser of 5 percent and
10 \$300,000 shall be allocated to the United
11 States Fish and Wildlife Service to cover
12 costs incurred in administering the pro-
13 posals by any entity; and

14 “(B) \$2,600,000, which shall be allocated
15 for the activities of the Upper Great Lakes Fish
16 and Wildlife Conservation Offices and the
17 Lower Great Lakes Fish and Wildlife Conserva-
18 tion Office under section 1007.”.

19 **SEC. 3605. GREAT LAKES RESTORATION INITIATIVE.**

20 Section 118(c)(7)(J) of the Federal Water Pollution
21 Control Act (33 U.S.C. 1268(c)(7)(J)) is amended by
22 striking clause (i) and inserting the following:

23 “(i) IN GENERAL.—There are author-
24 ized to be appropriated to carry out this
25 paragraph—

1 “(2) TIMING.—The 15 additional years pro-
2 vided under paragraph (1) shall begin on the date
3 of initiation of construction of congressionally au-
4 thorized nourishment.”; and

5 (2) in subsection (e), by inserting “or within
6 the 5-year period beginning on the date of enact-
7 ment of the America’s Water Infrastructure Act of
8 2018” after “Water Resources Reform and Develop-
9 ment Act of 2014”.

10 **SEC. 3608. SNAKE RIVER BASIN FLOOD PREVENTION AC-**
11 **TION PLAN.**

12 (a) IN GENERAL.—As soon as practicable after the
13 date of enactment of this Act, the Secretary, in consulta-
14 tion with the Commissioner of Reclamation, shall develop
15 a flood prevention action plan for each State or portion
16 of a State within the Snake River Basin.

17 (b) REQUIREMENTS.—A flood prevention action plan
18 under subsection (a) shall—

19 (1) focus on the areas most likely to experience
20 flooding within the next 2 years;

21 (2) include steps to manage and reduce flood
22 risks within the Snake River Basin; and

23 (3) include a description of the actions the Sec-
24 retary and the Commissioner of Reclamation plan to
25 take to improve coordination with local stakeholders

1 to help manage and reduce flood risks in the areas
2 described in paragraph (1).

3 (c) SUBMISSION.—Not later than 180 days after the
4 date of enactment of this Act, after coordinating with local
5 stakeholders, the Secretary shall submit to the Committee
6 on Environment and Public Works of the Senate and the
7 Committee on Transportation and Infrastructure of the
8 House of Representatives the flood prevention plans devel-
9 oped under subsection (a).

10 **SEC. 3609. AUTHORIZATION OF APPROPRIATIONS FOR CO-**
11 **LUMBIA RIVER BASIN RESTORATION.**

12 Section 123(d) of the Federal Water Pollution Con-
13 trol Act (33 U.S.C. 1275(d)) is amended by adding at the
14 end the following:

15 “(6) AUTHORIZATION OF APPROPRIATIONS.—

16 There are authorized to be appropriated to carry out
17 this subsection—

18 “(A) \$5,000,000 for fiscal year 2019; and

19 “(B) \$30,000,000 for each of fiscal years
20 2020 and 2021.”.

21 **SEC. 3610. MIDDLE RIO GRANDE PEAK FLOW RESTORA-**
22 **TION.**

23 (a) TEMPORARY DEVIATION.—During the 5-year pe-
24 riod beginning on the date of enactment of this Act, the
25 Secretary shall continue the temporary deviation in the op-

1 eration of Cochiti Lake and Jemez Canyon Dam, that was
2 initiated in 2009 and terminated in 2013, to continue to
3 evaluate the benefits of the deviation.

4 (b) FEASIBILITY STUDY AND REPORT.—Not later
5 than 1 year after the date of enactment of this Act, the
6 Secretary and the Secretary of the Interior shall—

7 (1) conduct a feasibility study to address
8 Cochiti Dam operation limitations on the timing,
9 magnitude, and duration of flows that support feder-
10 ally listed species in the Middle Rio Grande, con-
11 sistent with subsection (c); and

12 (2) submit to Congress a feasibility report on
13 the reauthorization of the purposes of Cochiti Dam.

14 (c) GOALS.—The deviation described in subsection
15 (a) shall provide for the detention and release of native
16 Rio Grande water and San Juan-Chama Project water
17 with the goals of—

18 (1) improving river processes to restore species
19 habitat on the Rio Grande, including a Spring peak
20 flow to the Rio Grande;

21 (2) increasing the spawning and recruitment of
22 endangered Rio Grande silvery minnows;

23 (3) creating overbanking flows that are nec-
24 essary—

25 (A) to maintain a healthy bosque; and

1 (B) to support habitat for the South-
2 western willow flycatcher and other wildlife;

3 (4) maintaining channel capacity; and

4 (5) increasing water operational flexibility and
5 efficiencies in meeting irrigation and municipal and
6 industrial purposes, if the increased water oper-
7 ational flexibility and efficiencies enhance the goals
8 described in paragraphs (1) and (4).

9 (d) MONITORING.—The Secretary, in cooperation
10 with the Secretary of the Interior and other Federal and
11 non-Federal stakeholders shall—

12 (1) monitor the environmental effects, benefits,
13 and results of the deviation mandated under this
14 section; and

15 (2) compile any data necessary to evaluate the
16 need for further amendment to the authorizations
17 and water control manuals for Cochiti Lake or
18 Jemez Canyon Dam.

19 (e) APPROVAL REQUIRED.—Before implementing the
20 temporary deviation under this section, as required by the
21 applicable water control manuals, the Secretary shall—

22 (1) first obtain approval from—

23 (A) Pueblo de Cochiti;

24 (B) Pueblo of Santa Ana; and

1 (C) the Rio Grande Compact Commission
2 established by the compact approved by Con-
3 gress under the Act of May 31, 1939 (53 Stat.
4 785, chapter 155); and

5 (2) to the maximum extent practicable, consult
6 with the existing Cochiti Lake Environmental Re-
7 sources Team, which includes other Federal agencies
8 and landowners in the region.

9 (f) REPORTS.—The Secretary shall prepare and sub-
10 mit to Congress—

11 (1) for each year in which the deviations are
12 being carried out under this section, annual reports
13 that describe the data compiled under subsection
14 (d)(2); and

15 (2) at the end of the period described in sub-
16 section (a), a final, cumulative report that summa-
17 rizes the data obtained during that period.

18 (g) IMPLEMENTATION.—This section shall be imple-
19 mented subject to the availability of appropriations.

20 **SEC. 3611. NORTH ATLANTIC DIVISION REPORT ON HURRI-**
21 **CANE BARRIERS AND HARBORS OF REFUGE**
22 **IN NEW ENGLAND.**

23 Not later than 1 year after the date of enactment
24 of this Act, the Secretary, in consultation with State and
25 local experts in the North Atlantic Division of the Corps

1 of Engineers, shall submit to Congress a report on the
2 durability and resiliency of existing hurricane barriers and
3 harbors of refuge, giving particular consideration as to
4 how those structures will survive and fully serve their
5 planned levels of protection under current, near, and
6 longer term future predicted sea levels, storm surge, and
7 storm strength.

8 **SEC. 3612. STUDY ON INNOVATIVE PORTS FOR OFFSHORE**
9 **WIND DEVELOPMENT.**

10 (a) DEFINITION OF INNOVATIVE PORT FOR OFF-
11 SHORE WIND DEVELOPMENT.—In this section, the term
12 “innovative port for offshore wind development” includes
13 any port that can accommodate, or be retrofitted to ac-
14 commodate—

15 (1) the upright assembly of the majority of an
16 offshore wind facility, including the foundation,
17 tower, turbine, blade, and electrical components;

18 (2) an assembly area, ground bearing pressure,
19 and overhead clearance for the assembly of offshore
20 wind facility turbines, which each have a capacity of
21 up to 20 megawatts;

22 (3) heavy-lift quay and not less than 25 acres
23 of port storage;

1 (4) innovative offshore wind facility and vessel
2 technologies that allow for the rapid installation of
3 an offshore wind facility; and

4 (5) any other innovative offshore wind facility
5 technology, as determined by the Secretary.

6 (b) STUDY AND REPORT.—

7 (1) IN GENERAL.—Not later than 1 year after
8 the date of enactment of this Act, the Secretary
9 shall—

10 (A) in consultation with the Secretary of
11 Energy and the Secretary of the Interior, carry
12 out a study of ports in the Mid-Atlantic and
13 New England regions of the United States to
14 identify—

15 (i) not less than 3 suitable ports in
16 those regions that could become innovative
17 ports for offshore wind development;

18 (ii) barriers to the development of in-
19 novative ports for offshore wind develop-
20 ment;

21 (iii) the Federal and State actions, in-
22 cluding dredging and construction of sup-
23 porting infrastructure, needed to facilitate
24 the development of the ports identified

1 under clause (i) to become innovative ports
2 for offshore wind development; and

3 (iv) recommendations on any further
4 research needed to improve ports in the
5 United States for offshore wind facility de-
6 velopment and deployment; and

7 (B) submit to Congress a report describing
8 the results of the study under subparagraph
9 (A).

10 (2) CONSULTATION.—In carrying out the study
11 under paragraph (1), the Secretary shall consult
12 with, at a minimum—

13 (A) the Governor of each affected State;

14 (B) units of local government; and

15 (C) relevant experts in engineering, envi-
16 ronment, and industry considerations.

17 **SEC. 3613. REPORT ON CORPS OF ENGINEERS ACTIVITIES.**

18 (a) DEFINITIONS.—In this section:

19 (1) APPLICABLE COASTAL STATE.—The term
20 “applicable coastal State” means a coastal State
21 that has a State-approved plan.

22 (2) STATE-APPROVED PLAN.—The term “State-
23 approved plan” includes—

24 (A) a coastal management plan;

25 (B) a special area management plan;

1 (C) a coastal master plan; and

2 (D) other similar coastal planning and re-
3 siliency strategies.

4 (b) REPORT.—Not later than 1 year after the date
5 of enactment of this Act, the Secretary shall submit to
6 Congress and each applicable coastal State a report that
7 includes—

8 (1) a summary of all active and recently com-
9 pleted work of the Corps of Engineers in each appli-
10 cable coastal State;

11 (2) an analysis of how the work described in
12 paragraph (1) corresponds to, fits under, or com-
13 plements any existing State-approved plan; and

14 (3) recommendations for improved implementa-
15 tion of State-approved plans through existing au-
16 thorities of the Corps of Engineers, including by, if
17 appropriate—

18 (A) allowing State-approved plans to be
19 submitted for proposed inclusion in the annual
20 report entitled “Report to Congress on Future
21 Water Resources Development” and submitted
22 to Congress pursuant to section 7001 of the
23 Water Resources Reform and Development Act
24 of 2014 (33 U.S.C. 2282d); and

1 (B) including specific projects included in
2 a State-approved plan in the continuing au-
3 thorities program (as described in section
4 3002).

5 **SEC. 3614. SOUTH ATLANTIC COASTAL STUDY.**

6 Section 1204 of the Water Infrastructure Improve-
7 ments for the Nation Act (130 Stat. 1685) is amended
8 by adding at the end the following:

9 “(d) COST-SHARE.—Notwithstanding any other pro-
10 vision of law, the Federal share of the cost of the study
11 under subsection (a) shall be 100 percent.”.

12 **SEC. 3615. BENEFICIAL USE OF DREDGED MATERIAL.**

13 Section 1122 of the Water Infrastructure Improve-
14 ments for the Nation Act (33 U.S.C. 2326 note; Public
15 Law 114–322) is amended—

16 (1) in subsection (b)—

17 (A) in paragraph (1), by striking “10” and
18 inserting “20”; and

19 (B) in paragraph (3)—

20 (i) in subparagraph (B), by striking
21 the period at the end and inserting “;
22 and”;

23 (ii) by redesignating subparagraphs
24 (A) and (B) as clauses (i) and (ii), respec-
25 tively, and indenting appropriately;

1 (iii) in the matter preceding clause (i)
2 (as so redesignated), by striking “select
3 projects solely on” and inserting the fol-
4 lowing: “select—
5 “(A) projects on”; and
6 (iv) by adding at the end the fol-
7 lowing:
8 “(B) not less than 1 project located in the
9 Upper Missouri River Basin in an area in which
10 dredged sediment is obtained for beneficial use
11 from a Bureau of Reclamation reservoir.”; and
12 (2) in subsection (g), by striking “10” and in-
13 serting “20”.

14 **SEC. 3616. DEMONSTRATION PROGRAM FOR UPPER NORTH-**
15 **EAST COASTAL EROSION.**

16 (a) IN GENERAL.—Not later than December 31,
17 2020, the Secretary shall establish a demonstration pro-
18 gram to complete operation and maintenance renourish-
19 ment under section 111 of the River and Harbor Act of
20 1968 (33 U.S.C. 426i) to mitigate coastal erosion attrib-
21 uted to Federal project structures in the upper northeast
22 United States.

23 (b) PROJECT SELECTION.—In carrying out the dem-
24 onstration program under subsection (a), the Secretary
25 shall—

1 (1) identify for inclusion in and carry out under
2 the demonstration program 5 projects—

3 (A) that are authorized under section 111
4 of the River and Harbor Act of 1968 (33
5 U.S.C. 426i);

6 (B) located in any of the upper northeast
7 coastal States of Maine, New Hampshire, Mas-
8 sachusetts, Connecticut, Rhode Island, or New
9 York; and

10 (C) for which a feasibility study has been
11 completed by December 31, 2019, that includes
12 findings that a Federal project structure is in-
13 terrupting the natural flow of sediment and
14 causing coastal erosion; and

15 (2) consult with relevant State agencies in se-
16 lecting projects.

17 (c) COST-SHARING.—The Federal share of the cost
18 of a project carried out under the demonstration program
19 under subsection (a) shall be 100 percent.

20 **SEC. 3617. REPORT ON IRC CONSTRUCTION IMPACTS ON**
21 **MISSOURI RIVER.**

22 (a) IN GENERAL.—Not later than 18 months after
23 the date of enactment of this Act, the Secretary shall sub-
24 mit to the Committee on Environment and Public Works
25 of the Senate and the Committee on Transportation and

1 Infrastructure of the House of Representatives a report
2 on the impacts of interception-rearing complex (referred
3 to in this section as “IRC”) construction on—

4 (1) the navigation, flood control, and other au-
5 thorized purposes described in the Missouri River
6 Master Manual; and

7 (2) the population recovery of the pallid stur-
8 geon.

9 (b) NO ADDITIONAL IRC CONSTRUCTION.—Until the
10 report under subsection (a) is submitted, no additional
11 IRC construction is authorized.

12 **SEC. 3618. LAKE TAHOE BASIN RESTORATION, NEVADA AND**
13 **CALIFORNIA.**

14 Section 108(g) of the Energy and Water Develop-
15 ment Appropriations Act, 2005 (Public Law 108–447;
16 118 Stat. 2943) is amended by striking “\$25,000,000”
17 and inserting “\$50,000,000”.

18 **SEC. 3619. SENSE OF CONGRESS RELATING TO CERTAIN**
19 **FLOOD PROTECTION PROJECTS, JEAN LA-**
20 **FITTE, LOUISIANA.**

21 It is the sense of Congress that—

22 (1) ongoing cooperation between the Louisiana
23 Coastal Protection and Restoration Authority and
24 the Lafitte Area Independent Levee District relating

1 to flood protection projects in Jean Lafitte, Lou-
2 isiana, and the vicinity should continue; and

3 (2) to the maximum extent practicable, the Sec-
4 retary should support that cooperation in a manner
5 that is consistent with Louisiana’s Comprehensive
6 Master Plan for a Sustainable Coast.

7 **Subtitle H—Environmental** 8 **Management**

9 **SEC. 3701. REAUTHORIZATION OF RIO GRANDE ENVIRON-** 10 **MENTAL MANAGEMENT PROGRAM.**

11 Section 5056(f) of the Water Resources Development
12 Act of 2007 (121 Stat. 1214; 128 Stat. 1315) is amended
13 by striking “each of fiscal years 2008 through 2019” and
14 inserting “each of fiscal years 2008 through 2021”.

15 **SEC. 3702. AMENDMENTS TO LONG ISLAND SOUND PRO-** 16 **GRAMS.**

17 (a) LONG ISLAND SOUND RESTORATION PRO-
18 GRAM.—Section 119 of the Federal Water Pollution Con-
19 trol Act (33 U.S.C. 1269) is amended—

20 (1) in subsection (b), by striking the subsection
21 designation and heading and all that follows through
22 “The Office shall” and inserting the following:

23 “(b) OFFICE.—

24 “(1) ESTABLISHMENT.—The Administrator
25 shall—

1 “(A) continue to carry out the conference
2 study; and

3 “(B) establish an office, to be located on
4 or near Long Island Sound.

5 “(2) ADMINISTRATION AND STAFFING.—The
6 Office shall”;

7 (2) in subsection (c)—

8 (A) in the matter preceding paragraph (1),
9 by striking “Management Conference of the
10 Long Island Sound Study” and inserting “con-
11 ference study”;

12 (B) in paragraph (2)—

13 (i) in each of subparagraphs (A)
14 through (G), by striking the commas at
15 the end of the subparagraphs and inserting
16 semicolons;

17 (ii) in subparagraph (H), by striking
18 “, and” and inserting a semicolon;

19 (iii) in subparagraph (I), by striking
20 the period at the end and inserting a semi-
21 colon; and

22 (iv) by adding at the end the fol-
23 lowing:

24 “(J) environmental impacts on the Long
25 Island Sound watershed, including—

1 “(i) the identification and assessment
2 of vulnerabilities in the watershed;

3 “(ii) the development and implementa-
4 tion of adaptation strategies to reduce
5 those vulnerabilities; and

6 “(iii) the identification and assess-
7 ment of the impacts of sea level rise on
8 water quality, habitat, and infrastructure;
9 and

10 “(K) planning initiatives for Long Island
11 Sound that identify the areas that are most
12 suitable for various types or classes of activities
13 in order to reduce conflicts among uses, reduce
14 adverse environmental impacts, facilitate com-
15 patible uses, or preserve critical ecosystem serv-
16 ices to meet economic, environmental, security,
17 or social objectives;”;

18 (C) by striking paragraph (4) and insert-
19 ing the following:

20 “(4) develop and implement strategies to in-
21 crease public education and awareness with respect
22 to the ecological health and water quality conditions
23 of Long Island Sound;”;

24 (D) in paragraph (5), by inserting “study”
25 after “conference”;

1 (E) in paragraph (6)—

2 (i) by inserting “(including on the
3 Internet)” after “the public”; and

4 (ii) by inserting “study” after “con-
5 ference”; and

6 (F) by striking paragraph (7) and insert-
7 ing the following:

8 “(7) monitor the progress made toward meeting
9 the identified goals, actions, and schedules of the
10 Comprehensive Conservation and Management Plan,
11 including through the implementation and support
12 of a monitoring system for the ecological health and
13 water quality conditions of Long Island Sound;
14 and”;

15 (3) in subsection (d)(3), in the second sentence,
16 by striking “50 per centum” and inserting “60 per-
17 cent”;

18 (4) by redesignating subsection (f) as sub-
19 section (i); and

20 (5) by inserting after subsection (e) the fol-
21 lowing:

22 “(f) REPORT.—

23 “(1) IN GENERAL.—Not later than 2 years
24 after the date of enactment of the America’s Water
25 Infrastructure Act of 2018, and biennially there-

1 after, the Director of the Office, in consultation with
2 the Governor of each Long Island Sound State, shall
3 submit to Congress a report that—

4 “(A) summarizes and assesses the progress
5 made by the Office and the Long Island Sound
6 States in implementing the Long Island Sound
7 Comprehensive Conservation and Management
8 Plan, including an assessment of the progress
9 made toward meeting the performance goals
10 and milestones contained in the Plan;

11 “(B) assesses the key ecological attributes
12 that reflect the health of the ecosystem of the
13 Long Island Sound watershed;

14 “(C) describes any substantive modifica-
15 tions to the Long Island Sound Comprehensive
16 Conservation and Management Plan made dur-
17 ing the 2-year period preceding the date of sub-
18 mission of the report;

19 “(D) provides specific recommendations to
20 improve progress in restoring and protecting
21 the Long Island Sound watershed, including, as
22 appropriate, proposed modifications to the Long
23 Island Sound Comprehensive Conservation and
24 Management Plan;

1 “(E) identifies priority actions for imple-
2 mentation of the Long Island Sound Com-
3 prehensive Conservation and Management Plan
4 for the 2-year period following the date of sub-
5 mission of the report; and

6 “(F) describes the means by which Federal
7 funding and actions will be coordinated with the
8 actions of the Long Island Sound States and
9 other entities.

10 “(2) PUBLIC AVAILABILITY.—The Adminis-
11 trator shall make the report described in paragraph
12 (1) available to the public, including on the Internet.

13 “(g) ANNUAL BUDGET PLAN.—The President shall
14 submit, together with the annual budget of the United
15 States Government submitted under section 1105(a) of
16 title 31, United States Code, information regarding each
17 Federal department and agency involved in the protection
18 and restoration of the Long Island Sound watershed, in-
19 cluding—

20 “(1) an interagency crosscut budget that dis-
21 plays for each department and agency—

22 “(A) the amount obligated during the pre-
23 ceding fiscal year for protection and restoration
24 projects and studies relating to the watershed;

1 “(B) the estimated budget for the current
2 fiscal year for protection and restoration
3 projects and studies relating to the watershed;
4 and

5 “(C) the proposed budget for succeeding
6 fiscal years for protection and restoration
7 projects and studies relating to the watershed;
8 and

9 “(2) a summary of any proposed modifications
10 to the Long Island Sound Comprehensive Conserva-
11 tion and Management Plan for the following fiscal
12 year.

13 “(h) FEDERAL ENTITIES.—

14 “(1) COORDINATION.—The Administrator shall
15 coordinate the actions of all Federal departments
16 and agencies that impact water quality in the Long
17 Island Sound watershed in order to improve the
18 water quality and living resources of the watershed.

19 “(2) METHODS.—In carrying out this section,
20 the Administrator, acting through the Director of
21 the Office, may—

22 “(A) enter into interagency agreements;
23 and

24 “(B) make intergovernmental personnel
25 appointments.

1 “(3) FEDERAL PARTICIPATION IN WATERSHED
2 PLANNING.—A Federal department or agency that
3 owns or occupies real property, or carries out activi-
4 ties, within the Long Island Sound watershed shall
5 participate in regional and subwatershed planning,
6 protection, and restoration activities with respect to
7 the watershed.

8 “(4) CONSISTENCY WITH COMPREHENSIVE CON-
9 SERVATION AND MANAGEMENT PLAN.—To the max-
10 imum extent practicable, the head of each Federal
11 department and agency that owns or occupies real
12 property, or carries out activities, within the Long
13 Island Sound watershed shall ensure that the prop-
14 erty and all activities carried out by the department
15 or agency are consistent with the Long Island Sound
16 Comprehensive Conservation and Management Plan
17 (including any related subsequent agreements and
18 plans).”.

19 (b) LONG ISLAND SOUND STEWARDSHIP PRO-
20 GRAM.—

21 (1) LONG ISLAND SOUND STEWARDSHIP ADVI-
22 SORY COMMITTEE.—Section 8 of the Long Island
23 Sound Stewardship Act of 2006 (33 U.S.C. 1269
24 note; Public Law 109–359) is amended—

1 (A) in subsection (g), by striking “2011”
2 and inserting “2021”; and

3 (B) by adding at the end the following:

4 “(h) NONAPPLICABILITY OF FACA.—The Federal
5 Advisory Committee Act (5 U.S.C. App.) shall not apply
6 to—

7 “(1) the Advisory Committee; or

8 “(2) any board, committee, or other group es-
9 tablished under this Act.”.

10 (2) REPORTS.—Section 9(b)(1) of the Long Is-
11 land Sound Stewardship Act of 2006 (33 U.S.C.
12 1269 note; Public Law 109–359) is amended in the
13 matter preceding subparagraph (A) by striking “fis-
14 cal years 2007 through 2011” and inserting “fiscal
15 years 2019 through 2021”.

16 (3) AUTHORIZATION.—Section 11 of the Long
17 Island Sound Stewardship Act of 2006 (33 U.S.C.
18 1269 note; Public Law 109–359) is amended—

19 (A) by striking subsection (a);

20 (B) by redesignating subsections (b)
21 through (d) as subsections (a) through (c), re-
22 spectively; and

23 (C) in subsection (a) (as so redesignated),
24 by striking “under this section each” and in-
25 serting “to carry out this Act for a”.

1 (4) EFFECTIVE DATE.—The amendments made
2 by this subsection take effect on October 1, 2018.

3 (c) REAUTHORIZATION OF LONG ISLAND SOUND
4 PROGRAMS.—

5 (1) LONG ISLAND SOUND GRANTS.—There is
6 authorized to be appropriated to the Administrator
7 of the Environmental Protection Agency to carry out
8 section 119 of the Federal Water Pollution Control
9 Act (33 U.S.C. 1269) \$40,000,000 for each of fiscal
10 years 2019 through 2021.

11 (2) LONG ISLAND SOUND STEWARDSHIP
12 GRANTS.—There is authorized to be appropriated to
13 the Administrator of the Environmental Protection
14 Agency to carry out the Long Island Sound Stew-
15 ardship Act of 2006 (33 U.S.C. 1269 note; Public
16 Law 109–359) \$25,000,000 for each of fiscal years
17 2019 through 2021.

18 **SEC. 3703. SENSE OF CONGRESS RELATING TO THE CAÑO**
19 **MARTÍN PEÑA ECOSYSTEM RESTORATION**
20 **PROJECT.**

21 It is the sense of Congress that the Secretary should
22 advance the project for ecosystem restoration, Caño
23 Martín Peña, Puerto Rico.

1 “(B) 50 percent of the amounts in the
2 OM&R Account.

3 “(C) 50 percent of the amounts in the St.
4 Mary Account.

5 “(D) 50 percent of the amounts in the
6 Blackfeet Water, Storage, and Development
7 Projects Account.”; and

8 (2) by adding at the end the following:

9 “(3) AVAILABILITY.—

10 “(A) IN GENERAL.—Except as provided in
11 subparagraph (B), none of the funds deposited
12 in the Trust Fund in fiscal year 2018 shall be
13 available for expenditure in accordance with
14 this subsection until the enforceability date.

15 “(B) EXCEPTION.—Notwithstanding sub-
16 paragraph (A), of the funds in the Administra-
17 tion and Energy Account, \$4,800,000 shall be
18 available to the Tribe for the implementation of
19 this subtitle.”.

20 (b) BLACKFEET WATER SETTLEMENT IMPLEMENTA-
21 TION FUND.—Section 3717(e) of the Water Infrastruc-
22 ture Improvements for the Nation Act (130 Stat. 1837)
23 is amended—

24 (1) by striking “Amounts in” and inserting the
25 following:

1 “(1) IN GENERAL.—Amounts in”; and

2 (2) by adding at the end the following:

3 “(2) FUNDING FOR IMPLEMENTATION ACTIVITIES.—Notwithstanding paragraph (1), the following
4 amounts shall be available to the Secretary for the
5 implementation of this subtitle:
6

7 “(A) 50 percent of the amounts in the
8 MR&I System, Irrigation, and Water Storage
9 Account to carry out section 3711.

10 “(B) 50 percent of the amounts in the
11 MR&I System, Irrigation, and Water Storage
12 Account to carry out section 3712.

13 “(C) 50 percent of the amounts in the
14 Blackfeet Irrigation Project Deferred Maintenance and Four Horns Dam Safety Improvements Account to carry out section 3710(c).

17 “(D) The amounts in the Blackfeet Irrigation Project Deferred Maintenance and Four Horns Dam Safety Improvements Account to carry out section 3710(d).

21 “(E) From the St. Mary/Water Milk Management and Activities Account:

23 “(i) 50 percent of the amount described in section 3707(g)(1) to carry out
24 section 3707(c).
25

1 “(ii) 50 percent of the amount de-
2 scribed in section 3707(g)(2) to carry out
3 section 3707(d).

4 “(iii) The amount described in section
5 3707(g)(3) to carry out subsection (f).

6 “(iv) The amounts in the Account to
7 carry out section 3705.

8 “(3) AVAILABILITY.—None of the funds made
9 available under this section in fiscal year 2018 shall
10 be available until the enforceability date.”.

11 (c) TECHNICAL CORRECTIONS.—Section 3720 of the
12 Water Infrastructure Improvements for the Nation Act
13 (130 Stat. 1839) is amended—

14 (1) in subsection (a)(3)(B), by striking “section
15 3706” and inserting “section 6”; and

16 (2) in subsection (h), in the matter preceding
17 paragraph (1), by striking “January 21, 2026” and
18 inserting “January 21, 2025”.

19 **SEC. 3804. BONNEVILLE DAM, OREGON.**

20 (a) IN GENERAL.—The Secretary, in consultation
21 with the Secretary of the Interior, shall examine and as-
22 sess the extent to which Indians (as defined in section 4
23 of the Indian Self-Determination and Education Assist-
24 ance Act (25 U.S.C. 5304)) have been displaced as a re-
25 sult of the construction of the Bonneville Dam, Oregon.

1 (b) INCLUSION.—The examination and assessment
2 under subsection (a) may include assessments relating to
3 housing and related facilities.

4 (c) ASSISTANCE.—If the Secretary determines, based
5 on the examination and assessment under subsection (a),
6 that assistance is required, the Secretary may use all exist-
7 ing authorities of the Secretary to provide assistance to
8 Indians that have been displaced as a result of the con-
9 struction of the Bonneville Dam, Oregon.

10 (d) TRIBAL ASSISTANCE.—Section 1178(c)(1)(A) of
11 the Water Infrastructure Improvements for the Nation
12 Act (130 Stat. 1675) is amended by striking “Upon the
13 request of the Secretary of the Interior, the Secretary may
14 provide assistance” and inserting “The Secretary, in con-
15 sultation with the Secretary of the Interior, may provide
16 assistance”.

17 **SEC. 3805. JOHN DAY DAM, OREGON.**

18 (a) IN GENERAL.—The Secretary, in consultation
19 with the Secretary of the Interior, shall examine and as-
20 sess the extent to which Indians (as defined in section 4
21 of the Indian Self-Determination and Education Assist-
22 ance Act (25 U.S.C. 5304)) have been displaced as a re-
23 sult of the construction of the John Day Dam, Oregon,
24 as authorized by section 204 of the Flood Control Act of
25 1950 (64 Stat. 179, chapter 188).

1 (b) INCLUSION.—The examination and assessment
2 under subsection (a) may include assessments relating to
3 housing and related facilities.

4 (c) ASSISTANCE.—If the Secretary determines, based
5 on the examination and assessment under subsection (a),
6 that assistance is required, the Secretary may use all exist-
7 ing authorities of the Secretary to provide assistance to
8 Indians that have been displaced as a result of the con-
9 struction of the John Day Dam, Oregon.

10 **SEC. 3806. DALLES DAM, OREGON.**

11 (a) IN GENERAL.—The Secretary, in consultation
12 with the Secretary of the Interior, shall complete and
13 carry out a village development plan for any Indian village
14 (as defined in section 4 of the Indian Self-Determination
15 and Education Assistance Act (25 U.S.C. 5304)) sub-
16 merged as a result of the construction of the Dalles Dam,
17 Oregon, as authorized by section 204 of the Flood Control
18 Act of 1950 (64 Stat. 179, chapter 188).

19 (b) ASSISTANCE.—The Secretary may acquire land
20 from willing land owners in carrying out the village devel-
21 opment plan.

22 (c) REQUIREMENTS.—The village development plan
23 under subsection (a) shall include an estimated cost and
24 tentative schedule for the construction of a replacement
25 village.

1 **SEC. 3807. INDIAN IRRIGATION FUND REAUTHORIZATION.**

2 (a) DEPOSITS TO FUNDS.—Section 3212(a) of the
3 Water Infrastructure Improvements for the Nation Act
4 (130 Stat. 1750) is amended by striking “each of fiscal
5 years 2017 through 2021” and inserting “each of fiscal
6 years 2017 through 2028”.

7 (b) EXPENDITURES FROM FUND.—Section 3213(a)
8 of the Water Infrastructure Improvements for the Nation
9 Act (130 Stat. 1750) is amended in the matter preceding
10 paragraph (1) by striking “each of fiscal years 2017
11 through 2021” and inserting “each of fiscal years 2017
12 through 2028”.

13 (c) TERMINATION.—Section 3216 of the Water Infra-
14 structure Improvements for the Nation Act (130 Stat.
15 1750) is amended in the matter preceding paragraph (1)
16 by striking “September 30, 2021” and inserting “Sep-
17 tember 30, 2028”.

18 **SEC. 3808. REAUTHORIZATION OF REPAIR, REPLACEMENT,**
19 **AND MAINTENANCE OF CERTAIN INDIAN IR-**
20 **RIGATION PROJECTS.**

21 (a) IN GENERAL.—Section 3221(b) of the Water In-
22 frastructure Improvements for the Nation Act (130 Stat.
23 1751) is amended in the matter preceding paragraph (1)
24 by striking “each of fiscal years 2017 through 2021” and
25 inserting “each of fiscal years 2017 through 2028”.

1 (b) STATUS REPORT ON CERTAIN PROJECTS.—Sec-
2 tion 3224(d) of the Water Infrastructure Improvements
3 for the Nation Act (130 Stat. 1753) is amended in the
4 matter preceding paragraph (1) by striking “fiscal year
5 2021” and inserting “fiscal year 2028”.

6 (c) ALLOCATION AMONG PROJECTS.—Section 3226
7 of the Water Infrastructure Improvements for the Nation
8 Act (130 Stat. 1753) is amended—

9 (1) in subsection (a), by striking “each of fiscal
10 years 2017 through 2021” and inserting “each of
11 fiscal years 2017 through 2028”; and

12 (2) in subsection (b), by striking “the day be-
13 fore the date of enactment of this Act” and inserting
14 “the day before the date of enactment of the Amer-
15 ica’s Water Infrastructure Act of 2018”.

16 **SEC. 3809. INDIAN DAM SAFETY REAUTHORIZATION.**

17 Section 3101 of the Water Infrastructure Improve-
18 ments for the Nation Act (25 U.S.C. 3805) is amended—

19 (1) by striking “each of fiscal years 2017
20 through 2023” each place it appears and inserting
21 “each of fiscal years 2017 through 2030”;

22 (2) in subsection (b)—

23 (A) in paragraph (1)(F), in the matter
24 preceding clause (i), by striking “September 30,

1 2023” and inserting “September 30, 2030”;
2 and

3 (B) in paragraph (2)(F), in the matter
4 preceding clause (i), by striking “September 30,
5 2023” and inserting “September 30, 2030”;
6 and

7 (3) in subsection (f)—

8 (A) in paragraph (2), by striking “4
9 years” and inserting “11 years”; and

10 (B) in paragraph (3), by striking “each of
11 fiscal years 2017, 2018, and 2019” and insert-
12 ing “each of fiscal years 2017 through 2026”.

13 **SEC. 3810. GAO REPORT ON ALASKA NATIVE VILLAGE RE-**
14 **LOCATION EFFORTS DUE TO FLOODING AND**
15 **EROSION THREATS.**

16 (a) DEFINITION OF ALASKA NATIVE VILLAGE.—In
17 this section, the term “Alaska Native village” means a Na-
18 tive village that has a Village Corporation (as those terms
19 are defined in section 3 of the Alaska Native Claims Set-
20 tlement Act (43 U.S.C. 1602)).

21 (b) REPORT.—The Comptroller General of the
22 United States (referred to in this section as the “Comp-
23 troller General”) shall submit to Congress a report on ef-
24 forts to relocate Alaska Native villages due to flooding and
25 erosion threats that updates the report of the Comptroller

1 General entitled “Alaska Native Villages: Limited
2 Progress Has Been Made on Relocating Villages Threat-
3 ened by Flooding and Erosion”, dated June 2009.

4 (c) INCLUSIONS.—The report under subsection (b)
5 shall include—

6 (1) a summary of flooding and erosion threats
7 to Alaska Native villages throughout the State of
8 Alaska, based on information from—

9 (A) the Corps of Engineers;

10 (B) the Denali Commission; and

11 (C) any other relevant sources of informa-
12 tion as the Comptroller General determines to
13 be appropriate;

14 (2) the status of efforts to relocate Alaska Na-
15 tive villages due to flooding and erosion threats; and

16 (3) any other issues relating to flooding and
17 erosion threats to, or relocation of, Alaska Native
18 villages, as the Comptroller General determines to be
19 appropriate.

20 **SEC. 3811. REFERENCES TO INDIAN TRIBES.**

21 (a) COST SHARING PROVISIONS.—Section 1156(a)(2)
22 of the Water Resources Development Act of 1986 (33
23 U.S.C. 2310(a)(2)) is amended by striking “(as defined”
24 and all that follows through the period at the end and
25 inserting “or tribal organization (as those terms are de-

1 fined in section 4 of the Indian Self-Determination and
2 Education Assistance Act (25 U.S.C. 5304)).”.

3 (b) WRITTEN AGREEMENT REQUIREMENT FOR
4 WATER RESOURCES PROJECTS.—Section 221(b)(1) of the
5 Flood Control Act of 1970 (42 U.S.C. 1962d–5b(b)(1))
6 is amended by striking “(including a” and all that follows
7 through “; or” at the end and inserting “(including an
8 Indian tribe and tribal organization (as those terms are
9 defined in section 4 of the Indian Self-Determination and
10 Education Assistance Act (25 U.S.C. 5304)); or”.

11 **TITLE IV—SENSE OF CONGRESS**
12 **RELATING TO CERTAIN**
13 **PROJECTS**

14 **SEC. 4001. SENSE OF CONGRESS RELATING TO CERTAIN**
15 **PROJECTS.**

16 (a) IN GENERAL.—It is the sense of Congress that—

17 (1) the projects described in subsection (b) are
18 valuable; and

19 (2) the Corps of Engineers should expeditiously
20 complete the post-authorization change report or re-
21 port of the Chief of Engineers, as applicable, for
22 each of those projects by the end of 2018.

23 (b) PROJECTS DESCRIBED.—The projects referred to
24 in subsection (a) are each of the following:

1 (1) PROJECTS FOR WHICH A REPORT OF THE
2 CHIEF OF ENGINEERS IS EXPECTED.—

3 (A) The project for flood risk management,
4 Lower San Joaquin River, California.

5 (B) The project for coastal storm risk
6 management, Pawcatuck River, Rhode Island,
7 authorized in the matter under the heading
8 “INVESTIGATIONS” under the heading “CORPS
9 OF ENGINEERS—CIVIL” under the heading
10 “DEPARTMENT OF THE ARMY” in title X
11 of division A of the Disaster Relief Appropria-
12 tions Act, 2013 (Public Law 113–2; 127 Stat.
13 23).

14 (C) The project for coastal storm risk
15 management, Hashamomuck Cove, New York,
16 authorized in the matter under the heading
17 “INVESTIGATIONS” under the heading “CORPS
18 OF ENGINEERS—CIVIL” under the heading
19 “DEPARTMENT OF THE ARMY” in title X
20 of division A of the Disaster Relief Appropria-
21 tions Act, 2013 (Public Law 113–2; 127 Stat.
22 23).

23 (D) The project for coastal storm risk
24 management and utilization of dredged mate-
25 rial, Delaware River, Delaware, New Jersey,

1 and Pennsylvania, authorized in the matter
2 under the heading “INVESTIGATIONS” under
3 the heading “CORPS OF ENGINEERS—CIVIL”
4 under the heading “DEPARTMENT OF THE
5 ARMY” in title X of division A of the Disaster
6 Relief Appropriations Act, 2013 (Public Law
7 113–2; 127 Stat. 23).

8 (E) The project for navigation, Three Riv-
9 ers, Arkansas, carried out under section 216 of
10 the Flood Control Act of 1970 (33 U.S.C.
11 549a).

12 (F) The project for navigation, San Juan
13 Harbor, Puerto Rico, described in the study au-
14 thorized by the resolution adopted by the Com-
15 mittee on Transportation and Infrastructure of
16 the House of Representatives on September 20,
17 2006.

18 (G) The project for ecosystem restoration,
19 Resacas at Brownsville, Texas, carried out
20 under section 206 of the Water Resources De-
21 velopment Act of 1996 (33 U.S.C. 2330).

22 (H) The project for flood control, naviga-
23 tion, and ecosystem restoration, Anacostia Wa-
24 tershed, Prince George’s County, Maryland, de-
25 scribed in the study authorized by the resolu-

1 tion adopted by the Committee on Public Works
2 and Transportation of the House of Represent-
3 atives on September 8, 1988.

4 (I) The project for flood control, Willam-
5 ette River Basin, Oregon, described in the Wil-
6 lamette River Basin Review Study authorized
7 by the resolution adopted by the Committee on
8 Public Works and Transportation of the House
9 of Representatives on September 8, 1988.

10 (J) The project for flood risk management
11 and coastal storm risk management, Norfolk,
12 Virginia, authorized in the matter under the
13 heading “INVESTIGATIONS” under the heading
14 “CORPS OF ENGINEERS—CIVIL” under the
15 heading “DEPARTMENT OF THE ARMY”
16 in title X of division A of the Disaster Relief
17 Appropriations Act, 2013 (Public Law 113–2;
18 127 Stat. 23).

19 (K) The project for flood risk manage-
20 ment, Armourdale and Central Industrial Dis-
21 trict Levee Units, Missouri River and Tribu-
22 taries at Kansas City, Kansas, authorized by
23 section 1401(2) of the Water Infrastructure
24 Improvements for the Nation Act (130 Stat.
25 1711) (as modified by section 3504).

1 (L) The project for navigation and hurri-
2 cane and storm damage reduction, Houma,
3 Louisiana, authorized by section 1001(24)(B)
4 of the Water Resources Development Act of
5 2007 (121 Stat. 1053).

6 (M) The project for flood risk manage-
7 ment, Souris River Basin, Minot, North Da-
8 kota, authorized by section 209 of the Flood
9 Control Act of 1966 (80 Stat. 1423).

10 (N) The project for ecosystem restoration,
11 Delta Islands and Levees, California, described
12 in the study authorized by—

13 (i) the resolution adopted by the Com-
14 mittee on Public Works of the Senate on
15 June 1, 1948;

16 (ii) the resolution adopted by the
17 Committee on Public Works of the House
18 of Representatives on May 8, 1948; and

19 (iii) House Report 108–357, accom-
20 panying the Energy and Water Develop-
21 ment Appropriations Act, 2004 (Public
22 Law 108–137; 117 Stat. 1827).

23 (2) PROJECTS FOR WHICH A POST-AUTHORIZA-
24 TION CHANGE REPORT IS EXPECTED.—

1 (A) The project for navigation, Chicka-
2 mauga Lock, Tennessee, authorized by section
3 114 of the Energy and Water Development Ap-
4 propriations Act, 2003 (Public Law 108-7; 117
5 Stat. 140).

6 (B) The project for ecosystem restoration,
7 South Florida, Florida, authorized by section
8 601 of the Water Resources Development Act
9 of 2000 (114 Stat. 2680).

10 (C) The project for ecosystem restoration,
11 Central Everglades, Florida, authorized by sec-
12 tion 1401(4) of the Water Infrastructure Im-
13 provements for the Nation Act (130 Stat.
14 1713).

15 (D) The project for water supply and eco-
16 system restoration, Howard A. Hanson Dam,
17 Washington, authorized by section 204 of the
18 Flood Control Act of 1950 (64 Stat. 180) and
19 modified by section 101(b)(15) of the Water
20 Resources Development Act of 1999 (113 Stat.
21 281).

22 (E) The project for flood risk manage-
23 ment, Green Brook Sub-Basin, Raritan River
24 Basin, New Jersey, authorized by section

1 401(a) of the Water Resources Development
2 Act of 1986 (100 Stat. 4119).

3 (F) The project for shore protection and
4 harbor mitigation, Fort Pierce Beach, Florida,
5 authorized by section 301 of the River and
6 Harbor Act of 1965 (79 Stat. 1092), section
7 102 of the River and Harbor Act of 1968 (82
8 Stat. 732), and section 506(a)(2) of the Water
9 Resources Development Act of 1996 (110 Stat.
10 3757), and modified by section 313 of the
11 Water Resources Development Act of 1999
12 (113 Stat. 301).

13 (G) The project for flood control,
14 McMicken Dam, Arizona, authorized by section
15 304 of the Act of August 7, 1953 (67 Stat.
16 450, chapter 342).

17 (H) The project for flood protection, Cave
18 Buttes Dam, Arizona, authorized by section
19 204 of the Flood Control Act of 1965 (79 Stat.
20 1083).

21 (I) The project for navigation, Mississippi
22 River to Shreveport, Louisiana, Red River Wa-
23 terway, authorized by section 101 of the River
24 and Harbor Act of 1968 (82 Stat. 731).

1 (J) The project for hurricane and storm
2 damage risk reduction, Carolina Beach, North
3 Carolina, authorized by section 203 of the
4 Flood Control Act of 1962 (76 Stat. 1182).

5 (K) The project for hurricane and storm
6 damage risk reduction, Wrightsville Beach,
7 North Carolina, authorized by section 203 of
8 the Flood Control Act of 1962 (76 Stat. 1182)
9 and section 501 of the Water Resources Devel-
10 opment Act of 1986 (100 Stat. 4135).

11 (L) The project for navigation, Port of
12 Iberia, Louisiana, authorized by section
13 1001(25) of the Water Resources Development
14 Act of 2007 (121 Stat. 1053; 128 Stat. 1351).

15 **TITLE V—EPA-RELATED**
16 **PROVISIONS**

17 **SEC. 5001. STORMWATER INFRASTRUCTURE FUNDING TASK**
18 **FORCE.**

19 (a) IN GENERAL.—Not later than 180 days after the
20 date of enactment of this Act, the Administrator of the
21 Environmental Protection Agency (referred to in this sec-
22 tion as the “Administrator”) shall establish a voluntary
23 stormwater infrastructure funding task force comprised of
24 representatives of public, private, and Federal entities to
25 study and develop recommendations to improve the fund-

1 ing and financing of stormwater infrastructure to ensure
2 that—

3 (1) municipalities are able to identify appro-
4 priate funding sources; and

5 (2) funding is—

6 (A) available in all States;

7 (B) affordable (based on the integrated
8 planning guidelines described in the Integrated
9 Municipal Stormwater and Wastewater Plan-
10 ning Approach Framework, issued by the Envi-
11 ronmental Protection Agency and dated June 5,
12 2012); and

13 (C) sufficient to support capital expendi-
14 tures and long-term operation and maintenance
15 costs.

16 (b) REPORT.—Not later than 18 months after the
17 date of enactment of this Act, the Administrator shall sub-
18 mit to Congress a report that describes the results of the
19 study under subsection (a).

20 **SEC. 5002. REAUTHORIZATION OF THE WATER INFRA-
21 STRUCTURE FINANCE AND INNOVATION ACT.**

22 Section 5033 of the Water Infrastructure Finance
23 and Innovation Act of 2014 (33 U.S.C. 3912) is amend-
24 ed—

25 (1) in subsection (a)—

1 (A) by redesignating paragraphs (1)
2 through (5) as subparagraphs (A) through (E),
3 respectively, and indenting appropriately;

4 (B) in the matter preceding subparagraph
5 (A) (as so redesignated), by striking “There is”
6 and inserting the following:

7 “(1) FISCAL YEARS 2015 THROUGH 2019.—
8 There are”; and

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

10 “(2) FISCAL YEARS 2020 AND 2021.—There is
11 authorized to be appropriated to the Administrator
12 to carry out this subtitle \$50,000,000 for each of
13 fiscal years 2020 and 2021, to remain available until
14 expended.”; and

15 (2) in subsection (b)—

16 (A) by striking “Of the funds” and insert-
17 ing the following:

18 “(1) FISCAL YEARS 2015 THROUGH 2019.—Of
19 the funds”; and

20 (B) by adding at the end the following:

21 “(2) FISCAL YEARS 2020 AND 2021.—Of the
22 funds made available to carry out this subtitle, the
23 Administrator may use for the administration of this
24 subtitle, including for the provision of technical as-
25 sistance to aid project sponsors in obtaining the nec-

1 essary approvals for the project, not more than
2 \$2,200,000 for each of fiscal years 2020 and
3 2021.”.

4 **SEC. 5003. INDIAN RESERVATION DRINKING WATER AND**
5 **WASTEWATER PILOT PROGRAM.**

6 (a) IN GENERAL.—Subject to the availability of ap-
7 propriations, the Administrator of the Environmental Pro-
8 tection Agency shall carry out a pilot program to imple-
9 ment—

10 (1) 10 eligible projects described in subsection

11 (b) that are within the Upper Missouri River Basin;

12 and

13 (2) 10 eligible projects described in subsection

14 (b) that are within the Upper Rio Grande Basin.

15 (b) ELIGIBLE PROJECTS.—A project eligible to par-
16 ticipate in the pilot program under subsection (a) is a
17 project—

18 (1) that is on a reservation (as defined in sec-
19 tion 3 of the Indian Financing Act of 1974 (25
20 U.S.C. 1452)) that serves a federally recognized In-
21 dian Tribe; and

22 (2) the purpose of which is—

23 (A) to connect, expand, or repair existing
24 drinking water lines or water towers in order to
25 improve water quality, pressure, or services; or

1 (B) to replace or refurbish wastewater la-
2 goons that are insufficient for current or near-
3 term community needs or economic growth.

4 (c) REQUIREMENT.—In carrying out the pilot pro-
5 gram under subsection (a)(1), the Administrator of the
6 Environmental Protection Agency shall select not less
7 than 1 eligible project for a reservation that serves more
8 than 1 federally recognized Indian Tribe.

9 **SEC. 5004. TECHNICAL ASSISTANCE FOR TREATMENT**
10 **WORKS.**

11 (a) IN GENERAL.—Title II of the Federal Water Pol-
12 lution Control Act (33 U.S.C. 1281 et seq.) is amended
13 by adding at the end the following:

14 **“SEC. 222. TECHNICAL ASSISTANCE FOR SMALL TREAT-**
15 **MENT WORKS.**

16 “(a) DEFINITIONS.—In this section:

17 “(1) QUALIFIED NONPROFIT SMALL TREAT-
18 MENT WORKS TECHNICAL ASSISTANCE PROVIDER.—

19 The term ‘qualified nonprofit small treatment works
20 technical assistance provider’ means a nonprofit or-
21 ganization that, as determined by the Adminis-
22 trator—

23 “(A) is qualified and experienced in pro-
24 viding training and technical assistance to small
25 treatment works; and

1 “(B) the small treatment works in the
2 State finds to be the most beneficial and effec-
3 tive.

4 “(2) SMALL TREATMENT WORKS.—The term
5 ‘small treatment works’ means a publicly owned
6 treatment works serving not more than 10,000 indi-
7 viduals.

8 “(b) TECHNICAL ASSISTANCE.—The Administrator
9 may use amounts made available to carry out this section
10 to provide grants or cooperative agreements to qualified
11 nonprofit small treatment works technical assistance pro-
12 viders to provide to owners and operators of small treat-
13 ment works onsite technical assistance, circuit rider tech-
14 nical assistance programs, multi-State, regional technical
15 assistance programs, and onsite and regional training, to
16 assist the small treatment works in achieving compliance
17 with this Act or obtaining financing under this Act for
18 eligible projects.

19 “(c) AUTHORIZATION OF APPROPRIATIONS.—There
20 are authorized to be appropriated to carry out this section
21 for grants for small treatment works technical assistance,
22 \$15,000,000 for each of fiscal years 2019 through 2021.

23 **“SEC. 223. TECHNICAL ASSISTANCE FOR MEDIUM TREAT-**
24 **MENT WORKS.**

25 “(a) DEFINITIONS.—In this section:

1 “(1) MEDIUM TREATMENT WORKS.—The term
2 ‘medium treatment works’ means a publicly owned
3 treatment works serving not fewer than 10,001, and
4 not more than 75,000, individuals.

5 “(2) QUALIFIED NONPROFIT MEDIUM TREAT-
6 MENT WORKS TECHNICAL ASSISTANCE PROVIDER.—
7 The term ‘qualified nonprofit medium treatment
8 works technical assistance provider’ means a quali-
9 fied nonprofit technical assistance provider of water
10 and wastewater services to medium-sized commu-
11 nities that provides technical assistance (including
12 circuit rider technical assistance programs, multi-
13 State, regional assistance programs, and training
14 and preliminary engineering evaluations) to owners
15 and operators of medium treatment works, which
16 may include a State agency.

17 “(b) TECHNICAL ASSISTANCE.—The Administrator
18 may use amounts made available to carry out this section
19 to provide grants or cooperative agreements to qualified
20 nonprofit medium treatment works technical assistance
21 providers to provide to owners and operators of medium
22 treatment works onsite technical assistance, circuit-rider
23 technical assistance programs, multi-State, regional tech-
24 nical assistance programs, and onsite and regional train-
25 ing to assist medium treatment works that are facing dif-

1 faculty in achieving compliance with this Act or obtaining
2 financing under this Act for eligible projects.

3 “(c) AUTHORIZATION OF APPROPRIATIONS.—There
4 is authorized to be appropriated to carry out this section
5 \$10,000,000 for each of fiscal years 2019 through 2021.”.

6 (b) WATER POLLUTION CONTROL REVOLVING LOAN
7 FUNDS.—

8 (1) IN GENERAL.—Section 603 of the Federal
9 Water Pollution Control Act (33 U.S.C. 1383) is
10 amended—

11 (A) in subsection (d)—

12 (i) in the matter preceding paragraph
13 (1), by inserting “and as provided in sub-
14 section (e)” after “State law”;

15 (ii) by redesignating subsections (e)
16 through (i) as subsections (f) through (j),
17 respectively; and

18 (iii) by inserting after subsection (d)
19 the following:

20 “(e) ADDITIONAL USE OF FUNDS.—A State may use
21 an additional 2 percent of the funds annually allotted to
22 the State under this section for qualified nonprofit small
23 treatment works technical assistance providers (as the
24 term is defined in section 222) and qualified nonprofit me-
25 dium treatment works technical assistance providers (as

1 the term in defined in section 223) to provide technical
2 assistance to small treatment works (as the term is de-
3 fined in section 222) and medium treatment works (as the
4 term is defined in section 223) in the State.”.

5 (2) CONFORMING AMENDMENT.—Section
6 221(d) of the Federal Water Pollution Control Act
7 (33 U.S.C. 1301(d)) is amended by striking “section
8 603(h)” and inserting “section 603(i)”.

9 (c) REPORT.—

10 (1) IN GENERAL.—Not later than 1 year after
11 the date of enactment of this Act, the Administrator
12 of the Environmental Protection Agency shall sub-
13 mit to Congress a report on—

14 (A) the difficulties faced by small treat-
15 ment works and medium treatment works (as
16 those terms are defined in sections 222(a) and
17 223(a), respectively, of the Federal Water Pol-
18 lution Control Act (as added by subsection (a)))
19 in complying with the Federal Water Pollution
20 Control Act (33 U.S.C. 1251 et seq.); and

21 (B) the impacts of providing assistance
22 under sections 222(a) and 223(a), respectively,
23 of the Federal Water Pollution Control Act (as
24 added by subsection (a)) to small treatment
25 works and medium treatment works described

1 in subparagraph (A) on the ability of those
2 treatment works to obtain financing under that
3 Act (33 U.S.C. 1251 et seq.).

4 (2) INCLUSIONS.—The report under paragraph
5 (1) shall include—

6 (A) an examination, including a cost-ben-
7 efit analysis, of the specific requirements under
8 the Federal Water Pollution Control Act (33
9 U.S.C. 1251 et seq.) and any regulations pro-
10 mulgated to carry out that Act that make com-
11 pliance difficult for small treatment works and
12 medium treatment works described in that
13 paragraph; and

14 (B) a review of how assistance provided
15 under sections 222(a) and 223(a), respectively,
16 of the Federal Water Pollution Control Act (as
17 added by subsection (a)) to small treatment
18 works and medium treatment works described
19 in that paragraph assists with the ability of
20 those treatment works to comply with that Act
21 (33 U.S.C. 1251 et seq.).

22 **SEC. 5005. CLEAN, SAFE, RELIABLE WATER INFRASTRUC-**
23 **TURE.**

24 (a) DRINKING WATER INFRASTRUCTURE.—

1 (1) OTHER AUTHORIZED ACTIVITIES.—Section
2 1452(k) of the Safe Drinking Water Act (42 U.S.C.
3 300j–12(k)) is amended—

4 (A) in paragraph (1)(D), by inserting “and
5 the implementation of plans to protect source
6 water identified in a source water assessment
7 under section 1453” before the period at the
8 end; and

9 (B) in paragraph (2)(E), by inserting “and
10 implement plans to protect source water identi-
11 fied in a source water assessment under section
12 1453” after “wellhead protection programs”.

13 (2) NEGOTIATION OF CONTRACTS.—Section
14 1452 of the Safe Drinking Water Act (42 U.S.C.
15 300j–12) is amended by adding at the end the fol-
16 lowing:

17 “(s) NEGOTIATION OF CONTRACTS.—For commu-
18 nities with populations of more than 10,000 individuals,
19 a contract to be carried out using funds directly made
20 available by a capitalization grant under this section for
21 program management, construction management, feasi-
22 bility studies, preliminary engineering, design, engineer-
23 ing, surveying, mapping, or architectural or related serv-
24 ices shall be negotiated in the same manner as—

1 “(1) a contract for architectural and engineer-
2 ing services is negotiated under chapter 11 of title
3 40, United States Code; or

4 “(2) an equivalent State qualifications-based re-
5 quirement (as determined by the Governor of the
6 State).”.

7 (3) WATERSENSE PROGRAM.—The Safe Drink-
8 ing Water Act (42 U.S.C. 300j et seq.) is amended
9 by adding after part F the following:

10 **“PART G—ADDITIONAL PROVISIONS**

11 **“SEC. 1471. WATERSENSE PROGRAM.**

12 “(a) ESTABLISHMENT OF WATERSENSE PRO-
13 GRAM.—

14 “(1) IN GENERAL.—There is established within
15 the Agency a voluntary WaterSense program to
16 identify and promote water-efficient products, build-
17 ings, landscapes, facilities, processes, and services
18 that, through voluntary labeling of, or other forms
19 of communications regarding, products, buildings,
20 landscapes, facilities, processes, and services while
21 meeting strict performance criteria, sensibly—

22 “(A) reduce water use;

23 “(B) reduce the strain on public and com-
24 munity water systems and wastewater and
25 stormwater infrastructure;

1 “(C) conserve energy used to pump, heat,
2 transport, and treat water; and

3 “(D) preserve water resources for future
4 generations.

5 “(2) INCLUSIONS.—The Administrator shall,
6 consistent with this section, identify water-efficient
7 products, buildings, landscapes, facilities, processes,
8 and services, including categories such as—

9 “(A) irrigation technologies and services;

10 “(B) point-of-use water treatment devices;

11 “(C) plumbing products;

12 “(D) reuse and recycling technologies;

13 “(E) landscaping and gardening products,
14 including moisture control or water enhancing
15 technologies;

16 “(F) xeriscaping and other landscape con-
17 versions that reduce water use;

18 “(G) whole house humidifiers; and

19 “(H) water-efficient buildings or facilities.

20 “(b) DUTIES.—The Administrator, coordinating as
21 appropriate with the Secretary of Energy, shall—

22 “(1) establish—

23 “(A) a WaterSense label to be used for
24 items meeting the certification criteria estab-
25 lished in accordance with this section; and

1 “(B) the procedure, including the methods
2 and means, and criteria by which an item may
3 be certified to display the WaterSense label,
4 minimizing unintended or negative impacts to
5 wastewater treatment works, recycled water
6 quality, or water quality in receiving water;

7 “(2) enhance public awareness regarding the
8 WaterSense label through outreach, education, and
9 other means;

10 “(3) preserve the integrity of the WaterSense
11 label by—

12 “(A) establishing and maintaining feasible
13 performance criteria so that products, build-
14 ings, landscapes, facilities, processes, and serv-
15 ices labeled with the WaterSense label perform
16 as well or better than less water-efficient coun-
17 terparts;

18 “(B) overseeing WaterSense certifications
19 made by third parties, which shall be inde-
20 pendent third-party product certification bodies
21 accredited by an accreditation entity domiciled
22 in the United States, such as the American Na-
23 tional Standards Institute, as achieving—

24 “(i) the requirements described in the
25 document of the International Organiza-

1 tion for Standardization and the Inter-
2 national Electrotechnical Commission enti-
3 tled ‘ISO/IEC 17065 Conformity assess-
4 ment—Requirements for bodies certifying
5 products, processes and services’ and dated
6 September 2012; and

7 “(ii) the applicable WaterSense re-
8 quirements;

9 “(C) as determined appropriate by the Ad-
10 ministrator, using testing protocols, from the
11 appropriate, applicable, and relevant consensus
12 standards, for the purpose of determining
13 standards compliance; and

14 “(D) auditing the use of the WaterSense
15 label in the marketplace and preventing cases of
16 misuse;

17 “(4) not more frequently than every 6 years
18 after adoption or major revision of any WaterSense
19 specification, review and, if appropriate, revise the
20 specification to achieve additional water savings;

21 “(5) in revising a WaterSense specification—

22 “(A) provide reasonable notice to inter-
23 ested parties and the public of any changes, in-
24 cluding effective dates, and an explanation of
25 the changes;

1 “(B) solicit comments from interested par-
2 ties and the public prior to any changes;

3 “(C) as appropriate, respond to comments
4 submitted by interested parties and the public;
5 and

6 “(D) provide an appropriate transition
7 time prior to the applicable effective date of any
8 changes, taking into account the timing nec-
9 essary for the manufacture, marketing, train-
10 ing, and distribution of the specific water-effi-
11 cient product, building, landscape, process, or
12 service category being addressed; and

13 “(6) not later than December 31, 2019, con-
14 sider for review and revision any WaterSense speci-
15 fication adopted before January 1, 2012.

16 “(c) TRANSPARENCY.—The Administrator shall, to
17 the maximum extent practicable and not less than annu-
18 ally, regularly estimate and make available to the public
19 savings of water, energy, and capital costs of water, waste-
20 water, and stormwater attributable to the use of
21 WaterSense-labeled products, buildings, landscapes, facili-
22 ties, processes, and services.

23 “(d) DISTINCTION OF AUTHORITIES.—In setting or
24 maintaining specifications for Energy Star pursuant to
25 section 324A of the Energy Policy and Conservation Act

1 (42 U.S.C. 6294a), and WaterSense under this section,
2 the Secretary of Energy and the Administrator shall co-
3 ordinate to prevent duplicative or conflicting requirements
4 among the respective programs.

5 “(e) NO WARRANTY.—A WaterSense label shall not
6 create an express or implied warranty.”.

7 (b) SEWER OVERFLOW CONTROL GRANTS.—Section
8 221 of the Federal Water Pollution Control Act (33
9 U.S.C. 1301) is amended—

10 (1) in subsection (a), by striking the subsection
11 designation and heading and all that follows through
12 “subject to subsection (g), the Administrator may”
13 in paragraph (2) and inserting the following:

14 “(a) AUTHORITY.—The Administrator may—

15 “(1) make grants to States for the purpose of
16 providing grants to a municipality or municipal enti-
17 ty for planning, designing, and constructing—

18 “(A) treatment works to intercept, trans-
19 port, control, or treat municipal combined sewer
20 overflows and sanitary sewer overflows; and

21 “(B) measures to manage, reduce, treat, or
22 recapture stormwater or subsurface drainage
23 water; and

24 “(2) subject to subsection (g),”;

25 (2) in subsection (b)—

1 (A) in paragraph (1), by striking the semi-
2 colon at the end and inserting “; or”;

3 (B) by striking paragraphs (2) and (3);
4 and

5 (C) by redesignating paragraph (4) as
6 paragraph (2);

7 (3) by striking subsections (e) through (g) and
8 inserting the following:

9 “(e) ADMINISTRATIVE REQUIREMENTS.—

10 “(1) IN GENERAL.—Subject to paragraph (2), a
11 project that receives grant assistance under sub-
12 section (a) shall be carried out subject to the same
13 requirements as a project that receives assistance
14 from a State water pollution control revolving fund
15 established pursuant to title VI.

16 “(2) DETERMINATION OF GOVERNOR.—The re-
17 quirement described in paragraph (1) shall not apply
18 to a project that receives grant assistance under
19 subsection (a) to the extent that the Governor of the
20 State in which the project is located determines that
21 a requirement described in title VI is inconsistent
22 with the purposes of this section.

23 “(f) AUTHORIZATION OF APPROPRIATIONS.—There
24 is authorized to be appropriated to carry out this section

1 \$225,000,000 for each of fiscal years 2019 and 2020, to
2 remain available until expended.

3 “(g) ALLOCATION OF FUNDS.—For each of fiscal
4 years 2019 and 2020, subject to subsection (h), the Ad-
5 ministrator shall use the amounts made available to carry
6 out this section to provide grants to municipalities and
7 municipal entities under subsection (a)(2)—

8 “(1) in accordance with the priority criteria de-
9 scribed in subsection (b); and

10 “(2) with additional priority given to proposed
11 projects that involve the use of—

12 “(A) nonstructural, low-impact develop-
13 ment;

14 “(B) water conservation, efficiency, or
15 reuse; or

16 “(C) other decentralized stormwater or
17 wastewater approaches to minimize flows into
18 the sewer systems.”; and

19 (4) by striking subsection (i).

20 **SEC. 5006. WATER INFRASTRUCTURE FLEXIBILITY.**

21 (a) DEFINITION OF ADMINISTRATOR.—In this sec-
22 tion, the term “Administrator” means the Administrator
23 of the Environmental Protection Agency.

24 (b) INTEGRATED PLANS.—

1 (1) INTEGRATED PLANS.—Section 402 of the
2 Federal Water Pollution Control Act (33 U.S.C.
3 1342) (as amended by section 3308) is amended by
4 adding at the end the following:

5 “(t) INTEGRATED PLAN PERMITS.—

6 “(1) DEFINITIONS.—In this subsection:

7 “(A) GREEN INFRASTRUCTURE.—The
8 term ‘green infrastructure’ means the range of
9 measures that use plant or soil systems, per-
10 meable pavement or other permeable surfaces
11 or substrates, stormwater harvest and reuse, or
12 landscaping to store, infiltrate, or
13 evapotranspire stormwater and reduce flows
14 to sewer systems or to surface waters.

15 “(B) INTEGRATED PLAN.—The term ‘inte-
16 grated plan’ has the meaning given in Part III
17 of the Integrated Municipal Stormwater and
18 Wastewater Planning Approach Framework,
19 issued by the Environmental Protection Agency
20 and dated June 5, 2012.

21 “(C) MUNICIPAL DISCHARGE.—

22 “(i) IN GENERAL.—The term ‘munic-
23 ipal discharge’ means a discharge from a
24 treatment works (as defined in section

1 212) or a discharge from a municipal
2 storm sewer under subsection (p).

3 “(ii) INCLUSION.—The term ‘municipal
4 discharge’ includes a discharge of
5 wastewater or storm water collected from
6 multiple municipalities if the discharge is
7 covered by the same permit issued under
8 this section.

9 “(2) INTEGRATED PLAN.—

10 “(A) IN GENERAL.—The Administrator (or
11 a State, in the case of a permit program ap-
12 proved under subsection (b)) shall inform a mu-
13 nicipal permittee or multiple municipal permit-
14 tees of the opportunity to develop an integrated
15 plan.

16 “(B) SCOPE OF PERMIT INCORPORATING
17 INTEGRATED PLAN.—A permit issued under
18 this subsection that incorporates an integrated
19 plan may integrate all requirements under this
20 Act addressed in the integrated plan, including
21 requirements relating to—

22 “(i) a combined sewer overflow;

23 “(ii) a capacity, management, oper-
24 ation, and maintenance program for sani-
25 tary sewer collection systems;

1 “(iii) a municipal stormwater dis-
2 charge;

3 “(iv) a municipal wastewater dis-
4 charge; and

5 “(v) a water quality-based effluent
6 limitation to implement an applicable
7 wasteload allocation in a total maximum
8 daily load.

9 “(3) COMPLIANCE SCHEDULES.—

10 “(A) IN GENERAL.—A permit for a munic-
11 ipal discharge by a municipality that incor-
12 porates an integrated plan may include a sched-
13 ule of compliance, under which actions taken to
14 meet any applicable water quality-based effluent
15 limitation may be implemented over more than
16 1 permit term if the compliance schedules are
17 authorized by State water quality standards.

18 “(B) INCLUSION.—Actions subject to a
19 compliance schedule under subparagraph (A)
20 may include green infrastructure if imple-
21 mented as part of a water quality-based effluent
22 limitation.

23 “(C) REVIEW.—A schedule of compliance
24 may be reviewed each time the permit is re-
25 newed.

1 “(4) EXISTING AUTHORITIES RETAINED.—

2 “(A) APPLICABLE STANDARDS.—Nothing
3 in this subsection modifies any obligation to
4 comply with applicable technology and water
5 quality-based effluent limitations under this
6 Act.

7 “(B) FLEXIBILITY.—Nothing in this sub-
8 section reduces or eliminates any flexibility
9 available under this Act, including the authority
10 of—

11 “(i) a State to revise a water quality
12 standard after a use attainability analysis
13 under section 131.10(g) of title 40, Code
14 of Federal Regulations (or a successor reg-
15 ulation), subject to the approval of the Ad-
16 ministrator under section 303(c); and

17 “(ii) the Administrator or a State to
18 authorize a schedule of compliance that ex-
19 tends beyond the date of expiration of a
20 permit term if the schedule of compliance
21 meets the requirements of section 122.47
22 of title 40, Code of Federal Regulations
23 (as in effect on the date of enactment of
24 this subsection).

25 “(5) CLARIFICATION OF STATE AUTHORITY.—

1 “(A) IN GENERAL.—Nothing in section
2 301(b)(1)(C) precludes a State from author-
3 izing in the water quality standards of the
4 State the issuance of a schedule of compliance
5 to meet water quality-based effluent limitations
6 in permits that incorporate provisions of an in-
7 tegrated plan.

8 “(B) TRANSITION RULE.—In any case in
9 which a discharge is subject to a judicial order
10 or consent decree as of the date of enactment
11 of the America’s Water Infrastructure Act of
12 2018 resolving an enforcement action under
13 this Act, any schedule of compliance issued pur-
14 suant to an authorization in a State water qual-
15 ity standard shall not revise a schedule of com-
16 pliance in that order or decree unless the order
17 or decree is modified by agreement of the par-
18 ties and the court.”.

19 (2) MUNICIPAL OMBUDSMAN.—

20 (A) ESTABLISHMENT.—There is estab-
21 lished within the Office of the Administrator an
22 Office of the Municipal Ombudsman.

23 (B) GENERAL DUTIES.—The duties of the
24 municipal ombudsman shall include the provi-
25 sion of—

1 (i) technical assistance to municipali-
2 ties seeking to comply with the Federal
3 Water Pollution Control Act (33 U.S.C.
4 1251 et seq.) and the Safe Drinking Water
5 Act (42 U.S.C. 300f et seq.); and

6 (ii) information to the Administrator
7 to help the Administrator ensure that
8 agency policies are implemented by all of-
9 fices of the Environmental Protection
10 Agency, including regional offices.

11 (C) ACTIONS REQUIRED.—The municipal
12 ombudsman shall work with appropriate offices
13 at the headquarters and regional offices of the
14 Environmental Protection Agency to ensure
15 that the municipality seeking assistance is pro-
16 vided information—

17 (i) about available Federal financial
18 assistance for which the municipality is eli-
19 gible;

20 (ii) about flexibility available under
21 the Federal Water Pollution Control Act
22 (33 U.S.C. 1251 et seq.) and, if applicable,
23 the Safe Drinking Water Act (42 U.S.C.
24 300f et seq.); and

1 (iii) regarding the opportunity to de-
2 velop an integrated plan, as defined in sec-
3 tion 402(t)(1)(B) of the Federal Water
4 Pollution Control Act (as added by para-
5 graph (1)).

6 (D) INFORMATION SHARING.—The munic-
7 ipal ombudsman shall publish on the website of
8 the Environmental Protection Agency—

9 (i) general information relating to—

10 (I) the technical assistance re-
11 ferred to in subparagraph (B)(i);

12 (II) the financial assistance re-
13 ferred to in subparagraph (C)(i);

14 (III) the flexibility referred to in
15 subparagraph (C)(ii); and

16 (IV) any resources related to in-
17 tegrated plans developed by the Ad-
18 ministrator; and

19 (ii) a copy of each permit, order, or
20 judicial consent decree that implements or
21 incorporates an integrated plan.

22 (3) MUNICIPAL ENFORCEMENT.—Section 309
23 of the Federal Water Pollution Control Act (33
24 U.S.C. 1319) is amended by adding at the end the
25 following:

1 “(h) IMPLEMENTATION OF INTEGRATED PLANS
2 THROUGH ENFORCEMENT TOOLS.—

3 “(1) IN GENERAL.—In conjunction with an en-
4 forcement action under subsection (a) or (b) relating
5 to municipal discharges, the Administrator shall in-
6 form a municipality of the opportunity to develop an
7 integrated plan (as defined in section 402(t)).

8 “(2) MODIFICATION.—Any municipality under
9 an administrative order under subsection (a) or set-
10 tlement agreement (including a judicial consent de-
11 creed) under subsection (b) that has developed an in-
12 tegrated plan consistent with section 402(t) may re-
13 quest a modification of the administrative order or
14 settlement agreement based on that integrated
15 plan.”.

16 “(4) REPORT TO CONGRESS.—Not later than 2
17 years after the date of enactment of this Act, the
18 Administrator shall submit to the Committee on En-
19 vironment and Public Works of the Senate and the
20 Committee on Transportation and Infrastructure of
21 the House of Representatives and make publicly
22 available a report on each integrated plan developed
23 and implemented through a permit, order, or judicial
24 consent decree since the date of publication of the
25 “Integrated Municipal Stormwater and Wastewater

1 Planning Approach Framework” issued by the Envi-
2 ronmental Protection Agency and dated June 5,
3 2012, including a description of the control meas-
4 ures, levels of control, estimated costs, and compli-
5 ance schedules for the requirements implemented
6 through an integrated plan.

7 (c) GREEN INFRASTRUCTURE PROMOTION.—Title V
8 of the Federal Water Pollution Control Act (33 U.S.C.
9 1361 et seq.) is amended—

10 (1) by redesignating section 519 (33 U.S.C.
11 1251 note) as section 520; and

12 (2) by inserting after section 518 (33 U.S.C.
13 1377) the following:

14 **“SEC. 519. ENVIRONMENTAL PROTECTION AGENCY GREEN**
15 **INFRASTRUCTURE PROMOTION.**

16 “(a) IN GENERAL.—The Administrator shall ensure
17 that the Office of Water, the Office of Enforcement and
18 Compliance Assurance, the Office of Research and Devel-
19 opment, and the Office of Policy of the Environmental
20 Protection Agency promote the use of green infrastructure
21 in and coordinate the integration of green infrastructure
22 into, permitting programs, planning efforts, research,
23 technical assistance, and funding guidance.

24 “(b) DUTIES.—The Administrator shall ensure that
25 the Office of Water—

1 “(1) promotes the use of green infrastructure in
2 the programs of the Environmental Protection Agen-
3 cy; and

4 “(2) coordinates efforts to increase the use of
5 green infrastructure with—

6 “(A) other Federal departments and agen-
7 cies;

8 “(B) State, tribal, and local governments;
9 and

10 “(C) the private sector.

11 “(c) REGIONAL GREEN INFRASTRUCTURE PRO-
12 MOTION.—The Administrator shall direct each regional of-
13 fice of the Environmental Protection Agency, as appro-
14 priate based on local factors, and consistent with the re-
15 quirements of this Act, to promote and integrate the use
16 of green infrastructure within the region that includes—

17 “(1) outreach and training regarding green in-
18 frastructure implementation for State, tribal, and
19 local governments, tribal communities, and the pri-
20 vate sector; and

21 “(2) the incorporation of green infrastructure
22 into permitting and other regulatory programs,
23 codes, and ordinance development, including the re-
24 quirements under consent decrees and settlement
25 agreements in enforcement actions.

1 “(d) GREEN INFRASTRUCTURE INFORMATION SHAR-
2 ING.—The Administrator shall promote green infrastruc-
3 ture information sharing, including through an Internet
4 website, to share information with, and provide technical
5 assistance to, State, tribal, and local governments, tribal
6 communities, the private sector, and the public regarding
7 green infrastructure approaches for—

8 “(1) reducing water pollution;

9 “(2) protecting water resources;

10 “(3) complying with regulatory requirements;

11 and

12 “(4) achieving other environmental, public
13 health, and community goals.”.

14 (d) FINANCIAL CAPABILITY GUIDANCE.—

15 (1) DEFINITIONS.—In this subsection:

16 (A) AFFORDABILITY.—The term “afford-
17 ability” means, with respect to payment of a
18 utility bill, a measure of whether an individual
19 customer or household can pay the bill without
20 undue hardship or unreasonable sacrifice in the
21 essential lifestyle or spending patterns of the in-
22 dividual or household, as determined by the Ad-
23 ministrator.

24 (B) FINANCIAL CAPABILITY.—The term
25 “financial capability” means the financial capa-

1 bility of a community to make investments nec-
2 essary to make water quality or drinking water
3 improvements.

4 (C) GUIDANCE.—The term “guidance”
5 means the guidance published by the Adminis-
6 trator entitled “Combined Sewer Overflows—
7 Guidance for Financial Capability Assessment
8 and Schedule Development” and dated Feb-
9 ruary 1997, as applicable to the combined
10 sewer overflows and sanitary sewer overflows
11 guidance published by the Administrator enti-
12 tled “Financial Capability Assessment Frame-
13 work” and dated November 24, 2014.

14 (2) USE OF MEDIAN HOUSEHOLD INCOME.—
15 The Administrator shall not use median household
16 income as the sole indicator of affordability for a
17 residential household.

18 (3) REVISED GUIDANCE.—

19 (A) IN GENERAL.—Not later than 1 year
20 after the date of completion of the National
21 Academy of Public Administration study to es-
22 tablish a definition and framework for commu-
23 nity affordability required by Senate Report
24 114–70, accompanying S. 1645 (114th Con-

1 gress), the Administrator shall revise the guid-
2 ance described in paragraph (1)(C).

3 (B) USE OF GUIDANCE.—Beginning on the
4 date on which the revised guidance referred to
5 in subparagraph (A) is finalized, the Adminis-
6 trator shall use the revised guidance in lieu of
7 the guidance described in paragraph (1)(C).

8 (4) CONSIDERATION AND CONSULTATION.—

9 (A) CONSIDERATION.—In revising the
10 guidance, the Administrator shall consider—

11 (i) the recommendations of the study
12 referred to in paragraph (3)(A) and any
13 other relevant study, as determined by the
14 Administrator;

15 (ii) local economic conditions, includ-
16 ing site-specific local conditions that should
17 be taken into consideration in analyzing fi-
18 nancial capability;

19 (iii) other essential community invest-
20 ments;

21 (iv) potential adverse impacts on dis-
22 tressed populations, including the percent-
23 age of low-income ratepayers within the
24 service area of a utility and impacts in
25 communities with disparate economic con-

1 ditions throughout the entire service area
2 of a utility;

3 (v) the degree to which rates of low-
4 income consumers would be affected by
5 water infrastructure investments, the use
6 of rate structures, and customer assistance
7 programs to address the rates of low-in-
8 come consumers;

9 (vi) an evaluation of an array of fac-
10 tors, the relative importance of which may
11 vary across regions and localities; and

12 (vii) the appropriate weight for eco-
13 nomic, public health, and environmental
14 benefits.

15 (B) CONSULTATION.—Any revised guid-
16 ance issued to replace the guidance shall be de-
17 veloped in consultation with stakeholders.

18 (5) PUBLICATION AND SUBMISSION.—

19 (A) IN GENERAL.—On completion of the
20 revision of the guidance, the Administrator
21 shall publish in the Federal Register and sub-
22 mit to the Committee on Environment and
23 Public Works of the Senate and the Committee
24 on Transportation and Infrastructure of the
25 House of Representatives the revised guidance.

1 (B) EXPLANATION.—If the Administrator
2 makes a determination not to follow 1 or more
3 recommendations of the study referred to in
4 paragraph (3)(A), the Administrator shall in-
5 clude in the publication and submission under
6 paragraph (1) an explanation of that decision.

7 (6) EFFECT.—Nothing in this subsection pre-
8 empts or interferes with any obligation to comply
9 with any Federal law, including the Federal Water
10 Pollution Control Act (33 U.S.C. 1251 et seq.).

11 **SEC. 5007. WATER RESOURCES RESEARCH ACT AMEND-**
12 **MENTS.**

13 (a) CONGRESSIONAL FINDINGS AND DECLARA-
14 TIONS.—Section 102 of the Water Resources Research
15 Act of 1984 (42 U.S.C. 10301) is amended—

16 (1) by redesignating paragraphs (7) through
17 (9) as paragraphs (8) through (10), respectively;

18 (2) in paragraph (8) (as so redesignated), by
19 striking “and” at the end; and

20 (3) by inserting after paragraph (6) the fol-
21 lowing:

22 “(7) additional research is required into in-
23 creasing the effectiveness and efficiency of new and
24 existing treatment works through alternative ap-
25 proaches, including—

1 “(A) nonstructural alternatives;
2 “(B) decentralized approaches;
3 “(C) energy use efficiency;
4 “(D) water use efficiency; and
5 “(E) actions to extract energy from waste-
6 water;”.

7 (b) CLARIFICATION OF RESEARCH ACTIVITIES.—Sec-
8 tion 104(b)(1) of the Water Resources Research Act of
9 1984 (42 U.S.C. 10303(b)(1)) is amended—

10 (1) in subparagraph (B)(ii), by striking “water-
11 related phenomena” and inserting “water re-
12 sources”; and

13 (2) in subparagraph (D), by striking the period
14 at the end and inserting “; and”.

15 (c) COMPLIANCE REPORT.—Section 104(c) of the
16 Water Resources Research Act of 1984 (42 U.S.C.
17 10303(c)) is amended—

18 (1) by striking “(c) From the” and inserting
19 the following:

20 “(c) GRANTS.—

21 “(1) IN GENERAL.—From the”; and

22 (2) by adding at the end the following:

23 “(2) REPORT.—Not later than December 31 of
24 each fiscal year, the Secretary shall submit to the
25 Committee on Environment and Public Works of the

1 Senate, the Committee on the Budget of the Senate,
2 the Committee on Transportation and Infrastructure
3 of the House of Representatives, and the Committee
4 on the Budget of the House of Representatives a re-
5 port regarding the compliance of each funding re-
6 cipient with this subsection for the immediately pre-
7 ceding fiscal year.”.

8 (d) EVALUATION OF WATER RESOURCES RESEARCH
9 PROGRAM.—Section 104 of the Water Resources Research
10 Act of 1984 (42 U.S.C. 10303) is amended by striking
11 subsection (e) and inserting the following:

12 “(e) EVALUATION OF WATER RESOURCES RESEARCH
13 PROGRAM.—

14 “(1) IN GENERAL.—The Secretary shall con-
15 duct a careful and detailed evaluation of each insti-
16 tute at least once every 3 years to determine—

17 “(A) the quality and relevance of the water
18 resources research of the institute;

19 “(B) the effectiveness of the institute at
20 producing measured results and applied water
21 supply research; and

22 “(C) whether the effectiveness of the insti-
23 tute as an institution for planning, conducting,
24 and arranging for research warrants continued
25 support under this section.

1 “(2) PROHIBITION ON FURTHER SUPPORT.—If,
2 as a result of an evaluation under paragraph (1), the
3 Secretary determines that an institute does not qual-
4 ify for further support under this section, no further
5 grants to the institute may be provided until the
6 qualifications of the institute are reestablished to the
7 satisfaction of the Secretary.”.

8 (e) AUTHORIZATION OF APPROPRIATIONS.—Section
9 104(f)(1) of the Water Resources Research Act of 1984
10 (42 U.S.C. 10303(f)(1)) is amended by striking
11 “\$12,000,000 for each of fiscal years 2007 through 2011”
12 and inserting “\$7,500,000 for each of fiscal years 2019
13 through 2021”.

14 (f) ADDITIONAL APPROPRIATIONS WHERE RE-
15 SEARCH FOCUSED ON WATER PROBLEMS OF INTERSTATE
16 NATURE.—Section 104(g)(1) of the Water Resources Re-
17 search Act of 1984 (42 U.S.C. 10303(g)(1)) is amended
18 in the first sentence, by striking “\$6,000,000 for each of
19 fiscal years 2007 through 2011” and inserting
20 “\$1,500,000 for each of fiscal years 2019 through 2021”.

21 **SEC. 5008. STUDY ON INTRACTABLE WATER SYSTEMS.**

22 Part E of the Safe Drinking Water Act (42 U.S.C.
23 300j et seq.) is amended by adding at the end the fol-
24 lowing:

1 **“SEC. 1459C. STUDY ON INTRACTABLE WATER SYSTEMS.**

2 “(a) DEFINITION OF INTRACTABLE WATER SYS-
3 TEM.—In this section, the term ‘intractable water system’
4 means a community water system or a noncommunity
5 water system—

6 “(1) that serves fewer than 1,000 individuals;
7 and

8 “(2) the owner or operator of which—

9 “(A) is unable or unwilling to provide safe
10 and adequate service to those individuals;

11 “(B) has abandoned or effectively aban-
12 doned the community water system or non-
13 community water system, as applicable;

14 “(C) has defaulted on a financial obliga-
15 tion relating to the community water system or
16 noncommunity water system, as applicable;

17 “(D) fails to maintain the facilities of the
18 community water system or noncommunity
19 water system, as applicable, in a manner so as
20 to prevent a potential public health hazard; or

21 “(E) is in significant noncompliance with
22 this Act or any regulation promulgated pursu-
23 ant to this Act.

24 “(b) STUDY REQUIRED.—

25 “(1) IN GENERAL.—Not later than 2 years
26 after the date of enactment of this section, the Ad-

1 administrator, in consultation with the Secretary of
2 Agriculture and the Secretary of Health and Human
3 Services, shall complete a study that—

4 “(A) identifies intractable water systems;
5 and

6 “(B) describes barriers to delivery of pota-
7 ble water to individuals served by an intractable
8 water system.

9 “(2) REPORT TO CONGRESS.—Not later than 2
10 years after the date of enactment of this section, the
11 Administrator shall submit to Congress a report de-
12 scribing findings and recommendations based on the
13 study under this subsection.

14 “(c) COMPLIANCE INCENTIVE.—Section 1414(h)(2)
15 shall apply to any person carrying out a plan to address
16 an intractable water system that is approved by—

17 “(1) in the case of a State with primary en-
18 forcement responsibility under section 1413, the
19 State; or

20 “(2) in the case of a State that does not have
21 primary enforcement responsibility, the Adminis-
22 trator.”.

23 **SEC. 5009. NATIONAL ONSITE WASTEWATER RECYCLING.**

24 (a) SENSE OF CONGRESS.—It is the sense of Con-
25 gress that providing communities with the knowledge and

1 resources necessary to fully use decentralized wastewater
2 systems can provide affordable wastewater recycling and
3 treatment to millions of people in the United States.

4 (b) DEFINITION OF ADMINISTRATOR.—In this sec-
5 tion, the term “Administrator” means the Administrator
6 of the Environmental Protection Agency.

7 (c) WASTEWATER TECHNOLOGY CLEARINGHOUSE.—

8 (1) IN GENERAL.—The Administrator shall—

9 (A) for each of the programs described in
10 paragraph (2), update the information for those
11 programs to include information on cost-effec-
12 tive and alternative wastewater recycling and
13 treatment systems, including onsite and decen-
14 tralized systems; and

15 (B) disseminate to units of local govern-
16 ment and nonprofit organizations seeking Fed-
17 eral funds for wastewater systems information
18 on the cost effectiveness of alternative waste-
19 water treatment and recycling systems, includ-
20 ing onsite and decentralized systems.

21 (2) PROGRAMS DESCRIBED.—The programs re-
22 ferred to in paragraph (1)(A) are programs that
23 provide technical assistance for wastewater manage-
24 ment, including—

1 (A) programs for nonpoint source manage-
2 ment under section 319 of the Federal Water
3 Pollution Control Act (33 U.S.C. 1329);

4 (B) the permit program for the disposal of
5 sewer sludge under section 405 of the Federal
6 Water Pollution Control Act (33 U.S.C. 1345);

7 (C) technical assistance for small public
8 water systems under section 1442(e) of the
9 Safe Drinking Water Act (42 U.S.C. 300j-
10 2(e)); and

11 (D) other programs of the Administrator
12 that provide technical assistance for wastewater
13 management.

14 (d) ALTERNATIVE WASTEWATER SYSTEM CERTIFI-
15 CATION.—

16 (1) CLEAN WATER STATE REVOLVING FUNDS.—
17 Section 603 of the Federal Water Pollution Control
18 Act (33 U.S.C. 1383) (as amended by section
19 5004(b)(1)) is amended by adding at the end the
20 following:

21 “(k) ALTERNATIVE WASTEWATER SYSTEM CERTIFI-
22 CATION.—In providing assistance from the water pollution
23 control revolving fund of the State established in accord-
24 ance with this title for a project for a wastewater system
25 serving a population of not more than 2,500, the State

1 shall ensure that an entity receiving assistance from the
2 water pollution control revolving fund of the State certifies
3 that the entity has considered an individual or shared on-
4 site, decentralized wastewater system as an alternative
5 wastewater system.”.

6 (2) WIFIA.—Section 5028(a) of the Water In-
7 frastructure Finance and Innovation Act of 2014
8 (33 U.S.C. 3907(a)) is amended by adding at the
9 end the following:

10 “(7) ALTERNATIVE WASTEWATER SYSTEM CER-
11 TIFICATION.—In the case of a project carried out by
12 the Administrator, the Administrator shall ensure
13 that, for a project for a wastewater system serving
14 a population of not more than 2,500, the eligible en-
15 tity receiving financial assistance certifies that the
16 eligible entity has considered an individual or shared
17 onsite, decentralized wastewater system as an alter-
18 native wastewater system.”.

19 (3) WATER AND WASTE DISPOSAL LOAN &
20 GRANT PROGRAM.—Section 306(a) of the Consoli-
21 dated Farm and Rural Development Act (7 U.S.C.
22 1926(a)) is amended by adding at the end the fol-
23 lowing:

24 “(27) ALTERNATIVE WASTEWATER SYSTEM
25 CERTIFICATION.—The Secretary shall ensure that,

1 for a wastewater project serving a population of not
2 more than 2,500, the recipient of the financial as-
3 sistance certifies that the recipient has considered an
4 individual or shared onsite, decentralized wastewater
5 system as an alternative wastewater system.”.

6 (e) REPORT TO CONGRESS.—Not later than 1 year
7 after the date of enactment of this Act, and not less fre-
8 quently than every 3 years thereafter, the Administrator
9 shall submit to Congress a report that describes—

10 (1) the amount of financial assistance provided
11 by State water pollution control revolving funds es-
12 tablished under title VI of the Federal Water Pollu-
13 tion Control Act (33 U.S.C. 1381 et seq.) to deploy
14 decentralized wastewater recycling technology;

15 (2) the barriers impacting greater use of decen-
16 tralized wastewater recycling technologies;

17 (3) the cost-saving potential to communities
18 and future infrastructure investments from further
19 deployment of decentralized wastewater recycling
20 technology;

21 (4) the environmental benefits to the commu-
22 nity and groundwater quality from additional invest-
23 ments in decentralized wastewater recycling; and

1 (5) the actions taken by the Administrator to
2 assist States in identifying eligible projects using de-
3 centralized wastewater recycling technology.

4 **SEC. 5010. WATER INFRASTRUCTURE AND WORKFORCE IN-**
5 **VESTMENT.**

6 (a) SENSE OF CONGRESS.—It is the sense of Con-
7 gress that—

8 (1) water and wastewater utilities provide a
9 unique opportunity for access to stable, high-quality
10 careers;

11 (2) as water and wastewater utilities make crit-
12 ical investments in infrastructure, water and waste-
13 water utilities can invest in the development of local
14 workers and local small businesses to strengthen
15 communities and ensure a strong pipeline of skilled
16 and diverse workers for today and tomorrow; and

17 (3) to further the goal of ensuring a strong
18 pipeline of skilled and diverse workers in the water
19 and wastewater utilities sector, Congress urges—

20 (A) increased collaboration among Federal,
21 State, and local governments; and

22 (B) institutions of higher education, ap-
23 prentice programs, high schools, and other com-
24 munity-based organizations to align workforce
25 training programs and community resources

1 with water and wastewater utilities to accelerate
2 career pipelines and provide access to workforce
3 opportunities.

4 (b) DEFINITION OF INTRACTABLE WATER SYS-
5 TEM.—In this section, the term “intractable water sys-
6 tem” means a community water system or a noncommu-
7 nity water system (as those terms are defined in section
8 1401 of the Safe Drinking Water Act (42 U.S.C. 300f))
9 that—

10 (1) that serves fewer than 1,000 individuals;

11 and

12 (2) the owner or operator of which—

13 (A) is unable or unwilling to provide safe
14 and adequate service to those individuals;

15 (B) has abandoned or effectively aban-
16 doned the community water system or non-
17 community water system, as applicable;

18 (C) has defaulted on a financial obligation
19 relating to the community water system or non-
20 community water system, as applicable;

21 (D) fails to maintain the facilities of the
22 community water system or noncommunity
23 water system, as applicable, in a manner so as
24 to prevent a potential public health hazard; or

1 (E) is in significant noncompliance with
2 the Safe Drinking Water Act (42 U.S.C. 300f
3 et seq.) or any regulation promulgated pursuant
4 to that Act.

5 (c) INNOVATIVE WATER INFRASTRUCTURE WORK-
6 FORCE DEVELOPMENT PROGRAM.—

7 (1) GRANTS AUTHORIZED.—The Administrator
8 of the Environmental Protection Agency (referred to
9 in this section as the “Administrator”) and the Sec-
10 retary shall establish a competitive grant program to
11 assist the development of innovative activities relat-
12 ing to workforce development in the water utility
13 sector.

14 (2) SELECTION OF GRANT RECIPIENTS.—In
15 awarding grants under paragraph (1), the Adminis-
16 trator or the Secretary, as applicable, shall, to the
17 maximum extent practicable, select—

18 (A) water utilities that—

19 (i) are geographically diverse;

20 (ii) address the workforce and human
21 resources needs of large and small public
22 water and wastewater utilities;

23 (iii) address the workforce and human
24 resources needs of urban and rural public
25 water and wastewater utilities;

1 (iv) advance training relating to con-
2 struction, utility operations, treatment and
3 distribution, green infrastructure, customer
4 service, maintenance, and engineering; and

5 (v)(I) have a high retiring workforce
6 rate; or

7 (II) are located in areas with a high
8 unemployment rate; or

9 (B) intractable water systems.

10 (3) USE OF FUNDS.—Grants awarded under
11 paragraph (1) may be used for activities such as—

12 (A) targeted internship, apprenticeship,
13 preapprenticeship, and post-secondary bridge
14 programs for mission-critical skilled trades, in
15 collaboration with labor organizations, commu-
16 nity colleges, and other training and education
17 institutions that provide—

18 (i) on-the-job training;

19 (ii) soft and hard skills development;

20 (iii) test preparation for skilled trade
21 apprenticeships; or

22 (iv) other support services to facilitate
23 post-secondary success;

24 (B) kindergarten through 12th grade and
25 young adult education programs that—

1 (i) educate young people about the
2 role of water and wastewater utilities in
3 the communities of the young people;

4 (ii) increase the career awareness and
5 exposure of the young people to water util-
6 ity careers through various work-based
7 learning opportunities inside and outside
8 the classroom; and

9 (iii) connect young people to post-sec-
10 ondary career pathways related to water
11 utilities;

12 (C) regional industry and workforce devel-
13 opment collaborations to identify water utility
14 employment needs, map existing career path-
15 ways, support the development of curricula, fa-
16 cilitate the sharing of resources, and coordinate
17 candidate development, staff preparedness ef-
18 forts, and activities that engage and support—

19 (i) water utilities employers;

20 (ii) educational and training institu-
21 tions;

22 (iii) local community-based organiza-
23 tions;

24 (iv) public workforce agencies; and

25 (v) other related stakeholders;

1 (D) integrated learning laboratories em-
2 bedded in high schools or other secondary edu-
3 cational institutions that provide students
4 with—

5 (i) hands-on, contextualized learning
6 opportunities;

7 (ii) dual enrollment credit for post-
8 secondary education and training pro-
9 grams; and

10 (iii) direct connection to industry em-
11 ployers; and

12 (E) leadership development, occupational
13 training, mentoring, or cross-training programs
14 that ensure that incumbent water and waste-
15 water utilities workers are prepared for higher-
16 level supervisory or management-level positions.

17 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
18 authorized to be appropriated to carry out this section
19 \$1,000,000 for each of fiscal years 2019 and 2020.

20 **SEC. 5011. SENSE OF CONGRESS RELATING TO STATE RE-**
21 **VOLVING FUNDS.**

22 It is the sense of Congress that Congress should pro-
23 vide robust funding of capitalization grants to States to
24 fund drinking water treatment revolving loan funds estab-
25 lished under section 1452 of the Safe Drinking Water Act

1 (42 U.S.C. 300j–12) and the State water pollution control
2 revolving funds established under title VI of the Federal
3 Water Pollution Control Act (33 U.S.C. 1381 et seq.).

4 **SEC. 5012. GAO STUDY ON WIFIA PROJECTS IN SMALL COM-**
5 **MUNITIES, RURAL COMMUNITIES, DISADVAN-**
6 **TAGED COMMUNITIES, AND TRIBAL COMMU-**
7 **NITIES.**

8 Not later than 1 year after the date of enactment
9 of this Act, the Comptroller General of the United States
10 shall—

11 (1) conduct a study on how to create flexibility
12 under the Water Infrastructure Finance and Innova-
13 tion Act (33 U.S.C. 3901 et seq.) for small commu-
14 nities, rural communities, disadvantaged commu-
15 nities, and Tribal communities, including—

16 (A) ways to improve access to assistance
17 under that Act for those communities; and

18 (B) how to lower the burden of applying
19 for assistance under that Act for those commu-
20 nities; and

21 (2) submit to Congress a report that describes
22 the results of the study under paragraph (1).

1 **SEC. 5013. AMERICAN IRON AND STEEL PRODUCTS.**

2 Section 1452(a)(4)(A) of the Safe Drinking Water
3 Act (42 U.S.C. 300j-12(a)(4)(A)) is amended by striking
4 “During fiscal year 2017, funds” and inserting “Funds”.

5 **SEC. 5014. DRINKING WATER STATE REVOLVING FUNDS**

6 **COMPLIANCE WITH CERTAIN STATE REGULA-**
7 **TIONS.**

8 Section 1452(a) of the Safe Drinking Water Act (42
9 U.S.C. 300j-12(a)) is amended by adding at the end the
10 following:

11 “(5) COMPLIANCE WITH CERTAIN STATE REGU-
12 LATIONS AND STANDARDS.—

13 “(A) IN GENERAL.—Each State shall en-
14 sure that funds made available to the State
15 loan fund of the State under this section are
16 not used for the purchase of any products or
17 materials used in the treatment and delivery of
18 potable water or that come in contact with that
19 potable water, including rubber components,
20 unless those products and materials are in com-
21 pliance with the regulations or laws of that
22 State relating to the National Sanitation Foun-
23 dation and American National Standards Insti-
24 tute Standard 61 (relating to drinking water
25 system components) (commonly referred to as
26 ‘NSF/ANSI 61’).

1 “(B) APPLICATION.—Subparagraph (A)
2 shall apply only with respect to a State for
3 which a regulation or law relating to the stand-
4 ard described in that subparagraph is in effect.

5 “(C) SAVINGS PROVISION.—Nothing in
6 subparagraph (A) requires a State to promul-
7 gate regulations or enact legislation relating to
8 the standard described in that subparagraph.”.

9 **SEC. 5015. SENSE OF CONGRESS RELATING TO ACCESS TO**
10 **NONPOTABLE WATER.**

11 It is the sense of Congress that—

12 (1) access to nonpotable water sources for in-
13 dustry can relieve the supply and demand challenges
14 for potable water in water-stressed regions through-
15 out the United States; and

16 (2) water users are encouraged to continue im-
17 plementing and incentivizing nonpotable water reuse
18 programs that will achieve greater water savings and
19 conservation needs.

20 **SEC. 5016. INNOVATIVE FINANCING FOR STATE LOAN**
21 **FUNDS.**

22 (a) IN GENERAL.—The Water Infrastructure Fi-
23 nance and Innovation Act of 2014 (33 U.S.C. 3901 et
24 seq.) is amended by adding at the end the following:

1 **“SEC. 5036. INNOVATIVE FINANCING FOR STATE LOAN**
2 **FUNDS.**

3 “(a) DEFINITION OF STATE LOAN FUNDS.—In this
4 section, the term ‘State loan funds’ means—

5 “(1) State drinking water treatment revolving
6 loan funds established under section 1452 of the
7 Safe Drinking Water Act (42 U.S.C. 300j–12); and

8 “(2) State water pollution control revolving
9 funds established under title VI of the Federal
10 Water Pollution Control Act (33 U.S.C. 1381 et
11 seq.).

12 “(b) FINANCIAL ASSISTANCE TO STATE LOAN
13 FUNDS.—The Administrator may provide financial assist-
14 ance under this section to State infrastructure financing
15 authorities for State loan funds to carry out water and
16 wastewater infrastructure projects in accordance with this
17 section.

18 “(c) ELIGIBLE ACTIVITIES.—

19 “(1) IN GENERAL.—The following activities
20 may be carried out by a State infrastructure financ-
21 ing authority with financial assistance made avail-
22 able under this section:

23 “(A) One or more activities that are in-
24 cluded in the intended use plan under section
25 606(c) of the Federal Water Pollution Control
26 Act (33 U.S.C. 1386(c)).

1 “(B) One or more activities that are in-
2 cluded in the project priority list of the in-
3 tended use plan under section 1452(b) of the
4 Safe Drinking Water Act (42 U.S.C. 300j-
5 12(b)).

6 “(2) ADMINISTRATIVE COSTS.—Financial as-
7 sistance provided under this section may be used to
8 pay the reasonable costs of administration related to
9 that financial assistance.

10 “(3) APPLICATION FEES.—Section 5029(b)(7)
11 shall not apply to financial assistance made available
12 under this section.

13 “(4) TREATMENT OF PROJECTS.—In deter-
14 mining whether to provide financial assistance under
15 this section, the Administrator shall consider a
16 project to be all of the activities included in an in-
17 tended use plan described in subparagraph (A) or
18 (B) of paragraph (1).

19 “(5) STATE AND LOCAL DECISIONMAKING.—A
20 State infrastructure financing authority that receives
21 financial assistance under this section may use the
22 assistance for any activity included in an intended
23 use plan described in subparagraph (A) or (B) of
24 paragraph (1).

25 “(d) REQUIREMENTS.—

1 “(1) IN GENERAL.—Except as otherwise pro-
2 vided in this section, the requirements and proce-
3 dures under this subtitle shall apply to a project
4 under this section.

5 “(2) INTEREST RATE.—

6 “(A) IN GENERAL.—Except as provided in
7 subparagraph (B), the interest rate on a se-
8 cured loan provided under this section shall be
9 equal to the yield on United States Treasury se-
10 curities of a similar maturity to the maturity of
11 the secured loan on the date of execution of the
12 loan agreement.

13 “(B) CERTAIN STATES.—

14 “(i) IN GENERAL.—In the case of a
15 State described in clause (ii)—

16 “(I) the interest rate on a se-
17 cured loan provided under this section
18 shall be 80 percent of the interest rate
19 under subparagraph (A); but

20 “(II) if there is not sufficient de-
21 mand for loans under this subpara-
22 graph (as determined by the Adminis-
23 trator), the Administrator may pro-
24 vide a secured loan at an interest rate
25 that is not less than 50 percent and

1 not more than 80 percent of the inter-
2 est rate under subparagraph (A), as
3 determined by the Administrator with
4 respect to each loan.

5 “(ii) STATES DESCRIBED.—A State
6 referred to in clause (i) is a State—

7 “(I) that received less than 2
8 percent of the total amount of funds
9 made available to States for the State
10 loan funds for the most recent fiscal
11 year for which data is available; or

12 “(II) for which the President has
13 declared a major disaster in accord-
14 ance with section 401 of the Robert
15 T. Stafford Disaster Relief and Emer-
16 gency Assistance Act (42 U.S.C.
17 5170) during the period beginning on
18 January 1, 2017, and ending on the
19 date of enactment of this section, if
20 the secured loan is for a project re-
21 lated to wastewater or drinking water
22 infrastructure damaged by the major
23 disaster.

24 “(C) DISTRIBUTION OF LOANS.—

1 “(i) IN GENERAL.—Except as pro-
2 vided in clause (ii), of the total amount of
3 funds made available to provide secured
4 loans under this section—

5 “ (I) 50 percent shall be provided
6 for secured loans at the interest rate
7 described in subparagraph (A); and

8 “ (II) 50 percent shall be provided
9 for secured loans at the interest rate
10 described in subparagraph (B)(i) to
11 States described in subparagraph
12 (B)(ii).

13 “(ii) REALLOCATION.—For any fiscal
14 year, if amounts for loans described in ei-
15 ther of subclause (I) or (II) of clause (i)
16 remain available, the Administrator may
17 reallocate the amounts to be used for loans
18 described in either of subclause (I) or (II)
19 of that clause, as applicable, to meet appli-
20 cant demand.

21 “(3) CERTAIN STATE REVIEWS.—

22 “(A) IN GENERAL.—A project under this
23 section shall comply with any applicable State
24 environmental or engineering review require-
25 ments pursuant to, as applicable—

1 “(i) title VI of the Federal Water Pol-
2 lution Control Act (33 U.S.C. 1381 et
3 seq.);

4 “(ii) section 1452 of the Safe Drink-
5 ing Water Act (42 U.S.C. 300j-12);

6 “(iii) section 35.3140 of title 40, Code
7 of Federal Regulations (or successor regu-
8 lations); and

9 “(iv) section 35.3580 of title 40, Code
10 of Federal Regulations (or successor regu-
11 lations).

12 “(B) NO NEW REVIEWS REQUIRED.—
13 Nothing in this section requires any additional
14 or new environmental or engineering review for
15 a project under this section other than any re-
16 quirement otherwise applicable to the project.

17 “(4) FEDERAL SHARE.—Notwithstanding sec-
18 tion 5029(b)(9), financial assistance for a project
19 under this section may be used to pay up to 100
20 percent of the costs of the project.

21 “(5) LIMITATION ON LOANS UNDER MULTIPLE
22 PROGRAMS.—

23 “(A) IN GENERAL.—A State infrastructure
24 financing authority—

1 “(i) may apply for financial assistance
2 under both this section and under this sub-
3 title (other than this section); but

4 “(ii) may accept financial assistance
5 from only 1 program described in clause
6 (i).

7 “(B) WITHDRAWAL; TIMING.—

8 “(i) WITHDRAWAL.—On a decision to
9 accept financial assistance under this sec-
10 tion or under this subtitle (other than this
11 section), a State infrastructure financing
12 authority shall withdraw the application of
13 the State infrastructure financing author-
14 ity from the program that the State infra-
15 structure financing authority does not se-
16 lect.

17 “(ii) TIMING.—A State infrastructure
18 financing authority shall not be required to
19 withdraw under clause (i) before decisions
20 on the applications of the State infrastruc-
21 ture financing authority under this section
22 and under this subtitle (other than this
23 section) have been made.

24 “(e) EXPEDITED REVIEW OF APPLICATIONS.—Not
25 later than 180 days after the date on which the Adminis-

1 trator receives a complete application for a project under
2 this section, the Administrator shall, through a written no-
3 tice to the State infrastructure financing authority—

4 “(1) approve the application; or

5 “(2) provide detailed guidance and an expla-
6 nation of any changes to the application necessary
7 for approval of the application.

8 “(f) FUNDING.—

9 “(1) AUTHORIZATION OF APPROPRIATIONS.—

10 There are authorized to be appropriated to the Ad-
11 ministrator to carry out this section, to remain avail-
12 able until expended—

13 “(A) \$4,000,000 for fiscal year 2019; and

14 “(B) \$5,000,000 for fiscal year 2020.

15 “(2) ADMINISTRATIVE COSTS.—

16 “(A) IN GENERAL.—Of the funds made
17 available to carry out this section, the Adminis-
18 trator may use for the administration of this
19 section, including for the provision of technical
20 assistance to aid State infrastructure financing
21 authorities in obtaining the necessary approvals
22 for eligible activities, not more than \$1,000,000
23 for each of fiscal years 2019 and 2020.

24 “(B) FEE WAIVERS.—

1 “(i) IN GENERAL.—Of the funds
2 made available to carry out this section,
3 the Administrator may use for costs re-
4 lated to processing and reviewing applica-
5 tions, including underwriting, such
6 amounts as are necessary for each of fiscal
7 years 2019 and 2020, to remain available
8 until expended.

9 “(ii) OTHER FEES.—The funds under
10 clause (i) shall be used in lieu of fees col-
11 lected under section 5030(b).

12 “(3) NO IMPACT ON OTHER FEDERAL FUND-
13 ING.—No funds shall be made available to carry out
14 this section if—

15 “(A) the total amount made available for
16 a fiscal year for the State loan funds is less
17 than the total amount made available for those
18 funds for fiscal year 2018; and

19 “(B) the amount made available for a fis-
20 cal year for assistance under this subtitle (other
21 than this section) is less than the amount au-
22 thorized to be appropriated for that assistance
23 for fiscal year 2018.

1 “(4) SUPPLEMENT, NOT SUPPLANT.—Amounts
2 made available to carry out this section shall be used
3 to supplement, and not supplant—

4 “(A) funds made available to carry out this
5 subtitle (other than this section);

6 “(B) funds made available to carry out
7 section 1452 of the Safe Drinking Water Act
8 (42 U.S.C. 300j–12); and

9 “(C) funds made available to carry out
10 title VI of the Federal Water Pollution Control
11 Act (33 U.S.C. 1381 et seq.).

12 “(g) DISTRIBUTION AND ALLOTMENT OF FUNDS.—

13 “(1) DISTRIBUTION OF FUNDS.—In deter-
14 mining the distribution of amounts between the
15 State loan funds, the Administrator shall—

16 “(A) provide financial assistance based on
17 need; and

18 “(B) give equal consideration to drinking
19 water projects and wastewater projects.

20 “(2) ALLOTMENT.—Notwithstanding section
21 5028(b), in providing financial assistance under this
22 section, the Administrator shall—

23 “(A) for each fiscal year, ensure that each
24 State infrastructure financing authority that
25 submits an application under this section for a

1 project described in subparagraph (A) or (B) of
2 subsection (c)(1) receives financial assistance
3 under this section; but

4 “(B) provide financial assistance under
5 subparagraph (A) in amounts based on need, as
6 determined by the Administrator.

7 “(h) TRANSPARENCY.—

8 “(1) IN GENERAL.—For each fiscal year, the
9 Administrator shall make available on the website of
10 the Administrator—

11 “(A) a list of each application received
12 under this section;

13 “(B) a list of each application approved
14 under this section;

15 “(C) the criteria and methods used for se-
16 lection of projects under this section; and

17 “(D) the terms of the financial assistance
18 provided for each project under this section.

19 “(2) REPORT.—Not later than 180 days after
20 the date on which the Administrator first provides
21 financial assistance for a project under this section
22 and each year thereafter, the Administrator shall
23 submit to the Committee on Environment and Pub-
24 lic Works of the Senate and the Committee on

1 Transportation and Infrastructure of the House of
2 Representatives a detailed report that includes—

3 “(A) the information described in subpara-
4 graphs (A) through (D) of paragraph (1); and

5 “(B) a detailed explanation of why each
6 project was approved.

7 “(i) SUNSET.—The authority to provide assistance
8 under this section shall terminate on September 30,
9 2020.”.

10 (b) FUNDING.—Section 5033 of the Water Infra-
11 structure Finance and Innovation Act of 2014 (33 U.S.C.
12 3912) (as amended by section 5002) is amended by insert-
13 ing “(other than section 5036)” after “this subtitle” each
14 place it appears.

15 (c) REMOVAL OF PILOT DESIGNATION.—

16 (1) Subtitle C of title V of the Water Resources
17 Reform and Development Act of 2014 (33 U.S.C.
18 3901 et seq.) is amended by striking the subtitle
19 designation and heading and inserting the following:

20 **“Subtitle C—Innovative Financing**
21 **Projects”.**

22 (2) Section 5023 of the Water Infrastructure
23 Finance and Innovation Act of 2014 (33 U.S.C.
24 3902) is amended by striking “pilot” each place it
25 appears.

1 (3) Section 5034 of the Water Infrastructure
2 Finance and Innovation Act of 2014 (33 U.S.C.
3 3913) is amended by striking the section designation
4 and heading and inserting the following:

5 **“SEC. 5034. REPORTS ON PROGRAM IMPLEMENTATION.”.**

6 (4) The table of contents for the Water Re-
7 sources Reform and Development Act of 2014 (Pub-
8 lic Law 113–121; 128 Stat. 1195) is amended—

9 (A) by striking the item relating to subtitle
10 C of title V and inserting the following:

 “Subtitle C—Innovative Financing Projects”;

11 (B) by striking the item relating to section
12 5034 and inserting the following:

 “Sec. 5034. Reports on program implementation.”;

13 and

14 (C) by inserting after the item relating to
15 section 5035 the following:

 “Sec. 5036. Innovative financing for State loan funds.”.

16 **SEC. 5017. WATER INFRASTRUCTURE RESILIENCY AND SUS-**
17 **TAINABILITY.**

18 (a) DEFINITIONS.—In this section:

19 (1) ADMINISTRATOR.—The term “Adminis-
20 trator” means the Administrator of the Environ-
21 mental Protection Agency.

22 (2) HYDROLOGIC CONDITIONS.—The term “hy-
23 drologic conditions” means the quality, quantity, or

1 reliability of the water resources of a region of the
2 United States.

3 (3) OWNER OR OPERATOR OF A WATER SYS-
4 TEM.—

5 (A) IN GENERAL.—The term “owner or
6 operator of a water system” means an entity
7 (including a regional, State, interstate, Tribal,
8 local, municipal, intermunicipal, or private enti-
9 ty) that owns or operates a water system.

10 (B) INCLUSION.—The term “owner or op-
11 erator of a water system” includes—

12 (i) a non-Federal entity that has oper-
13 ational responsibilities for a federally, trib-
14 ally, or State-owned water system; and

15 (ii) an entity established by an agree-
16 ment between—

17 (I) an entity that owns or oper-
18 ates a water system; and

19 (II) at least 1 other entity.

20 (4) WATER SYSTEM.—The term “water sys-
21 tem” means—

22 (A) a community water system (as defined
23 in section 1401 of the Safe Drinking Water Act
24 (42 U.S.C. 300f));

1 (B) a treatment works (as defined in sec-
2 tion 212 of the Federal Water Pollution Control
3 Act (33 U.S.C. 1292)), including a municipal
4 separate storm sewer system (as the term is
5 used in the Federal Water Pollution Control
6 Act (33 U.S.C. 1251 et seq.));

7 (C) a decentralized wastewater treatment
8 system for domestic sewage;

9 (D) a groundwater storage and replenish-
10 ment system;

11 (E) a system for the conservation of water
12 or for the transport and delivery of water for ir-
13 rigation; or

14 (F) a natural or engineered system that
15 manages floodwaters.

16 (b) ESTABLISHMENT.—The Administrator shall es-
17 tablish and carry out a program, to be known as the
18 “Water Infrastructure Resiliency and Sustainability Pro-
19 gram”, under which the Administrator shall award grants
20 in each of fiscal years 2019 and 2020 to owners or opera-
21 tors of water systems for the purpose of increasing the
22 resiliency or adaptability of the systems to any ongoing
23 or forecasted changes (based on the best available research
24 and data) to the hydrologic conditions of a region of the
25 United States.

1 (c) USE OF FUNDS.—An owner or operator of a
2 water system may only use grant funds received under a
3 grant under this section to assist in the planning, design,
4 construction, implementation, operation, or maintenance
5 of a program or project that meets the purpose described
6 in subsection (b) through—

7 (1) the conservation of water or the enhance-
8 ment of water use efficiency, including through the
9 use of water metering and electronic sensing and
10 control systems to measure the effectiveness of a
11 water efficiency program;

12 (2) the modification or relocation of existing
13 water system infrastructure made or projected to be
14 significantly impaired by changing hydrologic condi-
15 tions;

16 (3) the preservation or improvement of water
17 quality, including through measures to manage, re-
18 duce, treat, or reuse municipal stormwater, waste-
19 water, or drinking water;

20 (4) the investigation, design, or construction of
21 groundwater remediation, recycled water, or desali-
22 nation facilities or systems to serve existing commu-
23 nities;

24 (5) the enhancement of water management by
25 increasing watershed preservation and protection, in-

1 cluding through the use of natural or engineered
2 green infrastructure in the management, conveyance,
3 or treatment of water, wastewater, or stormwater;

4 (6) the enhancement of energy efficiency or the
5 use and generation of renewable energy in the man-
6 agement, conveyance, or treatment of water, waste-
7 water, or stormwater;

8 (7) the adoption and use of advanced water
9 treatment, water supply management (such as res-
10 ervoir reoperation and water banking), or water de-
11 mand management technologies, projects, or proc-
12 esses (such as water reuse and recycling, adaptive
13 conservation pricing, and groundwater banking) that
14 maintain or increase water supply or improve water
15 quality;

16 (8) the modification or replacement of existing
17 systems or the construction of new systems for exist-
18 ing communities or land currently in agricultural
19 production to improve water supply, reliability, stor-
20 age, or conveyance;

21 (9) practices and projects, such as improved ir-
22 rigation systems, water banking and other forms of
23 water transactions, groundwater recharge,
24 stormwater capture, groundwater conjunctive use,
25 and reuse or recycling of drainage water, to improve

1 water quality or promote more efficient water use on
2 land currently in agricultural production;

3 (10) the reduction of flood damage, risk, and
4 vulnerability through—

5 (A) the restoration of floodplains, wet-
6 lands, and uplands integral to flood manage-
7 ment, protection, prevention, and response;

8 (B) the modification of levees, floodwalls,
9 and other structures to reduce risks associated
10 with rising sea levels or to facilitate reconne-
11 tion of rivers to floodplains, reduce flood stage
12 height, and reduce damage to properties and
13 populations;

14 (C) providing for the acquisition and ease-
15 ment of flood-prone lands and properties in
16 order to reduce damage to property and risk to
17 populations; or

18 (D) the promotion of land use planning
19 that prevents future floodplain development;

20 (11) carrying out studies or assessments to
21 project how changing hydrologic conditions may im-
22 pact the future operations and sustainability of
23 water systems; or

24 (12) the development and implementation of
25 measures to increase the resilience of water systems

1 and regional and hydrological basins to rapid hydro-
2 logic change or a natural disaster.

3 (d) APPLICATION.—To seek a grant under this sec-
4 tion, the owner or operator of a water system shall submit
5 to the Administrator an application that—

6 (1) includes a proposal of the program or
7 project to be planned, designed, constructed, imple-
8 mented, operated, or maintained by the water sys-
9 tem;

10 (2) cites the best available research or data that
11 demonstrate—

12 (A) the risk to the water resources or in-
13 frastructure of the water system as a result of
14 ongoing or forecasted changes to the
15 hydrological system of a region, including rising
16 sea levels and changes in precipitation patterns;
17 and

18 (B) how the proposed program or project
19 would perform under the anticipated hydrologic
20 conditions; and

21 (3) explains how the proposed program or
22 project is expected—

23 (A) to enhance the resiliency of the water
24 system to the anticipated hydrologic conditions;
25 or

1 (B) to increase efficiency in the use of en-
2 ergy or water of the water system.

3 (e) PUBLIC SPONSORSHIP OF PRIVATE ENTITIES.—

4 (1) IN GENERAL.—If an applicant for a grant
5 under this section is not a State or local govern-
6 ment, an agency or instrumentality of a State or
7 local government, or a Tribal government or consor-
8 tium of Tribal governments, the program or project
9 to be planned, designed, constructed, implemented,
10 operated, or maintained through the grant shall be
11 publicly sponsored.

12 (2) PUBLIC SPONSORSHIP.—A program or
13 project shall be considered to be publicly sponsored
14 under paragraph (1) if the applicant demonstrates,
15 to the satisfaction of the Administrator, that—

16 (A) the applicant has consulted with the
17 affected State, local, or Tribal government in
18 which the program or project is located, or that
19 is otherwise affected by the program or project;
20 and

21 (B) the government described in subpara-
22 graph (A) supports the program or project.

23 (f) PRIORITY; DIVERSITY OF PROJECT TYPES.—In
24 selecting recipients of a grant under this section, the Ad-
25 ministrator shall—

1 (1) give priority to owners or operators of water
2 systems—

3 (A) that are, based on the best available
4 research and data, at the greatest and most im-
5 mediate risk of facing significant negative im-
6 pacts due to changing hydrologic conditions;
7 and

8 (B) whose proposed projects would most
9 effectively deliver long-term solutions to those
10 risks; and

11 (2) ensure that grants are awarded each fiscal
12 year for a diverse range of programs and projects
13 described in paragraphs (1) through (12) of sub-
14 section (c).

15 (g) COST-SHARING.—

16 (1) FEDERAL SHARE.—The Federal share of
17 the cost of a program or project carried out using
18 a grant made under subsection (b) shall be not more
19 than 75 percent.

20 (2) CALCULATION OF NON-FEDERAL SHARE.—
21 In calculating the non-Federal share of the cost of
22 a program or project under paragraph (1), the Ad-
23 ministrator shall—

24 (A) include the value of any in-kind serv-
25 ices that are integral to the completion of the

1 program or project, including reasonable admin-
2 istrative and overhead costs; and

3 (B) not include any other amount that the
4 water system involved receives from the Federal
5 Government.

6 (h) REPORT TO CONGRESS.—Not later than 3 years
7 after the date of enactment of this Act, the Administrator
8 shall submit to Congress a report on progress in carrying
9 out this section, including information on project applica-
10 tions received and funded annually.

11 (i) AUTHORIZATION OF APPROPRIATIONS.—There
12 are authorized to be appropriated to carry out this section
13 \$12,500,000 for each of fiscal years 2019 and 2020.

14 **SEC. 5018. REGIONAL LIAISONS FOR MINORITY, TRIBAL,**
15 **AND LOW-INCOME COMMUNITIES.**

16 (a) IN GENERAL.—The Administrator of the Envi-
17 ronmental Protection Agency (referred to in this section
18 as the “Administrator”) shall appoint not fewer than 1
19 employee in each regional office of the Environmental Pro-
20 tection Agency to serve as a liaison to minority, Tribal,
21 and low-income communities in the relevant region.

22 (b) PUBLIC IDENTIFICATION.—The Administrator
23 shall identify each regional liaison appointed under sub-
24 section (a) on the internet website of—

1 (1) the relevant regional office of the Environ-
2 mental Protection Agency; and

3 (2) the Office of Environmental Justice of the
4 Environmental Protection Agency.

5 **SEC. 5019. VOLUNTARY SCHOOL AND CHILD CARE PRO-**
6 **GRAM LEAD TESTING GRANT PROGRAM EN-**
7 **HANCEMENT.**

8 Section 1464(d) of the Safe Drinking Water Act (42
9 U.S.C. 300j-24(d)) is amended—

10 (1) in paragraph (2), by adding at the end the
11 following:

12 “(C) **TECHNICAL ASSISTANCE.**—In car-
13 rying out the grant program under subpara-
14 graph (A), beginning not later than 1 year after
15 the date of enactment of the America’s Water
16 Infrastructure Act of 2018, the Administrator
17 shall provide technical assistance to recipients
18 of grants under this subsection—

19 “(i) to assist in identifying the source
20 of lead contamination in drinking water at
21 schools and child care programs under the
22 jurisdiction of the grant recipient;

23 “(ii) to assist in identifying and ap-
24 plying for other Federal and State grant
25 programs that may assist the grant recipi-

1 ent in eliminating lead contamination de-
2 scribed in clause (i);

3 “(iii) to provide information on other
4 financing options in eliminating lead con-
5 tamination described in clause (i); and

6 “(iv) to connect grant recipients with
7 nonprofit and other organizations that may
8 be able to assist with the elimination of
9 lead contamination described in clause
10 (i).”; and

11 (2) in paragraph (7)—

12 (A) by striking “is authorized” and insert-
13 ing “are authorized”; and

14 (B) by striking “2021” and inserting
15 “2019, and \$30,000,000 for each of fiscal years
16 2020 and 2021”.

17 **SEC. 5020. INNOVATIVE WATER TECHNOLOGY GRANT PRO-**
18 **GRAM.**

19 (a) DEFINITIONS.—In this section:

20 (1) ADMINISTRATOR.—The term “Adminis-
21 trator” means the Administrator of the Environ-
22 mental Protection Agency.

23 (2) ELIGIBLE ENTITY.—The term “eligible enti-
24 ty” means—

1 (A) a public utility, including publicly
2 owned treatment works and clean water sys-
3 tems;

4 (B) a unit of local government, including a
5 municipality or a joint powers authority;

6 (C) a private entity, including a farmer or
7 manufacturer;

8 (D) an institution of higher education;

9 (E) a research institution or foundation;

10 (F) a State;

11 (G) a regional organization; or

12 (H) a nonprofit organization.

13 (b) GRANT PROGRAM AUTHORIZED.—The Adminis-
14 trator shall carry out a grant program for the purposes
15 described in subsection (c) to accelerate the development
16 of innovative water technologies that address pressing
17 water challenges.

18 (c) GRANTS.—In carrying out the program under
19 subsection (b), the Administrator shall make to eligible en-
20 tities grants that—

21 (1) finance projects to develop, deploy, test, and
22 improve emerging water technologies;

23 (2) fund entities that provide technical assist-
24 ance to deploy innovative water technologies more
25 broadly, especially—

1 (A) to increase adoption of innovative
2 water technologies in—

3 (i) municipal drinking water and
4 wastewater treatment systems;

5 (ii) areas served by private wells; or

6 (iii) water supply systems in arid
7 areas that are experiencing, or have re-
8 cently experienced, prolonged drought con-
9 ditions; and

10 (B) in a manner that reduces ratepayer or
11 community costs over time, including the cost
12 of future capital investments; or

13 (3) support technologies that, as determined by
14 the Administrator—

15 (A) improve water quality of a water
16 source;

17 (B) improve the safety and security of a
18 drinking water delivery system;

19 (C) minimize contamination of drinking
20 water and drinking water sources, including
21 contamination by lead, bacteria, chlorides, and
22 nitrates;

23 (D) improve the quality and timeliness and
24 decrease the cost of drinking water quality
25 tests, especially technologies that can be de-

1 ployed within water systems and at individual
2 faucets to provide accurate real-time tests of
3 water quality, especially with respect to lead,
4 bacteria, and nitrate content;

5 (E) increase water supplies in arid areas
6 that are experiencing, or have recently experi-
7 enced, prolonged drought conditions;

8 (F) treat edge-of-field runoff to improve
9 water quality;

10 (G) treat agricultural, municipal, and in-
11 dustrial wastewater;

12 (H) recycle or reuse water;

13 (I) manage urban storm water runoff;

14 (J) reduce sewer or stormwater overflows;

15 (K) conserve water;

16 (L) improve water quality by reducing sa-
17 linity;

18 (M) mitigate air quality impacts associated
19 with declining water resources;

20 (N) address treatment byproduct and brine
21 disposal alternatives; or

22 (O) address urgent water quality and
23 human health needs.

1 (d) PRIORITY FUNDING.—In making grants under
2 this section, the Administrator shall give priority to
3 projects that have the potential—

4 (1) to provide substantial cost savings across a
5 sector;

6 (2) to significantly improve human health or
7 the environment; or

8 (3) to provide additional water supplies with
9 minimal environmental impact.

10 (e) COST-SHARING.—The Federal share of the cost
11 of activities carried out using a grant under this section
12 shall be not more than 65 percent.

13 (f) LIMITATION.—The maximum amount of a grant
14 under this section shall be \$5,000,000.

15 (g) REPORT.—Each year, the Administrator shall
16 submit to Congress and make publicly available on the
17 website of the Administrator a report that describes any
18 advancements during the previous year in development of
19 innovative water technologies made as a result of funding
20 provided under this section.

21 (h) AUTHORIZATION OF APPROPRIATIONS.—There is
22 authorized to be appropriated to carry out this section
23 \$10,000,000 for each of fiscal years 2019 and 2020.

1 **SEC. 5021. GRANTS FOR CONSTRUCTION, REFURBISHING,**
2 **AND SERVICING OF INDIVIDUAL HOUSEHOLD**
3 **DECENTRALIZED WASTEWATER SYSTEMS**
4 **FOR INDIVIDUALS WITH LOW OR MODERATE**
5 **INCOME.**

6 Title II of the Federal Water Pollution Control Act
7 (33 U.S.C. 1281 et seq.) (as amended by section 5004(a))
8 is amended by adding at the end the following:

9 **“SEC. 224. GRANTS FOR CONSTRUCTION, REFURBISHING,**
10 **AND SERVICING OF INDIVIDUAL HOUSEHOLD**
11 **DECENTRALIZED WASTEWATER SYSTEMS**
12 **FOR INDIVIDUALS WITH LOW OR MODERATE**
13 **INCOME.**

14 “(a) DEFINITION OF ELIGIBLE INDIVIDUAL.—In this
15 section, the term ‘eligible individual’ means a member of
16 a household, the members of which have a combined in-
17 come (for the most recent 12-month period for which in-
18 formation is available) equal to not more than 50 percent
19 of the median nonmetropolitan household income for the
20 State or territory in which the household is located, ac-
21 cording to the most recent decennial census.

22 “(b) GRANT PROGRAM.—

23 “(1) IN GENERAL.—The Administrator shall es-
24 tablish a program under which the Administrator
25 shall provide grants to private nonprofit organiza-
26 tions for the purpose of providing subgrants to eligi-

1 ble individuals who reside in the mid-Atlantic, the
2 southeast, and the Appalachian regions of the
3 United States, in accordance with subsection (c).

4 “(2) APPLICATION.—To be eligible to receive a
5 grant under this subsection, a private nonprofit or-
6 ganization shall submit to the Administrator an ap-
7 plication at such time, in such manner, and con-
8 taining such information as the Administrator deter-
9 mines to be appropriate.

10 “(3) PRIORITY.—In awarding grants under this
11 subsection, the Administrator shall give priority to
12 applicants that have substantial expertise and expe-
13 rience in promoting the safe and effective use of in-
14 dividual household decentralized wastewater systems.

15 “(4) ADMINISTRATIVE EXPENSES.—A private
16 nonprofit organization may use amounts provided
17 under this subsection to pay the administrative ex-
18 penses associated with the provision of subgrants
19 under subsection (c), as the Administrator deter-
20 mines to be appropriate.

21 “(c) SUBGRANTS.—

22 “(1) IN GENERAL.—Subject to paragraph (2), a
23 private nonprofit organization shall use a grant pro-
24 vided under subsection (b) to provide subgrants to
25 eligible individuals for the construction, refurbishing,

1 and servicing of individual household decentralized
2 wastewater systems.

3 “(2) PUBLIC UTILITY CONNECTION AVAIL-
4 ABLE.—

5 “(A) IN GENERAL.—In any case in which
6 an eligible individual who submits to a private
7 nonprofit organization an application for a
8 subgrant under this subsection resides in a
9 household that could be connected to an avail-
10 able public wastewater utility, the private non-
11 profit organization shall conduct a cost analysis
12 to determine whether establishing such a con-
13 nection would be a more cost-effective use of
14 subgrant funds, as compared to the eligible uses
15 described in paragraph (1).

16 “(B) USE OF FUNDS.—If a cost analysis
17 under subparagraph (A) demonstrates that the
18 connection of the applicable household to a pub-
19 lic wastewater utility is more cost-effective than
20 the eligible uses described in paragraph (1)
21 with respect to the household, the eligible indi-
22 vidual may use a subgrant provided under this
23 subsection to establish the connection.

24 “(3) APPLICATION.—To be eligible to receive a
25 subgrant under this subsection, an eligible individual

1 shall submit to the private nonprofit organization
2 serving the area in which the individual household
3 decentralized wastewater system of the eligible indi-
4 viduals is, or is proposed to be, located an applica-
5 tion at such time, in such manner, and containing
6 such information as the private nonprofit organiza-
7 tion determines to be appropriate.

8 “(4) PRIORITY.—In awarding subgrants under
9 this subsection, a private nonprofit organization
10 shall give priority to any eligible individual who does
11 not have access to a sanitary sewage disposal sys-
12 tem.

13 “(5) MAXIMUM AMOUNT.—The amount of a
14 subgrant provided under this subsection shall not ex-
15 ceed \$20,000.

16 “(d) REPORT.—Not later than 2 years after the date
17 of enactment of this section, the Administrator shall sub-
18 mit to the Committee on Environment and Public Works
19 of the Senate and the Committee on Transportation and
20 Infrastructure of the House of Representatives a report
21 describing the results of the program under this section
22 with respect to the prevalence throughout the United
23 States of low- and moderate-income households without
24 access to a sanitary sewage disposal system.

1 “(e) AUTHORIZATION OF APPROPRIATIONS.—There
2 is authorized to be appropriated to the Administrator
3 \$15,000,000 to carry out this section.

4 “(f) SUNSET.—The authority to carry out the pro-
5 gram under this section shall terminate on the date that
6 is 2 years after the date of enactment of this section.”.

7 **SEC. 5022. BUREAU OF RECLAMATION ROLE IN WIFIA.**

8 Section 5023(b)(2) of the Water Infrastructure Fi-
9 nance and Innovation Act (33 U.S.C. 3902(b)(2)) (as
10 amended by section 5016(c)(2)) is amended—

11 (1) by striking “The Administrator” and insert-
12 ing the following:

13 “(A) IN GENERAL.—The Administrator”;

14 and

15 (2) by adding at the end the following:

16 “(B) RECLAMATION PROJECTS.—Not later
17 than 1 year after the date of enactment of the
18 America’s Water Infrastructure Act of 2018,
19 the Administrator shall enter into a memo-
20 randum of understanding with the Commis-
21 sioner of Reclamation to establish a process by
22 which the Commissioner shall recommend to
23 the Administrator projects to receive financial
24 assistance under this subtitle that are—

1 “(i) eligible projects under paragraphs
2 (6) or (7) of section 5026; and
3 “(ii) located in a Reclamation State
4 (as defined in section 4014 of the Water
5 Infrastructure Improvements for the Na-
6 tion Act (43 U.S.C. 390b note; Public Law
7 114–322).”.