

Calendar No. 425115TH CONGRESS
2^D SESSION**S. 2800**

To provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 8, 2018

Mr. BARRASSO (for himself, Mr. CARPER, Mr. INHOFE, Mr. CARDIN, Mr. WICKER, Mrs. CAPITO, Mr. VAN HOLLEN, Mr. BOOZMAN, Mr. WHITEHOUSE, and Mr. SULLIVAN) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

MAY 22, 2018

Reported by Mr. BARRASSO, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

A BILL

To provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes.

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

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

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

4 (b) **TABLE OF CONTENTS.**—The table of contents for
5 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.

Sec. 1003. GAO study on benefit-cost analysis reforms.

Sec. 1004. Transparency and accountability in cost-sharing for water resources projects.

Sec. 1005. Non-Federal sponsor reimbursements.

Sec. 1006. Challenge cost-sharing program for the management of recreation facilities.

Sec. 1007. Cost estimates.

Sec. 1008. Retroactive changes to cost-sharing agreements.

Sec. 1009. Project partnership agreements.

Sec. 1010. Study and report on expediting certain waiver processes.

Sec. 1011. Feasibility studies for mitigation of storm damage.

Sec. 1012. Extended community assistance by the Corps of Engineers.

Sec. 1013. Advanced funds for water resources development studies and projects.

Sec. 1014. Implementation guidance.

Sec. 1015. Implementation guidance for this Act.

Sec. 1016. Easements for certain rural electric, telephone, and broadband service facilities.

Sec. 1017. Corps capabilities.

Sec. 1018. Project authorization funding lines.

Sec. 1019. Consolidation of studies; report.

Sec. 1020. Non-Federal study and construction of projects.

Sec. 1021. Reports to Congress.

Sec. 1022. Disposition studies.

Sec. 1023. Natural infrastructure.

Sec. 1024. Watercraft inspection stations.

Sec. 1025. Reauthorization of non-Federal implementation pilot program.

Sec. 1026. Project studies subject to independent peer review.

Sec. 1027. Expedited consideration.

Sec. 1028. WIFIA study.

Sec. 1029. Enhanced development demonstration program.

Sec. 1030. Duplication of efforts.

Sec. 1031. Corps of Engineers Board of Appeals for certain water storage projects.

Sec. 1032. Sense of Congress relating to local role in Corps projects.

Sec. 1033. Sense of Congress relating to study of water resources development projects by non-Federal interests.

Sec. 1034. Sense of Congress relating to project partnership agreements.

- Sec. 1035. Sense of Congress relating to encouraging resilient techniques and habitat connectivity in ecosystem restoration.
- Sec. 1036. Alterations to local flood control projects.

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. Levees L-212 and L-231, Four River Basin, Ocklawaha River, Florida.
- Sec. 2107. Corps of Engineers bridge repair and divestiture program for New England evacuation routes.
- Sec. 2108. Boston Harbor reserved channel deauthorizations.
- Sec. 2109. Project deauthorization and study extensions.
- Sec. 2110. Deauthorization of inactive studies.

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. Sense of Congress relating to Coastal Texas study.

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.
- 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.

TITLE III—PRIMARY CORPS OF ENGINEERS ACTIVITIES

Subtitle A—Continuing Authorities Programs

- Sec. 3001. Corps of Engineers continuing authorities program.
- Sec. 3002. Sense of Congress relating to continuing authorities program.
- Sec. 3003. Report relating to availability of prioritized CAP projects.

Subtitle B—Navigation

PART I—INLAND WATERWAYS

- Sec. 3101. GAO study on navigation and ecosystem sustainability program.

PART II—PORTS AND HARBORS

- Sec. 3111. Authorization of appropriations for purchase of hopper dredge.
- Sec. 3112. Authorization of appropriations for purchase of mat sinking unit.
- Sec. 3113. Hopper dredge and mat sinking unit.
- Sec. 3114. Sense of Congress relating to Kennebec River Federal navigation channel.
- Sec. 3115. Sense of Congress relating to Wilmington Harbor dredging.
- Sec. 3116. Port of Arlington.
- Sec. 3117. Pearl River Basin demonstration program.
- Sec. 3118. Expedited initiation.

PART III—MISCELLANEOUS PROVISIONS

- Sec. 3121. Report on debris removal.
- Sec. 3122. Cape Arundel Disposal Site, Maine.
- Sec. 3123. Delaware River navigation project.
- Sec. 3124. Sense of Congress relating to erosion on the banks of the Ohio River near Clarksville, Indiana.

Subtitle C—Locks, Dams, Levees, and Dikes

- Sec. 3201. Certain levee improvements.
- Sec. 3202. Rehabilitation of Corps of Engineers constructed dams.
- Sec. 3203. Non-Federal dams.
- Sec. 3204. Reauthorization of National Dam Safety Program Act.
- Sec. 3205. Sense of Congress relating to implementation guidance for dam safety repair projects.
- Sec. 3206. Reauthorization of national levee safety program.
- Sec. 3207. Reauthorization of lock operations pilot program.
- Sec. 3208. Restricted areas at Corps of Engineers dams.
- Sec. 3209. Certain Bureau of Reclamation dikes.
- Sec. 3210. Rehabilitation of high-hazard potential dams.
- Sec. 3211. Maintenance of high risk flood control projects.

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.

Subtitle E—Sediment Management

- Sec. 3401. Missouri River reservoir sediment management.
- Sec. 3402. Reservoir sediment.
- Sec. 3403. Regional sediment management.

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.

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. Special rule for beach nourishment.
- Sec. 3608. Extension for certain coastal storm damage reduction programs.
- Sec. 3609. Snake River Basin flood prevention action plan.
- Sec. 3610. Authorization of appropriations for Columbia River Basin restoration.

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.

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.

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 work plan;
 8 and

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

12 (~~b~~) DEFINITIONS.—In this section:

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

16 (~~2~~) COM ACCOUNTS.—

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

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

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

1 (B) INCLUSION.—The term “COM ac-
 2 counts” includes the portions of the Civil Works
 3 Program Mississippi River and Tributaries ap-
 4 propriations account of the Secretary specifi-
 5 cally relating to—

6 (i) construction; or

7 (ii) operations and maintenance.

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

11 (A) to participate in project plan develop-
 12 ment; or

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

15 (4) DISTRICT 5-YEAR BUDGET AND WORK
 16 PLAN.—The term “district 5-year budget and work
 17 plan” means a report by an appropriate District En-
 18 gineer under subsection (c) that—

19 (A) includes—

20 (i) the district work plan for the fiscal
 21 year; and

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

1 (B) is based on—

2 (i) an allocation provided for a fiscal
3 year; and

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

7 (C) contains—

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

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

16 (iii) a list of projects and initiatives of
17 national significance to be carried out
18 through the COM accounts; if the project
19 or initiative is selected to be carried out.

20 (5) GOVERNMENT AGENCIES.—The term “gov-
21 ernment agencies” means Federal and non-Federal
22 government agencies that can provide authority, ex-
23 pertise, or funding, in cases in which the Secretary
24 has limited authority or in which the government

1 agency can assist in developing a project alternative,
 2 to collaborate on projects and plans relating to—

3 (A) flood damage reduction and risk man-
 4 agement;

5 (B) reliable water supply; and

6 (C) other business lines.

7 (6) HEADQUARTERS 5-YEAR BUDGET AND
 8 WORK PLAN.—The term “headquarters 5-year budg-
 9 et and work plan” means a report by the Chief of
 10 Engineers under subsection (d) that—

11 (A) includes—

12 (i) the Corps of Engineers work plan
 13 for the fiscal year; and

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

19 (B) is based on—

20 (i) an amount provided for the fiscal
 21 year through an appropriations Act; and

22 (ii) estimates based on the amount
 23 under clause (i), assuming an annual
 24 growth rate of 2 percent.

1 ~~(7) INTEGRATED WATER RESOURCE MANAGE-~~
2 ~~MENT.—The term “integrated water resource man-~~
3 ~~agement” means a holistic and mission-integrated~~
4 ~~process that—~~

5 ~~(A) focuses on water resources challenges~~
6 ~~and opportunities; and~~

7 ~~(B) promotes collaboration with cost-share~~
8 ~~partners, relevant government agencies, and~~
9 ~~stakeholders for coordinated development and~~
10 ~~active management of water and related re-~~
11 ~~sources—~~

12 ~~(i) to align authorities and funding;~~

13 ~~(ii) to provide opportunities for infor-~~
14 ~~mation sharing; and~~

15 ~~(iii) to support complementary and in-~~
16 ~~tegrated solutions to problems across Fed-~~
17 ~~eral and non-Federal boundaries to deliver~~
18 ~~value to the United States based on re-~~
19 ~~gional, Tribal, or local benefits.~~

20 ~~(8) INVESTIGATIONS ACCOUNT.—~~

21 ~~(A) IN GENERAL.—The term “Investiga-~~
22 ~~tions account” means the Civil Works Program~~
23 ~~Investigations appropriations account of the~~
24 ~~Secretary.~~

1 (B) INCLUSION.—The term “Investigations
2 account” includes the portions of the Civil
3 Works Program Mississippi River and Tribu-
4 taries appropriations account of the Secretary
5 specifically relating to investigations.

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

9 (10) PROJECT OR INITIATIVE OF NATIONAL
10 SIGNIFICANCE.—The term “project or initiative of
11 national significance” means a Corps of Engineers
12 activity that—

13 (A) provides value to the United States;
14 and

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

21 (11) PROJECT OR INITIATIVE OF REGIONAL,
22 TRIBAL, OR LOCAL SIGNIFICANCE.—The term
23 “project or initiative of regional, Tribal, or local sig-
24 nificance” means a Corps of Engineers activity
25 that—

1 (A) provides value to the United States;
2 but

3 (B) does not satisfy the requirements to be
4 considered a project or initiative of national sig-
5 nificance.

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

10 (A) the enhancement or stabilization of the
11 regional, Tribal, or local economy;

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

14 (C) the provision of health, safety, and
15 general welfare to maintain or improve the
16 quality of life of the people of the United
17 States.

18 (13) WORK PLAN PROCESS.—The term “work
19 plan process” means the process used by the Sec-
20 retary and the Chief of Engineers on the date of en-
21 actment of this Act by which funds that are not allo-
22 cated to a specified project in an appropriations Act
23 (including the statement of managers for such an
24 Act) are subdivided into various categories within
25 the areas of—

- 1 (A) navigation;
- 2 (B) flood risk management; and
- 3 (C) other authorized project purposes.

4 (e) BUDGET RECOMMENDATIONS BY SECRETARY.—

5 (1) IN GENERAL.—Not less frequently than
6 once each fiscal year, the Secretary shall make rec-
7 ommendations to Congress on the date that the
8 budget is transmitted under section 1105(a) of title
9 31, United States Code, for the allocation and ap-
10 propriation of amounts for that fiscal year in each
11 of the major business lines for the Investigations ac-
12 count and the COM accounts for allocation to each
13 district of the Corps of Engineers, for use by—

- 14 (A) the District Engineer; and
- 15 (B) the civilian Deputy District Engineer
16 for Programs and Project Management.

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

- 21 (A) the Regulatory appropriations account;
- 22 (B) the Ecosystem Restoration appropria-
23 tions account;
- 24 (C) the Expenses appropriations account;

1 ~~(D)~~ the Formerly Utilized Sites Remedial
2 Action Program appropriations account;

3 ~~(E)~~ the Flood Control and Coastal Emer-
4 gencies appropriations account;

5 ~~(F)~~ the Office of the Assistant Secretary of
6 the Army for Civil Works appropriations ac-
7 count;

8 ~~(G)~~ the revolving fund established by sec-
9 tion 101 of the Civil Functions Appropriations
10 Act, 1954 (33 U.S.C. 576); and

11 ~~(H)~~ the automation development program
12 pursuant to House Report 103-135, accom-
13 panying the Energy and Water Development
14 Appropriations Act, 1996 (Public Law 104-46;
15 109 Stat. 402).

16 ~~(d) HEADQUARTERS 5-YEAR BUDGET AND WORK~~
17 ~~PLAN.—~~Not less frequently than once each fiscal year, on
18 the date that the budget is transmitted under section
19 1105(a) of title 31, United States Code, the Secretary
20 shall submit to Congress the headquarters 5-year budget
21 and work plan.

22 ~~(e) DISTRICT 5-YEAR BUDGET AND WORK PLAN.—~~

23 ~~(1) IN GENERAL.—~~Not less frequently than
24 once each fiscal year, on the date that the budget is
25 transmitted under section 1105(a) of title 31,

1 United States Code, each District Engineer and ci-
2 vilian Deputy District Engineer for Programs and
3 Project Management shall submit to Congress a dis-
4 trict 5-year budget and work plan.

5 (2) INCLUSION.—A district 5-year budget and
6 work plan under paragraph (1)—

7 (A) may include any project under the ju-
8 risdiction of the applicable District Engineer
9 that is not included in the budget transmitted
10 under section 1105(a) of title 31, United States
11 Code; and

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

14 (3) LEADERSHIP INPUT.—The headquarters of-
15 fice and Major Subordinate Command of the Corps
16 of Engineers shall provide appropriate quality assur-
17 ance guidance in the preparation of each district 5-
18 year budget and work plan.

19 (f) PUBLIC PARTICIPATION.—The Secretary shall
20 issue guidance that requires that for the development of,
21 or any proposed major substantive modification to, a dis-
22 trict 5-year budget and work plan, each District Engineer
23 for each district shall, not less frequently than annually—

24 (1) provide to cost-share partners, government
25 agencies, and stakeholders—

1 (A) notice and an opportunity for comment
2 for a period of not less than 30 days to submit
3 to the Secretary or to the District Engineer
4 comments, including through written submis-
5 sion of data, opinions, or arguments, with or
6 without an opportunity for oral presentation;

7 (B) written responses to comments re-
8 ceived under subparagraph (A); and

9 (C) a process through which cost-share
10 partners, government agencies, and stake-
11 holders may appeal decisions of the District En-
12 gineer regarding the contents of the district 5-
13 year budget and work plan under subsection
14 (e)(1) to the Major Subordinate Command with
15 jurisdiction over the District;

16 (2) publish the comments received under para-
17 graph (1)(A) on the internet website of the Corps of
18 Engineers;

19 (3) hold a public meeting to discuss each dis-
20 trict 5-year budget and work plan;

21 (4) provide to government agencies the oppor-
22 tunity to consult and collaborate with each district
23 and obtain feedback to incorporate into risk assess-
24 ments; and

1 (5) provide to cost-share partners the oppor-
2 tunity to collaborate—

3 (A) to support information sharing;

4 (B) to the maximum extent practicable, to
5 share in concept development and decision-mak-
6 ing to achieve complementary or integrated so-
7 lutions to problems; and

8 (C) to obtain feedback to incorporate into
9 risk assessments.

10 (g) CRITERIA FOR THE HEADQUARTERS AND DIS-
11 TRICT 5-YEAR BUDGET AND WORK PLANS.—

12 (1) INTEGRATED WATER RESOURCE MANAGE-
13 MENT.—In developing a headquarters 5-year budget
14 and work plan or district 5-year budget and work
15 plan, the Secretary or the District Engineer, as ap-
16 plicable, shall ensure that applicable projects are or
17 will be carried out in a sustainable manner that—

18 (A) is holistic and mission-integrated;

19 (B) focuses on water resource challenges
20 and opportunities;

21 (C) promotes collaboration with stake-
22 holders, government agencies, and cost-share
23 partners for coordinated development and active
24 management of water and related resources;

1 ~~(D)~~ maximizes the benefits resulting from
2 Corps of Engineers investment;

3 ~~(E)~~ aligns Corps of Engineers, government
4 agencies, and cost-share partners authorities
5 and funding to gain efficiencies and maximize
6 return on investment; and

7 ~~(F)~~ pursues integrated water resource
8 management.

9 ~~(2) SYSTEM AND WATERSHED EVALUATION~~
10 ~~AND PRIORITIZATION.~~—The Secretary shall issue
11 guidance to ensure, in the development of a head-
12 quarters 5-year budget and work plan or district 5-
13 year budget and work plan—

14 ~~(A)~~ the use of modeling and data to evalu-
15 ate the performance of project assets on a sys-
16 tem or watershed basis in yielding system-wide
17 or watershed-wide benefits; and

18 ~~(B)~~ the prioritization of activities and
19 management of infrastructure within each rel-
20 evant system or watershed.

21 ~~(3) LIFECYCLE PORTFOLIO MANAGEMENT.~~—In
22 making a determination relating to investment at
23 any stage of a project, the Secretary shall issue
24 guidance to ensure that the principles of lifecycle
25 portfolio management are applied in the development

1 of headquarters 5-year budget and work plans and
2 district 5-year budget and work plans, including
3 by—

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

9 (i) the desired outcomes of the
10 project; and

11 (ii) value to the United States; and

12 (B) managing the regional and national
13 portfolios of projects to make cost-effective and
14 sequenced investment decisions.

15 (4) FEDERAL CONSIDERATIONS.—In developing
16 and comparing project alternatives or making any
17 other determination for purposes of a headquarters
18 5-year budget and work plan or district 5-year budg-
19 et and work plan, the Secretary shall issue guidance
20 to ensure that each plan includes an evaluation of
21 the projected effects of each project or initiative of
22 national significance or project or initiative of re-
23 gional, Tribal, or local significance, or project alter-
24 native, if applicable, on—

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

5 (B) the economic value of—

6 (i) water and related land resources in
7 the United States; and

8 (ii) the national output of goods and
9 services produced using those resources;

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

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

15 (ii) using—

16 (I) nonmonetary units; or

17 (II) qualitative descriptions;

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

21 (i) nonmonetary units; or

22 (ii) qualitative descriptions; and

23 (E) the effects described in subparagraphs

24 (A) through (D) with respect to—

25 (i) low-income communities;

- 1 (ii) rural communities; and
 2 (iii) Tribal and other minority com-
 3 munities.

4 (5) BUSINESS LINE CONSIDERATIONS.—The
 5 Secretary shall issue guidance to ensure that head-
 6 quarters 5-year budget and work plans and district
 7 5-year budget and work plans analyze the accom-
 8 plishments, projected challenges, and business pro-
 9 grams funding and performance of each project or
 10 initiative of national significance and project or ini-
 11 tiative of regional, Tribal, or local significance, tak-
 12 ing into consideration any relevant business lines of
 13 the project or initiative.

14 (h) EFFECT ON EXISTING PROCESS.—The budget
 15 planning processes required under subsections (d) and (e)
 16 for each fiscal year shall supplant the work plan process
 17 with respect to the applicable accounts—

18 (1) to increase transparency regarding planned
 19 expenditures of the Corps of Engineers during the 4-
 20 year period following that fiscal year;

21 (2) to maximize the return on Federal invest-
 22 ment; and

23 (3) to ensure that the infrastructure of the
 24 Corps of Engineers protects laborers and employees;

1 private investment, and production in the United
2 States.

3 **SEC. 1002. NATIONAL ACADEMY STUDIES.**

4 As soon as practicable after the date of enactment
5 of this Act, the Secretary shall enter into an agreement
6 with the National Academy of Sciences under which the
7 National Academy shall conduct studies regarding—

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

10 (A) Congress;

11 (B) State and local units of government;

12 (C) local stakeholders; and

13 (D) other cost-share partners, government
14 agencies, and stakeholders;

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

18 (3) whether the structure and organization of
19 the Corps of Engineers, as in effect on the date of
20 enactment of this Act—

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

23 (B) should be modified to increase—

24 (i) efficiency;

25 (ii) coordination;

1 (iii) transparency; or

2 (iv) cost savings.

3 **SEC. 1003. GAO STUDY ON BENEFIT-COST ANALYSIS RE-**
4 **FORMS.**

5 Not later than 1 year after the date of enactment
6 of this Act, the Comptroller General of the United States
7 shall—

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

12 (A) an examination of the benefits and
13 costs that the Secretary and the Director do
14 and do not include in the benefit-cost calcula-
15 tion, including, at a minimum, local and re-
16 gional economic benefits; and

17 (B) a review of the calculation (or lack of
18 a calculation) of navigation benefits used in a
19 calculation for a non-commercial harbor that is
20 used by a State maritime academy (as defined
21 in section 51102 of title 46, United States
22 Code) for military training purposes; and

23 (2) submit to Congress a report that—

24 (A) describes the results of the study
25 under paragraph (1); and

1 (B) includes recommendations for legisla-
 2 tive or regulatory changes to improve the ben-
 3 efit-cost analysis procedures of the Secretary
 4 and the Director.

5 **SEC. 1004. TRANSPARENCY AND ACCOUNTABILITY IN COST-**
 6 **SHARING FOR WATER RESOURCES**
 7 **PROJECTS.**

8 (a) **DEFINITION OF BALANCE SHEET.**—In this sec-
 9 tion, the term “balance sheet” means a document that de-
 10 scribes—

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

13 (2) the status of those funds.

14 (b) **ESTABLISHMENT OF BALANCE SHEET.**—Each
 15 district of the Corps of Engineers shall—

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

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

22 (c) **UNDER-BUDGET PROJECTS.**—In the case of a
 23 project carried out by the Secretary for which the project
 24 is completed at a cost less than the estimated cost, the
 25 Secretary shall transfer the excess funds back to the non-

1 Federal interest, in accordance with the cost-share re-
 2 quirement applicable to the project.

3 ~~(d) EXCESS FUNDS.—~~

4 ~~(1) IN GENERAL.—~~In the case of a completed
 5 project carried out by the Secretary for which funds
 6 in excess of the funds needed to complete the project
 7 have been contributed by a non-Federal interest, the
 8 Secretary shall transfer the excess funds to a sepa-
 9 rate account of the Secretary, in which the funds
 10 shall remain available until the non-Federal interest
 11 uses the funds in accordance with paragraph ~~(2)~~.

12 ~~(2) USE IN FUTURE PROJECTS OR OPERATION~~
 13 ~~AND MAINTENANCE COSTS.—~~The non-Federal inter-
 14 est may use funds in the account for the non-Fed-
 15 eral interest under paragraph ~~(1)~~—

16 ~~(A)~~ to pay the cost-share for other projects
 17 carried out by the Secretary for which a non-
 18 Federal cost-share is required; and

19 ~~(B)~~ to pay the costs of operation and
 20 maintenance of a project of the non-Federal in-
 21 terest for which a non-Federal cost-share is re-
 22 quired.

23 **SEC. 1005. NON-FEDERAL SPONSOR REIMBURSEMENTS.**

24 ~~(a) DEFINITION OF UNREIMBURSED FUNDS.—~~In
 25 this section, the term “unreimbursed funds”, with respect

1 to a project carried out by the Secretary, means funds
 2 spent by a non-Federal sponsor for the project that have
 3 not been reimbursed by the Secretary under an existing
 4 agreement before the end of the fiscal year following the
 5 fiscal year in which the funds were spent.

6 (b) APPLICATION OF UNREIMBURSED FUNDS.—In
 7 the case of a project carried out by the Secretary under
 8 an existing agreement for which the non-Federal sponsor
 9 has unreimbursed funds, on the request of the non-Fed-
 10 eral sponsor, the Secretary shall—

11 (1) credit the unreimbursed funds to the non-
 12 Federal cost-share requirement of that non-Federal
 13 sponsor for another project to be carried out by the
 14 Secretary; or

15 (2) reimburse the funds to the non-Federal
 16 sponsor.

17 **SEC. 1006. CHALLENGE COST-SHARING PROGRAM FOR THE**
 18 **MANAGEMENT OF RECREATION FACILITIES.**

19 Section 225(e) of the Water Resources Development
 20 Act of 1992 (33 U.S.C. 2328(e)) is amended—

21 (1) by striking “non-Federal public entity” each
 22 place it appears and inserting “non-Federal public
 23 or private entity”; and

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

1 “(4) TREATMENT.—In carrying out this sub-
 2 section, the Secretary shall ensure that a private en-
 3 tity is subject to the same regulations and require-
 4 ments as a non-Federal public entity.”.

5 **SEC. 1007. COST ESTIMATES.**

6 Section 2008(e) of the Water Resources Development
 7 Act of 2007 (33 U.S.C. 2340(e)) is amended by striking
 8 “before, on, or after” and inserting “on or after”.

9 **SEC. 1008. RETROACTIVE CHANGES TO COST-SHARING**
 10 **AGREEMENTS.**

11 Study costs incurred before the date of execution of
 12 a feasibility cost-sharing agreement for a project to be ear-
 13 ried out under section 206 of the Water Resources Devel-
 14 opment Act of 1996 (33 U.S.C. 2330) shall be Federal
 15 costs, if—

16 (1) the study was initiated before October 1,
 17 2006; and

18 (2) the feasibility cost-sharing agreement was
 19 not executed before January 1, 2014.

20 **SEC. 1009. PROJECT PARTNERSHIP AGREEMENTS.**

21 (a) DEFINITION OF PROJECT PARTNERSHIP AGREE-
 22 MENT.—In this section, the term “project partnership
 23 agreement” means an agreement between the Secretary
 24 and the non-Federal sponsor of a water resources project
 25 that describes—

1 (1) the project; and

2 (2) the responsibilities of each of the Secretary
3 and the non-Federal sponsor with respect to cost-
4 sharing; execution of work; and other aspects of the
5 project.

6 (b) **IMPROVED COST DESCRIPTION.**—In any project
7 partnership agreement entered into after the date of en-
8 actment of this Act, the Secretary shall ensure that the
9 project partnership agreement includes clear and detailed
10 descriptions of operation and maintenance; repair; replace-
11 ment; and rehabilitation costs and the entity with respon-
12 sibility for those costs with respect to the project.

13 **SEC. 1010. STUDY AND REPORT ON EXPEDITING CERTAIN**
14 **WAIVER PROCESSES.**

15 Not later than 1 year after the date of enactment
16 of this Act, the Secretary shall complete, and submit to
17 the Committee on Environment and Public Works of the
18 Senate and the Committee on Transportation and Infra-
19 structure of the House of Representatives a report based
20 on the results of, a study on the best options available
21 to the Secretary to improve and expedite the waiver pro-
22 cess for the non-Federal cost-share under section 116 of
23 the Energy and Water Development and Related Agencies
24 Appropriations Act, 2010 (Public Law 111–85; 123 Stat.
25 2851).

1 **SEC. 1011. FEASIBILITY STUDIES FOR MITIGATION OF**
 2 **STORM DAMAGE.**

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

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

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

9 “(F) **COST-SHARE FOR CERTAIN MITIGA-**
 10 **TION PROJECTS.—**

11 “(i) **IN GENERAL.—**In the case of a
 12 feasibility study described in clause (ii),
 13 the Federal share of the cost of the study
 14 shall be, as determined by the Secretary—

15 “(I) not less than 50 percent;

16 and

17 “(II) not more than 100 percent.

18 “(ii) **FEASIBILITY STUDIES DE-**
 19 **SCRIBED.—**A feasibility study referred to
 20 in clause (i) is a feasibility study for a
 21 project for mitigation of damage to an area
 22 affected by weather or other events for
 23 which—

24 “(I) during the 8-year period
 25 ending on the date of enactment of

1 the America’s Water Infrastructure
2 Act of 2018—

3 “(aa) the Secretary provided
4 emergency response under section
5 5 of the Act of August 18, 1941
6 (commonly known as the ‘Flood
7 Control Act of 1941’) (55 Stat.
8 650, chapter 377, 33 U.S.C.
9 701n); or

10 “(bb) the area received dis-
11 aster assistance under the Robert
12 T. Stafford Disaster Relief and
13 Emergency Assistance Act (42
14 U.S.C. 5121 et seq.); and

15 “(H) there is a significant risk
16 for future similar events (as deter-
17 mined by the Secretary).”.

18 **SEC. 1012. EXTENDED COMMUNITY ASSISTANCE BY THE**
19 **CORPS OF ENGINEERS.**

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

23 (1) by redesignating paragraph (3) as para-
24 graph (4); and

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

3 ~~“(3) EXTENDED ASSISTANCE.—~~

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

13 ~~“(B) ASSISTANCE.—On a petition under~~
14 ~~subparagraph (A), the Secretary shall provide~~
15 ~~extended assistance in accordance with this~~
16 ~~paragraph.~~

17 ~~“(C) COST-SHARING.—Except as provided~~
18 ~~in subparagraph (D), extended assistance under~~
19 ~~this paragraph shall be subject to a minimum~~
20 ~~non-Federal cost-sharing requirement of 45~~
21 ~~percent.~~

22 ~~“(D) EXCEPTION.—The Secretary—~~

23 ~~“(i) may waive or reduce the min-~~
24 ~~imum non-Federal cost-sharing require-~~
25 ~~ment under subparagraph (C), at the dis-~~

1 cretion of the Secretary, if the Secretary
2 determines that the financial situation of
3 the non-Federal sponsor of the project
4 warrants a reduction; and

5 “~~(ii)~~ may not impose a non-Federal
6 cost-sharing requirement on a project serv-
7 ing a disadvantaged community (as defined
8 in section 1452(d) of the Safe Drinking
9 Water Act (42 U.S.C. 300j-12(d)).

10 “(E) FACTORS.—In determining how to
11 best provide extended assistance under this
12 paragraph, the Secretary shall consider whether
13 granting the extended assistance would—

14 “(i) minimize costs of long-term bur-
15 dens on the non-Federal sponsor of the
16 project;

17 “(ii) increase the resiliency of the
18 project; and

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

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

1 **SEC. 1013. ADVANCED FUNDS FOR WATER RESOURCES DE-**
 2 **VELOPMENT STUDIES AND PROJECTS.**

3 The Act of October 15, 1940 (54 Stat. 1176, chapter
 4 884, 33 U.S.C. 701h-1), is amended—

5 (1) in the first sentence—

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

8 “(a) **IN GENERAL.**—Whenever any”;

9 (B) by striking “a flood-control project
 10 duly adopted and authorized by law” and in-
 11 serting “an authorized water resources develop-
 12 ment study or project,”; and

13 (C) by striking “such work” and inserting
 14 “such study or project”;

15 (2) in the second sentence—

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

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

19 (B) by striking “from appropriations which
 20 may be provided by Congress for flood-control
 21 work” and inserting “if specific appropriations
 22 are provided by Congress for such purpose”;
 23 and

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

25 “(c) **AUTHORIZATION OF APPROPRIATIONS.**—There
 26 is authorized to be appropriated to the Secretary to pro-

1 vide repayment under subsection (b) \$50,000,000 for each
 2 of fiscal years 2020 and 2021.

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

5 “(1) a State;

6 “(2) the District of Columbia;

7 “(3) the Commonwealth of Puerto Rico;

8 “(4) any other territory or possession of the
 9 United States; and

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

14 **SEC. 1014. IMPLEMENTATION GUIDANCE.**

15 (a) IN GENERAL.—Except as provided in subsection
 16 (b), not later than 120 days after the date of enactment
 17 of this Act, the Secretary shall issue guidance to imple-
 18 ment each provision of law (including an amendment made
 19 to a provision of law) under the jurisdiction of the Sec-
 20 retary, for which guidance has not been issued as of the
 21 date of enactment of this Act, under—

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

24 (2) the Water Infrastructure Improvements for
 25 the Nation Act (130 Stat. 1628).

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

5 **SEC. 1015. IMPLEMENTATION GUIDANCE FOR THIS ACT.**

6 (a) IN GENERAL.—Not later than 1 year after the
 7 date of enactment of this Act, the Secretary shall issue
 8 guidance to carry out this Act and any amendments made
 9 by this Act with respect to a provision of law under the
 10 jurisdiction of the Secretary.

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

15 **SEC. 1016. EASEMENTS FOR CERTAIN RURAL ELECTRIC,**
 16 **TELEPHONE, AND BROADBAND SERVICE FA-**
 17 **CILITIES.**

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

20 (1) by redesignating subsection (e) as sub-
 21 section (d); and

22 (2) by inserting after subsection (b) the fol-
 23 lowing:

24 “(e) CERTAIN EASEMENTS.—

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

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

12 **SEC. 1017. CORPS CAPABILITIES.**

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

17 **SEC. 1018. PROJECT AUTHORIZATION FUNDING LINES.**

18 In any case in which a project under the jurisdiction
19 of the Secretary is budgeted under a different business
20 line than the business line under which the project was
21 originally authorized, the Secretary shall ensure that the
22 project is carried out in accordance with any requirements
23 that apply to the business line under which the project
24 was originally authorized.

1 **SEC. 1019. CONSOLIDATION OF STUDIES; REPORT.**

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 on whether section 1002 of the Water Resources
5 Reform and Development Act of 2014 (128 Stat. 1198)
6 and the amendments made by that section limit options
7 available to the Secretary to fund work relating to—

- 8 (1) feasibility scoping;
9 (2) project management planning; and
10 (3) review plan development.

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

15 **SEC. 1020. NON-FEDERAL STUDY AND CONSTRUCTION OF**
16 **PROJECTS.**

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

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

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

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

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

4 “(A) shall not be considered to be an ap-
5 proval or endorsement of the feasibility study;
6 and

7 “(B) shall not affect the responsibilities of
8 the Secretary—

9 “(i) to review the feasibility study for
10 compliance with applicable Federal laws
11 (including regulations) under subsection
12 (b); and

13 “(ii) to make recommendations to
14 Congress on the plan or design of the
15 project under subsection (c).”.

16 **SEC. 1021. REPORTS TO CONGRESS.**

17 (a) IN GENERAL.—Subject to the availability of ap-
18 propriations, the Secretary shall complete and submit to
19 Congress by the applicable date required any report or
20 study required under this Act or an amendment made by
21 this Act.

22 (b) FAILURE TO PROVIDE A COMPLETED REPORT OR
23 STUDY.—

24 (1) IN GENERAL.—Subject to subsection (c), if
25 the Secretary fails to provide a report or study de-

1 scribed in subsection (a) by the date that is 180
2 days after the applicable date required for that re-
3 port or study, \$5,000 shall be reprogrammed from
4 the General Expenses account of the civil works pro-
5 gram of the Army Corps of Engineers into the ac-
6 count of the division of the Army Corps of Engi-
7 neers with responsibility for completing that report
8 or study.

9 (2) SUBSEQUENT REPROGRAMMING.—Subject
10 to subsection (c), for each additional week after the
11 date described in paragraph (1) in which a report or
12 study described in that paragraph remains
13 uncompleted and unsubmitted to Congress, \$5,000
14 shall be reprogrammed from the General Expenses
15 account of the civil works program of the Army
16 Corps of Engineers into the account of the division
17 of the Secretary with responsibility for completing
18 that report or study.

19 (c) LIMITATIONS.—

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

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

1 (d) ~~NO FAULT OF THE SECRETARY.~~—Amounts shall
2 not be reprogrammed under subsection (b) if the Secretary
3 certifies in a letter to the applicable committees of Con-
4 gress that—

5 (1) a major modification has been made to the
6 content of the report or study that requires addi-
7 tional analysis for the Secretary to make a final de-
8 cision on the report or study;

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

12 (3) additional information is required from an
13 entity other than the Corps of Engineers and is not
14 available in a timely manner to complete the report
15 or study by the deadline.

16 (e) ~~LIMITATION.~~—The Secretary shall not reprogram
17 funds to the General Expenses account of the civil works
18 program of the Corps of Engineers for the loss of the
19 funds.

20 (f) ~~REPORT.~~—Not less frequently than once each fis-
21 cal year, the Secretary shall submit to the Committee on
22 Environment and Public Works of the Senate and the
23 Committee on Transportation and Infrastructure of the
24 House of Representatives a report that includes a list of
25 each report or study by the Secretary that—

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

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

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

7 **SEC. 1022. DISPOSITION STUDIES.**

8 The Secretary shall carry out any disposition study
9 for a project of the Corps of Engineers in a transparent
10 manner, including—

11 (1) by offering opportunities for public input
12 during the study; and

13 (2) publishing and making publicly available
14 final disposition studies.

15 **SEC. 1023. NATURAL INFRASTRUCTURE.**

16 In each feasibility study carried out by the Secretary
17 for a project for flood risk management or hurricane and
18 storm damage risk reduction, the Secretary shall consider
19 the use of both traditional and natural infrastructure al-
20 ternatives, alone or in conjunction with each other, if those
21 alternatives are practicable.

22 **SEC. 1024. WATERCRAFT INSPECTION STATIONS.**

23 Section 104 of the River and Harbor Act of 1958
24 (33 U.S.C. 610) is amended—

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

3 “(b) AUTHORIZATION OF APPROPRIATIONS.—

4 “(1) IN GENERAL.—There is authorized to be
5 appropriated \$80,000,000 to carry out this section
6 for each fiscal year, of which—

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

9 “(B) \$30,000,000 shall be made available
10 to carry out subsection (d)(1)(A)(ii).

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

16 (2) in subsection (d)—

17 (A) by striking paragraph (1) and insert-
18 ing the following:

19 “(1) IN GENERAL.—

20 “(A) WATERCRAFT INSPECTION STA-
21 TIONS.—In carrying out this section, the Sec-
22 retary shall establish, operate, and maintain
23 new or existing watercraft inspection stations—

24 “(i) to protect the Columbia River
25 Basin; and

1 “(ii) to protect the Upper Missouri
2 River Basin.

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

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

16 (B) by striking paragraph (3)(A) and in-
17 serting the following:

18 “(A) the Governors of the States within
19 the areas described in clause (i) or (ii) of para-
20 graph (1)(A), as applicable.”.

21 **SEC. 1025. REAUTHORIZATION OF NON-FEDERAL IMPLE-**
22 **MENTATION PILOT PROGRAM.**

23 Section 1043 of the Water Resources Reform and De-
24 velopment Act of 2014 (33 U.S.C. 2201 note; Public Law
25 113–121) is amended—

1 (1) in subsection (a)—

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

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

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

11 (2) in subsection (b)—

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

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

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

23 (D) in paragraph (7), by striking “5
24 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. 1026. 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 ON COST AND TIME OVERRUNS.**—Sec-
11 tion 2034(i) of the Water Resources Development Act of
12 2007 (33 U.S.C. 2343(i)) is amended by adding at the
13 end the following:

14 “**(3) REPORT ON COST AND TIME OVERRUNS.**—
15 Not later than 1 year after the date of enactment
16 of the America’s Water Infrastructure Act of 2018,
17 the Secretary shall complete an analysis of cost and
18 time overruns for projects subject to this section and
19 submit to the Committee on Environment and Pub-
20 lic Works of the Senate and the Committee on
21 Transportation and Infrastructure of the House of
22 Representatives a report describing the results of the
23 analysis.”.

1 **SEC. 1027. EXPEDITED CONSIDERATION.**

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

6 **SEC. 1028. WIFIA STUDY.**

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

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

13 (A) the obstacles that need to be removed
14 for the Secretary to implement the responsibil-
15 ities of the Secretary under that Act;

16 (B) an identification of all projects that
17 the Secretary determines to be potentially viable
18 to receive assistance under that Act; and

19 (C) an identification of any amendments to
20 that Act or other legislative or regulatory
21 changes that would improve the ability of the
22 Secretary to implement that Act; and

23 (2) submit to the Committee on Environment
24 and Public Works of the Senate and the Committee
25 on Transportation and Infrastructure of the House

1 of Representatives a report on the results of the
2 study under paragraph (1).

3 **SEC. 1029. ENHANCED DEVELOPMENT DEMONSTRATION**
4 **PROGRAM.**

5 (a) **IN GENERAL.**—The Secretary is directed to re-
6 view the master plan and shoreline management plan for
7 any lake described in section 3134 of the Water Resources
8 Development Act of 2007 (121 Stat. 1142; 130 Stat.
9 1671) for the purpose of identifying areas suitable for en-
10 hanced development if—

11 (1) the master plan and shoreline management
12 plan of the lake have been updated since January 1,
13 2013; and

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

16 (b) **DEFINITION OF ENHANCED DEVELOPMENT.**—In
17 this section, the term “enhanced development” means
18 structures or other improvements used for non-water-de-
19 pendent commercial or hospitality industry purposes or for
20 residential or recreational purposes.

21 (c) **LEASE AUTHORITY.**—The Secretary is authorized
22 to lease Federal land under the jurisdiction of the Sec-
23 retary pursuant to this section for such terms as the Sec-
24 retary determines to be advisable to permit enhanced de-

1 velopment in areas approved for such uses under sub-
 2 section (a).

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

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

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

11 (2) enter into a partnership agreement with a
 12 private entity;

13 (3) consider lease durations of up to 100 years;
 14 and

15 (4) consider regional economic impacts.

16 (f) TYPES OF IN-KIND CONSIDERATION.—The Sec-
 17 retary is authorized to accept as in-kind consideration
 18 under subsection (c)(1)—

19 (1) the maintenance, protection, alteration, re-
 20 pair, improvement, or restoration of public recre-
 21 ation facilities under the control of the Secretary;
 22 and

23 (2) construction of new public recreation facili-
 24 ties.

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

9 (1) Natural resource and recreation manage-
10 ment.

11 (2) The investigation, planning, construction,
12 operation, and maintenance of public recreation fa-
13 cilities.

14 (h) PAYMENT OF ADMINISTRATIVE EXPENSES.—The
15 Secretary shall recover the administrative expenses associ-
16 ated with leases authorized under subsection (c) in accord-
17 ance with section 2695 of title 10, United States Code.

18 (i) STUDY APPLICATION OF MILITARY LEASING AU-
19 THORITIES TO CIVIL WORKS PROJECTS.—Not later than
20 2 years after the date of enactment of this Act, the Sec-
21 retary shall—

22 (1) complete a study on the application of sec-
23 tion 2667 of title 10, United States Code, enhanced
24 use leasing authorities, and other military leasing

1 authorities to the civil works program of the Sec-
2 retary; and

3 (2) submit to Congress a report on the results
4 of the study under paragraph (1), including a de-
5 scription of the obstacles that must be removed to
6 implement the authorities.

7 **SEC. 1030. DUPLICATION OF EFFORTS.**

8 In the case of a project in which the non-Federal
9 sponsor is working with an institution of higher education,
10 in order to reduce duplication of efforts, the Secretary
11 shall consider hiring an institution of higher education or
12 entity, in accordance with any applicable contract law, to
13 provide assistance under section 22 of the Water Re-
14 sources Development Act of 1974 (42 U.S.C. 1962d-16)
15 with respect to that project.

16 **SEC. 1031. CORPS OF ENGINEERS BOARD OF APPEALS FOR**
17 **CERTAIN WATER STORAGE PROJECTS.**

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

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

24 (A) whether the District Engineer concurs
25 with the assessment of the purpose of and need

1 for the water storage project proposed by the
 2 applicant; and

3 (B) in any case in which the District Engi-
 4 neer does not concur as described in subpara-
 5 graph (A), an assessment by the District Engi-
 6 neer of the purpose of and need for the project.

7 (2) EFFECT ON ENVIRONMENTAL IMPACT
 8 STATEMENTS.—No environmental impact statement
 9 or environmental assessment required under the Na-
 10 tional Environmental Policy Act of 1969 (42 U.S.C.
 11 4321 et seq.) shall substantially commence with re-
 12 spect to a water storage project for which an appli-
 13 cation is submitted as described in paragraph (1)
 14 until the date on which the District Engineer pro-
 15 vides to the applicant the purpose and need state-
 16 ment under that paragraph.

17 (b) RECORDS OF DECISION.—Before the Secretary
 18 issues a permit decision for any project for which a permit
 19 from the Secretary is required, the Secretary shall provide
 20 to the applicant a record of decision that describes all ap-
 21 plicable conditions under the permit that will apply to the
 22 project.

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

24 (1) ESTABLISHMENT.—The Secretary shall es-
 25 tablish a board of appeals, to be known as the

1 “Corps of Engineers Board of Appeals” (referred to
2 in this subsection as the “Board”).

3 ~~(2)~~ MEMBERSHIP.—

4 ~~(A)~~ IN GENERAL.—The Board shall be
5 composed of 5 members, to be appointed by the
6 Secretary, of whom—

7 (i) 2 shall be representatives of State
8 water development commissions and agen-
9 cies with water storage needs;

10 (ii) 2 shall be representatives of the
11 Corps of Engineers; and

12 (iii) 1—

13 (I) shall be selected jointly by the
14 Secretary and the entities described in
15 clause (i); and

16 (II) shall not be a representative
17 of any entity described in clause (i) or
18 (ii).

19 ~~(B)~~ REQUIREMENTS.—In selecting mem-
20 bers to serve on the Board, the Secretary shall
21 ensure that each Board member—

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

23 and

1 (ii) is not from the same State in
2 which the project that is the subject of the
3 appeal is located.

4 (3) DUTIES.—

5 (A) IN GENERAL.—The Board shall make
6 determinations on—

7 (i) all appeals relating to a purpose
8 and need statement provided under sub-
9 section (a)(1); and

10 (ii) all appeals relating to the permit
11 conditions described in a record of decision
12 under subsection (b).

13 (B) DEADLINE.—The Board shall make a
14 determination regarding an appeal under sub-
15 paragraph (A) by not later than 90 days after
16 the date on which the appeal is filed with the
17 Board.

18 (C) FACTORS FOR CONSIDERATION.—In
19 making a determination under subparagraph
20 (A), the Board shall evaluate—

21 (i) in the case of an appeal described
22 in subparagraph (A)(i), any field assess-
23 ment of the Corps of Engineers regarding
24 the purpose of and need for the applicable
25 water storage project; and

1 (ii) in the case of an appeal described
 2 in subparagraph (A)(ii), any condition
 3 placed on a project under a permit based
 4 on the record of decision under subsection
 5 (b).

6 (4) CONSIDERATION BY DISTRICT ENGINEER.—

7 (A) IN GENERAL.—In the case of any de-
 8 termination of the Board under paragraph
 9 (3)(A), the applicable District Engineer shall
 10 reconsider the purpose and need statement or
 11 permit condition, as applicable, taking into con-
 12 sideration the determination of the Board under
 13 paragraph (3)(A).

14 (B) EXPLANATION.—If the District Engi-
 15 neer determines not to accept a determination
 16 under subparagraph (A), the District Engineer
 17 shall, not later than 90 days after the date on
 18 which the District Engineer receives the deter-
 19 mination, provide to the applicant and to the
 20 Board a written explanation as to why the Dis-
 21 trict Engineer rejected the determination.

22 **SEC. 1032. SENSE OF CONGRESS RELATING TO LOCAL ROLE**
 23 **IN CORPS PROJECTS.**

24 It is the sense of Congress that in a case in which
 25 a local non-Federal interest takes responsibility for certain

1 operation, maintenance, or capital improvement expenses
 2 of a project of the Secretary, the provision of funds by
 3 the local non-Federal interest results in savings to Federal
 4 taxpayers.

5 **SEC. 1033. SENSE OF CONGRESS RELATING TO STUDY OF**
 6 **WATER RESOURCES DEVELOPMENT PROJ-**
 7 **ECTS BY NON-FEDERAL INTERESTS.**

8 It is the sense of Congress that the amendment to
 9 section ~~203~~ of the Water Resources Development Act of
 10 1986 (~~33~~ U.S.C. 2231) made by section ~~1126~~ of the Water
 11 Infrastructure Improvements for the Nation Act (~~130~~
 12 Stat. 1648) was intended to supersede any conflicting
 13 laws.

14 **SEC. 1034. SENSE OF CONGRESS RELATING TO PROJECT**
 15 **PARTNERSHIP AGREEMENTS.**

16 It is the sense of Congress that the Secretary should
 17 simplify and expedite the process for addressing in-kind
 18 work in project partnership agreements—

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

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

1 **SEC. 1035. SENSE OF CONGRESS RELATING TO ENCOUR-**
2 **AGING RESILIENT TECHNIQUES AND HABI-**
3 **TAT CONNECTIVITY IN ECOSYSTEM RES-**
4 **TORATION.**

5 It is the sense of Congress that the Secretary should
6 ensure that infrastructure of the Secretary can endure ex-
7 treme weather, mitigate flooding and other negative im-
8 pacts on communities, and provide a significant return on
9 investment by—

10 (1) encouraging the use of resilient structural
11 or nonstructural construction techniques; and

12 (2) clarifying that nonstructural approaches,
13 techniques, and alternatives include natural and na-
14 ture-based solutions.

15 **SEC. 1036. ALTERATIONS TO LOCAL FLOOD CONTROL**
16 **PROJECTS.**

17 The District Engineer of each district of the Corps
18 of Engineers shall have the authority to implement exist-
19 ing authorities to approve alterations to local flood control
20 projects in accordance with section 208.10 of title 33,
21 Code of Federal Regulations (or successor regulations),
22 and all other applicable laws (including regulations).

1 **TITLE II—STUDIES, MODIFICA-**
 2 **TIONS, AND PROJECT AU-**
 3 **THORIZATIONS**

4 **Subtitle A—Studies**

5 **SEC. 2001. AUTHORIZATION OF PROPOSED FEASIBILITY**
 6 **STUDIES.**

7 The Secretary is authorized to conduct a feasibility
 8 study for the following projects for water resources devel-
 9 opment and conservation and other purposes, as identified
 10 in the reports titled “Report to Congress on Future Water
 11 Resources Development” submitted to Congress in March
 12 2017 and February 2018, respectively, pursuant to section
 13 7001 of the Water Resources Reform and Development
 14 Act of 2014 (33 U.S.C. 2282d) or otherwise reviewed by
 15 Congress:

16 (1) LOWER MISSISSIPPI RIVER, ARKANSAS, KEN-
 17 TUCKY, LOUISIANA, MISSOURI, MISSISSIPPI, AND
 18 TENNESSEE.—Project for water quality monitoring
 19 program and planning, engineering, and design for
 20 8 conservation reach habitat areas, Lower Mis-
 21 sissippi River, Arkansas, Kentucky, Louisiana, Mis-
 22 souri, Mississippi, and Tennessee.

23 (2) OUACHITA-BLACK RIVERS NAVIGATION
 24 PROJECT, ARKANSAS AND LOUISIANA.—Project for

1 navigation, Lower Little River, Arkansas and Lou-
2 isiana.

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

7 (4) NORTHSORE FLOOD RISK REDUCTION,
8 LOUISIANA.—Project for northshore flood risk reduc-
9 tion, St. Tammany Parish, Louisiana.

10 (5) ST. LOUIS RIVERFRONT-MERAMEEC RIVER
11 BASIN, MISSOURI.—Project for ecosystem restora-
12 tion, St. Louis riverfront-Meramee River Basin, Mis-
13 souri, authorized by the resolution adopted by the
14 Committee on Transportation and Infrastructure of
15 the House of Representatives on June 21, 2000, to
16 modify the project to add flood risk management as
17 a project purpose and to expand the study area to
18 include the entire Meramee River Basin.

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

22 (7) TRINITY RIVER AND TRIBUTARIES,
23 TEXAS.—Project for navigation, Trinity River and
24 tributaries, channel to Liberty, Texas.

1 (8) COASTAL VIRGINIA WATER RESOURCES, VIR-
 2 GINIA.—Project for hurricane and storm damage
 3 risk reduction, coastal Virginia water resources, Vir-
 4 ginia.

5 (9) TANGIER ISLAND, VIRGINIA.—Project for
 6 ecosystem restoration, flood risk management, and
 7 navigation, Tangier Island, Virginia.

8 **SEC. 2002. LOWER MISSOURI RIVER BANK STABILIZATION**
 9 **AND NAVIGATION.**

10 The Secretary is authorized to conduct a study on
 11 the function and reliability of the Lower Missouri River
 12 Bank stabilization and navigation project, authorized by
 13 the first section of the Act of July 25, 1912 (37 Stat.
 14 219, chapter 253).

15 **Subtitle B—Deauthorizations, Mod-**
 16 **ifications, and Related Provi-**
 17 **sions**

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

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

21 (1) by striking “\$492,000,000” and inserting
 22 “\$677,613,600”;

23 (2) by striking “\$214,000,000” and inserting
 24 “\$295,829,400”; and

1 (3) by striking “\$706,000,000” and inserting
2 “\$973,443,000”.

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

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

8 **SEC. 2103. WHITTIER NARROWS STUDY.**

9 (a) IN GENERAL.—Not later than 1 year after the
10 date of enactment of this Act, the Secretary shall complete
11 a study evaluating the impacts of removing 1 percent of
12 the flowage spreading grounds from the flood control ease-
13 ment granted for the Whittier Narrows dam for the
14 project on the San Gabriel River authorized by section 5
15 of the Act of June 22, 1936 (commonly known as the
16 “Flood Control Act of 1936”) (49 Stat. 1589, chapter
17 688).

18 (b) REPORT.—Not later than 1 year after the date
19 of enactment of this Act, the Secretary shall submit to
20 Congress a report describing the results of the study under
21 subsection (a).

22 **SEC. 2104. WEST TENNESSEE TRIBUTARIES PROJECT, TEN-**
23 **NESSEE.**

24 The West Tennessee tributaries project along the
25 Obion and Forked Deer Rivers, Tennessee, authorized by

1 section 203 of the Flood Control Act of 1948 (62 Stat.
 2 1178) and modified by section 207 of the Flood Control
 3 Act of 1966 (80 Stat. 1423), section 3(a) of the Water
 4 Resources Development Act of 1974 (88 Stat. 14), and
 5 section 183 of the Water Resources Development Act of
 6 1976 (90 Stat. 2940) is no longer authorized beginning
 7 on the date of enactment of this Act.

8 **SEC. 2105. BRIDGEPORT HARBOR-PEQUONNOCK RIVER**
 9 **NAVIGATION PROJECT, CONNECTICUT.**

10 The portions of the project for navigation, Bridgeport
 11 Harbor-Pequonnock River, Bridgeport, Connecticut, au-
 12 thorized by the first section of the Act of June 18, 1878
 13 (20 Stat. 158, chapter 264), the first section of the Act
 14 of August 11, 1888 (25 Stat. 401, chapter 860), the first
 15 section of the Act of March 3, 1899 (30 Stat. 1122, chap-
 16 ter 425), the first section of the Act of June 25, 1910
 17 (36 Stat. 633, chapter 382), and the first section of the
 18 Act of July 3, 1930 (46 Stat. 919, chapter 847), located
 19 north of Congress Street in Bridgeport, Connecticut, are
 20 no longer authorized beginning on the date of enactment
 21 of this Act.

22 **SEC. 2106. LEVEES L-212 AND L-231, FOUR RIVER BASIN,**
 23 **OCKLAWAHA RIVER, FLORIDA.**

24 The portions of the project for flood control and other
 25 purposes, Four River Basins, Florida, authorized by sec-

1 tion 203 of the Flood Control Act of 1962 (76 Stat. 1183),
 2 consisting of levees L-212 and L-231 along the
 3 Ocklawaha River, Florida, are no longer authorized begin-
 4 ning on the date of enactment of this Act.

5 **SEC. 2107. CORPS OF ENGINEERS BRIDGE REPAIR AND DI-**
 6 **VESTITURE PROGRAM FOR NEW ENGLAND**
 7 **EVACUATION ROUTES.**

8 (a) IN GENERAL.—Subject to the availability of ap-
 9 propriations, the Secretary may repair or replace, as nec-
 10 essary, any bridge owned and operated by the Secretary
 11 that is—

12 (1) located in any of the States of Connecticut,
 13 Maine, Massachusetts, New Hampshire, Rhode Is-
 14 land, and Vermont; and

15 (2) necessary for evacuation during an extreme
 16 weather event.

17 (b) SALE OR DIVESTMENT.—Notwithstanding any
 18 other provision of law, to the maximum extent practicable,
 19 after the completion of the repair or replacement of a
 20 bridge under subsection (a), the Secretary shall convey the
 21 bridge to a willing non-Federal entity, which shall assume
 22 ownership and responsibility for the operation and mainte-
 23 nance of the bridge.

1 **SEC. 2108. BOSTON HARBOR RESERVED CHANNEL**
 2 **DEAUTHORIZATIONS.**

3 (a) **40-FOOT RESERVED CHANNEL.—**

4 (1) **IN GENERAL.—**The portions of the project
 5 for navigation, Boston Harbor, Massachusetts, au-
 6 thorized by the first section of the Act of October
 7 17, 1940 (54 Stat. 1198, chapter 895), and modi-
 8 fied by section 101 of the River and Harbor Act of
 9 1958 (72 Stat. 297), section 101(a)(13) of the
 10 Water Resources Development Act of 1990 (104
 11 Stat. 4607), and section 7002(1) of the Water Re-
 12 sources Reform and Development Act of 2014 (128
 13 Stat. 1365) described in paragraph (2) are no longer
 14 authorized beginning on the date of enactment of
 15 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 2950154.45, E. 785995.64;

21 (ii) running southwesterly about
 22 1451.63 feet to a point N. 2950113.83, E.
 23 784544.58;

24 (iii) running southeasterly about
 25 54.00 feet to a point N. 2950059.85, E.
 26 784546.09;

1 (iv) running southwesterly about
 2 1335.82 feet to a point N. 2950022.48, E.
 3 783210.79;

4 (v) running northwesterly about 83.00
 5 feet to a point N. 2950105.44, E.
 6 783208.47;

7 (vi) running northeasterly about
 8 2787.45 feet to a point N. 2950183.44, E.
 9 785994.83; and

10 (vii) running southeasterly about
 11 29.00 feet to the point described in clause
 12 (i).

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

15 (i) beginning at a point N.
 16 2950502.86, E. 785540.84;

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

19 (iii) running southwesterly about
 20 25.67 feet to a point N. 2950480.84, E.
 21 785576.18;

22 (iv) running southwesterly to a point
 23 N. 2950414.32, E. 783199.83;

1 (v) running northwesterly about 8.00
 2 feet to a point N. 2950422.32, E.
 3 783199.60;

4 (vi) running northeasterly about
 5 2342.58 feet to a point N. 2950487.87, E.
 6 785541.26; and

7 (vii) running northwesterly about
 8 15.00 feet to the point described in clause
 9 (i).

10 (b) 35-FOOT RESERVED CHANNEL.—

11 (1) IN GENERAL.—The portions of the project
 12 for navigation, Boston Harbor, Massachusetts, au-
 13 thorized by the first section of the Act of October
 14 17, 1940 (54 Stat. 1198, chapter 895), and modi-
 15 fied by section 101 of the River and Harbor Act of
 16 1958 (72 Stat. 297) described in paragraph (2) are
 17 no longer authorized beginning on the date of enact-
 18 ment of this Act.

19 (2) AREAS DESCRIBED.—

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

22 (i) beginning at a point N.
 23 2950143.44, E. 787532.14;

1 (ii) running southeasterly about 22.21
 2 feet to a point N. 2950128.91, E.
 3 787548.93;

4 (iii) running southwesterly about
 5 4,339.42 feet to a point N. 2950007.48, E.
 6 783211.21;

7 (iv) running northwesterly about
 8 15.00 feet to a point N. 2950022.48, E.
 9 783210.79; and

10 (v) running northeasterly about
 11 4,323.05 feet to the point described in
 12 clause (i).

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

15 (i) beginning at a point N.
 16 2950502.86, E. 785540.84;

17 (ii) running southeasterly about 15.00
 18 feet to a point N. 2950487.87, E.
 19 785541.26;

20 (iii) running southwesterly about
 21 2342.58 feet to a point N. 2950422.32, E.
 22 783199.60;

23 (iv) running southeasterly about 8.00
 24 feet to a point N. 2950414.32, E.
 25 783199.83;

1 (v) running southwesterly about
 2 1339.12 feet to a point N. 2950376.85, E.
 3 781861.23;

4 (vi) running northwesterly about
 5 23.00 feet to a point N. 2950399.84, E.
 6 781860.59; and

7 (vii) running northeasterly about
 8 3681.70 feet to the point described in
 9 clause (i).

10 **SEC. 2109. PROJECT DEAUTHORIZATION AND STUDY EX-**
 11 **TENSIONS.**

12 (a) **PROJECT DEAUTHORIZATIONS.**—Section 6003(a)
 13 of the Water Resources Reform and Development Act of
 14 2014 (33 U.S.C. 579e(a)) is amended—

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

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

18 “(3) **CALCULATION.**—In calculating the time
 19 period under paragraph (1), the Secretary shall not
 20 include any period of time during which the project
 21 is being reviewed and awaiting a decision by the Sec-
 22 retary on a locally preferred plan for that project
 23 under section 1036(a).

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

4 (b) STUDY EXTENSIONS.—Section 1001(d)(4) of the
5 Water Resources Reform and Development Act of 2014
6 (~~33~~ U.S.C. 2282e(d)(4)) is amended by striking “7 years”
7 and inserting “10 years”.

8 **SEC. 2110. DEAUTHORIZATION OF INACTIVE STUDIES.**

9 (a) PURPOSES.—The purposes of this section are—
10 (1) to identify \$7,000,000,000 in feasibility
11 studies for water resources development projects
12 that have been authorized but are no longer viable
13 due to—

14 (A) a lack of local support;

15 (B) a lack of available Federal or non-Fed-
16 eral resources; or

17 (C) an authorizing purpose that is no
18 longer relevant;

19 (2) to create an expedited and definitive process
20 for Congress to deauthorize feasibility studies for
21 water resources development projects that are no
22 longer viable; and

23 (3) to allow the continued authorization of fea-
24 sibility studies for water resources development
25 projects that are viable.

1 (b) INTERIM DEAUTHORIZATION LIST.—

2 (1) IN GENERAL.—The Secretary shall develop
3 an interim deauthorization list that identifies each
4 feasibility study for a water resources development
5 project, or a separable element of a project (referred
6 to in this section as a “feasibility study”)—

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

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

12 (2) PUBLIC COMMENT AND CONSULTATION.—

13 (A) IN GENERAL.—The Secretary shall so-
14 licit comments from the public and from the
15 Governor of each applicable State on the in-
16 terim deauthorization list developed under para-
17 graph (1).

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

20 (3) SUBMISSION TO CONGRESS; PUBLICA-
21 TION.—Not later than 90 days after the date of the
22 close of the comment period under paragraph (2);
23 the Secretary shall—

24 (A) submit a revised interim deauthoriza-
25 tion list to the Committee on Environment and

1 Public Works of the Senate and the Committee
2 on Transportation and Infrastructure of the
3 House of Representatives; and

4 (B) publish the revised interim deauthor-
5 ization list in the Federal Register.

6 (c) FINAL DEAUTHORIZATION LIST.—

7 (1) IN GENERAL.—The Secretary shall develop
8 a final deauthorization list of feasibility studies from
9 the revised interim deauthorization list described in
10 subsection (b)(3).

11 (2) DEAUTHORIZATION AMOUNT.—

12 (A) PROPOSED FINAL LIST.—The Sec-
13 retary shall prepare a proposed final deauthor-
14 ization list of feasibility studies that have, in
15 the aggregate, an estimated Federal cost to
16 complete that is at least \$7,000,000,000.

17 (B) DETERMINATION OF FEDERAL COST
18 TO COMPLETE.—For purposes of subparagraph
19 (A), the Federal cost to complete shall take into
20 account any allowances authorized by section
21 902 of the Water Resources Development Act
22 of 1986 (33 U.S.C. 2280), as applied to the
23 most recent study schedule and cost estimate.

24 (3) IDENTIFICATION OF STUDIES.—

25 (A) SEQUENCING OF STUDIES.—

1 (i) IN GENERAL.—Except as provided
2 in clause (ii), the Secretary shall identify
3 feasibility studies for inclusion on the pro-
4 posed final deauthorization list according
5 to the order in which the feasibility studies
6 were authorized, beginning with the ear-
7 liest authorized feasibility study and end-
8 ing with the latest feasibility study nec-
9 essary to meet the aggregate amount
10 under paragraph (2)(A).

11 (ii) FACTORS TO CONSIDER.—The
12 Secretary may identify feasibility studies in
13 an order other than that established by
14 clause (i) if the Secretary determines, on a
15 case-by-case basis, that a feasibility study
16 is critical for interests of the United
17 States, based on the possible impact of the
18 project that is the subject of the feasibility
19 study on public health and safety, the na-
20 tional economy, or the environment.

21 (iii) CONSIDERATION OF PUBLIC COM-
22 MENTS.—In making determinations under
23 clause (ii), the Secretary shall consider any
24 comments received under subsection (b)(2).

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

4 (i) identifies each feasibility study on
5 the interim deauthorization list developed
6 under subsection (b) that is not included
7 on the proposed final deauthorization list;
8 and

9 (ii) describes the reasons why the fea-
10 sibility study is not included on the pro-
11 posed final list.

12 (4) PUBLIC COMMENT AND CONSULTATION.—

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

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

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

24 (A) submit a final deauthorization list and
25 an appendix to the final deauthorization list in

1 a report to the Committee on Environment and
2 Public Works of the Senate and the Committee
3 on Transportation and Infrastructure of the
4 House of Representatives; and

5 (B) publish the final deauthorization list
6 and the appendix to the final deauthorization
7 list in the Federal Register.

8 (d) DEAUTHORIZATION; CONGRESSIONAL REVIEW.—

9 (1) IN GENERAL.—After the expiration of the
10 180-day period beginning on the date of submission
11 of the final deauthorization list and appendix under
12 subsection (e), a feasibility study identified in the
13 final deauthorization list shall be deauthorized, un-
14 less Congress passes a joint resolution disapproving
15 the final deauthorization list prior to the end of that
16 period.

17 (2) NON-FEDERAL CONTRIBUTIONS.—

18 (A) IN GENERAL.—A feasibility study
19 identified in the final deauthorization list under
20 subsection (e) shall not be deauthorized under
21 this subsection if, before the expiration of the
22 180-day period referred to in paragraph (1),
23 the non-Federal interest for the feasibility study
24 provides sufficient funds to complete the feasi-
25 bility study.

1 (B) TREATMENT OF STUDIES.—Notwith-
2 standing subparagraph (A), each feasibility
3 study identified in the final deauthorization list
4 shall be treated as deauthorized for purposes of
5 the aggregate deauthorization amount described
6 in subsection (c)(2)(A).

7 (3) FEASIBILITY STUDIES IDENTIFIED IN AP-
8 PENDIX.—A feasibility study identified in the appen-
9 dix to the final deauthorization list shall remain sub-
10 ject to future deauthorization by Congress.

11 **Subtitle C—Water Resources** 12 **Infrastructure**

13 **SEC. 2201. PROJECT AUTHORIZATIONS.**

14 The following projects for water resources develop-
15 ment and conservation and other purposes, as identified
16 in the report entitled “Report to Congress on Future
17 Water Resources Development” submitted to Congress in
18 March 2017, pursuant to section 7001 of the Water Re-
19 sources Reform and Development Act of 2014 (33 U.S.C.
20 2282d) or otherwise reviewed by Congress, are authorized
21 to be carried out by the Secretary substantially in accord-
22 ance with the plans, and subject to the conditions, de-
23 scribed in the respective reports designated in this section:

1 (1) NAVIGATION.—

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

2 (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

3 (3) HURRICANE AND STORM DAMAGE RISK REDUCTION.—
4

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

A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Initial Costs and Estimated Renourishment Costs
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 **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—

1 (1) a description of the reasons of the Secretary
2 for deauthorizing the projects described in sub-
3 section (a); and

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

7 **SEC. 2203. ENVIRONMENTAL INFRASTRUCTURE PROJECTS.**

8 Section 219 of the Water Resources Development Act
9 of 1992 (106 Stat. 4835, 113 Stat. 334, 114 Stat.
10 2763A–219, 121 Stat. 1242, 121 Stat. 1261) is amend-
11 ed—

12 (1) in subsection (f)—

13 (A) in paragraph (25)—

14 (i) by striking “\$60,000,000” and in-
15 serting “\$90,000,000”;

16 (ii) by striking “Berkeley”; and

17 (iii) by striking “and Orangeberg”
18 and inserting “Orangeburg, and Sumter”;

19 (B) in paragraph (43), by striking
20 “\$35,000,000” and inserting “\$70,000,000”;
21 and

22 (C) by striking paragraph (121) and in-
23 serting the following:

1 “(121) CHARLOTTE COUNTY, FLORIDA.—
2 \$16,000,000 for wastewater infrastructure, Char-
3 lotte County, Florida.”; and

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

5 “(g) CONSIDERATION OF ADDITIONAL PROJECTS.—
6 The Secretary shall consider and complete an assessment
7 of the following projects:

8 “(1) MACOMB COUNTY, MICHIGAN.—The
9 project for wastewater infrastructure, Macomb
10 County, Michigan.

11 “(2) MILWAUKEE AND SHOREWOOD, WIS-
12 CONSIN.—The project for wastewater infrastructure,
13 Milwaukee and Shorewood, Wisconsin.”.

14 **SEC. 2204. CONDITIONAL REAUTHORIZATION OF ENVIRON-**
15 **MENTAL PROJECTS.**

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

21 (b) DESCRIPTION OF PROJECTS.—A project referred
22 to in subsection (a) is a project that—

23 (1) is an environmental project, as determined
24 by the Chief of Engineers;

1 (2) is described in section 219(f) of the Water
2 Resources Development Act of 1992 (106 Stat.
3 4835; 113 Stat. 334); and

4 (3) was authorized—

5 (A) pursuant to an amendment to that sec-
6 tion made by section 5158 of the Water Re-
7 sources Development Act of 2007 (121 Stat.
8 1258); and

9 (B) for an amount equal to not more than
10 \$2,000,000 for improvements to water related
11 infrastructure.

12 **SEC. 2205. SENSE OF CONGRESS RELATING TO WEST**
13 **HAVEN, CONNECTICUT.**

14 It is the sense of Congress that, to the maximum ex-
15 tent practicable, the Secretary should prioritize the project
16 for storm damage reduction, West Haven, Connecticut,
17 authorized by section 101 of the River and Harbor Act
18 of 1954 (68 Stat. 1254) and section 3 of the Act of Au-
19 gust 13, 1946 (60 Stat. 1056, chapter 960; 33 U.S.C.
20 426g).

21 **SEC. 2206. SENSE OF CONGRESS RELATING TO COASTAL**
22 **TEXAS STUDY.**

23 It is the sense of Congress that the Secretary should
24 expedite the completion of projects for flood damage re-
25 duction, hurricane and storm damage reduction, and eco-

1 system restoration in the coastal areas of Texas that are
 2 identified in the interim report due to be published in
 3 2018 that describes the tentatively selected plan developed
 4 in accordance with section 4091 of the Water Resources
 5 Development Act of 2007 (121 Stat. 1187).

6 **Subtitle D—Expedited and**
 7 **Modified Studies and Projects**

8 **SEC. 2301. RAHWAY RIVER BASIN FLOOD RISK MANAGE-**
 9 **MENT PROJECT.**

10 In accordance with section 1322(b)(2)(B) of the
 11 Water Infrastructure Improvements for the Nation Act
 12 (130 Stat. 1707), the Secretary shall expedite completion
 13 of the report for the project for flood risk management,
 14 Rahway River Basin, New Jersey, and, if the Secretary
 15 determines that the project is justified in the completed
 16 report, proceed directly to project preconstruction, engi-
 17 neering, and design in accordance with section 910 of the
 18 Water Resources Development Act of 1986 (33 U.S.C.
 19 2287).

20 **SEC. 2302. HUDSON-RARITAN ESTUARY COMPREHENSIVE**
 21 **RESTORATION PROJECT.**

22 The Secretary shall expedite the completion of the
 23 Hudson-Raritan Estuary Comprehensive Restoration
 24 Project—

25 (1) in a timely manner; and

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

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

5 The Secretary shall adhere to the proposed schedules
6 and avoid delays to the extent practicable with respect
7 to—

8 (1) the project for navigation, Providence River,
9 Rhode Island, authorized by the first section of the
10 Act of August 26, 1937 (~~50 Stat. 845~~, chapter 832)
11 and section 301 of the River and Harbor Act of
12 1965 (~~79 Stat. 1089~~);

13 (2) the feasibility study for the project for
14 coastal storm risk management, Pawcatuck River,
15 Rhode Island, authorized in the matter under the
16 heading “INVESTIGATIONS” under the heading
17 “CORPS OF ENGINEERS—CIVIL” under the heading
18 “DEPARTMENT OF THE ARMY” in title X of
19 division A of the Disaster Relief Appropriations Act,
20 2013 (Public Law 113–2, ~~127 Stat. 23~~); and

21 (3) the Rhode Island historical structure flood
22 hazard vulnerability assessment.

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

24 The Secretary shall expedite the project for flood risk
25 management at Cedar River, Cedar Rapids, Iowa, author-

1 ized by section 7002(2) of the Water Resources Reform
 2 and Development Act of 2014 (128 Stat. 1366).

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

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

9 **SEC. 2306. BRANDON ROAD STUDY.**

10 The Secretary shall complete a final feasibility report
 11 for the Great Lakes Mississippi River Interbasin Study
 12 Brandon Road Study, authorized under section 3061(d)
 13 of the Water Resources Development Act of 2007 (121
 14 Stat. 1121) and section 1538(b)(1) of MAP-21 (Public
 15 Law 112-141, 126 Stat. 586) by the original deadline of
 16 February 2019.

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

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

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

24 The Secretary shall expedite the project for naviga-
 25 tion for Portsmouth Harbor and the Piscataqua River au-

1 thORIZED by section 101 of the River and Harbor Act of
2 1962 (76 Stat. 1173).

3 **SEC. 2309. BLAIN ROAD FOOTBRIDGE, THOMPSON, CON-**
4 **NECTICUT.**

5 The Secretary shall proceed with the review of design
6 plans for the Blain Road footbridge over West Thompson
7 Lake, Thompson, Connecticut.

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

9 The Secretary shall comply with section 1185 of the
10 Water Infrastructure Improvements for the Nation Act
11 (130 Stat. 1680) with respect to the Table Rock Lake
12 Master Plan and Table Rock Lake Shoreline Management
13 Plan.

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

15 The Secretary shall consider the project for flood con-
16 trol at McCook Reservoir, Illinois, authorized by section
17 3(a)(5) of the Water Resources Development Act of 1988
18 (102 Stat. 4013; 110 Stat. 3716), a priority for the non-
19 Federal project implementation pilot project under section
20 1043(b) of the Water Resources Reform and Development
21 Act of 2014 (33 U.S.C. 2201 note; Public Law 113–121).

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

23 The Secretary shall expedite the review for the study
24 for navigation and channel deepening, Baptiste Collette

1 Bayou, Louisiana, under section 203 of the Water Re-
 2 sources Development Act of 1986 (33 U.S.C. 2231).

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

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

9 **SEC. 2314. LOUISIANA COASTAL AREA.**

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

15 **SEC. 2315. LOUISIANA COASTAL AREA—BARATARIA BASIN**
 16 **BARRIER.**

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

22 **SEC. 2316. WEST SHORE LAKE PONTCHARTRAIN, LOU-**
 23 **ISIANA.**

24 The Secretary shall expedite completion of the project
 25 for hurricane and storm damage risk reduction, West

1 Shore Lake Pontchartrain, Louisiana, authorized by sec-
2 tion 1401(3) of the Water Infrastructure Improvements
3 for the Nation Act (130 Stat. 1712).

4 **SEC. 2317. SOUTHWEST COASTAL LOUISIANA.**

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

11 **SEC. 2318. NEW YORK-NEW JERSEY HARBOR AND TRIBU-**
12 **TARIES FEASIBILITY STUDY.**

13 Not later than 90 days after the date of enactment
14 of this Act, the Secretary shall complete the New York-
15 New Jersey Harbor and Tributaries Focus Area Feasi-
16 bility Study authorized by the first section of the Act of
17 June 15, 1955 (69 Stat. 132, chapter 140).

18 **SEC. 2319. LOWER BRULE SHORELINE STABILIZATION**
19 **PROJECT.**

20 (a) IN GENERAL.—The Secretary shall carry out a
21 project for shoreline stabilization on the Lower Brule Res-
22 ervation, South Dakota, pursuant to section 203 of the
23 Water Resources Development Act of 2000 (33 U.S.C.
24 2269).

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

4 **SEC. 2320. HAMPTON HARBOR, NEW HAMPSHIRE, NAVIGA-**
5 **TION IMPROVEMENT PROJECT.**

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

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

13 Notwithstanding section 1001(a)(1) of the Water Re-
14 sources Reform and Development Act of 2014 (33 U.S.C.
15 2282e(a)(1)), the final feasibility report for coastal storm
16 management, back bays, New Jersey and Delaware, shall
17 be completed by the date that is not later than 6 years
18 after the date of initiation of the feasibility study for the
19 project.

20 **SEC. 2322. MINNESOTA LOCKS AND DAMS DIVESTMENT**
21 **STUDY.**

22 (a) EXPEDITED COMPLETION.—The Secretary shall
23 expedite completion of the study with respect to the dives-
24 titure of the locks and dams of the Secretary in Minnesota
25 in the St. Paul district of the Corps of Engineers.

1 (b) **PARTIAL DIVESTITURE.**—The Secretary shall in-
 2 clude in the report describing the result of the study de-
 3 scribed in subsection (a) an examination of—

4 (1) the possibility of the partial divestiture of
 5 the Secretary from the locks and dams described in
 6 that subsection; and

7 (2) possible changes to the use of those locks
 8 and dams.

9 **TITLE III—PRIMARY CORPS OF**
 10 **ENGINEERS ACTIVITIES**
 11 **Subtitle A—Continuing Authorities**
 12 **Programs**

13 **SEC. 3001. CORPS OF ENGINEERS CONTINUING AUTHORI-**
 14 **TIES PROGRAM.**

15 (a) **STORM AND HURRICANE RESTORATION AND IM-**
 16 **PACT MINIMIZATION PROGRAM.**—Section 3(c) of the Act
 17 of August 13, 1946 (60 Stat. 1056, chapter 960; 33
 18 U.S.C. 426g(e)) is amended—

19 (1) in paragraph (1), by striking
 20 “\$30,000,000” and inserting “\$45,000,000”; and

21 (2) in paragraph (2)(B), by striking
 22 “\$10,000,000” and inserting “\$15,000,000”.

23 (b) **SMALL RIVER AND HARBOR IMPROVEMENT**
 24 **PROJECTS.**—Section 107 of the River and Harbor Act of
 25 1960 (33 U.S.C. 577) is amended—

1 (1) in subsection (a), by striking
2 “\$50,000,000” and inserting “\$62,500,000”; and

3 (2) in subsection (b), by striking
4 “\$10,000,000” and inserting “\$12,500,000”.

5 (e) SHORE DAMAGE PREVENTION OR MITIGATION.—

6 Section 111 of the River and Harbor Act of 1968 (33
7 U.S.C. 426i) is amended—

8 (1) in subsection (e), by striking “\$10,000,000”
9 and inserting “\$15,000,000”; and

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

11 “(f) CERTAIN PROJECTS.—Subject to the availability
12 of appropriations, in the case of a project under this sec-
13 tion that, on the date of enactment of the America’s Water
14 Infrastructure Act of 2018, is authorized to be carried out
15 at a cost greater than \$10,000,000, the Secretary may
16 provide to the project an increase in funding equal to the
17 lesser of—

18 “(1) 50 percent of the authorized amount; and

19 “(2) \$5,000,000.”.

20 (d) REGIONAL SEDIMENT MANAGEMENT.—Section

21 204 of the Water Resources Development Act of 1992 (33

22 U.S.C. 2226) is amended—

23 (1) in subsection (e)(1)(C), by striking

24 “\$10,000,000” and inserting “\$12,500,000”; and

1 (2) in subsection (g), in the first sentence, by
2 striking “\$50,000,000” and inserting
3 “\$62,500,000”.

4 (e) SMALL FLOOD CONTROL PROJECTS.—Section
5 205 of the Flood Control Act of 1948 (33 U.S.C. 701s)
6 is amended—

7 (1) in the first sentence, by striking
8 “\$55,000,000” and inserting “\$82,500,000”; and

9 (2) in the third sentence, by striking
10 “\$10,000,000” and inserting “\$15,000,000”.

11 (f) AQUATIC ECOSYSTEM RESTORATION.—Section
12 206 of the Water Resources Development Act of 1996 (33
13 U.S.C. 2230) is amended—

14 (1) in subsection (a), by adding at the end the
15 following:

16 “~~(3)~~ REQUIREMENT.—In carrying out projects
17 under this section, the Secretary shall carry out—

18 “~~(A)~~ not less than 2 projects in areas with
19 a population of 80,000 or less; and

20 “~~(B)~~ not less than 2 projects in areas with
21 a population of 2,500,000 or more.”;

22 (2) in subsection (d), by striking
23 “\$10,000,000” and inserting “\$12,500,000”; and

24 (3) in subsection (e), by striking “\$50,000,000”
25 and inserting “\$62,500,000”.

1 ~~(g) PROJECT MODIFICATIONS FOR IMPROVEMENT OF~~
2 ~~ENVIRONMENT.—~~

3 ~~(1) IN GENERAL.—~~Section 1135 of the Water
4 Resources Development Act of 1986 (33 U.S.C.
5 2309a) is amended—

6 ~~(A)~~ in subsection ~~(d)~~, in the third sentence,
7 by striking “\$10,000,000” and inserting
8 “\$15,000,000”;

9 ~~(B)~~ in subsection ~~(h)~~, by striking
10 “\$40,000,000” and inserting “\$60,000,000”;

11 ~~(C)~~ by redesignating subsections ~~(h)~~ and
12 ~~(i)~~ as subsections ~~(i)~~ and ~~(j)~~, respectively; and

13 ~~(D)~~ by inserting after subsection ~~(g)~~ the
14 following:

15 “~~(h) PRIORITIZATION OF CERTAIN PROJECTS.—~~In
16 carrying out activities under this section in the Upper Mis-
17 souri River Basin, the Secretary shall give priority to
18 projects within that area that restore degraded ecosystems
19 through modification of existing flood risk management
20 projects.”.

21 ~~(2) CONFORMING AMENDMENT.—~~Section
22 4014(e)(1) of the Water Resources Reform and De-
23 velopment Act of 2014 (33 U.S.C. 2803a(e)(1)) is
24 amended by striking subparagraph ~~(B)~~ and inserting
25 the following:

1 “(B) Section 1135 of the Water Resources
2 Development Act of 1986 (33 U.S.C. 2309a).”.

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 **PART II—PORTS AND HARBORS**

4 **SEC. 3111. AUTHORIZATION OF APPROPRIATIONS FOR PUR-**
5 **CHASE OF HOPPER DREDGE.**

6 (a) **IN GENERAL.**—There is authorized to be appro-
7 priated to the Secretary \$150,000,000 for the purchase
8 of a hopper dredge.

9 (b) **USE OF HOPPER DREDGE.**—A hopper dredge
10 purchased with funds under subsection (a) shall be used
11 primarily in areas that have been consistently damaged
12 by extreme weather events.

13 **SEC. 3112. AUTHORIZATION OF APPROPRIATIONS FOR PUR-**
14 **CHASE OF MAT SINKING UNIT.**

15 There is authorized to be appropriated to the Sec-
16 retary \$125,000,000 for the purchase of a mat sinking
17 unit.

18 **SEC. 3113. HOPPER DREDGE AND MAT SINKING UNIT.**

19 It is the sense of Congress that, in considering the
20 least cost alternative for purchasing a hopper dredge and
21 mat sinking unit, the Corps of Engineers should consider
22 entering into a lease to purchase.

1 **SEC. 3114. SENSE OF CONGRESS RELATING TO KENNEBEC**
2 **RIVER FEDERAL NAVIGATION CHANNEL.**

3 It is the sense of Congress that periodic maintenance
4 dredging of the Federal navigation channel in the Ken-
5 nebec River, Maine, should be prioritized, based on a joint
6 plan developed by the Secretary and the Secretary of the
7 Navy.

8 **SEC. 3115. SENSE OF CONGRESS RELATING TO WIL-**
9 **MINGTON HARBOR DREDGING.**

10 It is the sense of Congress that the Secretary should
11 prioritize annual dredging for Wilmington Harbor, Dela-
12 ware.

13 **SEC. 3116. PORT OF ARLINGTON.**

14 The Secretary shall reimburse the Port of Arlington,
15 Gillam County, Oregon, not more than \$3,200,000, for the
16 costs incurred by the Port of Arlington for construction
17 and other expenses for the project described in the matter
18 under the heading "REGULATORY PROGRAM" under the
19 heading "CORPS OF ENGINEERS—CIVIL" under the head-
20 ing "DEPARTMENT OF THE ARMY" under the head-
21 ing of "DEPARTMENT OF DEFENSE—CIVIL" in
22 title I of division C of the Omnibus Appropriations Act,
23 2009 (Public Law 111–8; 123 Stat. 604), as authorized
24 under that provision.

1 **SEC. 3117. PEARL RIVER BASIN DEMONSTRATION PRO-**
2 **GRAM.**

3 (a) **DEFINITION OF ENVIRONMENTAL IMPACT**
4 **STATEMENT.**—In this section, the term “environmental
5 impact statement” means the detailed written statement
6 required under section 102(2)(C) of the National Environ-
7 mental Policy Act of 1969 (42 U.S.C. 4332(2)(C)).

8 (b) **DEMONSTRATION PROGRAM.**—The Secretary
9 shall establish a demonstration program to allow a project
10 authorized by section 211 of the Water Resources Devel-
11 opment Act of 1996 (33 U.S.C. 701b–13) (as in effect
12 on the day before the date of enactment of the Water Re-
13 sources Reform and Development Act of 2014 (128 Stat.
14 1193)) to begin preliminary engineering and design after
15 the completion of a feasibility study and an environmental
16 impact statement for the project.

17 (c) **REQUIREMENTS.**—For each project authorized to
18 begin preliminary engineering and design under subsection
19 (b)—

20 (1) the project shall conform to the feasibility
21 study approved by the headquarters office of the
22 Corps of Engineers and the environmental impact
23 statement for the project; and

24 (2) the Secretary and the non-Federal sponsor
25 shall jointly agree to the construction design of the
26 project.

1 (d) **REPAYMENT.**—If a project authorized to begin
2 preliminary engineering and design under subsection (b)
3 does not receive a favorable final decision document, the
4 non-Federal sponsor of the project shall repay any funds
5 provided under this section for the project.

6 (e) **SUNSET.**—The authority to carry out the dem-
7 onstration program under this section shall terminate on
8 the date that is 5 years after the date of enactment of
9 this Act.

10 **SEC. 3118. EXPEDITED INITIATION.**

11 Section 1322(b)(2) of the Water Infrastructure Im-
12 provements for the Nation Act (130 Stat. 1707) is amend-
13 ed in the matter preceding subparagraph (A) by striking
14 “if the Secretary” and all that follows through “2287)”
15 and inserting “once the general reevaluation report for the
16 project has been submitted for approval, shall immediately
17 initiate preconstruction engineering and design for the
18 project”.

19 **PART III—MISCELLANEOUS PROVISIONS**

20 **SEC. 3121. REPORT ON DEBRIS REMOVAL.**

21 Not later than 180 days after the date of enactment
22 of this Act, the Secretary shall submit to Congress and
23 make publicly available a report that describes—

1 (1) the extent to which the Secretary has car-
 2 ried out section 3 of the Act of March 2, 1945 (59
 3 Stat. 23, chapter 19; 33 U.S.C. 603a);

4 (2) how the Secretary has evaluated potential
 5 projects to be carried out under that section; and

6 (3) recommendations for the establishment of a
 7 pilot program to improve the implementation of that
 8 section.

9 **SEC. 3122. CAPE ARUNDEL DISPOSAL SITE, MAINE.**

10 Section 113 of the Energy and Water Development
 11 and Related Agencies Appropriations Act, 2014 (Public
 12 Law 113–76; 128 Stat. 158) is amended by striking “for
 13 5 years after the date of enactment of this Act” and in-
 14 serting “until December 31, 2021”.

15 **SEC. 3123. DELAWARE RIVER NAVIGATION PROJECT.**

16 Section 1131(3) of the Water Resources Development
 17 Act of 1986 (100 Stat. 4246) is amended by striking “ten
 18 feet” and inserting “35 feet”.

19 **SEC. 3124. SENSE OF CONGRESS RELATING TO EROSION ON**
 20 **THE BANKS OF THE OHIO RIVER NEAR**
 21 **CLARKSVILLE, INDIANA.**

22 It is the sense of Congress that the Secretary should
 23 use the authority provided to the Secretary under section
 24 9 of the Flood Control Act of 1946 (60 Stat. 643, chapter

1 596) to address erosion issues on the Ohio River near
 2 Clarksville, Indiana.

3 **Subtitle C—Locks, Dams, Levees,**
 4 **and Dikes**

5 **SEC. 3201. CERTAIN LEVEE IMPROVEMENTS.**

6 (a) IN GENERAL.—In the case of a levee described
 7 in subsection (b), the Secretary is encouraged to cooperate
 8 to the maximum extent practicable with non-Federal spon-
 9 sors to implement necessary improvements to the levee.

10 (b) LEVEES DESCRIBED.—A levee referred to in sub-
 11 section (a) is a levee that is—

12 (1) owned, operated, and maintained by the
 13 Secretary; and

14 (2) hydraulically tied to a community-owned
 15 levee that is not accredited by the Federal Emer-
 16 gency Management Agency in accordance with sec-
 17 tion 65.10 of title 44, Code of Federal Regulations
 18 (or successor regulations).

19 **SEC. 3202. REHABILITATION OF CORPS OF ENGINEERS**
 20 **CONSTRUCTED DAMS.**

21 Section 1177 of the Water Infrastructure Improve-
 22 ments for the Nation Act (33 U.S.C. 467f-2 note; Public
 23 Law 114-322) is amended—

24 (1) in subsection (e), by striking “\$10,000,000”
 25 and inserting “\$40,000,000”; and

1 (2) in subsection (f), by striking “\$10,000,000”
2 and inserting “\$40,000,000”.

3 **SEC. 3203. NON-FEDERAL DAMS.**

4 The Secretary may accept and expend funds from an
5 owner of a non-Federal dam for the review and revision
6 of water operations manuals and flood control curves if
7 the Secretary regulates the non-Federal facilities associ-
8 ated with the non-Federal dam under section 7 of the Act
9 of December 22, 1944 (commonly known as the “Flood
10 Control Act of 1944”) (58 Stat. 890, chapter 665; 33
11 U.S.C. 709).

12 **SEC. 3204. REAUTHORIZATION OF NATIONAL DAM SAFETY**
13 **PROGRAM ACT.**

14 Section 14 of the National Dam Safety Program Act
15 (33 U.S.C. 467j) is amended by striking “for each of fiscal
16 years 2015 through 2019” each place it appears and in-
17 serting “for each of fiscal years 2015 through 2021”.

18 **SEC. 3205. SENSE OF CONGRESS RELATING TO IMPLEMEN-**
19 **TATION GUIDANCE FOR DAM SAFETY REPAIR**
20 **PROJECTS.**

21 It is the sense of Congress that the Secretary should
22 expeditiously issue guidance as required under section
23 1139 of the Water Infrastructure Improvements for the
24 Nation Act (33 U.S.C. 467n note; Public Law 114-322).

1 **SEC. 3206. REAUTHORIZATION OF NATIONAL LEVEE SAFE-**
2 **TY PROGRAM.**

3 (a) LEVEE SAFETY INITIATIVE.—Section 9005 of the
4 Water Resources Development Act of 2007 (33 U.S.C.
5 3303a) is amended—

6 (1) in subsection (c), by adding at the end the
7 following:

8 “(6) UPDATES.—Not later than 1 year after
9 the date of enactment of the America’s Water Infra-
10 structure Act of 2018, the Secretary shall update
11 the guidelines issued under paragraph (1) in accord-
12 ance with this subsection.”;

13 (2) in subsection (g)—

14 (A) in paragraph (1), by adding at the end
15 the following:

16 “(D) UPDATE.—Not later than 1 year
17 after the date of enactment of the America’s
18 Water Infrastructure Act of 2018, the Sec-
19 retary shall update the guidelines issued under
20 subparagraph (A) in accordance with this para-
21 graph.”; and

22 (B) in paragraph (2)(E)(i), by striking
23 “for each of fiscal years 2015 through 2019”
24 and inserting “for each of fiscal years 2015
25 through 2021”; and

1 (3) in subsection (h)(3), by adding at the end
2 the following:

3 “(F) UPDATE.—Not later than 1 year
4 after the date of enactment of the America’s
5 Water Infrastructure Act of 2018, the Sec-
6 retary shall update the guidelines issued under
7 subparagraph (D).”.

8 (b) REPORTS.—Section 9006 of the Water Resources
9 Development Act of 2007 (33 U.S.C. 3303b) is amend-
10 ed—

11 (1) in subsection (b), by inserting “, and not
12 later than 1 year after the date of enactment of the
13 America’s Water Infrastructure Act of 2018,” after
14 “this subsection,”;

15 (2) in subsection (c), in the matter preceding
16 paragraph (1), by inserting “, and not later than 1
17 year after the date of enactment of the America’s
18 Water Infrastructure Act of 2018,” after “Water
19 Resources Development Act of 2016,”; and

20 (3) in subsection (d), in the matter preceding
21 paragraph (1), by inserting “, and not later than 1
22 year after the date of enactment of the America’s
23 Water Infrastructure Act of 2018,” after “Water
24 Resources Development Act of 2016,”.

1 (e) AUTHORIZATION OF APPROPRIATIONS.—Section
 2 9008 of the Water Resources Development Act of 2007
 3 (~~33~~ U.S.C. ~~3305~~) is amended—

4 (1) in the matter preceding paragraph (1), by
 5 striking “is” and inserting “are”; and

6 (2) by striking “for each of fiscal years 2015
 7 through 2019” each place it appears and inserting
 8 “for each of fiscal years 2015 through 2021”.

9 **SEC. 3207. REAUTHORIZATION OF LOCK OPERATIONS**
 10 **PILOT PROGRAM.**

11 Section 1017(f) of the Water Resources Reform and
 12 Development Act of 2014 (~~33~~ U.S.C. ~~2212~~ note; Public
 13 Law ~~113–121~~) is amended by striking “5 years” and in-
 14 serting “10 years”.

15 **SEC. 3208. RESTRICTED AREAS AT CORPS OF ENGINEERS**
 16 **DAMS.**

17 Section 2 of the Freedom to Fish Act (Public Law
 18 ~~113–13~~; ~~127~~ Stat. 449, ~~128~~ Stat. 1271) is amended by
 19 striking “4 years after the date of enactment of the Water
 20 Resources Reform and Development Act of 2014” each
 21 place it appears and inserting “5 years after the date of
 22 enactment of the America’s Water Infrastructure Act of
 23 2018”.

1 **SEC. 3209. CERTAIN BUREAU OF RECLAMATION DIKES.**

2 (a) **IN GENERAL.**—Notwithstanding any other provi-
 3 sion of law (including regulations), effective beginning on
 4 the date of enactment of this Act, the Federal share of
 5 the operations and maintenance costs of a dike described
 6 in subsection (b) shall be 100 percent.

7 (b) **DESCRIPTION OF DIKES.**—A dike referred to in
 8 subsection (a) is a dike—

9 (1) that is owned by the Bureau of Reclamation
 10 on the date of enactment of this Act;

11 (2) the construction of which was completed not
 12 later than December 31, 1945; and

13 (3) a corrective action study for which was com-
 14 pleted not later than December 31, 2015.

15 **SEC. 3210. REHABILITATION OF HIGH-HAZARD POTENTIAL**
 16 **DAMS.**

17 Section 8A of the National Dam Safety Program Act
 18 (~~33~~ U.S.C. 467f-2) is amended by striking subsection (e)
 19 and inserting the following:

20 “(e) **EMERGENCY ACTION PLANS.**—

21 “(1) **IN GENERAL.**—As a condition of receipt of
 22 assistance under this section, the non-Federal spon-
 23 sor shall demonstrate that an emergency action plan
 24 is in place to protect the safety of persons and prop-
 25 erty in the area potentially affected by a breach of
 26 the dam.

1 ~~“(2) INCLUSIONS.—An emergency action plan~~
 2 ~~under paragraph (1) shall address—~~

3 ~~“(A) incident detection, evaluation, and~~
 4 ~~emergency level determination;~~

5 ~~“(B) notification and communication;~~

6 ~~“(C) emergency actions;~~

7 ~~“(D) termination and follow-up; and~~

8 ~~“(E) public education and awareness of~~
 9 ~~the emergency action plan.”.~~

10 **SEC. 3211. MAINTENANCE OF HIGH RISK FLOOD CONTROL**
 11 **PROJECTS.**

12 In any case in which the Secretary has assumed, as
 13 of the date of enactment of this Act, responsibility for the
 14 maintenance of a project classified as class III under the
 15 Dam Safety Action Classification of the Corps of Engi-
 16 neers, the Secretary shall continue to be responsible for
 17 the maintenance of that project until the earlier of—

18 (1) the date on which the project is modified to
 19 reduce that risk and the Secretary determines that
 20 the project is no longer classified as class III under
 21 the Dam Safety Action Classification of the Corps of
 22 Engineers; and

23 (2) the date that is 15 years after the date of
 24 enactment of this Act.

1 **Subtitle D—Water Supply**

2 **SEC. 3301. AUTHORITY TO MAKE ENTIRE ACTIVE CAPACITY** 3 **OF FONTENELLE RESERVOIR AVAILABLE** 4 **FOR USE.**

5 (a) **IN GENERAL.**—The Secretary of the Interior (re-
6 ferred to in this section as the “Secretary”), in coopera-
7 tion with the State of Wyoming, may amend the Definite
8 Plan Report for the Seedskadee Project authorized under
9 the first section of the Act of April 11, 1956 (commonly
10 known as the “Colorado River Storage Project Act”) (43
11 U.S.C. 620), to provide for the study, design, planning,
12 and construction activities that will enable the use of all
13 active storage capacity (as may be defined or limited by
14 legal, hydrologic, structural, engineering, economic, and
15 environmental considerations) of Fontenelle Dam and
16 Reservoir, including the placement of sufficient riprap on
17 the upstream face of Fontenelle Dam to allow the active
18 storage capacity of Fontenelle Reservoir to be used for
19 those purposes for which the Seedskadee Project was au-
20 thorized.

21 (b) **COOPERATIVE AGREEMENTS.**—

22 (1) **IN GENERAL.**—The Secretary may enter
23 into any contract, grant, cooperative agreement, or
24 other agreement that is necessary to carry out sub-
25 section (a).

1 (2) STATE OF WYOMING.—

2 (A) IN GENERAL.—The Secretary shall
3 enter into a cooperative agreement with the
4 State of Wyoming to work in cooperation and
5 collaboratively with the State of Wyoming for
6 planning, design, related preconstruction activi-
7 ties, and construction of any modification of the
8 Fontenelle Dam under subsection (a).

9 (B) REQUIREMENTS.—The cooperative
10 agreement under subparagraph (A) shall, at a
11 minimum, specify the responsibilities of the
12 Secretary and the State of Wyoming with re-
13 spect to—

14 (i) completing the planning and final
15 design of the modification of the
16 Fontenelle Dam under subsection (a);

17 (ii) any environmental and cultural re-
18 source compliance activities required for
19 the modification of the Fontenelle Dam
20 under subsection (a) including compliance
21 with—

22 (H) the National Environmental
23 Policy Act of 1969 (42 U.S.C. 4321
24 et seq.);

1 (II) the Endangered Species Act
2 of 1973 (16 U.S.C. 1531 et seq.); and

3 (III) subdivision 2 of division A
4 of subtitle III of title 54, United
5 States Code; and

6 (iii) the construction of the modifica-
7 tion of the Fontenelle Dam under sub-
8 section (a).

9 (c) FUNDING BY STATE OF WYOMING.—Pursuant to
10 the Act of March 4, 1921 (41 Stat. 1404, chapter 161;
11 43 U.S.C. 395), and as a condition of providing any addi-
12 tional storage under subsection (a), the State of Wyoming
13 shall provide to the Secretary funds for any work carried
14 out under subsection (a).

15 (d) OTHER CONTRACTING AUTHORITY.—

16 (1) IN GENERAL.—The Secretary may enter
17 into contracts with the State of Wyoming, on such
18 terms and conditions as the Secretary and the State
19 of Wyoming may agree, for division of any addi-
20 tional active capacity made available under sub-
21 section (a).

22 (2) TERMS AND CONDITIONS.—Unless other-
23 wise agreed to by the Secretary and the State of
24 Wyoming, a contract entered into under paragraph
25 (1) shall be subject to the terms and conditions of

1 Bureau of Reclamation Contract No. ~~14-06-400-~~
2 ~~2474~~ and Bureau of Reclamation Contract No. ~~14-~~
3 ~~06-400-6193~~.

4 (e) SAVINGS PROVISIONS.—Unless expressly provided
5 in this section, nothing in this section modifies, conflicts
6 with, preempts, or otherwise affects—

7 (1) the Boulder Canyon Project Act (~~43~~ U.S.C.
8 617 et seq.);

9 (2) the Colorado River Compact of 1922, as ap-
10 proved by the Presidential Proclamation of June 25,
11 1929 (46 Stat. 3000);

12 (3) the Boulder Canyon Project Adjustment Act
13 (~~43~~ U.S.C. 618 et seq.);

14 (4) the Treaty between the United States of
15 America and Mexico relating to the utilization of
16 waters of the Colorado and Tijuana Rivers and of
17 the Rio Grande, and supplementary protocol signed
18 November 14, 1944, signed at Washington February
19 3, 1944 (59 Stat. 1219);

20 (5) the Upper Colorado River Basin Compact
21 as consented to by the Act of April 6, 1949 (~~63~~
22 Stat. 31);

23 (6) the Act of April 11, 1956 (commonly known
24 as the “Colorado River Storage Project Act”) (~~43~~
25 U.S.C. 620 et seq.);

1 (7) the Colorado River Basin Project Act (Pub-
2 lie Law 90-537; 82 Stat. 885); or

3 (8) any State of Wyoming or other State water
4 law.

5 **SEC. 3302. PRICING OF WATER STORAGE CONTRACTS.**

6 Section 7 of the Flood Control Act of 1944 (33
7 U.S.C. 709) is amended—

8 (1) by striking “such regulations: *Provided,*
9 That this section” and inserting the following:
10 “those regulations.

11 “(2) EXCEPTION.—This subsection”; and

12 (2) by striking the section designation and all
13 that follows through “It shall be the duty of the Sec-
14 retary of the Army to” and inserting the following:

15 **“SEC. 7. WATER STORAGE.**

16 **“(a) PRICING OF CONTRACTS.—**

17 **“(1) IN GENERAL.—**Subject to paragraph (2),
18 the Secretary of the Army shall price each water
19 storage contract entered into by the Secretary at fair
20 market value.

21 **“(2) FAIR MARKET VALUE REQUIREMENT.—**

22 For purposes of paragraph (1), the fair market
23 value of a water storage contract shall not exceed
24 110 percent of the lowest contracted price at any fa-
25 cility of the Corps of Engineers located within 50

1 miles of the water source covered by the contract, as
2 adjusted for inflation.

3 “(b) FLOOD CONTROL AND NAVIGATION.—

4 “(1) IN GENERAL.—Except as provided in para-
5 graph (2), the Secretary of the Army shall”.

6 **SEC. 3303. REPORT ON WATER SUPPLY CONTRACT, WRIGHT**
7 **PATMAN LAKE, TEXAS.**

8 Not later than June 30, 2019, the Secretary shall
9 submit to Congress a report on the status of the imple-
10 mentation of the water supply contract, Department of the
11 Army, Civil Works Contract No. 29-68-A-0130, at
12 Wright Patman Lake, Texas, that—

13 (1) describes the accomplishments or failures
14 relating to the implementation of that contract at
15 Wright Patman Lake;

16 (2) identifies—

17 (A) the activities that the Secretary ex-
18 pects to be necessary to complete the execution
19 of the contract;

20 (B) the expected completion date for each
21 activity identified under subparagraph (A); and

22 (C) the expected execution date of the con-
23 tract; and

1 (3) describes any adjustments to the timeline
2 for completion of the execution of the contract that
3 the Secretary determines to be necessary.

4 **SEC. 3304. SENSE OF CONGRESS RELATING TO WRIGHT**
5 **PATMAN LAKE, SULPHUR RIVER BASIN,**
6 **TEXAS.**

7 It is the sense of Congress that the Secretary should
8 implement the Department of the Army, Civil Works Con-
9 tract No. ~~29-68-A-0130~~, at Wright Patman Lake, Texas,
10 in an expeditious manner and in accordance with all appli-
11 cable Federal and State water laws, including through the
12 acceptance and expenditure of funds contributed by a non-
13 Federal interest for any study required by law.

14 **SEC. 3305. CITY RESERVOIR EXPANSION PILOT PROGRAM.**

15 (a) **IN GENERAL.**—The Secretary shall establish a
16 pilot program to expedite review of applications described
17 in subsection (b).

18 (b) **APPLICATIONS DESCRIBED.**—An application re-
19 ferred to in subsection (a) is an application for a permit
20 from the Secretary—

21 (1) to expand a reservoir for which not less
22 than 80 percent of the water rights are for commu-
23 nity drinking water supplies in order to accommo-
24 date projected water supply needs of a city with a
25 population of less than 80,000; and

1 (2) from a city in which—

2 (A) any portion of the water resources
3 available to the community are polluted by
4 chemicals used at a formerly used defense site
5 under the jurisdiction of the Department of De-
6 fense that is undergoing (or is scheduled to un-
7 dergo) environmental remediation under chap-
8 ter 160 of title 10, United States Code; and

9 (B) mitigation of the pollution described in
10 subparagraph (A) is ongoing.

11 (e) SUNSET.—The authority to carry out the pilot
12 program under this section shall terminate on the date
13 that is 10 years after the date of enactment of this Act.

14 **SEC. 3306. SENSE OF CONGRESS RELATING TO WATER-RE-**
15 **LATED INFRASTRUCTURE IN IDAHO, MON-**
16 **TANA, RURAL NEVADA, NEW MEXICO, RURAL**
17 **UTAH, AND WYOMING.**

18 It is the sense of Congress that appropriations au-
19 thorized by section 595(i) of the Water Resources Devel-
20 opment Act of 1999 (113 Stat. 384; 128 Stat. 1316; 130
21 Stat. 1681) should be maintained at an amount not less
22 than \$75,000,000.

1 **Subtitle E—Sediment Management**

2 **SEC. 3401. MISSOURI RIVER RESERVOIR SEDIMENT MAN-**
 3 **AGEMENT.**

4 Section 1179(a) of the Water Infrastructure Im-
 5 provements for the Nation Act (130 Stat. 1675) is amend-
 6 ed—

7 (1) by redesignating paragraphs (4) through
 8 (8) as paragraphs (5) through (9), respectively;

9 (2) by inserting after paragraph (3) the fol-
 10 lowing:

11 “(4) **PRIORITIZATION OF SEDIMENT MANAGE-**
 12 **MENT PLANS.**—In carrying out the pilot project
 13 under this subsection, the Secretary shall give pri-
 14 ority to developing and implementing sediment man-
 15 agement plans that affect reservoirs that cross State
 16 lines.”;

17 (3) in paragraph (8) (as so redesignated)—

18 (A) by redesignating subparagraph (B) as
 19 subparagraph (C); and

20 (B) by striking subparagraph (A) and in-
 21 serting the following:

22 “(A) **IN GENERAL.**—The Secretary shall
 23 carry out the pilot program established under
 24 this subsection in partnership with the Sec-
 25 retary of the Interior, and the program shall

1 apply to reservoirs managed or owned by the
2 Bureau of Reclamation.

3 “(B) MEMORANDUM OF AGREEMENT.—
4 For sediment management plans that apply to
5 a reservoir managed or owned by the Bureau of
6 Reclamation under subparagraph (A); the Sec-
7 retary and the Secretary of the Interior shall
8 execute a memorandum of agreement estab-
9 lishing the framework for a partnership and the
10 terms and conditions for sharing expertise and
11 resources.”; and

12 (4) by adding at the end the following:

13 “(10) PRIORITIZATION OF FUNDS.—To the
14 maximum extent practicable, in carrying out any
15 projects or programs of the Secretary or the Sec-
16 retary of the Interior, the Secretary and the Sec-
17 retary of the Interior, as applicable, shall give pri-
18 ority to activities under this subsection.”.

19 **SEC. 3402. RESERVOIR SEDIMENT.**

20 Section 215 of the Water Resources Development Act
21 of 2000 (33 U.S.C. 2326e) is amended—

22 (1) in subsection (a)—

23 (A) by striking “the date of enactment of
24 the Water Resources Development Act of 2016”
25 and inserting “the date of enactment of the

1 America’s Water Infrastructure Act of 2018”;
2 and

3 (B) by striking “shall establish, using
4 available funds, a pilot program to accept” and
5 inserting “shall, using available funds, accept”;
6 (2) in subsection (b)—

7 (A) in paragraph (2), by adding “and” at
8 the end;

9 (B) in paragraph (3), by striking “; and”
10 at the end and inserting a period; and

11 (C) by striking paragraph (4); and

12 (3) by striking subsection (f) and inserting the
13 following:

14 “(f) REPORT TO CONGRESS.—Not later than 3 years
15 after the date of enactment of the America’s Water Infra-
16 structure Act of 2018, the Secretary may submit to the
17 Committee on Environment and Public Works of the Sen-
18 ate and the Committee on Transportation and Infrastruc-
19 ture of the House of Representatives a report describing
20 the results of the program under this section.”.

21 **SEC. 3403. REGIONAL SEDIMENT MANAGEMENT.**

22 Section 204 of the Water Resources Development Act
23 of 1992 (33 U.S.C. 2326) is amended—

24 (1) in subsection (a)—

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

3 “(1) SEDIMENT USE.—For sediment obtained
4 through the construction, operation, or maintenance
5 of an authorized Federal water resources project or
6 a reclamation project, including Federal reservoirs
7 authorized for flood control, the Secretary (in con-
8 sultation with the Commissioner of Reclamation (re-
9 ferred to in this section as the ‘Commissioner’)) and,
10 subject to the availability of appropriations, the
11 Commissioner (in consultation with the Secretary),
12 as applicable, shall develop, at full Federal expense,
13 regional sediment management plans, and carry out
14 projects at locations identified in plans developed
15 under this section, or identified jointly by the non-
16 Federal interest and the Secretary or the Commis-
17 sioner, as applicable, for use in the construction, re-
18 pair, modification, or rehabilitation of projects asso-
19 ciated with Federal water resources projects and rec-
20 lamation projects for purposes listed in paragraph
21 (3).”;

22 (B) in paragraph (2), by inserting “or the
23 Commissioner, as applicable,” after “Sec-
24 retary”;

1 (C) in paragraph (3), in the matter pre-
2 ceding subparagraph (A), by inserting “and rec-
3 lamation projects” after “water resources
4 projects”; and

5 (D) in paragraph (4), by inserting “or the
6 Commissioner, as applicable,” after “Sec-
7 retary”;

8 (2) in subsection (b)—

9 (A) in the heading, by striking “SECRE-
10 TARIAL” and inserting “AGENCY”; and

11 (B) in the matter preceding paragraph (1),
12 by inserting “or the Commissioner, as applica-
13 ble,” after “Secretary”;

14 (3) in subsection (c)(1)—

15 (A) in subparagraph (A), by inserting “or
16 reclamation project” after “water resources
17 project”; and

18 (B) in subparagraph (B)(ii), by inserting
19 “or the Commissioner, as applicable,” after
20 “Secretary”;

21 (4) in subsection (d)—

22 (A) by inserting “or the Commissioner, as
23 applicable,” after “Secretary” each place it ap-
24 pears; and

1 (B) in paragraph (1), in the matter pre-
 2 ceding subparagraph (A), by inserting “or rec-
 3 lamation project” after “water resources
 4 project”;

5 (5) in subsection (e), in the matter preceding
 6 paragraph (1), by inserting “or the Commissioner,
 7 as applicable,” after “Secretary”; and

8 (6) in subsection (g), in the first sentence, by
 9 inserting “to the Secretary” after “appropriated”.

10 **Subtitle F—Flood Risk** 11 **Management**

12 **SEC. 3501. ICE JAM PREVENTION AND MITIGATION.**

13 Section 1150(c) of the Water Infrastructure Improve-
 14 ments for the Nation Act (33 U.S.C. 701s note; Public
 15 Law 114-322) is amended—

16 (1) in paragraph (1)—

17 (A) by striking “During fiscal years 2017
 18 through 2022, the Secretary” and inserting
 19 “~~The~~ Secretary”; and

20 (B) by striking “10 projects” and inserting
 21 “20 projects”;

22 (2) in paragraph (2)—

23 (A) by striking “shall ensure” and insert-
 24 ing the following : “shall—

25 “(A) ensure”;

1 (B) by striking the period at the end and
2 inserting “; and”; and

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

4 “(B) select not less than 1 project on a
5 reservation (as defined in section 3 of the In-
6 dian Financing Act of 1974 (25 U.S.C. 1452))
7 that serves more than 1 Indian tribe (as defined
8 in section 4 of the Indian Self-Determination
9 and Education Assistance Act (25 U.S.C.
10 5304)).”; and

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

12 “(3) **PRIORITIZATION.**—In selecting projects
13 under paragraph (1), the Secretary shall give pri-
14 ority to—

15 “(A) projects in the Upper Missouri River
16 Basin; and

17 “(B) projects in the Northeast.”.

18 **SEC. 3502. UPPER MISSOURI RIVER BASIN FLOOD AND**

19 **DROUGHT MONITORING.**

20 Section 4003(a) of the Water Resources Reform and
21 Development Act of 2014 (128 Stat. 1311, 130 Stat.
22 1677) is amended by adding at the end the following:

23 “(6) **PRIORITIZATION.**—To the maximum ex-
24 tent practicable, in carrying out any projects or pro-

1 grams of the Secretary, the Secretary shall give pri-
2 ority to activities under this subsection.”.

3 **SEC. 3503. POLICIES THAT IMPACT FLOOD FIGHT MANAGE-**
4 **MENT PROJECTS WITHIN URBAN AREAS.**

5 Not later than 1 year after the date of enactment
6 of this Act, the Secretary shall carry out a study on—
7 (1) flooding within urban floodplains; and
8 (2) the Federal policy constraints on the ability
9 of the Secretary to address urban flooding, includ-
10 ing—

11 (A) the regulations under part 238 of title
12 33, Code of Federal Regulations (as in effect on
13 the date of enactment of this Act); and

14 (B) the limitation under section
15 238.7(a)(1) of that title (as in effect on the
16 date of enactment of this Act) that allows the
17 Secretary to provide assistance only where the
18 flood discharge of a stream or waterway within
19 an urban area is greater than 800 cubic feet
20 per second for the 10-percent flood.

21 **SEC. 3504. MISSOURI RIVER AND TRIBUTARIES AT KANSAS**
22 **CITIES, MISSOURI AND KANSAS.**

23 (a) IN GENERAL.—The project for flood damage re-
24 duction, Argentine, East Bottoms, Fairfax—Jersey Creek,
25 and North Kansas Levees Units, Missouri River and tribu-

1 taries at Kansas Cities, Missouri and Kansas, authorized
2 by section 1001(28) of the Water Resources Development
3 Act of 2007 (121 Stat. 1054), is modified to include the
4 Armourdale and Central Industrial District Levee Units,
5 to be carried out by the Secretary substantially in accord-
6 ance with the plans, and subject to the conditions, de-
7 scribed in the report of the Chief of Engineers, dated Jan-
8 uary 27, 2015, at an additional total cost of
9 \$328,110,000, with an estimated Federal cost of
10 \$213,271,500 and an estimated non-Federal cost of
11 \$114,838,500.

12 (b) SINGLE PROJECT.—The projects described in
13 subsection (a) shall be considered a single project for
14 budgeting purposes and shall not be subject to a new start
15 decision or new investment decision.

16 (c) CONFORMING AMENDMENT.—Item 2 of the table
17 in section 1401(2) of the Water Infrastructure Improve-
18 ments for the Nation Act (130 Stat. 1710) (relating to
19 Armourdale and Central Industrial District Levee Units,
20 Missouri River and Tributaries at Kansas Citys) is re-
21 pealed.

1 **Subtitle G—River Basins,**
 2 **Watersheds, and Coastal Areas**

3 **SEC. 3601. LONG-TERM FLOOD RISK REDUCTION, UPPER**
 4 **MISSOURI RIVER BASIN, SNAKE RIVER BASIN,**
 5 **AND RED RIVER BASIN.**

6 Section 5 of the Act of August 18, 1941 (commonly
 7 known as the “Flood Control Act of 1941”) (55 Stat. 650,
 8 chapter 377; 33 U.S.C. 701n), is amended by adding at
 9 the end the following:

10 ~~“(f) LONG-TERM FLOOD-RISK REDUCTION.—~~

11 ~~“(1) IN GENERAL.—The Secretary shall provide~~
 12 ~~assistance for the operation and maintenance of any~~
 13 ~~project constructed under this section that, as deter-~~
 14 ~~mined by the Secretary, becomes permanent due to~~
 15 ~~the extended presence of assistance from the Sec-~~
 16 ~~retary under subsection (a).~~

17 ~~“(2) NO TIME LIMITATION.—Notwithstanding~~
 18 ~~any other provision of this section or any other law,~~
 19 ~~the Secretary may provide assistance under this sub-~~
 20 ~~section for any period of time, as determined by the~~
 21 ~~Secretary.~~

22 ~~“(3) COST-SHARE.—The cost of operation and~~
 23 ~~maintenance provided under this subsection for a~~
 24 ~~project shall be subject to the cost-sharing provisions~~
 25 ~~that would otherwise apply to such a project.~~

1 “(4) **TERMINATION.**—The authority to provide
2 assistance under this subsection terminates on the
3 date that is 10 years after the date of enactment of
4 the America’s Water Infrastructure Act of 2018.”.

5 **SEC. 3602. SENSE OF CONGRESS RELATING TO PROVISION**
6 **OF RESOURCES FOR EMERGENCY INFRA-**
7 **STRUCTURE REPAIRS.**

8 It is the sense of Congress that the Secretary should
9 use all existing authorities of the Secretary to accept and
10 use resources provided by a non-Federal entity under sec-
11 tion 1024 of the Water Resources Reform and Develop-
12 ment Act of 2014 (33 U.S.C. 2325a) to carry out emer-
13 gency infrastructure repairs, regardless of the cause of the
14 emergency.

15 **SEC. 3603. SENSE OF CONGRESS ON EMERGENCY MANAGE-**
16 **MENT ASSISTANCE.**

17 It is the sense of Congress that the Secretary should
18 provide technical assistance and other support to State
19 emergency management agencies to assist in the develop-
20 ment of handbooks for floodplain managers that—

- 21 (1) include policies to help manage the risks of
22 coastal and river flooding; and
23 (2) consider coastal protection solutions that
24 promote resilience, such as living shorelines, and re-
25 gional sediment management.

1 **SEC. 3604. GREAT LAKES FISH AND WILDLIFE RESTORA-**
2 **TION ACT OF 1990.**

3 Section 1009 of the Great Lakes Fish and Wildlife
4 Restoration Act of 1990 (16 U.S.C. 941g) is amended by
5 striking subsection (a) and inserting the following:

6 “(a) **IN GENERAL.**—There are authorized to be ap-
7 propriated to the Director—

8 “(1) for fiscal year 2019—

9 “(A) \$6,600,000 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 $3\frac{1}{3}$
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) \$2,200,000, 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;

26 “(2) for fiscal year 2020—

1 “(A) \$7,200,000 to implement fish and
2 wildlife restoration proposals and regional
3 projects selected by the Director under section
4 1005(d), of which—

5 “(i) not more than the lesser of $33\frac{1}{3}$
6 percent and \$2,000,000 may be allocated
7 to implement regional projects; and

8 “(ii) the lesser of 5 percent and
9 \$300,000 shall be allocated to the United
10 States Fish and Wildlife Service to cover
11 costs incurred in administering the pro-
12 posals by any entity; and

13 “(B) \$2,400,000, which shall be allocated
14 for the activities of the Upper Great Lakes Fish
15 and Wildlife Conservation Offices and the
16 Lower Great Lakes Fish and Wildlife Conserva-
17 tion Office under section 1007; and

18 “(3) for fiscal year 2021—

19 “(A) \$7,800,000 to implement fish and
20 wildlife restoration proposals and regional
21 projects selected by the Director under section
22 1005(d), of which—

23 “(i) not more than the lesser of $33\frac{1}{3}$
24 percent and \$2,000,000 may be allocated
25 to implement regional projects; and

1 “(ii) the lesser of 5 percent and
2 \$300,000 shall be allocated to the United
3 States Fish and Wildlife Service to cover
4 costs incurred in administering the pro-
5 posals by any entity; and

6 “(B) \$2,600,000, which shall be allocated
7 for the activities of the Upper Great Lakes Fish
8 and Wildlife Conservation Offices and the
9 Lower Great Lakes Fish and Wildlife Conserva-
10 tion Office under section 1007.”.

11 **SEC. 3605. GREAT LAKES RESTORATION INITIATIVE.**

12 Section 118(c)(7)(J) of the Federal Water Pollution
13 Control Act (~~33 U.S.C. 1268(c)(7)(J)~~) is amended by
14 striking clause (i) and inserting the following:

15 “(i) **IN GENERAL.**—There are author-
16 ized to be appropriated to carry out this
17 paragraph—

18 “(I) \$330,000,000 for fiscal year
19 2019;

20 “(II) \$360,000,000 for fiscal
21 year 2020; and

22 “(III) \$390,000,000 for fiscal
23 year 2021.”.

1 **SEC. 3606. GREAT LAKES COASTAL RESILIENCY STUDY.**

2 The Secretary shall carry out the proposed Great
3 Lakes coastal resiliency study under section 729 of the
4 Water Resources Development Act of 1986 (33 U.S.C.
5 2267a)—

6 (1) to conduct an assessment of water resources
7 needs in the Great Lakes; and

8 (2) to prioritize efforts to study issues in the
9 Great Lakes, including lake level fluctuations, ero-
10 sion, flooding, nutrient runoff, aging infrastructure,
11 and economic and recreational issues.

12 **SEC. 3607. SPECIAL RULE FOR BEACH NOURISHMENT.**

13 Section 156(e) of the Water Resources Development
14 Act of 1976 (42 U.S.C. 1962d–5f(e)) is amended by strik-
15 ing “the date of enactment of the Water Resources Re-
16 form and Development Act of 2014” and inserting “the
17 date of enactment of the America’s Water Infrastructure
18 Act of 2018”.

19 **SEC. 3608. EXTENSION FOR CERTAIN COASTAL STORM DAM-
20 AGE REDUCTION PROGRAMS.**

21 Section 156(e) of the Water Resources Development
22 Act of 1976 (42 U.S.C. 1962d–5f(e)) is amended by in-
23 serting “or within the 5-year period beginning on the date
24 of enactment of the America’s Water Infrastructure Act
25 of 2018” after “Water Resources Reform and Develop-
26 ment Act of 2014”.

1 **SEC. 3609. SNAKE RIVER BASIN FLOOD PREVENTION AC-**
2 **TION PLAN.**

3 (a) **IN GENERAL.**—As soon as practicable after the
4 date of enactment of this Act, the Secretary, in consulta-
5 tion with the Commissioner of Reclamation, shall develop
6 a flood prevention action plan for each State or portion
7 of a State within the Snake River Basin.

8 (b) **REQUIREMENTS.**—A flood prevention action plan
9 under subsection (a) shall—

10 (1) focus on the areas most likely to experience
11 flooding within the next 2 years;

12 (2) include steps to manage and reduce flood
13 risks within the Snake River Basin; and

14 (3) include a description of the actions the Sec-
15 retary and the Commissioner of Reclamation plan to
16 take to improve coordination with local stakeholders
17 to help manage and reduce flood risks in the areas
18 described in paragraph (1).

19 (c) **SUBMISSION.**—Not later than 180 days after the
20 date of enactment of this Act, after coordinating with local
21 stakeholders, the Secretary shall submit to the Committee
22 on Environment and Public Works of the Senate and the
23 Committee on Transportation and Infrastructure of the
24 House of Representatives the flood prevention plans devel-
25 oped under subsection (a).

1 **SEC. 3610. AUTHORIZATION OF APPROPRIATIONS FOR CO-**
 2 **LUMBIA RIVER BASIN RESTORATION.**

3 Section 123(d) of the Federal Water Pollution Con-
 4 trol Act (33 U.S.C. 1275(d)) is amended by adding at the
 5 end the following:

6 “(6) AUTHORIZATION OF APPROPRIATIONS.—

7 There are authorized to be appropriated to carry out
 8 this subsection—

9 “(A) \$5,000,000 for fiscal year 2019; and

10 “(B) \$30,000,000 for each of fiscal years
 11 2020 and 2021.”.

12 **Subtitle H—Environmental**
 13 **Management**

14 **SEC. 3701. REAUTHORIZATION OF RIO GRANDE ENVIRON-**
 15 **MENTAL MANAGEMENT PROGRAM.**

16 Section 5056(f) of the Water Resources Development
 17 Act of 2007 (121 Stat. 1214; 128 Stat. 1315) is amended
 18 by striking “each of fiscal years 2008 through 2019” and
 19 inserting “each of fiscal years 2008 through 2021”.

20 **SEC. 3702. AMENDMENTS TO LONG ISLAND SOUND PRO-**
 21 **GRAMS.**

22 (a) LONG ISLAND SOUND RESTORATION PRO-
 23 GRAM.—Section 119 of the Federal Water Pollution Con-
 24 trol Act (33 U.S.C. 1269) is amended—

1 (1) in subsection (b), by striking the subsection
2 designation and heading and all that follows through
3 “The Office shall” and inserting the following:

4 “(b) OFFICE.—

5 “~~(1) ESTABLISHMENT.—The Administrator~~
6 shall—

7 “~~(A) continue to carry out the conference~~
8 study; and

9 “~~(B) establish an office, to be located on~~
10 or near Long Island Sound.

11 “~~(2) ADMINISTRATION AND STAFFING.—The~~
12 Office shall”;

13 (2) in subsection (c)—

14 (A) in the matter preceding paragraph (1),
15 by striking “Management Conference of the
16 Long Island Sound Study” and inserting “con-
17 ference study”;

18 (B) in paragraph (2)—

19 (i) in each of subparagraphs (A)
20 through (G), by striking the commas at
21 the end of the subparagraphs and inserting
22 semicolons;

23 (ii) in subparagraph (H), by striking
24 “, and” and inserting a semicolon;

1 (iii) in subparagraph (I), by striking
2 the period at the end and inserting a semi-
3 colon; and

4 (iv) by adding at the end the fol-
5 lowing:

6 “(J) environmental impacts on the Long
7 Island Sound watershed, including—

8 “(i) the identification and assessment
9 of vulnerabilities in the watershed;

10 “(ii) the development and implementa-
11 tion of adaptation strategies to reduce
12 those vulnerabilities; and

13 “(iii) the identification and assess-
14 ment of the impacts of sea level rise on
15 water quality, habitat, and infrastructure;
16 and

17 “(K) planning initiatives for Long Island
18 Sound that identify the areas that are most
19 suitable for various types or classes of activities
20 in order to reduce conflicts among uses, reduce
21 adverse environmental impacts, facilitate com-
22 patible uses, or preserve critical ecosystem serv-
23 ices to meet economic, environmental, security,
24 or social objectives;”;

1 (C) by striking paragraph (4) and insert-
2 ing the following:

3 “(4) develop and implement strategies to in-
4 crease public education and awareness with respect
5 to the ecological health and water quality conditions
6 of Long Island Sound;”;

7 (D) in paragraph (5), by inserting “study”
8 after “conference”;

9 (E) in paragraph (6)—

10 (i) by inserting “(including on the
11 Internet)” after “the public”; and

12 (ii) by inserting “study” after “con-
13 ference”; and

14 (F) by striking paragraph (7) and insert-
15 ing the following:

16 “(7) monitor the progress made toward meeting
17 the identified goals, actions, and schedules of the
18 Comprehensive Conservation and Management Plan,
19 including through the implementation and support
20 of a monitoring system for the ecological health and
21 water quality conditions of Long Island Sound;
22 and”;

23 (3) in subsection (d)(3), in the second sentence,
24 by striking “50 per centum” and inserting “60 per-
25 cent”;

1 (4) by redesignating subsection (f) as sub-
2 section (i); and

3 (5) by inserting after subsection (e) the fol-
4 lowing:

5 “(f) REPORT.—

6 “(1) IN GENERAL.—Not later than 2 years
7 after the date of enactment of the America’s Water
8 Infrastructure Act of 2018, and biennially there-
9 after, the Director of the Office, in consultation with
10 the Governor of each Long Island Sound State, shall
11 submit to Congress a report that—

12 “(A) summarizes and assesses the progress
13 made by the Office and the Long Island Sound
14 States in implementing the Long Island Sound
15 Comprehensive Conservation and Management
16 Plan, including an assessment of the progress
17 made toward meeting the performance goals
18 and milestones contained in the Plan;

19 “(B) assesses the key ecological attributes
20 that reflect the health of the ecosystem of the
21 Long Island Sound watershed;

22 “(C) describes any substantive modifica-
23 tions to the Long Island Sound Comprehensive
24 Conservation and Management Plan made dur-

1 ing the 2-year period preceding the date of sub-
2 mission of the report;

3 “(D) provides specific recommendations to
4 improve progress in restoring and protecting
5 the Long Island Sound watershed, including, as
6 appropriate, proposed modifications to the Long
7 Island Sound Comprehensive Conservation and
8 Management Plan;

9 “(E) identifies priority actions for imple-
10 mentation of the Long Island Sound Com-
11 prehensive Conservation and Management Plan
12 for the 2-year period following the date of sub-
13 mission of the report; and

14 “(F) describes the means by which Federal
15 funding and actions will be coordinated with the
16 actions of the Long Island Sound States and
17 other entities.

18 “(2) PUBLIC AVAILABILITY.—The Adminis-
19 trator shall make the report described in paragraph
20 (1) available to the public, including on the Internet.

21 “(g) ANNUAL BUDGET PLAN.—The President shall
22 submit, together with the annual budget of the United
23 States Government submitted under section 1105(a) of
24 title 31, United States Code, information regarding each
25 Federal department and agency involved in the protection

1 and restoration of the Long Island Sound watershed, in-
2 cluding—

3 “(1) an interagency crosscut budget that dis-
4 plays for each department and agency—

5 “(A) the amount obligated during the pre-
6 ceeding fiscal year for protection and restoration
7 projects and studies relating to the watershed;

8 “(B) the estimated budget for the current
9 fiscal year for protection and restoration
10 projects and studies relating to the watershed;
11 and

12 “(C) the proposed budget for succeeding
13 fiscal years for protection and restoration
14 projects and studies relating to the watershed;
15 and

16 “(2) a summary of any proposed modifications
17 to the Long Island Sound Comprehensive Conserva-
18 tion and Management Plan for the following fiscal
19 year.

20 “(h) FEDERAL ENTITIES.—

21 “(1) COORDINATION.—The Administrator shall
22 coordinate the actions of all Federal departments
23 and agencies that impact water quality in the Long
24 Island Sound watershed in order to improve the
25 water quality and living resources of the watershed.

1 “(2) METHODS.—In carrying out this section,
2 the Administrator, acting through the Director of
3 the Office, may—

4 “(A) enter into interagency agreements;

5 and

6 “(B) make intergovernmental personnel
7 appointments.

8 “(3) FEDERAL PARTICIPATION IN WATERSHED
9 PLANNING.—A Federal department or agency that
10 owns or occupies real property, or carries out activi-
11 ties, within the Long Island Sound watershed shall
12 participate in regional and subwatershed planning,
13 protection, and restoration activities with respect to
14 the watershed.

15 “(4) CONSISTENCY WITH COMPREHENSIVE CON-
16 SERVATION AND MANAGEMENT PLAN.—To the max-
17 imum extent practicable, the head of each Federal
18 department and agency that owns or occupies real
19 property, or carries out activities, within the Long
20 Island Sound watershed shall ensure that the prop-
21 erty and all activities carried out by the department
22 or agency are consistent with the Long Island Sound
23 Comprehensive Conservation and Management Plan
24 (including any related subsequent agreements and
25 plans).”.

1 (b) LONG ISLAND SOUND STEWARDSHIP PRO-
2 GRAM.—

3 (1) LONG ISLAND SOUND STEWARDSHIP ADVI-
4 SORY COMMITTEE.—Section 8 of the Long Island
5 Sound Stewardship Act of 2006 (33 U.S.C. 1269
6 note; Public Law 109–359) is amended—

7 (A) in subsection (g), by striking “2011”
8 and inserting “2021”; and

9 (B) by adding at the end the following:

10 “(h) NONAPPLICABILITY OF FACA.—The Federal
11 Advisory Committee Act (5 U.S.C. App.) shall not apply
12 to—

13 “(1) the Advisory Committee; or

14 “(2) any board, committee, or other group es-
15 tablished under this Act.”.

16 (2) REPORTS.—Section 9(b)(1) of the Long Is-
17 land Sound Stewardship Act of 2006 (33 U.S.C.
18 1269 note; Public Law 109–359) is amended in the
19 matter preceding subparagraph (A) by striking “fis-
20 cal years 2007 through 2011” and inserting “fiscal
21 years 2019 through 2021”.

22 (3) AUTHORIZATION.—Section 11 of the Long
23 Island Sound Stewardship Act of 2006 (33 U.S.C.
24 1269 note; Public Law 109–359) is amended—

25 (A) by striking subsection (a);

1 (B) by redesignating subsections (b)
2 through (d) as subsections (a) through (e), re-
3 spectively; and

4 (C) in subsection (a) (as so redesignated),
5 by striking “under this section each” and in-
6 serting “to carry out this Act for a”.

7 (4) EFFECTIVE DATE.—The amendments made
8 by this subsection take effect on October 1, 2018.

9 (c) REAUTHORIZATION OF LONG ISLAND SOUND
10 PROGRAMS.—

11 (1) IN GENERAL.—There are authorized to be
12 appropriated to the Administrator of the Environ-
13 mental Protection Agency such sums as are nec-
14 essary for each of fiscal years 2019 through 2021
15 for the implementation of—

16 (A) section 119 of the Federal Water Pol-
17 lution Control Act (33 U.S.C. 1269), other than
18 subsection (d) of that section; and

19 (B) the Long Island Sound Stewardship
20 Act of 2006 (33 U.S.C. 1269 note; Public Law
21 109–359).

22 (2) LONG ISLAND SOUND GRANTS.—There is
23 authorized to be appropriated to the Administrator
24 of the Environmental Protection Agency to carry out
25 section 119(d) of the Federal Water Pollution Con-

1 trol Act (33 U.S.C. 1269(d)) \$40,000,000 for each
2 of fiscal years 2019 through 2021.

3 (3) LONG ISLAND SOUND STEWARDSHIP
4 GRANTS.—There is authorized to be appropriated to
5 the Administrator of the Environmental Protection
6 Agency to carry out the Long Island Sound Stew-
7 ardship Act of 2006 (33 U.S.C. 1269 note; Public
8 Law 109–359) \$25,000,000 for each of fiscal years
9 2019 through 2021.

10 **SEC. 3703. SENSE OF CONGRESS RELATING TO THE CAÑO**

11 **MARTÍN PEÑA ECOSYSTEM RESTORATION**

12 **PROJECT.**

13 It is the sense of Congress that the Secretary should
14 advance the project for ecosystem restoration, Caño
15 Martín Peña, Puerto Rico.

16 **Subtitle I—Tribal Programs**

17 **SEC. 3801. INFLATION ADJUSTMENT OF COST-SHARING**

18 **PROVISIONS FOR TERRITORIES AND INDIAN**

19 **TRIBES.**

20 Section 1156(b) of the Water Resources Development
21 Act of 1986 (33 U.S.C. 2310(b)) is amended by striking
22 “the date of enactment of this subsection” and inserting
23 “the date of enactment of the America’s Water Infrastruc-
24 ture Act of 2018”.

1 **SEC. 3802. TRIBAL PARTNERSHIP PROGRAM.**

2 Section 203(b)(4) of the Water Resources Develop-
 3 ment Act of 2000 (~~33 U.S.C. 2269(b)(4)~~) is amended by
 4 striking “\$10,000,000” in each of subparagraphs (A) and
 5 (B) and inserting “\$15,000,000”.

6 **SEC. 3803. BLACKFEET WATER RIGHTS SETTLEMENT.**

7 (a) **AUTHORIZATION FOR APPROPRIATIONS.**—Section
 8 3718 of the Water Infrastructure Improvements for the
 9 Nation Act (130 Stat. 1838) is amended by adding at the
 10 end the following:

11 “(c) **BLACKFEET WATER RIGHTS SETTLEMENT.**—
 12 Notwithstanding sections 3716(c) and 3717(c), to the ex-
 13 tent funds have been appropriated, 50 percent of the
 14 amounts appropriated to the Blackfeet Settlement Trust
 15 Fund and 50 percent of the amounts appropriated to the
 16 Blackfeet Water Settlement Implementation Fund under
 17 this section shall be available to the Tribe and the Sec-
 18 retary in a manner consistent with this title on the execu-
 19 tion of the waivers and releases under section 3720(a).”.

20 (b) **WAIVER AND RELEASE OF CLAIMS.**—Section
 21 3720 of the Water Infrastructure Improvements for the
 22 Nation Act (130 Stat. 1839) is amended—

23 (1) in subsection (a)(3)(B), by striking “section
 24 3706” and inserting “section 6”; and

1 (2) in subsection (h), in the matter preceding
2 paragraph (1), by striking “January 21, 2026” and
3 inserting “January 21, 2025”.

4 **SEC. 3804. BONNEVILLE DAM, OREGON.**

5 (a) **IN GENERAL.**—The Secretary, in consultation
6 with the Secretary of the Interior, shall examine and as-
7 sess the extent to which Indians (as defined in section 4
8 of the Indian Self-Determination and Education Assist-
9 ance Act (25 U.S.C. 5304)) have been displaced as a re-
10 sult of the construction of the Bonneville Dam, Oregon.

11 (b) **INCLUSION.**—The examination and assessment
12 under subsection (a) may include assessments relating to
13 housing and related facilities.

14 (c) **ASSISTANCE.**—If the Secretary determines, based
15 on the examination and assessment under subsection (a),
16 that assistance is required, the Secretary may use all exist-
17 ing authorities of the Secretary to provide assistance to
18 Indians that have been displaced as a result of the con-
19 struction of the Bonneville Dam, Oregon.

20 (d) **TRIBAL ASSISTANCE.**—Section 1178(e)(1)(A) of
21 the Water Infrastructure Improvements for the Nation
22 Act (130 Stat. 1675) is amended by striking “Upon the
23 request of the Secretary of the Interior, the Secretary may
24 provide assistance” and inserting “The Secretary, in con-

1 sultation with the Secretary of the Interior, may provide
2 assistance²².

3 **SEC. 3805. JOHN DAY DAM, OREGON.**

4 (a) IN GENERAL.—The Secretary, in consultation
5 with the Secretary of the Interior, shall examine and as-
6 sess the extent to which Indians (as defined in section 4
7 of the Indian Self-Determination and Education Assist-
8 ance Act (25 U.S.C. 5304)) have been displaced as a re-
9 sult of the construction of the John Day Dam, Oregon,
10 as authorized by section 204 of the Flood Control Act of
11 1950 (64 Stat. 179, chapter 188).

12 (b) INCLUSION.—The examination and assessment
13 under subsection (a) may include assessments relating to
14 housing and related facilities.

15 (c) ASSISTANCE.—If the Secretary determines, based
16 on the examination and assessment under subsection (a),
17 that assistance is required, the Secretary may use all exist-
18 ing authorities of the Secretary to provide assistance to
19 Indians that have been displaced as a result of the con-
20 struction of the John Day Dam, Oregon.

21 **SEC. 3806. DALLES DAM, OREGON.**

22 (a) IN GENERAL.—The Secretary, in consultation
23 with the Secretary of the Interior, shall complete a village
24 development plan for any Indian village (as defined in sec-
25 tion 4 of the Indian Self-Determination and Education As-

1 sistance Act (25 U.S.C. 5304)) submerged as a result of
2 the construction of the Dalles Dam, Oregon, as authorized
3 by section 204 of the Flood Control Act of 1950 (64 Stat.
4 179, chapter 188).

5 (b) REQUIREMENTS.—The village development plan
6 under subsection (a) shall include an estimated cost and
7 tentative schedule for the construction of a replacement
8 village.

9 **SEC. 3807. INDIAN IRRIGATION FUND REAUTHORIZATION.**

10 (a) DEPOSITS TO FUNDS.—Section 3212(a) of the
11 Water Infrastructure Improvements for the Nation Act
12 (130 Stat. 1750) is amended by striking “each of fiscal
13 years 2017 through 2021” and inserting “each of fiscal
14 years 2017 through 2028”.

15 (b) EXPENDITURES FROM FUND.—Section 3213(a)
16 of the Water Infrastructure Improvements for the Nation
17 Act (130 Stat. 1750) is amended in the matter preceding
18 paragraph (1) by striking “each of fiscal years 2017
19 through 2021” and inserting “each of fiscal years 2017
20 through 2028”.

21 (c) TERMINATION.—Section 3216 of the Water Infra-
22 structure Improvements for the Nation Act (130 Stat.
23 1750) is amended in the matter preceding paragraph (1)
24 by striking “September 30, 2021” and inserting “Sep-
25 tember 30, 2028”.

1 **SEC. 3808. REAUTHORIZATION OF REPAIR, REPLACEMENT,**
2 **AND MAINTENANCE OF CERTAIN INDIAN IR-**
3 **RIGATION PROJECTS.**

4 (a) **IN GENERAL.**—Section 3221(b) of the Water In-
5 frastructure Improvements for the Nation Act (130 Stat.
6 1751) is amended in the matter preceding paragraph (1)
7 by striking “each of fiscal years 2017 through 2021” and
8 inserting “each of fiscal years 2017 through 2028”.

9 (b) **STATUS REPORT ON CERTAIN PROJECTS.**—Sec-
10 tion 3224(d) of the Water Infrastructure Improvements
11 for the Nation Act (130 Stat. 1753) is amended in the
12 matter preceding paragraph (1) by striking “fiscal year
13 2021” and inserting “fiscal year 2028”.

14 (c) **ALLOCATION AMONG PROJECTS.**—Section 3226
15 of the Water Infrastructure Improvements for the Nation
16 Act (130 Stat. 1753) is amended—

17 (1) in subsection (a), by striking “each of fiscal
18 years 2017 through 2021” and inserting “each of
19 fiscal years 2017 through 2028”; and

20 (2) in subsection (b), by striking “the day be-
21 fore the date of enactment of this Act” and inserting
22 “the day before the date of enactment of the Amer-
23 ica’s Water Infrastructure Act of 2018”.

24 **SEC. 3809. INDIAN DAM SAFETY REAUTHORIZATION.**

25 Section 3101 of the Water Infrastructure Improve-
26 ments for the Nation Act (25 U.S.C. 3805) is amended—

1 (1) by striking “each of fiscal years 2017
2 through 2023” each place it appears and inserting
3 “each of fiscal years 2017 through 2030”;

4 (2) in subsection (b)—

5 (A) in paragraph (1)(F), in the matter
6 preceding clause (i), by striking “September 30,
7 2023” and inserting “September 30, 2030”;
8 and

9 (B) in paragraph (2)(F), in the matter
10 preceding clause (i), by striking “September 30,
11 2023” and inserting “September 30, 2030”;
12 and

13 (3) in subsection (f)—

14 (A) in paragraph (2), by striking “4
15 years” and inserting “11 years”; and

16 (B) in paragraph (3), by striking “each of
17 fiscal years 2017, 2018, and 2019” and insert-
18 ing “each of fiscal years 2017 through 2026”.

19 **SEC. 3810. GAO REPORT ON ALASKA NATIVE VILLAGE RE-**
20 **LOCATION EFFORTS DUE TO FLOODING AND**
21 **EROSION THREATS.**

22 (a) **DEFINITION OF ALASKA NATIVE VILLAGE.**—In
23 this section, the term “Alaska Native village” means a Na-
24 tive village that has a Village Corporation (as those terms

1 are defined in section 3 of the Alaska Native Claims Set-
 2 tlement Act (43 U.S.C. 1602)).

3 (b) REPORT.—The Comptroller General of the
 4 United States (referred to in this section as the “Comp-
 5 troller General”) shall submit to Congress a report on ef-
 6 forts to relocate Alaska Native villages due to flooding and
 7 erosion threats that updates the report of the Comptroller
 8 General entitled “Alaska Native Villages: Limited
 9 Progress Has Been Made on Relocating Villages Threat-
 10 ened by Flooding and Erosion”, dated June 2009.

11 (c) INCLUSIONS.—The report under subsection (b)
 12 shall include—

13 (1) a summary of flooding and erosion threats
 14 to Alaska Native villages throughout the State of
 15 Alaska, based on information from—

16 (A) the Corps of Engineers;

17 (B) the Denali Commission; and

18 (C) any other relevant sources of informa-
 19 tion as the Comptroller General determines to
 20 be appropriate;

21 (2) the status of efforts to relocate Alaska Na-
 22 tive villages due to flooding and erosion threats; and

23 (3) any other issues relating to flooding and
 24 erosion threats to, or relocation of, Alaska Native

1 villages, as the Comptroller General determines to be
2 appropriate.

3 **TITLE IV—SENSE OF CONGRESS**
4 **RELATING TO CERTAIN PROJ-**
5 **ECTS**

6 **SEC. 4001. SENSE OF CONGRESS RELATING TO CERTAIN**
7 **PROJECTS.**

8 (a) IN GENERAL.—It is the sense of Congress that—

9 (1) the projects described in subsection (b) are
10 valuable; and

11 (2) the Corps of Engineers should expeditiously
12 complete the post-authorization change report or re-
13 port of the Chief of Engineers, as applicable, for
14 each of those projects by the end of 2018.

15 (b) PROJECTS DESCRIBED.—The projects referred to
16 in subsection (a) are each of the following:

17 (1) PROJECTS FOR WHICH A REPORT OF THE
18 CHIEF OF ENGINEERS IS EXPECTED.—

19 (A) The project for flood risk management,
20 Lower San Joaquin River, California.

21 (B) The project for coastal storm risk
22 management, Pawcatuck River, Rhode Island,
23 authorized in the matter under the heading
24 “INVESTIGATIONS” under the heading “CORPS
25 OF ENGINEERS—CIVIL” under the heading

1 “DEPARTMENT OF THE ARMY” in title X
2 of division A of the Disaster Relief Appropria-
3 tions Act, 2013 (Public Law 113–2; 127 Stat.
4 23).

5 (C) The project for coastal storm risk
6 management, Hashamomuck Cove, New York,
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 (D) The project for coastal storm risk
15 management and utilization of dredged mate-
16 rial, Delaware River, Delaware, New Jersey,
17 and Pennsylvania, authorized in the matter
18 under the heading “INVESTIGATIONS” under
19 the heading “CORPS OF ENGINEERS—CIVIL”
20 under the heading “DEPARTMENT OF THE
21 ARMY” in title X of division A of the Disaster
22 Relief Appropriations Act, 2013 (Public Law
23 113–2; 127 Stat. 23).

24 (E) The project for navigation, Seattle
25 Harbor, Washington, carried out under section

1 216 of the Flood Control Act of 1970 (33
2 U.S.C. 549a).

3 (F) The project for navigation, Elizabeth
4 River and Southern Branch, Virginia, carried
5 out under section 216 of the Flood Control Act
6 of 1970 (33 U.S.C. 549a).

7 (G) The project for navigation, Three Riv-
8 ers, Arkansas, carried out under section 216 of
9 the Flood Control Act of 1970 (33 U.S.C.
10 549a).

11 (H) The project for navigation, San Juan
12 Harbor, Puerto Rico, described in the study au-
13 thorized by the resolution adopted by the Com-
14 mittee on Transportation and Infrastructure of
15 the House of Representatives on September 20,
16 2006.

17 (I) The project for flood risk management
18 and ecosystem restoration, Española Valley, Rio
19 Grande and tributaries, New Mexico, described
20 in the study authorized by the resolution adopt-
21 ed by the Committee on Environment and Pub-
22 lic Works of the Senate on December 10, 2009.

23 (J) The project for ecosystem restoration,
24 Resacas at Brownsville, Texas, carried out

1 under section 206 of the Water Resources De-
2 velopment Act of 1996 (33 U.S.C. 2330).

3 (K) The project for flood control, naviga-
4 tion, and ecosystem restoration, Anacostia Wa-
5 tershed, Princee George’s County, Maryland, de-
6 scribed in the study authorized by the resolu-
7 tion adopted by the Committee on Public Works
8 and Transportation of the House of Represent-
9 atives on September 8, 1988.

10 (L) The project for flood control, Willam-
11 ette River Basin, Oregon, described in the Wil-
12 lamette River Basin Review Study authorized
13 by the resolution adopted by the Committee on
14 Public Works and Transportation of the House
15 of Representatives on September 8, 1988.

16 (M) The project for flood risk management
17 and coastal storm risk management, Norfolk,
18 Virginia, authorized in the matter under the
19 heading “INVESTIGATIONS” under the heading
20 “CORPS OF ENGINEERS—CIVIL” under the
21 heading “DEPARTMENT OF THE ARMY”
22 in title X of division A of the Disaster Relief
23 Appropriations Act, 2013 (Public Law 113–2;
24 127 Stat. 23).

1 (N) The project for flood risk manage-
2 ment, Armourdale and Central Industrial Dis-
3 trict Levee Units, Missouri River and Tribu-
4 taries at Kansas City, Kansas, authorized by
5 section 1401(2) of the Water Infrastructure
6 Improvements for the Nation Act (130 Stat.
7 1711) (as modified by section 3504).

8 (O) The project for navigation and hurri-
9 cane and storm damage reduction, Houma,
10 Louisiana, authorized by section 1001(24)(B)
11 of the Water Resources Development Act of
12 2007 (121 Stat. 1053).

13 (P) The project for flood risk management,
14 Souris River Basin, Minot, North Dakota, au-
15 thorized by section 209 of the Flood Control
16 Act of 1966 (80 Stat. 1423).

17 (Q) The project for ecosystem restoration,
18 Delta Islands and Levees, California, described
19 in the study authorized by—

20 (i) the resolution adopted by the Com-
21 mittee on Public Works of the Senate on
22 June 1, 1948;

23 (ii) the resolution adopted by the
24 Committee on Public Works of the House
25 of Representatives on May 8, 1948; and

1 (iii) House Report 108-357, accom-
2 panying the Energy and Water Develop-
3 ment Appropriations Act, 2004 (Public
4 Law 108-137; 117 Stat. 1827).

5 (2) PROJECTS FOR WHICH A POST-AUTHORIZA-
6 TION CHANGE REPORT IS EXPECTED.—

7 (A) The project for navigation, Chicka-
8 mauga Lock, Tennessee, authorized by section
9 114 of the Energy and Water Development Ap-
10 propriations Act, 2003 (Public Law 108-7; 117
11 Stat. 140).

12 (B) The project for ecosystem restoration,
13 South Florida, Florida, authorized by section
14 601 of the Water Resources Development Act
15 of 2000 (114 Stat. 2680).

16 (C) The project for navigation, Freeport
17 Harbor, Texas, carried out under section 216 of
18 the Flood Control Act of 1970 (33 U.S.C.
19 549a).

20 (D) The project for Soo Locks, Sault
21 Sainte Marie, Michigan, authorized by section
22 1149 of the Water Resources Development Act
23 of 1986 (100 Stat. 4254; 121 Stat. 1131).

24 (E) The project for ecosystem restoration,
25 Central Everglades, Florida, authorized by sec-

1 tion 1401(4) of the Water Infrastructure Im-
2 provements for the Nation Act (130 Stat.
3 1713).

4 (F) The project for water supply and eco-
5 system restoration, Howard A. Hanson Dam,
6 Washington, authorized by section 204 of the
7 Flood Control Act of 1950 (64 Stat. 180) and
8 modified by section 101(b)(15) of the Water
9 Resources Development Act of 1999 (113 Stat.
10 281).

11 (G) The project for ecosystem restoration,
12 Kissimmee River, Florida, authorized by section
13 101(8) of the Water Resources Development
14 Act of 1992 (106 Stat. 4802).

15 (H) The project for flood risk manage-
16 ment, Green Brook Sub-Basin, Raritan River
17 Basin, New Jersey, authorized by section
18 401(a) of the Water Resources Development
19 Act of 1986 (100 Stat. 4119).

20 (I) The project for shore protection and
21 harbor mitigation, Fort Pierce Beach, Florida,
22 authorized by section 301 of the River and
23 Harbor Act of 1965 (79 Stat. 1092), section
24 102 of the River and Harbor Act of 1968 (82
25 Stat. 732), and section 506(a)(2) of the Water

1 Resources Development Act of 1996 (110 Stat.
2 3757), and modified by section 313 of the
3 Water Resources Development Act of 1999
4 (113 Stat. 301).

5 (J) The project for flood control,
6 McMicken Dam, Arizona, authorized by section
7 304 of the Act of August 7, 1953 (67 Stat.
8 450, chapter 342).

9 (K) The project for flood protection, Cave
10 Buttes Dam, Arizona, authorized by section
11 204 of the Flood Control Act of 1965 (79 Stat.
12 1083).

13 (L) The project for navigation, Norfolk
14 Harbor and Channels, Virginia, authorized by
15 section 201(a) of the Water Resources Develop-
16 ment Act of 1986 (100 Stat. 4090).

17 **TITLE V—EPA-RELATED** 18 **PROVISIONS**

19 **SEC. 5001. STORMWATER INFRASTRUCTURE FUNDING TASK** 20 **FORCE.**

21 (a) **IN GENERAL.**—Not later than 180 days after the
22 date of enactment of this Act, the Administrator of the
23 Environmental Protection Agency (referred to in this sec-
24 tion as the “Administrator”) shall establish a voluntary
25 stormwater infrastructure funding task force comprised of

1 representatives of public, private, and Federal entities to
2 study and develop recommendations to improve the fund-
3 ing and financing of stormwater infrastructure to ensure
4 that—

5 (1) municipalities are able to identify appro-
6 priate funding sources; and

7 (2) funding is—

8 (A) available in all States;

9 (B) affordable (based on the integrated
10 planning guidelines described in the Integrated
11 Municipal Stormwater and Wastewater Plan-
12 ning Approach Framework, issued by the Envi-
13 ronmental Protection Agency and dated June 5,
14 2012); and

15 (C) sufficient to support capital expendi-
16 tures and long-term operation and maintenance
17 costs.

18 (b) REPORT.—Not later than 18 months after the
19 date of enactment of this Act, the Administrator shall sub-
20 mit to Congress a report that describes the results of the
21 study under subsection (a).

1 **SEC. 5002. REAUTHORIZATION OF THE WATER INFRA-**
2 **STRUCTURE FINANCE AND INNOVATION ACT.**

3 Section 5033 of the Water Infrastructure Finance
4 and Innovation Act of 2014 (33 U.S.C. 3912) is amend-
5 ed—

6 (1) in subsection (a)(5), by striking “for fiscal
7 year 2019” and inserting “for each of fiscal years
8 2019 through 2021”; and

9 (2) in subsection (b), by striking “for each of
10 fiscal years 2015 through 2019” and inserting “for
11 each of fiscal years 2015 through 2021”.

12 **SEC. 5003. INDIAN RESERVATION DRINKING WATER AND**
13 **WASTEWATER PILOT PROGRAM.**

14 (a) IN GENERAL.—Subject to the availability of ap-
15 propriations, the Administrator of the Environmental Pro-
16 tection Agency shall carry out a pilot program to imple-
17 ment—

18 (1) 10 eligible projects described in subsection
19 (b) that are within the Upper Missouri River Basin;
20 and

21 (2) 10 eligible projects described in subsection
22 (b) that are within the Upper Rio Grande Basin.

23 (b) ELIGIBLE PROJECTS.—A project eligible to par-
24 ticipate in the pilot program under subsection (a) is a
25 project—

1 (1) that is on a reservation (as defined in sec-
 2 tion 3 of the Indian Financing Act of 1974 (25
 3 U.S.C. 1452)) that serves a federally recognized In-
 4 dian Tribe; and

5 (2) the purpose of which is—

6 (A) to connect, expand, or repair existing
 7 drinking water lines or water towers in order to
 8 improve water quality, pressure, or services; or

9 (B) to replace or refurbish wastewater la-
 10 goons that are insufficient for current or near-
 11 term community needs or economic growth.

12 (c) REQUIREMENT.—In carrying out the pilot pro-
 13 gram under subsection (a)(1), the Administrator of the
 14 Environmental Protection Agency shall select not less
 15 than 1 eligible project for a reservation that serves more
 16 than 1 federally recognized Indian Tribe.

17 **SEC. 5004. TECHNICAL ASSISTANCE FOR TREATMENT**
 18 **WORKS.**

19 (a) IN GENERAL.—Title II of the Federal Water Pol-
 20 lution Control Act (33 U.S.C. 1281 et seq.) is amended
 21 by adding at the end the following:

22 **“SEC. 222. TECHNICAL ASSISTANCE FOR SMALL TREAT-**
 23 **MENT WORKS.**

24 “(a) DEFINITIONS.—In this section:

1 “(1) QUALIFIED NONPROFIT SMALL TREAT-
2 MENT WORKS TECHNICAL ASSISTANCE PROVIDER.—

3 The term ‘qualified nonprofit small treatment works
4 technical assistance provider’ means a nonprofit or-
5 ganization that, as determined by the Adminis-
6 trator—

7 “(A) is qualified and experienced in pro-
8 viding training and technical assistance to small
9 treatment works; and

10 “(B) the small treatment works in the
11 State finds to be the most beneficial and effec-
12 tive.

13 “(2) SMALL TREATMENT WORKS.—The term
14 ‘small treatment works’ means a publicly owned
15 treatment works serving not more than 10,000 indi-
16 viduals.

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 small treatment works technical assistance pro-
21 viders to provide to owners and operators of small treat-
22 ment works onsite technical assistance, circuit rider tech-
23 nical assistance programs, multi-State, regional technical
24 assistance programs, and onsite and regional training, to
25 assist the small treatment works in achieving compliance

1 with this Act or obtaining financing under this Act for
2 eligible projects.

3 “(c) AUTHORIZATION OF APPROPRIATIONS.—There
4 are authorized to be appropriated to carry out this section
5 for grants for small treatment works technical assistance,
6 \$15,000,000 for each of fiscal years 2019 through 2021.

7 **“SEC. 223. TECHNICAL ASSISTANCE FOR MEDIUM TREAT-**
8 **MENT WORKS.**

9 “(a) DEFINITIONS.—In this section:

10 “(1) MEDIUM TREATMENT WORKS.—The term
11 ‘medium treatment works’ means a publicly owned
12 treatment works serving not fewer than 10,001, and
13 not more than 75,000, individuals.

14 “(2) QUALIFIED NONPROFIT MEDIUM TREAT-

15 MENT WORKS TECHNICAL ASSISTANCE PROVIDER.—

16 The term ‘qualified nonprofit medium treatment
17 works technical assistance provider’ means a quali-
18 fied nonprofit technical assistance provider of water
19 and wastewater services to medium-sized commu-
20 nities that provides technical assistance (including
21 circuit rider technical assistance programs, multi-
22 State, regional assistance programs, and training
23 and preliminary engineering evaluations) to owners
24 and operators of medium treatment works, which
25 may include a State agency.

1 “(b) TECHNICAL ASSISTANCE.—The Administrator
 2 may use amounts made available to carry out this section
 3 to provide grants or cooperative agreements to qualified
 4 nonprofit medium treatment works technical assistance
 5 providers to provide to owners and operators of medium
 6 treatment works onsite technical assistance, circuit-rider
 7 technical assistance programs, multi-State, regional tech-
 8 nical assistance programs, and onsite and regional train-
 9 ing to assist medium treatment works that are facing dif-
 10 ficulty in achieving compliance with this Act or obtaining
 11 financing under this Act for eligible projects.

12 “(e) AUTHORIZATION OF APPROPRIATIONS.—There
 13 is authorized to be appropriated to carry out this section
 14 \$10,000,000 for each of fiscal years 2019 through 2021.”.

15 (b) WATER POLLUTION CONTROL REVOLVING LOAN
 16 FUNDS.—

17 (1) IN GENERAL.—Section 603 of the Federal
 18 Water Pollution Control Act (33 U.S.C. 1383) is
 19 amended—

20 (A) in subsection (d)—

21 (i) in the matter preceding paragraph
 22 (1), by inserting “and as provided in sub-
 23 section (e)” after “State law”;

1 (ii) by redesignating subsections (e)
2 through (i) as subsections (f) through (j),
3 respectively; and

4 (iii) by inserting after subsection (d)
5 the following:

6 “(e) **ADDITIONAL USE OF FUNDS.**—A State may use
7 an additional 2 percent of the funds annually allotted to
8 the State under this section for qualified nonprofit small
9 treatment works technical assistance providers (as the
10 term is defined in section 222) and qualified nonprofit me-
11 dium treatment works technical assistance providers (as
12 the term is defined in section 223) to provide technical
13 assistance to small treatment works (as the term is de-
14 fined in section 222) and medium treatment works (as the
15 term is defined in section 223) in the State.”.

16 (2) **CONFORMING AMENDMENT.**—Section
17 221(d) of the Federal Water Pollution Control Act
18 (33 U.S.C. 1301(d)) is amended by striking “section
19 603(h)” and inserting “section 603(i)”.

20 **SEC. 5005. CLEAN, SAFE, RELIABLE WATER INFRASTRUC-**
21 **TURE.**

22 (a) **DRINKING WATER INFRASTRUCTURE.**—

23 (1) **OTHER AUTHORIZED ACTIVITIES.**—Section
24 1452(k) of the Safe Drinking Water Act (42 U.S.C.
25 300j-12(k)) is amended—

1 (A) in paragraph (1)(D), by inserting “and
 2 the implementation of plans to protect source
 3 water identified in a source water assessment
 4 under section 1453” before the period at the
 5 end; and

6 (B) in paragraph (2)(E), by inserting “and
 7 implement plans to protect source water identi-
 8 fied in a source water assessment under section
 9 1453” after “wellhead protection programs”.

10 (2) NEGOTIATION OF CONTRACTS.—Section
 11 1452 of the Safe Drinking Water Act (42 U.S.C.
 12 300j-12) is amended by adding at the end the fol-
 13 lowing:

14 “(s) NEGOTIATION OF CONTRACTS.—For commu-
 15 nities with populations of more than 10,000 individuals,
 16 a contract to be carried out using funds directly made
 17 available by a capitalization grant under this section for
 18 program management, construction management, feasi-
 19 bility studies, preliminary engineering, design, engineer-
 20 ing, surveying, mapping, or architectural or related serv-
 21 ices shall be negotiated in the same manner as—

22 “(1) a contract for architectural and engineer-
 23 ing services is negotiated under chapter 11 of title
 24 40, United States Code; or

1 “(2) an equivalent State qualifications-based re-
2 quirement (as determined by the Governor of the
3 State).”.

4 (3) WATERSENSE PROGRAM.—The Safe Drink-
5 ing Water Act (42 U.S.C. 300j et seq.) is amended
6 by adding after part F the following:

7 **“PART G—ADDITIONAL PROVISIONS**

8 **“SEC. 1471. WATERSENSE PROGRAM.**

9 “(a) ESTABLISHMENT OF WATERSENSE PRO-
10 GRAM.—

11 “(1) IN GENERAL.—There is established within
12 the Agency a voluntary WaterSense program to
13 identify and promote water-efficient products, build-
14 ings, landscapes, facilities, processes, and services
15 that, through voluntary labeling of, or other forms
16 of communications regarding, products, buildings,
17 landscapes, facilities, processes, and services while
18 meeting strict performance criteria, sensibly—

19 “(A) reduce water use;

20 “(B) reduce the strain on public and com-
21 munity water systems and wastewater and
22 stormwater infrastructure;

23 “(C) conserve energy used to pump, heat,
24 transport, and treat water; and

1 “(D) preserve water resources for future
2 generations.

3 “(2) INCLUSIONS.—The Administrator shall,
4 consistent with this section, identify water-efficient
5 products, buildings, landscapes, facilities, processes,
6 and services, including categories such as—

7 “(A) irrigation technologies and services;

8 “(B) point-of-use water treatment devices;

9 “(C) plumbing products;

10 “(D) reuse and recycling technologies;

11 “(E) landscaping and gardening products,
12 including moisture control or water enhancing
13 technologies;

14 “(F) xeriscaping and other landscape con-
15 versions that reduce water use;

16 “(G) whole house humidifiers; and

17 “(H) water-efficient buildings or facilities.

18 “(b) DUTIES.—The Administrator, coordinating as
19 appropriate with the Secretary of Energy, shall—

20 “(1) establish—

21 “(A) a WaterSense label to be used for
22 items meeting the certification criteria estab-
23 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 “(2) enhance public awareness regarding the
5 WaterSense label through outreach, education, and
6 other means;

7 “(3) preserve the integrity of the WaterSense
8 label by—

9 “(A) establishing and maintaining feasible
10 performance criteria so that products, build-
11 ings, landscapes, facilities, processes, and serv-
12 ices labeled with the WaterSense label perform
13 as well or better than less water-efficient coun-
14 terparts;

15 “(B) overseeing WaterSense certifications
16 made by third parties, which shall be inde-
17 pendent third-party product certification bodies
18 accredited by an accreditation entity domiciled
19 in the United States, such as the American Na-
20 tional Standards Institute, as achieving—

21 “(i) the requirements described in the
22 document of the International Organiza-
23 tion for Standardization and the Inter-
24 national Electrotechnical Commission enti-
25 tled ‘ISO/IEC 17065 Conformity assess-

1 ment—Requirements for bodies certifying
2 products, processes and services’ and dated
3 September 2012; and

4 “(ii) the applicable WaterSense re-
5 quirements;

6 “(C) as determined appropriate by the Ad-
7 ministrators, using testing protocols, from the
8 appropriate, applicable, and relevant consensus
9 standards, for the purpose of determining
10 standards compliance; and

11 “(D) auditing the use of the WaterSense
12 label in the marketplace and preventing cases of
13 misuse;

14 “(4) not more frequently than every 6 years
15 after adoption or major revision of any WaterSense
16 specification, review and, if appropriate, revise the
17 specification to achieve additional water savings;

18 “(5) in revising a WaterSense specification—

19 “(A) provide reasonable notice to inter-
20 ested parties and the public of any changes, in-
21 cluding effective dates, and an explanation of
22 the changes;

23 “(B) solicit comments from interested par-
24 ties and the public prior to any changes;

1 ~~“(C)~~ as appropriate, respond to comments
2 submitted by interested parties and the public;
3 and

4 ~~“(D)~~ provide an appropriate transition
5 time prior to the applicable effective date of any
6 changes, taking into account the timing nec-
7 essary for the manufacture, marketing, train-
8 ing, and distribution of the specific water-effi-
9 cient product, building, landscape, process, or
10 service category being addressed; and

11 ~~“(6)~~ not later than December 31, 2019, con-
12 sider for review and revision any WaterSense speci-
13 fication adopted before January 1, 2012.

14 ~~“(e) TRANSPARENCY.—~~The Administrator shall, to
15 the maximum extent practicable and not less than annu-
16 ally, regularly estimate and make available to the public
17 savings of water, energy, and capital costs of water, waste-
18 water, and stormwater attributable to the use of
19 WaterSense-labeled products, buildings, landscapes, facili-
20 ties, processes, and services.

21 ~~“(d) DISTINCTION OF AUTHORITIES.—~~In setting or
22 maintaining specifications for Energy Star pursuant to
23 section 324A of the Energy Policy and Conservation Act
24 (42 U.S.C. 6294a), and WaterSense under this section,
25 the Secretary of Energy and the Administrator shall co-

1 ordinate to prevent duplicative or conflicting requirements
 2 among the respective programs.

3 “(e) NO WARRANTY.—A WaterSense label shall not
 4 create an express or implied warranty.”

5 (b) SEWER OVERFLOW CONTROL GRANTS.—Section
 6 221 of the Federal Water Pollution Control Act (33
 7 U.S.C. 1301) is amended—

8 (1) in subsection (a), by striking the subsection
 9 designation and heading and all that follows through
 10 “subject to subsection (g), the Administrator may”
 11 in paragraph (2) and inserting the following:

12 “(a) AUTHORITY.—The Administrator may—

13 “(1) make grants to States for the purpose of
 14 providing grants to a municipality or municipal enti-
 15 ty for planning, designing, and constructing—

16 “(A) treatment works to intercept, trans-
 17 port, control, or treat municipal combined sewer
 18 overflows and sanitary sewer overflows; and

19 “(B) measures to manage, reduce, treat, or
 20 recapture stormwater or subsurface drainage
 21 water; and

22 “(2) subject to subsection (g),”;

23 (2) in subsection (b)—

24 (A) in paragraph (1), by striking the semi-
 25 colon at the end and inserting “; or”;

1 (B) by striking paragraphs (2) and (3);

2 and

3 (C) by redesignating paragraph (4) as

4 paragraph (2);

5 (3) by striking subsections (e) through (g) and

6 inserting the following:

7 “(e) ADMINISTRATIVE REQUIREMENTS.—

8 “(1) IN GENERAL.—Subject to paragraph (2), a
9 project that receives grant assistance under sub-
10 section (a) shall be carried out subject to the same
11 requirements as a project that receives assistance
12 from a State water pollution control revolving fund
13 established pursuant to title VI.

14 “(2) DETERMINATION OF GOVERNOR.—The re-
15 quirement described in paragraph (1) shall not apply
16 to a project that receives grant assistance under
17 subsection (a) to the extent that the Governor of the
18 State in which the project is located determines that
19 a requirement described in title VI is inconsistent
20 with the purposes of this section.

21 “(f) AUTHORIZATION OF APPROPRIATIONS.—There
22 is authorized to be appropriated to carry out this section
23 \$225,000,000 for each of fiscal years 2019 and 2020, to
24 remain available until expended.

1 “(g) ALLOCATION OF FUNDS.—For each of fiscal
 2 years 2019 and 2020, subject to subsection (h), the Ad-
 3 ministrator shall use the amounts made available to carry
 4 out this section to provide grants to municipalities and
 5 municipal entities under subsection (a)(2)—

6 “(1) in accordance with the priority criteria de-
 7 scribed in subsection (b); and

8 “(2) with additional priority given to proposed
 9 projects that involve the use of—

10 “(A) nonstructural, low-impact develop-
 11 ment;

12 “(B) water conservation, efficiency, or
 13 reuse; or

14 “(C) other decentralized stormwater or
 15 wastewater approaches to minimize flows into
 16 the sewer systems.”; and

17 (4) by striking subsection (i).

18 **SEC. 5006. WATER INFRASTRUCTURE FLEXIBILITY.**

19 (a) DEFINITION OF ADMINISTRATOR.—In this sec-
 20 tion, the term “Administrator” means the Administrator
 21 of the Environmental Protection Agency.

22 (b) INTEGRATED PLANS.—

23 (1) INTEGRATED PLANS.—Section 402 of the
 24 Federal Water Pollution Control Act (33 U.S.C.

1 1342) is amended by adding at the end the fol-
2 lowing:

3 “(s) INTEGRATED PLAN PERMITS.—

4 “(1) DEFINITIONS.—In this subsection:

5 “(A) GREEN INFRASTRUCTURE.—The
6 term ‘green infrastructure’ means the range of
7 measures that use plant or soil systems, per-
8 meable pavement or other permeable surfaces
9 or substrates, stormwater harvest and reuse, or
10 landscaping to store, infiltrate, or evapotranspi-
11 rate stormwater and reduce flows to sewer sys-
12 tems or to surface waters.

13 “(B) INTEGRATED PLAN.—The term ‘inte-
14 grated plan’ has the meaning given in Part III
15 of the Integrated Municipal Stormwater and
16 Wastewater Planning Approach Framework,
17 issued by the Environmental Protection Agency
18 and dated June 5, 2012.

19 “(C) MUNICIPAL DISCHARGE.—

20 “(i) IN GENERAL.—The term ‘munie-
21 ipal discharge’ means a discharge from a
22 treatment works (as defined in section
23 212) or a discharge from a municipal
24 storm sewer under subsection (p).

1 “(ii) INCLUSION.—The term ‘municipal discharge’ includes a discharge of
2 wastewater or storm water collected from
3 multiple municipalities if the discharge is
4 covered by the same permit issued under
5 this section.
6

7 “(2) INTEGRATED PLAN.—

8 “(A) IN GENERAL.—The Administrator (or
9 a State, in the case of a permit program approved under subsection (b)) shall inform a municipal permittee or multiple municipal permittees of the opportunity to develop an integrated plan.
10
11
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14 “(B) SCOPE OF PERMIT INCORPORATING INTEGRATED PLAN.—A permit issued under this subsection that incorporates an integrated plan may integrate all requirements under this Act addressed in the integrated plan, including requirements relating to—
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20 “(i) a combined sewer overflow;

21 “(ii) a capacity, management, operation, and maintenance program for sanitary sewer collection systems;
22
23

24 “(iii) a municipal stormwater discharge;
25

1 “(iv) a municipal wastewater dis-
2 charge; and

3 “(v) a water quality-based effluent
4 limitation to implement an applicable
5 wasteload allocation in a total maximum
6 daily load.

7 “(3) COMPLIANCE SCHEDULES.—

8 “(A) IN GENERAL.—A permit for a municie-
9 ipal discharge by a municipality that incor-
10 porates an integrated plan may include a sched-
11 ule of compliance, under which actions taken to
12 meet any applicable water quality-based effluent
13 limitation may be implemented over more than
14 ± permit term if the compliance schedules are
15 authorized by State water quality standards.

16 “(B) INCLUSION.—Actions subject to a
17 compliance schedule under subparagraph (A)
18 may include green infrastructure if imple-
19 mented as part of a water quality-based effluent
20 limitation.

21 “(C) REVIEW.—A schedule of compliance
22 may be reviewed each time the permit is re-
23 newed.

24 “(4) EXISTING AUTHORITIES RETAINED.—

1 “(A) APPLICABLE STANDARDS.—Nothing
2 in this subsection modifies any obligation to
3 comply with applicable technology and water
4 quality-based effluent limitations under this
5 Act.

6 “(B) FLEXIBILITY.—Nothing in this sub-
7 section reduces or eliminates any flexibility
8 available under this Act, including the authority
9 of—

10 “(i) a State to revise a water quality
11 standard after a use attainability analysis
12 under section 131.10(g) of title 40, Code
13 of Federal Regulations (or a successor reg-
14 ulation), subject to the approval of the Ad-
15 ministrator under section 303(e); and

16 “(ii) the Administrator or a State to
17 authorize a schedule of compliance that ex-
18 tends beyond the date of expiration of a
19 permit term if the schedule of compliance
20 meets the requirements of section 122.47
21 of title 40, Code of Federal Regulations
22 (as in effect on the date of enactment of
23 this subsection).

24 “(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 see-
 3 tion 402(s)(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(s)).

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(s) 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 “(e) 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”² 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”² 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 one or
3 more recommendations of the study referred to
4 in 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 ceeding 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 “(e) 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 (c) 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 ~~(e)~~ 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
 18 are authorized to be appropriated such sums as are nec-
 19 essary to carry out this section.

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).

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

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

1 *(b) TABLE OF CONTENTS.—The table of contents for*
 2 *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.
Sec. 1003. GAO study on benefit-cost analysis reforms.
Sec. 1004. Transparency and accountability in cost-sharing for water resources projects.
Sec. 1005. Non-Federal sponsor reimbursements.
Sec. 1006. Challenge cost-sharing program for the management of recreation facilities.
Sec. 1007. Cost estimates.
Sec. 1008. Retroactive changes to cost-sharing agreements.
Sec. 1009. Project partnership agreements.
Sec. 1010. Study and report on expediting certain waiver processes.
Sec. 1011. Feasibility studies for mitigation of storm damage.
Sec. 1012. Extended community assistance by the Corps of Engineers.
Sec. 1013. Advanced funds for water resources development studies and projects.
Sec. 1014. Implementation guidance.
Sec. 1015. Implementation guidance for this Act.
Sec. 1016. Easements for certain rural electric, telephone, and broadband service facilities.
Sec. 1017. Corps capabilities.
Sec. 1018. Project authorization funding lines.
Sec. 1019. Consolidation of studies; report.
Sec. 1020. Non-Federal study and construction of projects.
Sec. 1021. Reports to Congress.
Sec. 1022. Disposition studies.
Sec. 1023. Natural infrastructure.
Sec. 1024. Watercraft inspection stations.
Sec. 1025. Reauthorization of non-Federal implementation pilot program.
Sec. 1026. Project studies subject to independent peer review.
Sec. 1027. Expedited consideration.
Sec. 1028. WIFIA study.
Sec. 1029. Enhanced development demonstration program.
Sec. 1030. Duplication of efforts.
Sec. 1031. Corps of Engineers Board of Appeals for certain water storage projects.
Sec. 1032. Sense of Congress relating to local role in Corps projects.
Sec. 1033. Sense of Congress relating to study of water resources development projects by non-Federal interests.
Sec. 1034. Sense of Congress relating to project partnership agreements.
Sec. 1035. Sense of Congress relating to encouraging resilient techniques and habitat connectivity in ecosystem restoration.
Sec. 1036. Alterations to local flood control projects.
Sec. 1037. Non-Federal construction.
Sec. 1038. Contributed funds for non-Federal reservoir operations.
Sec. 1039. Mitigation bank credit release schedules.
Sec. 1040. Innovative materials report.
Sec. 1041. Updates to benefit-cost analysis.

- Sec. 1042. Local government water management plans.*
Sec. 1043. Access to real estate data.
Sec. 1044. Advanced funds for discrete segments.
Sec. 1045. Inclusion of non-Federal interests in project consultations.
Sec. 1046. Categorical exclusions.
Sec. 1047. Geomatic data.
Sec. 1048. Flexibility for projects.
Sec. 1049. Credit in lieu of reimbursement.

*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. Levees L-212 and L-231, Four River Basin, Ocklawaha River, Florida.
Sec. 2107. Corps of Engineers bridge repair and divestiture program for New England evacuation routes.
Sec. 2108. Boston Harbor reserved channel deauthorizations.
Sec. 2109. Project deauthorization and study extensions.
Sec. 2110. Deauthorization of inactive studies.
Sec. 2111. Certain disposition studies.
Sec. 2112. Locks and Dams 1 through 4, Kentucky River, Kentucky.
Sec. 2113. Kissimmee River restoration.
Sec. 2114. Norfolk Harbor and channel, Thimble Shoal widening, Virginia.

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.

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.*
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.

TITLE III—PRIMARY CORPS OF ENGINEERS ACTIVITIES

Subtitle A—Continuing Authorities Programs

- Sec. 3001. Corps of Engineers continuing authorities program.*
Sec. 3002. Sense of Congress relating to continuing authorities program.
Sec. 3003. Report relating to availability of prioritized CAP projects.

Subtitle B—Navigation

PART I—INLAND WATERWAYS

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

PART II—PORTS AND HARBORS

- Sec. 3111. Beach renourishment and shoreline protection demonstration program.*
Sec. 3112. Authorization of appropriations for purchase of mat sinking unit.
Sec. 3113. Mat sinking unit.
Sec. 3114. Sense of Congress relating to Kennebec River Federal navigation channel.
Sec. 3115. Sense of Congress relating to Wilmington Harbor dredging.
Sec. 3116. Port of Arlington.
Sec. 3117. Pearl River Basin demonstration program.
Sec. 3118. Expedited initiation.
Sec. 3119. Beneficial use of dredged sediment.
Sec. 3120. Rule for beach nourishment and shoreline protection projects.

PART III—MISCELLANEOUS PROVISIONS

- Sec. 3121. Report on debris removal.*
Sec. 3122. Cape Arundel Disposal Site, Maine.
Sec. 3123. Delaware River navigation project.
Sec. 3124. Sense of Congress relating to erosion on the banks of the Ohio River near Clarksville, Indiana.

Subtitle C—Locks, Dams, Levees, and Dikes

- Sec. 3201. Certain levee improvements.*
Sec. 3202. Rehabilitation of Corps of Engineers constructed dams.
Sec. 3203. Non-Federal dams.
Sec. 3204. Reauthorization of National Dam Safety Program Act.

- Sec. 3205. Sense of Congress relating to implementation guidance for dam safety repair projects.*
- Sec. 3206. Reauthorization of national levee safety program.*
- Sec. 3207. Reauthorization of lock operations pilot program.*
- Sec. 3208. Restricted areas at Corps of Engineers dams.*
- Sec. 3209. Certain Bureau of Reclamation dikes.*
- Sec. 3210. Rehabilitation of high-hazard potential dams.*
- Sec. 3211. Maintenance of high risk flood control projects.*

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.*

Subtitle E—Sediment Management

- Sec. 3401. Missouri River reservoir sediment management.*
- Sec. 3402. Reservoir sediment.*
- Sec. 3403. Regional sediment management.*

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.*

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. Special rule for beach nourishment.*
- Sec. 3608. Extension for certain coastal storm damage reduction programs.*
- Sec. 3609. Snake River Basin flood prevention action plan.*
- Sec. 3610. Authorization of appropriations for Columbia River Basin restoration.*
- Sec. 3611. Middle Rio Grande peak flow restoration.*
- Sec. 3612. North Atlantic Division report on hurricane barriers and harbors of refuge in New England.*
- Sec. 3613. Study on innovative ports for offshore wind development.*
- Sec. 3614. Report on Corps of Engineers activities.*

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. Sense of Congress relating to access to nonpotable water.
Sec. 5015. Innovative financing for State loan funds.
Sec. 5016. Water infrastructure resiliency and sustainability.
Sec. 5017. Regional liaisons for minority, Tribal, and low-income communities.

1 SEC. 2. DEFINITION OF SECRETARY.

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

1 **TITLE I—GENERAL PROVISIONS**

2 **SEC. 1001. CORPS BUDGETING.**

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

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

6 (A) *districts of the Corps of Engineers to*
7 *manage projects and initiatives of regional,*
8 *Tribal, and local significance; and*

9 (B) *the headquarters office of the Corps of*
10 *Engineers to manage projects and initiatives of*
11 *national significance;*

12 (2) *to require the Secretary to allocate a budget*
13 *for each district of the Corps of Engineers and to give*
14 *responsibility to those districts to develop and imple-*
15 *ment the district 5-year budget and work plan; and*

16 (3) *to increase local and non-Federal partner*
17 *and stakeholder input in the process to improve budg-*
18 *eting of activities by the Secretary.*

19 (b) *DEFINITIONS.*—*In this section:*

20 (1) *ASSISTANT SECRETARY.*—*The term “Assist-*
21 *ant Secretary” means the Assistant Secretary of the*
22 *Army for Civil Works.*

23 (2) *COM ACCOUNTS.*—

24 (A) *IN GENERAL.*—*The term “COM ac-*
25 *counts” means—*

1 (i) *the Civil Works Program Construc-*
 2 *tion appropriations account of the Sec-*
 3 *retary; and*

4 (ii) *the Civil Works Program Oper-*
 5 *ation and Maintenance appropriations ac-*
 6 *count of the Secretary.*

7 (B) *INCLUSION.—The term “COM ac-*
 8 *counts” includes the portions of the Civil Works*
 9 *Program Mississippi River and Tributaries ap-*
 10 *propriations account of the Secretary specifically*
 11 *relating to—*

12 (i) *construction; or*

13 (ii) *operations and maintenance.*

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

17 (A) *to participate in project plan develop-*
 18 *ment; or*

19 (B) *to provide funds or in-kind support for*
 20 *plan development or project implementation.*

21 (4) *DISTRICT 5-YEAR BUDGET AND WORK*
 22 *PLAN.—The term “district 5-year budget and work*
 23 *plan” means a report by an appropriate District En-*
 24 *gineer under subsection (e) that—*

25 (A) *includes—*

1 (i) the district work plan for the fiscal
2 year; and

3 (ii) the district budget proposal for the
4 4-year period following the fiscal year to
5 fund increments of work within the jurisdic-
6 tion of the district;

7 (B) is based on—

8 (i) an allocation provided for a fiscal
9 year; and

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

13 (C) contains—

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

17 (ii) a list of studies that the District
18 Engineer determines would potentially pro-
19 vide value to the United States to be carried
20 out through the Investigations account; and

21 (iii) a list of projects and initiatives of
22 national significance to be carried out
23 through the COM accounts, if the project or
24 initiative is selected to be carried out.

1 (5) *GOVERNMENT AGENCIES.*—The term “govern-
2 ment agencies” means Federal and non-Federal gov-
3 ernment agencies that can provide authority, exper-
4 tise, or funding, in cases in which the Secretary has
5 limited authority or in which the government agency
6 can assist in developing a project alternative, to col-
7 laborate on projects and plans relating to—

8 (A) flood damage reduction and risk man-
9 agement;

10 (B) reliable water supply;

11 (C) ecosystem restoration; and

12 (D) other business lines.

13 (6) *HEADQUARTERS 5-YEAR BUDGET AND WORK*
14 *PLAN.*—The term “headquarters 5-year budget and
15 work plan” means a report by the Chief of Engineers
16 under subsection (d) that—

17 (A) includes—

18 (i) the Corps of Engineers work plan
19 for the fiscal year; and

20 (ii) the Corps of Engineers budget pro-
21 posal for the 4-year period following the fis-
22 cal year to fund increments of work to be
23 carried out that is considered to be of re-
24 gional, Tribal, or local significance; and

25 (B) is based on—

1 (i) an amount provided for the fiscal
2 year through an appropriations Act; and

3 (ii) estimates based on the amount
4 under clause (i), assuming an annual
5 growth rate of 2 percent.

6 (7) *INTEGRATED WATER RESOURCE MANAGE-*
7 *MENT.—The term “integrated water resource manage-*
8 *ment” means a holistic and mission-integrated proc-*
9 *ess that—*

10 (A) *focuses on water resources challenges*
11 *and opportunities; and*

12 (B) *promotes collaboration with cost-share*
13 *partners, relevant government agencies, and*
14 *stakeholders for coordinated development and ac-*
15 *tive management of water and related re-*
16 *sources—*

17 (i) *to align authorities and funding;*

18 (ii) *to provide opportunities for infor-*
19 *mation sharing; and*

20 (iii) *to support complementary and in-*
21 *tegrated solutions to problems across Fed-*
22 *eral and non-Federal boundaries to deliver*
23 *value to the United States based on re-*
24 *gional, Tribal, or local benefits.*

25 (8) *INVESTIGATIONS ACCOUNT.—*

1 (A) *IN GENERAL.*—*The term “Investigations*
2 *account” means the Civil Works Program Inves-*
3 *tigations appropriations account of the Sec-*
4 *retary.*

5 (B) *INCLUSION.*—*The term “Investigations*
6 *account” includes the portions of the Civil Works*
7 *Program Mississippi River and Tributaries ap-*
8 *propriations account of the Secretary specifically*
9 *relating to investigations.*

10 (9) *PROJECT.*—*The term “project” means any*
11 *project, program, or activity carried out by the Corps*
12 *of Engineers.*

13 (10) *PROJECT OR INITIATIVE OF NATIONAL SIG-*
14 *NIFICANCE.*—*The term “project or initiative of na-*
15 *tional significance” means a Corps of Engineers ac-*
16 *tivity that—*

17 (A) *provides value to the United States; and*

18 (B) *satisfies the economic analysis or as-*
19 *sumption and other legal and policy require-*
20 *ments, including the benefit-cost ratio, for poten-*
21 *tial inclusion in the budget transmitted under*
22 *section 1105(a) of title 31, United States Code.*

23 (11) *PROJECT OR INITIATIVE OF REGIONAL,*
24 *TRIBAL, OR LOCAL SIGNIFICANCE.*—*The term “project*

1 *or initiative of regional, Tribal, or local significance”*
2 *means a Corps of Engineers activity that—*

3 *(A) provides value to the United States; but*

4 *(B) does not satisfy the requirements to be*
5 *considered a project or initiative of national sig-*
6 *nificance.*

7 *(12) VALUE TO THE UNITED STATES.—The term*
8 *“value to the United States”, with respect to a*
9 *project, for the United States, a region, an Indian*
10 *Tribe, or a locality, means—*

11 *(A) the enhancement or stabilization of the*
12 *regional, Tribal, or local economy;*

13 *(B) the restoration or protection of the re-*
14 *gional, Tribal, or local environment; or*

15 *(C) the provision of health, safety, and gen-*
16 *eral welfare to maintain or improve the quality*
17 *of life of the people of the United States.*

18 *(13) WORK PLAN PROCESS.—The term “work*
19 *plan process” means the process used by the Secretary*
20 *and the Chief of Engineers on the date of enactment*
21 *of this Act by which funds that are not allocated to*
22 *a specified project in an appropriations Act (includ-*
23 *ing the statement of managers for such an Act) are*
24 *subdivided into various categories within the areas*
25 *of—*

- 1 (A) navigation;
2 (B) flood risk management; and
3 (C) other authorized project purposes.

4 (c) *BUDGET RECOMMENDATIONS BY SECRETARY.*—

5 (1) *IN GENERAL.*—Not less frequently than once
6 each fiscal year, the Secretary shall make rec-
7 ommendations to Congress on the date that the budget
8 is transmitted under section 1105(a) of title 31,
9 United States Code, for the allocation and appropria-
10 tion of amounts for that fiscal year in each of the
11 major business lines for the Investigations account
12 and the COM accounts for allocation to each district
13 of the Corps of Engineers, for use by—

- 14 (A) the District Engineer; and
15 (B) the civilian Deputy District Engineer
16 for Programs and Project Management.

17 (2) *EFFECT OF SUBSECTION.*—Except as specifi-
18 cally provided in this subsection, nothing in this sub-
19 section affects any other appropriations account of the
20 Secretary, including—

- 21 (A) the Regulatory appropriations account;
22 (B) the Expenses appropriations account;
23 (C) the Formerly Utilized Sites Remedial
24 Action Program appropriations account;

1 (D) *the Flood Control and Coastal Emer-*
2 *gencies appropriations account;*

3 (E) *the Office of the Assistant Secretary of*
4 *the Army for Civil Works appropriations ac-*
5 *count;*

6 (F) *the revolving fund established by section*
7 *101 of the Civil Functions Appropriations Act,*
8 *1954 (33 U.S.C. 576); and*

9 (G) *the automation development program*
10 *pursuant to House Report 103–135, accom-*
11 *panying the Energy and Water Development Ap-*
12 *propriations Act, 1996 (Public Law 104–46; 109*
13 *Stat. 402).*

14 (d) *HEADQUARTERS 5-YEAR BUDGET AND WORK*
15 *PLAN.—Not less frequently than once each fiscal year, on*
16 *the date that the budget is transmitted under section*
17 *1105(a) of title 31, United States Code, the Secretary shall*
18 *submit to Congress the headquarters 5-year budget and*
19 *work plan.*

20 (e) *DISTRICT 5-YEAR BUDGET AND WORK PLAN.—*

21 (1) *IN GENERAL.—Not less frequently than once*
22 *each fiscal year, on the date that the budget is trans-*
23 *mitted under section 1105(a) of title 31, United*
24 *States Code, each District Engineer and civilian Dep-*
25 *uty District Engineer for Programs and Project Man-*

1 *agement shall submit to Congress a district 5-year*
2 *budget and work plan.*

3 (2) *INCLUSION.—A district 5-year budget and*
4 *work plan under paragraph (1)—*

5 (A) *may include any project under the ju-*
6 *risdiction of the applicable District Engineer*
7 *that is not included in the budget transmitted*
8 *under section 1105(a) of title 31, United States*
9 *Code; and*

10 (B) *shall prioritize the projects based on the*
11 *value to the United States of each project.*

12 (3) *LEADERSHIP INPUT.—The headquarters of-*
13 *fice and Major Subordinate Command of the Corps of*
14 *Engineers shall provide appropriate quality assur-*
15 *ance guidance in the preparation of each district 5-*
16 *year budget and work plan.*

17 (f) *PUBLIC PARTICIPATION.—The Secretary shall issue*
18 *guidance that requires that for the development of, or any*
19 *proposed major substantive modification to, a district 5-*
20 *year budget and work plan, each District Engineer for each*
21 *district shall, not less frequently than annually—*

22 (1) *provide to cost-share partners, government*
23 *agencies, and stakeholders—*

24 (A) *notice and an opportunity for comment*
25 *for a period of not less than 30 days to submit*

1 *to the Secretary or to the District Engineer com-*
2 *ments, including through written submission of*
3 *data, opinions, or arguments, with or without an*
4 *opportunity for oral presentation;*

5 *(B) written responses to comments received*
6 *under subparagraph (A); and*

7 *(C) a process through which cost-share part-*
8 *ners, government agencies, and stakeholders may*
9 *appeal decisions of the District Engineer regard-*
10 *ing the contents of the district 5-year budget and*
11 *work plan under subsection (e)(1) to the Major*
12 *Subordinate Command with jurisdiction over the*
13 *District;*

14 *(2) publish the comments received under para-*
15 *graph (1)(A) on the internet website of the Corps of*
16 *Engineers;*

17 *(3) hold a public meeting to discuss each district*
18 *5-year budget and work plan;*

19 *(4) provide to government agencies the oppor-*
20 *tunity to consult and collaborate with each district*
21 *and obtain feedback to incorporate into risk assess-*
22 *ments; and*

23 *(5) provide to cost-share partners the oppor-*
24 *tunity to collaborate—*

25 *(A) to support information sharing;*

1 (B) to the maximum extent practicable, to
 2 share in concept development and decision-mak-
 3 ing to achieve complementary or integrated solu-
 4 tions to problems; and

5 (C) to obtain feedback to incorporate into
 6 risk assessments.

7 (g) *CRITERIA FOR THE HEADQUARTERS AND DISTRICT*
 8 *5-YEAR BUDGET AND WORK PLANS.*—

9 (1) *INTEGRATED WATER RESOURCE MANAGE-*
 10 *MENT.*—*In developing a headquarters 5-year budget*
 11 *and work plan or district 5-year budget and work*
 12 *plan, the Secretary or the District Engineer, as appli-*
 13 *cable, shall ensure that applicable projects are or will*
 14 *be carried out in a sustainable manner that—*

15 (A) *is holistic and mission-integrated;*

16 (B) *focuses on water resource challenges and*
 17 *opportunities;*

18 (C) *promotes collaboration with stake-*
 19 *holders, government agencies, and cost-share*
 20 *partners for coordinated development and active*
 21 *management of water and related resources;*

22 (D) *maximizes the benefits resulting from*
 23 *Corps of Engineers investment;*

24 (E) *aligns Corps of Engineers, government*
 25 *agencies, and cost-share partners authorities and*

1 *funding to gain efficiencies and maximize return*
2 *on investment; and*

3 *(F) pursues integrated water resource man-*
4 *agement.*

5 (2) *SYSTEM AND WATERSHED EVALUATION AND*
6 *PRIORITIZATION.—The Secretary shall issue guidance*
7 *to ensure, in the development of a headquarters 5-year*
8 *budget and work plan or district 5-year budget and*
9 *work plan—*

10 *(A) the use of modeling and data to evalu-*
11 *ate the performance of project assets on a system*
12 *or watershed basis in yielding system-wide or*
13 *watershed-wide benefits; and*

14 *(B) the prioritization of activities and*
15 *management of infrastructure within each rel-*
16 *evant system or watershed.*

17 (3) *LIFECYCLE PORTFOLIO MANAGEMENT.—In*
18 *making a determination relating to investment at*
19 *any stage of a project, the Secretary shall issue guid-*
20 *ance to ensure that the principles of lifecycle portfolio*
21 *management are applied in the development of head-*
22 *quarters 5-year budget and work plans and district 5-*
23 *year budget and work plans, including by—*

24 *(A) managing the entire lifecycle of the*
25 *project, within a system or watershed context,*

1 *using data and objective criteria as the basis for*
2 *risk-informed investment decision-making to pro-*
3 *vide—*

4 *(i) the desired outcomes of the project;*

5 *and*

6 *(ii) value to the United States; and*

7 *(B) managing the regional and national*
8 *portfolios of projects to make cost-effective and*
9 *sequenced investment decisions.*

10 *(4) FEDERAL CONSIDERATIONS.—In developing*
11 *and comparing project alternatives or making any*
12 *other determination for purposes of a headquarters 5-*
13 *year budget and work plan or district 5-year budget*
14 *and work plan, the Secretary shall issue guidance to*
15 *ensure that each plan includes an evaluation of the*
16 *projected effects of each project or initiative of na-*
17 *tional significance or project or initiative of regional,*
18 *Tribal, or local significance, or project alternative, if*
19 *applicable, on—*

20 *(A) the nonmonetary physical, chemical,*
21 *and biological conditions of water and related*
22 *land resources in the United States, at the sys-*
23 *tem or watershed scale;*

24 *(B) the economic value of—*

1 (i) *water and related land resources in*
2 *the United States; and*

3 (ii) *the national output of goods and*
4 *services produced using those resources;*

5 (C) *the reduction of, and remaining, risks*
6 *to human life and safety, as measured—*

7 (i) *taking into consideration applicable*
8 *flood and coastal storm damage reduction*
9 *plans, and any other relevant plans; and*

10 (ii) *using—*

11 (I) *nonmonetary units; or*

12 (II) *qualitative descriptions;*

13 (D) *significant cultural, aesthetic, and sub-*
14 *watershed-scale ecological resources, as measured*
15 *using—*

16 (i) *nonmonetary units; or*

17 (ii) *qualitative descriptions; and*

18 (E) *the effects described in subparagraphs*
19 (A) *through (D) with respect to—*

20 (i) *low-income communities;*

21 (ii) *rural communities; and*

22 (iii) *Tribal and other minority com-*
23 *munities.*

24 (5) *BUSINESS LINE CONSIDERATIONS.—The Sec-*
25 *retary shall issue guidance to ensure that head-*

1 *quarters 5-year budget and work plans and district 5-*
2 *year budget and work plans analyze the accomplish-*
3 *ments, projected challenges, and business programs*
4 *funding and performance of each project or initiative*
5 *of national significance and project or initiative of*
6 *regional, Tribal, or local significance, taking into*
7 *consideration any relevant business lines of the*
8 *project or initiative.*

9 *(h) EFFECT ON EXISTING PROCESS.—The budget*
10 *planning processes required under subsections (d) and (e)*
11 *for each fiscal year shall supplant the work plan process*
12 *with respect to the applicable accounts—*

13 *(1) to increase transparency regarding planned*
14 *expenditures of the Corps of Engineers during the 4-*
15 *year period following that fiscal year;*

16 *(2) to maximize the return on Federal invest-*
17 *ment; and*

18 *(3) to ensure that the infrastructure of the Corps*
19 *of Engineers protects laborers and employees, private*
20 *investment, and production in the United States.*

21 *(i) SAVINGS PROVISION.—Nothing in this section—*

22 *(1) affects or alters the standards, requirements,*
23 *or criteria for approval or authorization of an eco-*
24 *system restoration project; or*

1 (2) *creates a requirement to demonstrate a posi-*
2 *tive benefit-cost ratio to justify or support the author-*
3 *ization or budgeting of an ecosystem restoration*
4 *project.*

5 **SEC. 1002. NATIONAL ACADEMY STUDIES.**

6 *As soon as practicable after the date of enactment of*
7 *this Act, the Secretary shall enter into an agreement with*
8 *the National Academy of Sciences under which the National*
9 *Academy shall conduct studies regarding—*

10 (1) *the means by which the Corps of Engineers*
11 *can increase transparency in cooperating with—*

12 (A) *Congress;*

13 (B) *State and local units of government;*

14 (C) *local stakeholders; and*

15 (D) *other cost-share partners, government*
16 *agencies, and stakeholders;*

17 (2) *whether Congress should use a system-wide,*
18 *rather than project-based, authorization process for*
19 *water resources development projects; and*

20 (3) *whether the structure and organization of the*
21 *Corps of Engineers, as in effect on the date of enact-*
22 *ment of this Act—*

23 (A) *is the most effective structure and orga-*
24 *nization for continued operation; or*

25 (B) *should be modified to increase—*

- 1 (i) efficiency;
- 2 (ii) coordination;
- 3 (iii) transparency; or
- 4 (iv) cost savings.

5 **SEC. 1003. GAO STUDY ON BENEFIT-COST ANALYSIS RE-**
6 **FORMS.**

7 *Not later than 1 year after the date of enactment of*
8 *this Act, the Comptroller General of the United States*
9 *shall—*

10 (1) *conduct a study on the benefit-cost proce-*
11 *dures of the Secretary and the Director of the Office*
12 *of Management and Budget (referred to in this section*
13 *as the “Director”), including—*

14 (A) *an examination of the benefits and costs*
15 *that the Secretary and the Director do and do*
16 *not include in the benefit-cost calculation, in-*
17 *cluding, at a minimum, local and regional eco-*
18 *nomical benefits; and*

19 (B) *a review of the calculation (or lack of*
20 *a calculation) of navigation benefits used in a*
21 *calculation for a non-commercial harbor that is*
22 *used by a State maritime academy (as defined*
23 *in section 51102 of title 46, United States Code)*
24 *for military training purposes; and*

25 (2) *submit to Congress a report that—*

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

3 (B) includes recommendations for legislative
4 or regulatory changes to improve the benefit-cost
5 analysis procedures of the Secretary and the Di-
6 rector.

7 **SEC. 1004. TRANSPARENCY AND ACCOUNTABILITY IN COST-**
8 **SHARING FOR WATER RESOURCES PROJECTS.**

9 (a) *DEFINITION OF BALANCE SHEET.*—In this section,
10 the term “balance sheet” means a document that describes—

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

13 (2) the status of those funds.

14 (b) *ESTABLISHMENT OF BALANCE SHEET.*—Each dis-
15 trict of the Corps of Engineers shall—

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

19 (2) on request of a non-Federal interest that con-
20 tributed funds for the project, provide to the non-Fed-
21 eral interest a copy of the balance sheet.

22 (c) *UNDER-BUDGET PROJECTS.*—In the case of a
23 project carried out by the Secretary for which the project
24 is completed at a cost less than the estimated cost, the Sec-
25 retary shall transfer the excess funds back to the non-Fed-

1 eral interest, in accordance with the cost-share requirement
2 applicable to the project.

3 (d) *EXCESS FUNDS.*—

4 (1) *IN GENERAL.*—*In the case of a completed*
5 *project carried out by the Secretary for which funds*
6 *in excess of the funds needed to complete the project*
7 *have been contributed by a non-Federal interest, the*
8 *Secretary shall transfer the excess funds to a separate*
9 *account of the Secretary, in which the funds shall re-*
10 *main available until the non-Federal interest uses the*
11 *funds in accordance with paragraph (2).*

12 (2) *USE IN FUTURE PROJECTS OR OPERATION*
13 *AND MAINTENANCE COSTS.*—*The non-Federal interest*
14 *may use funds in the account for the non-Federal in-*
15 *terest under paragraph (1)—*

16 (A) *to pay the cost-share for other projects*
17 *carried out by the Secretary for which a non-*
18 *Federal cost-share is required; and*

19 (B) *to pay the costs of operation and main-*
20 *tenance of a project of the non-Federal interest*
21 *for which a non-Federal cost-share is required.*

22 **SEC. 1005. NON-FEDERAL SPONSOR REIMBURSEMENTS.**

23 (a) *DEFINITION OF UNREIMBURSED FUNDS.*—*In this*
24 *section, the term “unreimbursed funds”, with respect to a*
25 *project carried out by the Secretary, means funds spent by*

1 *a non-Federal sponsor, including for in-kind services, for*
 2 *the project that have not been reimbursed by the Secretary*
 3 *under an existing agreement before the end of the fiscal year*
 4 *following the fiscal year in which the funds were spent.*

5 *(b) APPLICATION OF UNREIMBURSED FUNDS.—In the*
 6 *case of a project carried out by the Secretary under an ex-*
 7 *isting agreement for which the non-Federal sponsor has un-*
 8 *reimbursed funds, on the request of the non-Federal sponsor,*
 9 *the Secretary shall—*

10 *(1) credit the unreimbursed funds to—*

11 *(A) the non-Federal operation and mainte-*
 12 *nance cost-share for that project; or*

13 *(B) the non-Federal cost-share requirement*
 14 *of that non-Federal sponsor for another project to*
 15 *be carried out by the Secretary; or*

16 *(2) reimburse the funds to the non-Federal spon-*
 17 *sor.*

18 **SEC. 1006. CHALLENGE COST-SHARING PROGRAM FOR THE**

19 **MANAGEMENT OF RECREATION FACILITIES.**

20 *Section 225(c) of the Water Resources Development Act*
 21 *of 1992 (33 U.S.C. 2328(c)) is amended—*

22 *(1) by striking “non-Federal public entity” each*
 23 *place it appears and inserting “non-Federal public or*
 24 *private entity”; and*

25 *(2) by adding at the end the following:*

1 “(4) *TREATMENT.*—*In carrying out this sub-*
 2 *section, the Secretary shall ensure that a private enti-*
 3 *ty is subject to the same regulations and requirements*
 4 *as a non-Federal public entity.”.*

5 **SEC. 1007. COST ESTIMATES.**

6 *Section 2008(c) of the Water Resources Development*
 7 *Act of 2007 (33 U.S.C. 2340(c)) is amended by striking “be-*
 8 *fore, on, or after” and inserting “on or after”.*

9 **SEC. 1008. RETROACTIVE CHANGES TO COST-SHARING**
 10 **AGREEMENTS.**

11 *Study costs incurred before the date of execution of a*
 12 *feasibility cost-sharing agreement for a project to be carried*
 13 *out under section 206 of the Water Resources Development*
 14 *Act of 1996 (33 U.S.C. 2330) shall be Federal costs, if—*

15 (1) *the study was initiated before October 1,*
 16 *2006; and*

17 (2) *the feasibility cost-sharing agreement was not*
 18 *executed before January 1, 2014.*

19 **SEC. 1009. PROJECT PARTNERSHIP AGREEMENTS.**

20 (a) **DEFINITION OF PROJECT PARTNERSHIP AGREE-**
 21 **MENT.**—*In this section, the term “project partnership agree-*
 22 *ment” means an agreement between the Secretary and the*
 23 *non-Federal sponsor of a water resources project that de-*
 24 *scribes—*

25 (1) *the project; and*

1 (2) *the responsibilities of each of the Secretary*
2 *and the non-Federal sponsor with respect to cost-shar-*
3 *ing, execution of work, and other aspects of the*
4 *project.*

5 (b) *IMPROVED COST DESCRIPTION.—In any project*
6 *partnership agreement entered into after the date of enact-*
7 *ment of this Act, the Secretary shall ensure that the project*
8 *partnership agreement includes clear and detailed descrip-*
9 *tions of operation and maintenance, repair, replacement,*
10 *and rehabilitation costs and the entity with responsibility*
11 *for those costs with respect to the project.*

12 **SEC. 1010. STUDY AND REPORT ON EXPEDITING CERTAIN**
13 **WAIVER PROCESSES.**

14 *Not later than 1 year after the date of enactment of*
15 *this Act, the Secretary shall complete, and submit to the*
16 *Committee on Environment and Public Works of the Senate*
17 *and the Committee on Transportation and Infrastructure*
18 *of the House of Representatives a report based on the results*
19 *of, a study on the best options available to the Secretary*
20 *to improve and expedite the waiver process for the non-Fed-*
21 *eral cost-share under section 116 of the Energy and Water*
22 *Development and Related Agencies Appropriations Act,*
23 *2010 (Public Law 111–85; 123 Stat. 2851).*

1 **SEC. 1011. FEASIBILITY STUDIES FOR MITIGATION OF**
2 **STORM DAMAGE.**

3 *Section 105(a)(1) of the Water Resources Development*
4 *Act of 1986 (33 U.S.C. 2215(a)(1)) is amended—*

5 *(1) in subparagraph (A), by striking “The Sec-*
6 *retary” and inserting “Except as provided in sub-*
7 *paragraph (F), the Secretary”; and*

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

9 *“(F) COST-SHARE FOR CERTAIN MITIGATION*
10 *PROJECTS.—*

11 *“(i) IN GENERAL.—In the case of a*
12 *feasibility study described in clause (ii), the*
13 *Federal share of the cost of the study shall*
14 *be, as determined by the Secretary—*

15 *“(I) not less than 50 percent; and*

16 *“(II) not more than 100 percent.*

17 *“(ii) FEASIBILITY STUDIES DE-*
18 *SCRIBED.—A feasibility study referred to in*
19 *clause (i) is a feasibility study for a project*
20 *for mitigation of damage to an area affected*
21 *by weather or other events for which—*

22 *“(I) during the 8-year period end-*
23 *ing on the date of enactment of the*
24 *America’s Water Infrastructure Act of*
25 *2018—*

1 “(aa) the Secretary provided
2 emergency response under section
3 5 of the Act of August 18, 1941
4 (commonly known as the ‘Flood
5 Control Act of 1941’) (55 Stat.
6 650, chapter 377; 33 U.S.C.
7 701n); or

8 “(bb) the area received dis-
9 aster assistance under the Robert
10 T. Stafford Disaster Relief and
11 Emergency Assistance Act (42
12 U.S.C. 5121 et seq.); and

13 “(II) there is a significant risk for
14 future similar events (as determined by
15 the Secretary).”.

16 **SEC. 1012. EXTENDED COMMUNITY ASSISTANCE BY THE**
17 **CORPS OF ENGINEERS.**

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

21 (1) by redesignating paragraph (3) as para-
22 graph (4); and

23 (2) by inserting after paragraph (2) the fol-
24 lowing:

25 “(3) **EXTENDED ASSISTANCE.**—

1 “(A) *IN GENERAL.*—A State, Tribe, or other
2 entity receiving assistance under the fourth sen-
3 tence of paragraph (1) on land the State, Tribe,
4 or entity owns, has jurisdiction over, or other-
5 wise controls, may petition the Secretary for ex-
6 tended assistance, to apply after the 30-day pe-
7 riod of the project under section 203.61(b)(8) of
8 title 33, Code of Federal Regulations (or suc-
9 cessor regulations).

10 “(B) *ASSISTANCE.*—On a petition under
11 subparagraph (A), the Secretary shall provide
12 extended assistance in accordance with this
13 paragraph.

14 “(C) *COST-SHARING.*—Except as provided
15 in subparagraph (D), extended assistance under
16 this paragraph shall be subject to a minimum
17 non-Federal cost-sharing requirement of 45 per-
18 cent.

19 “(D) *EXCEPTION.*—The Secretary—

20 “(i) may waive or reduce the min-
21 imum non-Federal cost-sharing requirement
22 under subparagraph (C), at the discretion
23 of the Secretary, if the Secretary determines
24 that the financial situation of the non-Fed-

1 *eral sponsor of the project warrants a re-*
2 *duction; and*

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

8 *“(E) FACTORS.—In determining how to*
9 *best provide extended assistance under this para-*
10 *graph, the Secretary shall consider whether*
11 *granting the extended assistance would—*

12 *“(i) minimize costs of long-term bur-*
13 *dens on the non-Federal sponsor of the*
14 *project;*

15 *“(ii) increase the resiliency of the*
16 *project; and*

17 *“(iii) align with long-term solutions to*
18 *problems that the project seeks to rectify.*

19 *“(F) SUNSET.—The authority of the Sec-*
20 *retary to provide extended assistance under this*
21 *paragraph shall terminate on the date that is 2*
22 *years after the date of enactment of the Amer-*
23 *ica’s Water Infrastructure Act of 2018.”.*

1 **SEC. 1013. ADVANCED FUNDS FOR WATER RESOURCES DE-**
2 **VELOPMENT STUDIES AND PROJECTS.**

3 *The Act of October 15, 1940 (54 Stat. 1176, chapter*
4 *884; 33 U.S.C. 701h-1) is amended—*

5 *(1) in the first sentence—*

6 *(A) by striking “Whenever any” and insert-*
7 *ing the following:*

8 *“(a) IN GENERAL.—Whenever any”;*

9 *(B) by striking “a flood-control project duly*
10 *adopted and authorized by law” and inserting*
11 *“an authorized water resources development*
12 *study or project,”; and*

13 *(C) by striking “such work” and inserting*
14 *“such study or project”;*

15 *(2) in the second sentence—*

16 *(A) by striking “The Secretary of the*
17 *Army” and inserting the following:*

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

19 *(B) by striking “from appropriations which*
20 *may be provided by Congress for flood-control*
21 *work” and inserting “if specific appropriations*
22 *are provided by Congress for such purpose”;* and

23 *(3) by adding at the end the following:*

24 *“(c) AUTHORIZATION OF APPROPRIATIONS.—There is*
25 *authorized to be appropriated to the Secretary to provide*

1 *repayment under subsection (b) \$50,000,000 for each of fis-*
2 *cal years 2020 and 2021.*

3 “(d) *DEFINITION OF STATE.*—*In this section, the term*
4 *‘State’ means—*

5 “(1) *a State;*

6 “(2) *the District of Columbia;*

7 “(3) *the Commonwealth of Puerto Rico;*

8 “(4) *any other territory or possession of the*
9 *United States; and*

10 “(5) *a federally recognized Indian tribe or a*
11 *tribal organization (as defined in section 4 of the In-*
12 *dian Self-Determination and Education Assistance*
13 *Act (25 U.S.C. 5304)).”.*

14 **SEC. 1014. IMPLEMENTATION GUIDANCE.**

15 (a) *IN GENERAL.*—*Except as provided in subsection*
16 *(b), not later than 120 days after the date of enactment*
17 *of this Act, the Secretary shall issue guidance to implement*
18 *each provision of law (including an amendment made to*
19 *a provision of law) under the jurisdiction of the Secretary,*
20 *for which guidance has not been issued as of the date of*
21 *enactment of this Act, under—*

22 (1) *the Water Resources Reform and Develop-*
23 *ment Act of 2014 (128 Stat. 1193); and*

24 (2) *the Water Infrastructure Improvements for*
25 *the Nation Act (130 Stat. 1628).*

1 (b) *EXCEPTION.*—Subsection (a) shall not apply with
2 respect to a provision of law for which a lack of funds ap-
3 propriated to carry out that provision prevents implemen-
4 tation guidance from being issued.

5 **SEC. 1015. IMPLEMENTATION GUIDANCE FOR THIS ACT.**

6 (a) *IN GENERAL.*—Not later than 1 year after the date
7 of enactment of this Act, the Secretary shall issue guidance
8 to carry out this Act and any amendments made by this
9 Act with respect to a provision of law under the jurisdiction
10 of the Secretary.

11 (b) *EXCEPTION.*—Subsection (a) shall not apply with
12 respect to a provision of law for which a lack of funds ap-
13 propriated to carry out that provision prevents implemen-
14 tation guidance from being issued.

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

18 (d) *SUBMISSION.*—The Secretary shall submit to the
19 Committee on Environment and Public Works of the Senate
20 and the Committee on Transportation and Infrastructure
21 of the House of Representatives a copy of all public com-
22 ments received under subsection (c) and a description of
23 any consideration of those comments.

1 **SEC. 1016. EASEMENTS FOR CERTAIN RURAL ELECTRIC,**
 2 **TELEPHONE, AND BROADBAND SERVICE FA-**
 3 **CILITIES.**

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

6 *(1) by redesignating subsection (c) as subsection*
 7 *(d); and*

8 *(2) by inserting after subsection (b) the fol-*
 9 *lowing:*

10 *“(c) CERTAIN EASEMENTS.—*

11 *“(1) IN GENERAL.—The Secretary shall grant an*
 12 *easement across water resources development project*
 13 *land for the electric, telephone, or broadband service*
 14 *facilities of a nonprofit organization that is eligible*
 15 *for financing under the Rural Electrification Act of*
 16 *1936 (7 U.S.C. 901 et seq.) if the easement does not*
 17 *interfere with the safe functioning of the water re-*
 18 *sources development project.*

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

22 **SEC. 1017. CORPS CAPABILITIES.**

23 *Not later than 1 year after the date of enactment of*
 24 *this Act, the Secretary shall conduct and complete the study*
 25 *under section 936 of the Water Resources Development Act*
 26 *of 1986 (33 U.S.C. 2300).*

1 **SEC. 1018. PROJECT AUTHORIZATION FUNDING LINES.**

2 *In any case in which a project under the jurisdiction*
3 *of the Secretary is budgeted under a different business line*
4 *than the business line under which the project was origi-*
5 *nally authorized, the Secretary shall ensure that the project*
6 *is carried out in accordance with any requirements that*
7 *apply to the business line under which the project was origi-*
8 *nally authorized.*

9 **SEC. 1019. CONSOLIDATION OF STUDIES; REPORT.**

10 *(a) IN GENERAL.—Not later than 1 year after the date*
11 *of enactment of this Act, the Secretary shall complete a*
12 *study on whether section 1002 of the Water Resources Re-*
13 *form and Development Act of 2014 (128 Stat. 1198) and*
14 *the amendments made by that section limit options avail-*
15 *able to the Secretary to fund work relating to—*

16 *(1) feasibility scoping;*

17 *(2) project management planning; and*

18 *(3) review plan development.*

19 *(b) REPORT TO CONGRESS.—Not later than 1 year*
20 *after the date of enactment of this Act, the Secretary shall*
21 *submit to Congress a report describing the results of the*
22 *study under subsection (a).*

23 **SEC. 1020. NON-FEDERAL STUDY AND CONSTRUCTION OF**
24 **PROJECTS.**

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

1 (1) by striking “At the request of a non-Federal
2 interest, the Secretary may provide” and inserting
3 the following:

4 “(1) *IN GENERAL.*—On the request of a non-Fed-
5 eral interest, the Secretary shall provide”; and

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

7 “(2) *SAVINGS PROVISION.*—The provision of tech-
8 nical assistance by the Secretary under paragraph
9 (1)—

10 “(A) shall not be considered to be an ap-
11 proval or endorsement of the feasibility study;
12 and

13 “(B) shall not affect the responsibilities of
14 the Secretary—

15 “(i) to review the feasibility study for
16 compliance with applicable Federal laws
17 (including regulations) under subsection
18 (b); and

19 “(ii) to make recommendations to Con-
20 gress on the plan or design of the project
21 under subsection (c).”.

22 **SEC. 1021. REPORTS TO CONGRESS.**

23 (a) *IN GENERAL.*—Subject to the availability of appro-
24 priations, the Secretary shall complete and submit to Con-

1 *gress by the applicable date required any report or study*
2 *required under this Act or an amendment made by this Act.*

3 *(b) FAILURE TO PROVIDE A COMPLETED REPORT OR*
4 *STUDY.—*

5 *(1) IN GENERAL.—Subject to subsection (c), if*
6 *the Secretary fails to provide a report or study de-*
7 *scribed in subsection (a) by the date that is 180 days*
8 *after the applicable date required for that report or*
9 *study, \$5,000 shall be reprogrammed from the Gen-*
10 *eral Expenses account of the civil works program of*
11 *the Army Corps of Engineers into the account of the*
12 *division of the Army Corps of Engineers with respon-*
13 *sibility for completing that report or study.*

14 *(2) SUBSEQUENT REPROGRAMMING.—Subject to*
15 *subsection (c), for each additional week after the date*
16 *described in paragraph (1) in which a report or study*
17 *described in that paragraph remains uncompleted*
18 *and unsubmitted to Congress, \$5,000 shall be repro-*
19 *grammed from the General Expenses account of the*
20 *civil works program of the Army Corps of Engineers*
21 *into the account of the division of the Secretary with*
22 *responsibility for completing that report or study.*

23 *(c) LIMITATIONS.—*

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

4 (2) *AGGREGATE LIMITATION.*—The total amount
5 reprogrammed under subsection (b) in a fiscal year
6 shall not exceed \$100,000.

7 (d) *NO FAULT OF THE SECRETARY.*—Amounts shall
8 not be reprogrammed under subsection (b) if the Secretary
9 certifies in a letter to the applicable committees of Congress
10 that—

11 (1) a major modification has been made to the
12 content of the report or study that requires additional
13 analysis for the Secretary to make a final decision on
14 the report or study;

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

18 (3) additional information is required from an
19 entity other than the Corps of Engineers and is not
20 available in a timely manner to complete the report
21 or study by the deadline.

22 (e) *LIMITATION.*—The Secretary shall not reprogram
23 funds to the General Expenses account of the civil works
24 program of the Corps of Engineers for the loss of the funds.

1 (f) *REPORT.*—Not less frequently than once each fiscal
2 year, the Secretary shall submit to the Committee on Envi-
3 ronment and Public Works of the Senate and the Committee
4 on Transportation and Infrastructure of the House of Rep-
5 resentatives a report that includes a list of each report or
6 study by the Secretary that—

7 (1) was due to be completed in the previous fiscal
8 year; but

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

10 (g) *REPEAL.*—Section 1042 of the Water Resources Re-
11 form and Development Act of 2014 (33 U.S.C. 2201 note;
12 Public Law 113–121) is repealed.

13 **SEC. 1022. DISPOSITION STUDIES.**

14 The Secretary shall carry out any disposition study
15 for a project of the Corps of Engineers in a transparent
16 manner, including—

17 (1) by offering opportunities for public input
18 during the study; and

19 (2) publishing and making publicly available
20 final disposition studies.

21 **SEC. 1023. NATURAL INFRASTRUCTURE.**

22 In each feasibility study carried out by the Secretary
23 for a project for flood risk management or hurricane and
24 storm damage risk reduction, the Secretary shall consider
25 the use of both traditional and natural infrastructure alter-

1 *natives, alone or in conjunction with each other, if those*
 2 *alternatives are practicable.*

3 **SEC. 1024. WATERCRAFT INSPECTION STATIONS.**

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

6 *(1) by striking subsection (b) and inserting the*
 7 *following:*

8 *“(b) AUTHORIZATION OF APPROPRIATIONS.—*

9 *“(1) IN GENERAL.—There is authorized to be ap-*
 10 *propriated \$80,000,000 to carry out this section for*
 11 *each fiscal year, of which—*

12 *“(A) \$30,000,000 shall be made available to*
 13 *carry out subsection (d)(1)(A)(i); and*

14 *“(B) \$30,000,000 shall be made available to*
 15 *carry out subsection (d)(1)(A)(ii).*

16 *“(2) CONTROL OPERATIONS.—Any funds under*
 17 *paragraph (1) used for control operations shall be al-*
 18 *located by the Chief of Engineers on a priority basis,*
 19 *based on the urgency and need of each area and the*
 20 *availability of local funds.”; and*

21 *(2) in subsection (d)—*

22 *(A) by striking paragraph (1) and inserting*
 23 *the following:*

24 *“(1) IN GENERAL.—*

1 “(A) *WATERCRAFT INSPECTION STA-*
2 *TIONS.—In carrying out this section, the Sec-*
3 *retary shall establish, operate, and maintain new*
4 *or existing watercraft inspection stations—*

5 “(i) *to protect the Columbia River*
6 *Basin; and*

7 “(ii) *to protect the Upper Missouri*
8 *River Basin.*

9 “(B) *LOCATIONS.—The Secretary shall*
10 *place watercraft inspection stations under sub-*
11 *paragraph (A) at locations, as determined by the*
12 *Secretary in consultation with States within the*
13 *areas described in subparagraph (A), with the*
14 *highest likelihood of preventing the spread of*
15 *aquatic invasive species at reservoirs operated*
16 *and maintained by the Secretary.*

17 “(C) *RAPID RESPONSE.—The Secretary*
18 *shall assist the States within the areas described*
19 *in subparagraph (A) with rapid response to any*
20 *aquatic invasive species, including quagga or*
21 *zebra mussel, infestation.”; and*

22 *(B) by striking paragraph (3)(A) and in-*
23 *serting the following:*

1 “(A) the Governors of the States within the
2 areas described in clause (i) or (ii) of paragraph
3 (1)(A), as applicable;”.

4 **SEC. 1025. REAUTHORIZATION OF NON-FEDERAL IMPLE-**
5 **MENTATION PILOT PROGRAM.**

6 Section 1043 of the Water Resources Reform and De-
7 velopment Act of 2014 (33 U.S.C. 2201 note; Public Law
8 113–121) is amended—

9 (1) in subsection (a)—

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

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

16 (C) in paragraph (8), by striking “each of
17 fiscal years 2015 through 2019” and inserting
18 “each of fiscal years 2015 through 2021”; and

19 (2) in subsection (b)—

20 (A) in paragraph (3)(A)(i), by striking
21 “date of enactment of this Act” each place it ap-
22 pears and inserting “date of enactment of the
23 America’s Water Infrastructure Act of 2018”;

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

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

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

10 (E) in paragraph (8), by striking “each of
11 fiscal years 2015 through 2019” and inserting
12 “each of fiscal years 2015 through 2021”.

13 **SEC. 1026. PROJECT STUDIES SUBJECT TO INDEPENDENT**
14 **PEER REVIEW.**

15 (a) *EXTENSION*.—Section 2034(h)(2) of the Water Re-
16 sources Development Act of 2007 (33 U.S.C. 2343(h)(2)) is
17 amended by striking “12 years” and inserting “17 years”.

18 (b) *REPORT*.—Section 2034(i) of the Water Resources
19 Development Act of 2007 (33 U.S.C. 2343(i)) is amended
20 by adding at the end the following:

21 “(3) *REPORT*.—Not later than 1 year after the
22 date of enactment of the America’s Water Infrastruc-
23 ture Act of 2018, the Secretary shall—

24 “(A) complete an analysis of—

1 “(i) cost and time overruns for projects
2 subject to this section;

3 “(ii) the effectiveness of peer review,
4 and the extent to which planning problems
5 are identified in the peer review process;
6 and

7 “(iii) whether the Secretary plans to
8 take actions to improve the general plan-
9 ning process to address planning problems
10 identified in multiple reviews by Inde-
11 pendent External Peer Review panels; and

12 “(B) submit to the Committee on Environ-
13 ment and Public Works of the Senate and the
14 Committee on Transportation and Infrastructure
15 of the House of Representatives a report describ-
16 ing the results of the analysis under subpara-
17 graph (A).”.

18 **SEC. 1027. EXPEDITED CONSIDERATION.**

19 Section 7004(b)(4) of the Water Resources Reform and
20 Development Act of 2014 (128 Stat. 1374) is amended by
21 striking “December 31, 2018” and inserting “December 31,
22 2024”.

23 **SEC. 1028. WIFIA STUDY.**

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

1 (1) carry out a study on impediments to the im-
2 plementation of the Water Infrastructure Finance and
3 Innovation Act (33 U.S.C. 3901 et seq.) for the Sec-
4 retary, including—

5 (A) the obstacles that need to be removed for
6 the Secretary to implement the responsibilities of
7 the Secretary under that Act;

8 (B) an identification of all projects that the
9 Secretary determines to be potentially viable to
10 receive assistance under that Act; and

11 (C) an identification of any amendments to
12 that Act or other legislative or regulatory
13 changes that would improve the ability of the
14 Secretary to implement that Act; and

15 (2) submit to the Committee on Environment
16 and Public Works of the Senate and the Committee on
17 Transportation and Infrastructure of the House of
18 Representatives a report on the results of the study
19 under paragraph (1).

20 **SEC. 1029. ENHANCED DEVELOPMENT DEMONSTRATION**
21 **PROGRAM.**

22 (a) *IN GENERAL.*—The Secretary is directed to review
23 the master plan and shoreline management plan for any
24 lake described in section 3134 of the Water Resources Devel-
25 opment Act of 2007 (121 Stat. 1142; 130 Stat. 1671) for

1 *the purpose of identifying areas suitable for enhanced devel-*
2 *opment if—*

3 (1) *the master plan and shoreline management*
4 *plan of the lake have been updated since January 1,*
5 *2013; and*

6 (2) *the district office of the Corps of Engineers*
7 *has received a written request for such a review.*

8 (b) *DEFINITION OF ENHANCED DEVELOPMENT.—In*
9 *this section, the term “enhanced development” means struc-*
10 *tures or other improvements used for non-water-dependent*
11 *commercial or hospitality industry purposes or for residen-*
12 *tial or recreational purposes.*

13 (c) *LEASE AUTHORITY.—The Secretary is authorized*
14 *to lease Federal land under the jurisdiction of the Secretary*
15 *pursuant to this section for such terms as the Secretary de-*
16 *termines to be advisable to permit enhanced development*
17 *in areas approved for such uses under subsection (a).*

18 (d) *USE OF COMPETITIVE PROCEDURES.—The Sec-*
19 *retary shall require use of competitive procedures for leases*
20 *authorized under subsection (c).*

21 (e) *CONSIDERATIONS.—For leases authorized under*
22 *subsection (c), the Secretary shall—*

23 (1) *require payment of at least fair market*
24 *value, up to 50 percent of which amount may be pro-*
25 *vided in-kind at the discretion of the Secretary;*

1 (2) *enter into a partnership agreement with a*
2 *private entity;*

3 (3) *consider lease durations of up to 100 years;*
4 *and*

5 (4) *consider regional economic impacts.*

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

9 (1) *the maintenance, protection, alteration, re-*
10 *pair, improvement, or restoration of public recreation*
11 *facilities under the control of the Secretary; and*

12 (2) *construction of new public recreation facili-*
13 *ties.*

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

22 (1) *Natural resource and recreation manage-*
23 *ment.*

1 (2) *The investigation, planning, construction,*
2 *operation, and maintenance of public recreation fa-*
3 *cilities.*

4 (h) *PAYMENT OF ADMINISTRATIVE EXPENSES.—The*
5 *Secretary shall recover the administrative expenses associ-*
6 *ated with leases authorized under subsection (c) in accord-*
7 *ance with section 2695 of title 10, United States Code.*

8 (i) *STUDY APPLICATION OF MILITARY LEASING AU-*
9 *THORITIES TO CIVIL WORKS PROJECTS.—Not later than 2*
10 *years after the date of enactment of this Act, the Secretary*
11 *shall—*

12 (1) *complete a study on the application of sec-*
13 *tion 2667 of title 10, United States Code, enhanced*
14 *use leasing authorities, and other military leasing au-*
15 *thorities to the civil works program of the Secretary;*
16 *and*

17 (2) *submit to Congress a report on the results of*
18 *the study under paragraph (1), including a descrip-*
19 *tion of the obstacles that must be removed to imple-*
20 *ment the authorities.*

21 **SEC. 1030. DUPLICATION OF EFFORTS.**

22 *In the case of a project in which the non-Federal spon-*
23 *sor is working with an institution of higher education, in*
24 *order to reduce duplication of efforts, the Secretary shall*
25 *consider hiring an institution of higher education or entity,*

1 *in accordance with any applicable contract law, to provide*
 2 *assistance under section 22 of the Water Resources Develop-*
 3 *ment Act of 1974 (42 U.S.C. 1962d–16) with respect to that*
 4 *project.*

5 **SEC. 1031. CORPS OF ENGINEERS BOARD OF APPEALS FOR**
 6 **CERTAIN WATER STORAGE PROJECTS.**

7 *(a) PURPOSE AND NEED STATEMENTS.—*

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

13 *(A) whether the District Engineer concurs*
 14 *with the assessment of the purpose of and need*
 15 *for the water storage project proposed by the ap-*
 16 *plicant; and*

17 *(B) in any case in which the District Engi-*
 18 *neer does not concur as described in subpara-*
 19 *graph (A), an assessment by the District Engi-*
 20 *neer of the purpose of and need for the project.*

21 *(2) EFFECT ON ENVIRONMENTAL IMPACT STATE-*
 22 *MENTS.—No environmental impact statement or envi-*
 23 *ronmental assessment required under the National*
 24 *Environmental Policy Act of 1969 (42 U.S.C. 4321 et*
 25 *seq.) shall substantially commence with respect to a*

1 *water storage project for which an application is sub-*
 2 *mitted as described in paragraph (1) until the date*
 3 *on which the District Engineer provides to the appli-*
 4 *cant the purpose and need statement under that para-*
 5 *graph.*

6 *(b) RECORDS OF DECISION.—Before the Secretary*
 7 *issues a permit decision for any project for which a permit*
 8 *from the Secretary is required, the Secretary shall provide*
 9 *to the applicant a record of decision that describes all appli-*
 10 *cable conditions under the permit that will apply to the*
 11 *project.*

12 *(c) CORPS OF ENGINEERS BOARD OF APPEALS.—*

13 *(1) ESTABLISHMENT.—The Secretary shall estab-*
 14 *lish a board of appeals, to be known as the “Corps*
 15 *of Engineers Board of Appeals” (referred to in this*
 16 *subsection as the “Board”).*

17 *(2) MEMBERSHIP.—*

18 *(A) IN GENERAL.—The Board shall be com-*
 19 *posed of 5 members, to be appointed by the Sec-*
 20 *retary, of whom—*

21 *(i) 2 shall be representatives of State*
 22 *water development commissions and agen-*
 23 *cies with water storage needs;*

24 *(ii) 2 shall be representatives of the*
 25 *Corps of Engineers; and*

1 (iii) 1—

2 (I) shall be selected jointly by the
3 Secretary and the entities described in
4 clause (i); and

5 (II) shall not be a representative
6 of any entity described in clause (i) or
7 (ii).

8 (B) *REQUIREMENTS.*—In selecting members
9 to serve on the Board, the Secretary shall ensure
10 that each Board member—

11 (i) does not have a conflict of interest;
12 and

13 (ii) is not from the same State in
14 which the project that is the subject of the
15 appeal is located.

16 (3) *DUTIES.*—

17 (A) *IN GENERAL.*—The Board shall make
18 determinations on—

19 (i) all appeals relating to a purpose
20 and need statement provided under sub-
21 section (a)(1); and

22 (ii) all appeals relating to the permit
23 conditions described in a record of decision
24 under subsection (b).

1 (B) *DEADLINE.*—*The Board shall make a*
2 *determination regarding an appeal under sub-*
3 *paragraph (A) by not later than 90 days after*
4 *the date on which the appeal is filed with the*
5 *Board.*

6 (C) *FACTORS FOR CONSIDERATION.*—*In*
7 *making a determination under subparagraph*
8 *(A), the Board shall evaluate—*

9 (i) *in the case of an appeal described*
10 *in subparagraph (A)(i), any field assess-*
11 *ment of the Corps of Engineers regarding*
12 *the purpose of and need for the applicable*
13 *water storage project; and*

14 (ii) *in the case of an appeal described*
15 *in subparagraph (A)(ii), any condition*
16 *placed on a project under a permit based on*
17 *the record of decision under subsection (b).*

18 (4) *CONSIDERATION BY DISTRICT ENGINEER.*—

19 (A) *IN GENERAL.*—*In the case of any deter-*
20 *mination of the Board under paragraph (3)(A),*
21 *the applicable District Engineer shall reconsider*
22 *the purpose and need statement or permit condi-*
23 *tion, as applicable, taking into consideration the*
24 *determination of the Board under paragraph*
25 *(3)(A).*

1 (B) *EXPLANATION.*—*If the District Engi-*
2 *neer determines not to accept a determination*
3 *under subparagraph (A), the District Engineer*
4 *shall, not later than 90 days after the date on*
5 *which the District Engineer receives the deter-*
6 *mination, provide to the applicant and to the*
7 *Board a written explanation as to why the Dis-*
8 *trict Engineer rejected the determination.*

9 **SEC. 1032. SENSE OF CONGRESS RELATING TO LOCAL ROLE**
10 **IN CORPS PROJECTS.**

11 *It is the sense of Congress that in a case in which a*
12 *local non-Federal interest takes responsibility for certain*
13 *operation, maintenance, or capital improvement expenses*
14 *of a project of the Secretary, the provision of funds by the*
15 *local non-Federal interest results in savings to Federal tax-*
16 *payers.*

17 **SEC. 1033. SENSE OF CONGRESS RELATING TO STUDY OF**
18 **WATER RESOURCES DEVELOPMENT**
19 **PROJECTS BY NON-FEDERAL INTERESTS.**

20 *It is the sense of Congress that the amendment to sec-*
21 *tion 203 of the Water Resources Development Act of 1986*
22 *(33 U.S.C. 2231) made by section 1126 of the Water Infra-*
23 *structure Improvements for the Nation Act (130 Stat. 1648)*
24 *was intended to supersede any conflicting laws.*

1 **SEC. 1034. 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. 1035. SENSE OF CONGRESS RELATING TO ENCOUR-**
11 **AGING RESILIENT TECHNIQUES AND HABI-**
12 **TAT CONNECTIVITY IN ECOSYSTEM RESTORA-**
13 **TION.**

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 impacts*
17 *on communities, and provide a significant return on invest-*
18 *ment by—*

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

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

1 **SEC. 1036. ALTERATIONS TO LOCAL FLOOD CONTROL**
2 **PROJECTS.**

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

10 **SEC. 1037. NON-FEDERAL CONSTRUCTION.**

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

14 *“(3) NON-FEDERAL CONSTRUCTION.—*

15 *“(A) IN GENERAL.—If a non-Federal inter-*
16 *est of a water resources development project be-*
17 *gins to carry out that water resources develop-*
18 *ment project under this section, the non-Federal*
19 *interest may request that the Secretary transfer*
20 *all relevant data and documentation within the*
21 *control of the Secretary with respect to that*
22 *water resources development project to the non-*
23 *Federal interest.*

24 *“(B) DEADLINE.—The Secretary shall*
25 *transfer the data and documentation described*
26 *in subparagraph (A) not later than the date that*

1 is 90 days after the date of the request described
2 in that subparagraph.

3 “(C) *TECHNICAL ASSISTANCE.*—If the Sec-
4 retary provides the data and documentation de-
5 scribed in subparagraph (A), the non-Federal in-
6 terest may request, and the Secretary shall pro-
7 vide, technical assistance and relevant materials
8 to the non-Federal interest to assist the non-Fed-
9 eral interest in applying for and obtaining the
10 Federal permits described in paragraph (2)(A)
11 to obtain the permits in the most expeditious
12 manner practicable.”.

13 **SEC. 1038. CONTRIBUTED FUNDS FOR NON-FEDERAL RES-**
14 **ERVOIR OPERATIONS.**

15 Section 5 of the Act of June 22, 1936 (commonly
16 known as the “Flood Control Act of 1936”) (49 Stat. 1589,
17 chapter 688; 33 U.S.C. 701h) is amended by inserting after
18 “authorized purposes of the project” the following: “Pro-
19 vided further, That the Secretary is authorized to receive
20 and expend funds from a State or a political subdivision
21 of a State, another non-Federal interest, or an owner of a
22 non-Federal reservoir to formulate, review, or revise oper-
23 ational documents for any non-Federal reservoir for which
24 the Secretary is authorized to prescribe regulations for the
25 use of storage allocated for flood control or navigation pur-

1 *suant to section 7 of the Act of December 22, 1944 (58 Stat.*
2 *890, chapter 665; 33 U.S.C. 709):”.*

3 **SEC. 1039. MITIGATION BANK CREDIT RELEASE SCHED-**
4 **ULES.**

5 (a) *DEFINITION OF MITIGATION BANK.*—*In this sec-*
6 *tion, the term “mitigation bank” has the meaning given*
7 *that term in section 332.2 of title 33, Code of Federal Regu-*
8 *lations (as in effect on the date of enactment of this Act).*

9 (b) *GUIDANCE.*—*The Secretary, in coordination with*
10 *the Administrator of the Environmental Protection Agency,*
11 *shall issue guidance for the development of mitigation bank*
12 *credit release schedules that—*

13 (1) *support the goal of achieving expedited per-*
14 *mitting; and*

15 (2) *maintain appropriate environmental protec-*
16 *tions.*

17 (c) *REQUIREMENTS.*—*In achieving the goal of expe-*
18 *dited permitting, the guidance issued under subsection (b)*
19 *shall—*

20 (1) *achieve compliance with the requirements*
21 *of—*

22 (A) *the final rule entitled “Compensatory*
23 *Mitigation for Losses of Aquatic Resources” (73*
24 *Fed. Reg. 19594 (April 10, 2008)); and*

1 (B) section 314(b) of the National Defense
2 Authorization Act for Fiscal Year 2004 (33
3 U.S.C. 1344 note; Public Law 108–136); and
4 (2) require—

5 (A) the mitigation bank sponsor to provide
6 financial assurances to ensure the completion, in
7 accordance with applicable performance stand-
8 ards, of the mitigation bank in accordance with
9 section 332.3(n) of title 33, Code of Federal Reg-
10 ulations (as in effect on the date of enactment of
11 this Act);

12 (B) the mitigation bank sponsor to reserve
13 the quantity of mitigation bank credits required
14 to ensure ecological performance of the mitiga-
15 tion bank; and

16 (C) that, except for credits reserved under
17 subparagraph (B), all mitigation bank credits
18 shall be available on completion of the construc-
19 tion of the bank.

20 **SEC. 1040. INNOVATIVE MATERIALS REPORT.**

21 Not later than 1 year after the date of enactment of
22 this Act, the Secretary shall submit to Congress a report
23 that—

24 (1) describes activities conducted by the Corps of
25 Engineers at centers of expertise, technology centers,

1 *technical centers, research and development centers,*
 2 *and similar facilities and organizations relating to*
 3 *the testing, research, development, identification, and*
 4 *recommended uses for innovative materials in water*
 5 *resources projects; and*

6 (2) *provides recommendations for projects in*
 7 *which innovative materials should be used.*

8 **SEC. 1041. UPDATES TO BENEFIT-COST ANALYSIS.**

9 *Notwithstanding any other provision of law, for any*
 10 *project of the Secretary for which construction has com-*
 11 *menced, the Secretary shall not perform or update a benefit-*
 12 *cost analysis of the project.*

13 **SEC. 1042. LOCAL GOVERNMENT WATER MANAGEMENT**
 14 **PLANS.**

15 *The Secretary, with the consent of the non-Federal*
 16 *sponsor of a feasibility study for a water resources develop-*
 17 *ment project, may enter into a feasibility study cost-sharing*
 18 *agreement under section 221(a) of the Flood Control Act*
 19 *of 1970 (42 U.S.C. 1962d-5b(a)), to allow a unit of local*
 20 *government in a watershed that has adopted a local or re-*
 21 *gional water management plan to participate in the feasi-*
 22 *bility study to determine if there is an opportunity to in-*
 23 *clude additional feasible elements in the project being stud-*
 24 *ied to help achieve the purposes identified in the local or*
 25 *regional water management plan.*

1 **SEC. 1043. ACCESS TO REAL ESTATE DATA.**

2 (a) *IN GENERAL.*—Using available funds, the Sec-
3 retary shall make publicly available, including on the inter-
4 net, all real estate assets of the Corps of Engineers in the
5 United States and other Federal real estate assets owned,
6 operated, managed, regulated, or in the custody of the Corps
7 of Engineers.

8 (b) *REQUIREMENTS.*—

9 (1) *IN GENERAL.*—The real estate data required
10 under subsection (a) shall include—

11 (A) existing standardized real estate plat
12 descriptions; and

13 (B) existing geographic information systems
14 and geospatial information.

15 (2) *COLLABORATION.*—In distributing the infor-
16 mation required under subsection (a), the Secretary
17 shall collaborate with the Administrator of General
18 Services.

19 (c) *LIMITATION.*—Nothing in this section shall compel
20 or authorize the disclosure of data or other information de-
21 termined by the Secretary to be confidential, privileged, na-
22 tional security information, personal information, or infor-
23 mation the disclosure of which is otherwise prohibited by
24 law.

1 (d) *TIMING.*—*The Secretary shall ensure that the real*
 2 *estate data required under subsection (a) is made publicly*
 3 *available as soon as practicable.*

4 **SEC. 1044. ADVANCED FUNDS FOR DISCRETE SEGMENTS.**

5 (a) *IN GENERAL.*—*The Secretary may accept and ex-*
 6 *pend funds advanced from a non-Federal interest to carry*
 7 *out a discrete segment of an authorized project for naviga-*
 8 *tion of the Secretary if the Secretary determines that the*
 9 *discrete segment—*

10 (1) *is technically feasible and environmentally*
 11 *acceptable; and*

12 (2) *can be operated independently without cre-*
 13 *ating a hazard in advance of completion of the*
 14 *project.*

15 (b) *CREDIT.*—*The Secretary may credit the funds ad-*
 16 *vanced under subsection (a) toward the non-Federal share*
 17 *of the cost of the project for which the funds were advanced.*

18 **SEC. 1045. INCLUSION OF NON-FEDERAL INTERESTS IN**

19 **PROJECT CONSULTATIONS.**

20 (a) *IN GENERAL.*—*In a timely manner, the non-Fed-*
 21 *eral interest for a water resources development study or*
 22 *project shall be given the opportunity to participate in all*
 23 *consultations with Federal and State agencies and Indian*
 24 *Tribes required by Federal law.*

25 (b) *CONSIDERATION OF VIEWS.*—

1 (1) *IN GENERAL.*—*The Secretary shall solicit*
2 *and give full consideration to the views of a non-Fed-*
3 *eral interest when carrying out the responsibilities of*
4 *the Secretary with respect to consultations with Fed-*
5 *eral and State agencies and Indian Tribes required*
6 *by Federal law for a water resources development*
7 *study or project.*

8 (2) *CONTINUED CONSULTATIONS.*—*The Secretary*
9 *shall require the applicable District Commander to*
10 *engage in consultation with a non-Federal interest*
11 *throughout the course of a water resources develop-*
12 *ment study or project.*

13 (c) *PROCESSES REQUIRED.*—*For any consultation re-*
14 *ferred to in or required under this section, the consultation*
15 *shall require notification to, working with, and addressing*
16 *the concerns of the non-Federal sponsor.*

17 **SEC. 1046. CATEGORICAL EXCLUSIONS.**

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

20 (1) *by striking “Water Resources Reform and*
21 *Development Act of 2014” each place it appears and*
22 *inserting “America’s Water Infrastructure Act of*
23 *2018”;*

24 (2) *in paragraph (1)(A), by striking “2005” and*
25 *inserting “2014”; and*

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

5 **SEC. 1047. GEOMATIC DATA.**

6 If a Federal or State department or agency considering
7 an aspect of an application for Federal authorization re-
8 quires the applicant to submit environmental data, the de-
9 partment or agency shall consider any such data submitted
10 by the applicant which was gathered by geomatic tech-
11 niques, including tools and techniques used in land sur-
12 veying, remote sensing, cartography, geographic informa-
13 tion systems, global navigation satellite systems, photo-
14 grammetry, geophysics, geography, or other remote means.
15 The applicable agency may grant conditional approval for
16 Federal authorization, conditioned on the verification of
17 such data by subsequent onsite inspection.

18 **SEC. 1048. FLEXIBILITY FOR PROJECTS.**

19 (a) GOAL.—For each feasibility study initiated by the
20 Secretary on or after the date of enactment of this Act under
21 section 905(a) of the Water Resources Development Act of
22 1986 (33 U.S.C. 2282(a)), the Secretary shall—

23 (1) establish a goal of completing the feasibility
24 study by not later than 2 years after the date of initi-
25 ation; and

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

3 (b) *AUTHORITY.*—*In carrying out a feasibility study*
4 *described in subsection (a), the Secretary shall—*

5 (1) *exercise all existing flexibilities under and*
6 *exceptions to any requirement administered by the*
7 *Secretary, in whole or in part; and*

8 (2) *otherwise provide additional flexibility or ex-*
9 *pedited processing with respect to the requirements*
10 *described in paragraph (1) to meet the goal described*
11 *in subsection (a)(1).*

12 (c) *MAINTAINING PROTECTIONS.*—*Nothing in this sec-*
13 *tion—*

14 (1) *supersedes, amends, or modifies—*

15 (A) *section 1001(a)(1) of the Water Re-*
16 *sources Reform and Development Act of 2014 (33*
17 *U.S.C. 2282c(a)(1)); or*

18 (B) *the National Environmental Policy Act*
19 *of 1969 (42 U.S.C. 4321 et seq.) or any other*
20 *Federal environmental law; or*

21 (2) *affects the responsibility of any Federal offi-*
22 *cer to comply with or enforce any law or requirement*
23 *described in this subsection.*

1 **SEC. 1049. CREDIT IN LIEU OF REIMBURSEMENT.**

2 *Section 1022(b) of the Water Resources Reform and*
 3 *Development Act of 2014 (33 U.S.C. 2225(b)) is amended—*

4 *(1) by inserting “all or a portion of” before*
 5 *“such credit”; and*

6 *(2) by inserting “or of any governmental entity*
 7 *to which such credit is transferred, subject to the con-*
 8 *dition that the Secretary approves the transfer” before*
 9 *the period at the end.*

10 **TITLE II—STUDIES, MODIFICA-**
 11 **TIONS, AND PROJECT AU-**
 12 **THORIZATIONS**

13 **Subtitle A—Studies**

14 **SEC. 2001. AUTHORIZATION OF PROPOSED FEASIBILITY**
 15 **STUDIES.**

16 *The Secretary is authorized to conduct a feasibility*
 17 *study for the following projects for water resources develop-*
 18 *ment and conservation and other purposes, as identified in*
 19 *the reports titled “Report to Congress on Future Water Re-*
 20 *sources Development” submitted to Congress in March 2017*
 21 *and February 2018, respectively, pursuant to section 7001*
 22 *of the Water Resources Reform and Development Act of*
 23 *2014 (33 U.S.C. 2282d) or otherwise reviewed by Congress:*

24 *(1) LOWER MISSISSIPPI RIVER, ARKANSAS, KEN-*
 25 *TUCKY, LOUISIANA, MISSOURI, MISSISSIPPI, AND TEN-*
 26 *NESSEE.—Project for water quality monitoring pro-*

1 *gram and planning, engineering, and design for 8*
2 *conservation reach habitat areas, Lower Mississippi*
3 *River, Arkansas, Kentucky, Louisiana, Missouri, Mis-*
4 *issippi, and Tennessee.*

5 (2) *OUACHITA-BLACK RIVERS NAVIGATION*
6 *PROJECT, ARKANSAS AND LOUISIANA.—Project for*
7 *navigation, Lower Little River, Arkansas and Lou-*
8 *isiana.*

9 (3) *SAN DIEGO RIVER 1, 2, AND 3 LEVEE SYS-*
10 *TEM.—Project for flood risk reduction, navigation,*
11 *and ecosystem restoration, San Diego River 1, 2, and*
12 *3 levee system, California.*

13 (4) *NORTHSHORE FLOOD RISK REDUCTION, LOU-*
14 *ISIANA.—Project for northshore flood risk reduction,*
15 *St. Tammany Parish, Louisiana.*

16 (5) *ST. LOUIS RIVERFRONT-MERAMEC RIVER*
17 *BASIN, MISSOURI.—Project for ecosystem restoration,*
18 *St. Louis riverfront-Meramec River Basin, Missouri,*
19 *authorized by the resolution adopted by the Com-*
20 *mittee on Transportation and Infrastructure of the*
21 *House of Representatives on June 21, 2000, to modify*
22 *the project to add flood risk management as a project*
23 *purpose and to expand the study area to include the*
24 *entire Meramec River Basin.*

1 (6) CHAUTAUQUA LAKE, NEW YORK.—Project for
2 ecosystem restoration and flood risk management,
3 Chautauqua Lake, New York.

4 (7) TRINITY RIVER AND TRIBUTARIES, TEXAS.—
5 Project for navigation, Trinity River and tributaries,
6 channel to Liberty, Texas.

7 (8) COASTAL VIRGINIA WATER RESOURCES, VIR-
8 GINIA.—Project for hurricane and storm damage risk
9 reduction, coastal Virginia water resources, Virginia.

10 (9) TANGIER ISLAND, VIRGINIA.—Project for eco-
11 system restoration, flood risk management, and navi-
12 gation, Tangier Island, Virginia.

13 **SEC. 2002. LOWER MISSOURI RIVER BANK STABILIZATION**
14 **AND NAVIGATION.**

15 *The Secretary is authorized to conduct a study on the*
16 *function and reliability of the Lower Missouri River Bank*
17 *stabilization and navigation project, authorized by the first*
18 *section of the Act of July 25, 1912 (37 Stat. 219, chapter*
19 *253).*

20 **Subtitle B—Deauthorizations,**
21 **Modifications, and Related Pro-**
22 **visions**

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

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

1 (1) *by striking “\$492,000,000” and inserting*
2 *“\$677,613,600”;*

3 (2) *by striking “\$214,000,000” and inserting*
4 *“\$295,829,400”; and*

5 (3) *by striking “\$706,000,000” and inserting*
6 *“\$973,443,000”.*

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

8 *The project for flood risk management, Svensen Island,*
9 *Oregon, authorized by section 204 of the Flood Control Act*
10 *of 1950 (64 Stat. 180), is no longer authorized beginning*
11 *on the date of enactment of this Act.*

12 **SEC. 2103. WHITTIER NARROWS STUDY.**

13 (a) *IN GENERAL.*—*Not later than 1 year after the date*
14 *of enactment of this Act, the Secretary shall complete a*
15 *study evaluating the impacts of removing 1 percent of the*
16 *flowage spreading grounds from the flood control easement*
17 *granted for the Whittier Narrows dam for the project on*
18 *the San Gabriel River authorized by section 5 of the Act*
19 *of June 22, 1936 (commonly known as the “Flood Control*
20 *Act of 1936”)* (49 Stat. 1589, chapter 688; 33 U.S.C. 701h).

21 (b) *REPORT.*—*Not later than 1 year after the date of*
22 *enactment of this Act, the Secretary shall submit to Con-*
23 *gress a report describing the results of the study under sub-*
24 *section (a).*

1 **SEC. 2104. WEST TENNESSEE TRIBUTARIES PROJECT, TEN-**
2 **NESSEE.**

3 *The West Tennessee tributaries project along the Obion*
4 *and Forked Deer Rivers, Tennessee, authorized by section*
5 *203 of the Flood Control Act of 1948 (62 Stat. 1178) and*
6 *modified by section 207 of the Flood Control Act of 1966*
7 *(80 Stat. 1423), section 3(a) of the Water Resources Devel-*
8 *opment Act of 1974 (88 Stat. 14), and section 183 of the*
9 *Water Resources Development Act of 1976 (90 Stat. 2940)*
10 *is no longer authorized beginning on the date of enactment*
11 *of this Act.*

12 **SEC. 2105. BRIDGEPORT HARBOR-PEQUONNOCK RIVER**
13 **NAVIGATION PROJECT, CONNECTICUT.**

14 *The portions of the project for navigation, Bridgeport*
15 *Harbor-Pequonnock River, Bridgeport, Connecticut, au-*
16 *thorized by the first section of the Act of June 18, 1878*
17 *(20 Stat. 158, chapter 264), the first section of the Act of*
18 *August 11, 1888 (25 Stat. 401, chapter 860), the first sec-*
19 *tion of the Act of March 3, 1899 (30 Stat. 1122, chapter*
20 *425), the first section of the Act of June 25, 1910 (36 Stat.*
21 *633, chapter 382), and the first section of the Act of July*
22 *3, 1930 (46 Stat. 919, chapter 847), located north of Con-*
23 *gress Street in Bridgeport, Connecticut, are no longer au-*
24 *thorized beginning on the date of enactment of this Act.*

1 **SEC. 2106. LEVEES L-212 AND L-231, FOUR RIVER BASIN,**
2 **OCKLAWAHA RIVER, FLORIDA.**

3 *The portions of the project for flood control and other*
4 *purposes, Four River Basins, Florida, authorized by section*
5 *203 of the Flood Control Act of 1962 (76 Stat. 1183), con-*
6 *sisting of levees L-212 and L-231 along the Ocklawaha*
7 *River, Florida, are no longer authorized beginning on the*
8 *date of enactment of this Act.*

9 **SEC. 2107. CORPS OF ENGINEERS BRIDGE REPAIR AND DI-**
10 **VESTITURE PROGRAM FOR NEW ENGLAND**
11 **EVACUATION ROUTES.**

12 *(a) IN GENERAL.—Subject to the availability of appro-*
13 *priations, the Secretary is authorized to repair or replace,*
14 *as necessary, any bridge owned and operated by the Sec-*
15 *retary that is—*

16 *(1) located in any of the States of Connecticut,*
17 *Maine, Massachusetts, New Hampshire, Rhode Island,*
18 *or Vermont; and*

19 *(2) necessary for evacuation during a natural or*
20 *manmade weather event.*

21 *(b) SALE OR DIVESTMENT.—Notwithstanding any*
22 *other provision of law, to the maximum extent practicable,*
23 *after the completion of the repair or replacement of a bridge*
24 *under subsection (a), the Secretary shall convey the bridge*
25 *to a willing non-Federal entity, which shall assume owner-*

1 *ship and responsibility for the operation and maintenance*
 2 *of the bridge.*

3 **SEC. 2108. BOSTON HARBOR RESERVED CHANNEL**
 4 **DEAUTHORIZATIONS.**

5 *(a) 40-FOOT RESERVED CHANNEL.—*

6 *(1) IN GENERAL.—The portions of the project for*
 7 *navigation, Boston Harbor, Massachusetts, authorized*
 8 *by the first section of the Act of October 17, 1940 (54*
 9 *Stat. 1198, chapter 895) and modified by section 101*
 10 *of the River and Harbor Act of 1958 (72 Stat. 297),*
 11 *section 101(a)(13) of the Water Resources Develop-*
 12 *ment Act of 1990 (104 Stat. 4607), and section*
 13 *7002(1) of the Water Resources Reform and Develop-*
 14 *ment Act of 2014 (128 Stat. 1365) described in para-*
 15 *graph (2) are no longer authorized beginning on the*
 16 *date of enactment of this Act.*

17 *(2) AREAS DESCRIBED.—*

18 *(A) FIRST AREA.—The first areas described*
 19 *in this paragraph are—*

20 *(i) beginning at a point N.*
 21 *2950154.45, E. 785995.64;*

22 *(ii) running southwesterly about*
 23 *1451.63 feet to a point N. 2950113.83, E.*
 24 *784544.58;*

1 (iii) running southeasterly about 54.00
2 feet to a point N. 2950059.85, E. 784546.09;

3 (iv) running southwesterly about
4 1335.82 feet to a point N. 2950022.48, E.
5 783210.79;

6 (v) running northwesterly about 83.00
7 feet to a point N. 2950105.44, E. 783208.47;

8 (vi) running northeasterly about
9 2787.45 feet to a point N. 2950183.44, E.
10 785994.83; and

11 (vii) running southeasterly about 29.00
12 feet to the point described in clause (i).

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

15 (i) beginning at a point N.
16 2950502.86, E. 785540.84;

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

19 (iii) running southwesterly about 25.67
20 feet to a point N. 2950480.84, E. 785576.18;

21 (iv) running southwesterly to a point
22 N. 2950414.32, E. 783199.83;

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

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 for
9 navigation, Boston Harbor, Massachusetts, authorized
10 by the first section of the Act of October 17, 1940 (54
11 Stat. 1198, chapter 895) and modified by section 101
12 of the River and Harbor Act of 1958 (72 Stat. 297)
13 described in paragraph (2) are no longer authorized
14 beginning on the date of enactment of this Act.

15 (2) AREAS DESCRIBED.—

16 (A) FIRST AREA.—The first areas described
17 in this paragraph are—

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

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

22 (iii) running southwesterly about
23 4,339.42 feet to a point N. 2950007.48, E.
24 783211.21;

1 (iv) running northwesterly about 15.00
2 feet to a point N. 2950022.48, E. 783210.79;
3 and

4 (v) running northeasterly about
5 4,323.05 feet to the point described in clause
6 (i).

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

9 (i) beginning at a point N.
10 2950502.86, E. 785540.84;

11 (ii) running southeasterly about 15.00
12 feet to a point N. 2950487.87, E. 785541.26;

13 (iii) running southwesterly about
14 2342.58 feet to a point N. 2950422.32, E.
15 783199.60;

16 (iv) running southeasterly about 8.00
17 feet to a point N. 2950414.32, E. 783199.83;

18 (v) running southwesterly about
19 1339.12 feet to a point N. 2950376.85, E.
20 781861.23;

21 (vi) running northwesterly about 23.00
22 feet to a point N. 2950399.84, E. 781860.59;
23 and

1 (vii) running northeasterly about
2 3681.70 feet to the point described in clause
3 (i).

4 **SEC. 2109. PROJECT DEAUTHORIZATION AND STUDY EX-**
5 **TENSIONS.**

6 (a) *PROJECT DEAUTHORIZATIONS.*—Section 6003(a)
7 of the Water Resources Reform and Development Act of
8 2014 (33 U.S.C. 579c(a)) is amended—

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

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

12 “(3) *CALCULATION.*—In calculating the time pe-
13 riod under paragraph (1), the Secretary shall not in-
14 clude any period of time during which the project is
15 being reviewed and awaiting a decision by the Sec-
16 retary on a locally preferred plan for that project
17 under section 1036(a).

18 “(4) *EXCEPTION.*—The Secretary shall not de-
19 authorize any project during the period described in
20 paragraph (3).”.

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

1 **SEC. 2110. DEAUTHORIZATION OF INACTIVE STUDIES.**

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

3 (1) *to identify \$7,500,000,000 in feasibility stud-*
4 *ies for water resources development projects that have*
5 *been authorized but are no longer viable due to—*

6 (A) *a lack of local support;*

7 (B) *a lack of available Federal or non-Fed-*
8 *eral resources; or*

9 (C) *an authorizing purpose that is no*
10 *longer relevant;*

11 (2) *to create an expedited and definitive process*
12 *for Congress to deauthorize feasibility studies for*
13 *water resources development projects that are no*
14 *longer viable; and*

15 (3) *to allow the continued authorization of feasi-*
16 *bility studies for water resources development projects*
17 *that are viable.*

18 (b) *INTERIM DEAUTHORIZATION LIST.*—

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

24 (A) *that has been authorized as of the date*
25 *of enactment of this Act; and*

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

4 (2) *PUBLIC COMMENT AND CONSULTATION.*—

5 (A) *IN GENERAL.*—The Secretary shall so-
6 licit comments from the public and from the
7 Governor of each applicable State on the interim
8 deauthorization list developed under paragraph
9 (1).

10 (B) *COMMENT PERIOD.*—The comment pe-
11 riod shall be 90 days.

12 (3) *SUBMISSION TO CONGRESS; PUBLICATION.*—
13 Not later than 90 days after the date of the close of
14 the comment period under paragraph (2), the Sec-
15 retary shall—

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

21 (B) publish the revised interim deauthoriza-
22 tion list in the Federal Register.

23 (c) *FINAL DEAUTHORIZATION LIST.*—

24 (1) *IN GENERAL.*—The Secretary shall develop a
25 final deauthorization list of feasibility studies from

1 *the revised interim deauthorization list described in*
2 *subsection (b)(3).*

3 (2) *DEAUTHORIZATION AMOUNT.—*

4 (A) *PROPOSED FINAL LIST.—The Secretary*
5 *shall prepare a proposed final deauthorization*
6 *list of feasibility studies that have, in the aggregate,*
7 *an estimated Federal cost to complete that*
8 *is at least \$7,500,000,000.*

9 (B) *DETERMINATION OF FEDERAL COST TO*
10 *COMPLETE.—For purposes of subparagraph (A),*
11 *the Federal cost to complete shall take into account*
12 *any allowances authorized by section 902*
13 *of the Water Resources Development Act of 1986*
14 *(33 U.S.C. 2280), as applied to the most recent*
15 *study schedule and cost estimate.*

16 (3) *IDENTIFICATION OF STUDIES.—*

17 (A) *SEQUENCING OF STUDIES.—*

18 (i) *IN GENERAL.—Except as provided*
19 *in clause (ii), the Secretary shall identify*
20 *feasibility studies for inclusion on the proposed*
21 *final deauthorization list according to*
22 *the order in which the feasibility studies*
23 *were authorized, beginning with the earliest*
24 *authorized feasibility study and ending*
25 *with the latest feasibility study necessary to*

1 *meet the aggregate amount under para-*
2 *graph (2)(A).*

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

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

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

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

1 (ii) describes the reasons why the feasi-
2 bility study is not included on the proposed
3 final list.

4 (4) *PUBLIC COMMENT AND CONSULTATION.*—

5 (A) *IN GENERAL.*—The Secretary shall so-
6 licit comments from the public and the Governor
7 of each applicable State on the proposed final de-
8 authorization list and appendix developed under
9 paragraphs (2) and (3).

10 (B) *COMMENT PERIOD.*—The public com-
11 ment period shall be 90 days.

12 (5) *SUBMISSION OF FINAL LIST TO CONGRESS;*
13 *PUBLICATION.*—Not later than 120 days after the date
14 of the close of the comment period under paragraph
15 (4), the Secretary shall—

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

22 (B) publish the final deauthorization list
23 and the appendix to the final deauthorization
24 list in the Federal Register.

25 (d) *DEAUTHORIZATION; CONGRESSIONAL REVIEW.*—

1 (1) *IN GENERAL.*—After the expiration of the
2 180-day period beginning on the date of submission
3 of the final deauthorization list and appendix under
4 subsection (c), a feasibility study identified in the
5 final deauthorization list shall be deauthorized, unless
6 Congress passes a joint resolution disapproving the
7 final deauthorization list prior to the end of that pe-
8 riod.

9 (2) *NON-FEDERAL CONTRIBUTIONS.*—

10 (A) *IN GENERAL.*—A feasibility study iden-
11 tified in the final deauthorization list under sub-
12 section (c) shall not be deauthorized under this
13 subsection if, before the expiration of the 180-day
14 period referred to in paragraph (1), the non-Fed-
15 eral interest for the feasibility study provides
16 sufficient funds to complete the feasibility study.

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

23 (3) *FEASIBILITY STUDIES IDENTIFIED IN APPEN-*
24 *DIX.*—A feasibility study identified in the appendix

1 to the final deauthorization list shall remain subject
2 to future deauthorization by Congress.

3 **SEC. 2111. CERTAIN DISPOSITION STUDIES.**

4 (a) *DEFINITION OF DISPOSITION STUDY.*—In this sec-
5 tion, the term “disposition study” includes—

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

8 (2) the assessment and inventory under section
9 6002 of the Water Resources Reform and Development
10 Act of 2014 (128 Stat. 1349).

11 (b) *ENVIRONMENTAL QUALITY.*—In carrying out a
12 disposition study, the Secretary may consider modifications
13 that would improve the overall quality of the environment
14 in the public interest, including removal of the project or
15 a separable element of the project.

16 **SEC. 2112. LOCKS AND DAMS 1 THROUGH 4, KENTUCKY**
17 **RIVER, KENTUCKY.**

18 (a) *IN GENERAL.*—Beginning on the date of enactment
19 of this Act, commercial navigation at Locks and Dams 1
20 through 4, Kentucky River, Kentucky, shall no longer be
21 authorized, and the land and improvements associated with
22 the locks and dams shall be disposed of consistent with sub-
23 section (b) and in accordance with the report of the Director
24 of Civil Works entitled “Kentucky River Locks and Dams

1 1, 2, 3, and 4, *Disposition Study and Integrated Environ-*
2 *mental Assessment*” and dated April 20, 2018.

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

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

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

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

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

17 (c) *CONDITIONS.*—

18 (1) *QUITCLAIM DEED.*—*A conveyance under sub-*
19 *section (b) shall be accomplished by quitclaim deed*
20 *and without consideration.*

21 (2) *ADMINISTRATIVE COSTS.*—*The Secretary*
22 *shall be responsible for all administrative costs associ-*
23 *ated with a conveyance under subsection (b), includ-*
24 *ing the costs of any surveys the Secretary determines*
25 *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 Secretary*
4 *determines to be necessary to protect the public inter-*
5 *est.*

6 (4) *LIABILITY.*—A conveyance under subsection
7 (i) 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 SCREEN-*
24 *ING PROVISIONS.*—Section 2696 of title 10, United

1 *States Code, shall not apply to any conveyance under*
2 *subsection (b).*

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

9 **SEC. 2113. KISSIMMEE RIVER RESTORATION.**

10 *The Secretary may credit work performed or to be per-*
11 *formed by the non-Federal sponsor of the project for eco-*
12 *system restoration, Kissimmee River, Florida, authorized*
13 *by section 101(8) of the Water Resources Development Act*
14 *of 1992 (106 Stat. 4802), as an in-kind contribution under*
15 *section 221(a)(4) of the Flood Control Act of 1970 (42*
16 *U.S.C. 1962d–5b(a)(4)), in accordance with the report re-*
17 *lating to the Central and Southern Florida Project, Kis-*
18 *simmee River Restoration Project and dated April 27, 2018.*

19 **SEC. 2114. NORFOLK HARBOR AND CHANNEL, THIMBLE**
20 **SHOAL WIDENING, VIRGINIA.**

21 *The Secretary may carry out the modifications to the*
22 *project for navigation, Norfolk Harbor and Channels, Vir-*
23 *ginia, authorized by section 201(a) of the Water Resources*
24 *Development Act of 1986 (100 Stat. 4090), as identified in*
25 *the report entitled “Report to Congress on Future Water*

1 *Resources Development*” submitted to Congress in February
 2 2018, pursuant to section 7001 of the Water Resources Re-
 3 form and Development Act of 2014 (33 U.S.C. 2282d).

4 ***Subtitle C—Water Resources***
 5 ***Infrastructure***

6 **SEC. 2201. PROJECT AUTHORIZATIONS.**

7 *The following projects for water resources development*
 8 *and conservation and other purposes, as identified in the*
 9 *report entitled “Report to Congress on Future Water Re-*
 10 *sources Development” submitted to Congress in March 2017,*
 11 *pursuant to section 7001 of the Water Resources Reform*
 12 *and Development Act of 2014 (33 U.S.C. 2282d) or other-*
 13 *wise reviewed by Congress, are authorized to be carried out*
 14 *by the Secretary substantially in accordance with the plans,*
 15 *and subject to the conditions, described in the respective re-*
 16 *ports designated in this section:*

17 (1) *NAVIGATION.—*

A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Costs
1. TX	Houston-Galveston Navigation Channel Exten- sion	August 8, 2017	Federal: \$10,239,000 Non-Federal: \$5,386,000 Total: \$15,625,000

18 (2) *FLOOD RISK MANAGEMENT.—*

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

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

A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Initial Costs and Estimated Renourishment Costs
1. FL	<i>St. Johns County</i>	<i>August 8, 2017</i>	<i>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</i>
2. FL	<i>St. Lucie County</i>	<i>December 15, 2017</i>	<i>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</i>
3. TX	<i>Sabine Pass to Galveston Bay</i>	<i>December 7, 2017</i>	<i>Federal: \$2,157,202,000 Non-Federal: \$1,161,570,000 Total: \$3,318,772,000</i>

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 522*
9 *of the Water Resources Development Act of 2000 (114*
10 *Stat. 2656).*

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

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

17 (1) *a description of the reasons of the Secretary*
18 *for deauthorizing the projects described in subsection*
19 *(a);*

20 (2) *if practicable, a description of conditions*
21 *needed by the Secretary for the Secretary to reauthor-*
22 *ize 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 Develop-*
26 *ment 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”; and*

10 *(C) by striking paragraph (121) and insert-*
 11 *ing the following:*

12 *“(121) CHARLOTTE COUNTY, FLORIDA.—*
 13 *\$16,000,000 for wastewater infrastructure, Charlotte*
 14 *County, Florida.”; and*

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

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

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

22 *“(2) MILWAUKEE AND SHOREWOOD, WIS-*
 23 *CONSIN.—The project for wastewater infrastructure,*
 24 *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 through
5 2021, if the Secretary receives from the project sponsor a
6 written request for the authorization by not later than 90
7 days after the date of enactment of this Act.

8 (b) *DESCRIPTION OF PROJECTS.*—A project referred to
9 in subsection (a) is a project that—

10 (1) is an environmental project, as determined
11 by the Chief of Engineers;

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

15 (3) was authorized—

16 (A) pursuant to an amendment to that sec-
17 tion made by section 5158 of the Water Re-
18 sources Development Act of 2007 (121 Stat.
19 1258); and

20 (B) for an amount equal to not more than
21 \$2,000,000 for improvements to water related in-
22 frastructure.

23 **SEC. 2205. SENSE OF CONGRESS RELATING TO WEST**
24 **HAVEN, CONNECTICUT.**

25 *It is the sense of Congress that, to the maximum extent*
26 *practicable, the Secretary should prioritize the project for*

1 *storm damage reduction, West Haven, Connecticut, author-*
 2 *ized by section 101 of the River and Harbor Act of 1954*
 3 *(68 Stat. 1254) and section 3 of the Act of August 13, 1946*
 4 *(60 Stat. 1056, chapter 960; 33 U.S.C. 426g).*

5 **SEC. 2206. COASTAL TEXAS STUDY.**

6 *Notwithstanding any other provision of law, the Sec-*
 7 *retary shall expedite the completion of studies for flood*
 8 *damage reduction, hurricane and storm damage reduction,*
 9 *and ecosystem restoration in the coastal areas of Texas that*
 10 *are identified in the interim report due to be published in*
 11 *2018 that describes the tentatively selected plan developed*
 12 *in accordance with section 4091 of the Water Resources De-*
 13 *velopment Act of 2007 (121 Stat. 1187).*

14 ***Subtitle D—Expedited and Modified***
 15 ***Studies and Projects***

16 **SEC. 2301. RAHWAY RIVER BASIN FLOOD RISK MANAGE-**
 17 **MENT PROJECT.**

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

1 *accordance with section 910 of the Water Resources Devel-*
 2 *opment Act of 1986 (33 U.S.C. 2287).*

3 **SEC. 2302. HUDSON-RARITAN ESTUARY COMPREHENSIVE**
 4 **RESTORATION PROJECT.**

5 *The Secretary shall expedite the completion of the*
 6 *Hudson-Raritan Estuary Comprehensive Restoration*
 7 *Project—*

8 *(1) in a timely manner; and*

9 *(2) in accordance with section 1322(b)(2)(C) of*
 10 *the Water Infrastructure Improvements for the Nation*
 11 *Act (130 Stat. 1707).*

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

13 *The Secretary shall adhere to the proposed schedules*
 14 *and avoid delays to the extent practicable with respect to—*

15 *(1) the project for navigation, Providence River,*
 16 *Rhode Island, authorized by the first section of the*
 17 *Act of August 26, 1937 (50 Stat. 845, chapter 832)*
 18 *and section 301 of the River and Harbor Act of 1965*
 19 *(79 Stat. 1089);*

20 *(2) the feasibility study for the project for coastal*
 21 *storm risk management, Pawcatuck River, Rhode Is-*
 22 *land, authorized in the matter under the heading “IN-*
 23 *VESTIGATIONS” under the heading “CORPS OF ENGI-*
 24 *NEERS—CIVIL” under the heading “DEPARTMENT*
 25 *OF THE ARMY” in title X of division A of the Dis-*

1 *aster Relief Appropriations Act, 2013 (Public Law*
2 *113–2; 127 Stat. 23); and*

3 *(3) the Rhode Island historical structure flood*
4 *hazard vulnerability assessment.*

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

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

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

11 *The Secretary shall expedite and complete the dredging*
12 *of Plymouth Harbor, Massachusetts, as authorized by the*
13 *Act of March 4, 1913 (37 Stat. 802, chapter 144) and the*
14 *Act of September 22, 1922 (42 Stat. 1038, chapter 427),*
15 *not later than December 31, 2019.*

16 **SEC. 2306. BRANDON ROAD STUDY.**

17 *The Secretary shall complete a final feasibility report*
18 *for the Great Lakes Mississippi River Interbasin Study*
19 *Brandon Road Study, authorized under section 3061(d) of*
20 *the Water Resources Development Act of 2007 (121 Stat.*
21 *1121) and section 1538(b)(1) of MAP–21 (Public Law 112–*
22 *141; 126 Stat. 586) by the original deadline of February*
23 *2019.*

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

2 *The Secretary shall expedite construction of a reservoir*
3 *south of Lake Okeechobee as part of the project for ecosystem*
4 *restoration in the central Everglades authorized by section*
5 *1401(4) of the Water Infrastructure Improvements for the*
6 *Nation Act (130 Stat. 1713).*

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

8 *The Secretary shall expedite the project for navigation*
9 *for Portsmouth Harbor and the Piscataqua River author-*
10 *ized by section 101 of the River and Harbor Act of 1962*
11 *(76 Stat. 1173).*

12 **SEC. 2309. BLAIN ROAD FOOTBRIDGE, THOMPSON, CON-**
13 **NECTICUT.**

14 *The Secretary shall proceed with the review of design*
15 *plans for the Blain Road footbridge over West Thompson*
16 *Lake, Thompson, Connecticut.*

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

18 *The Secretary shall comply with section 1185 of the*
19 *Water Infrastructure Improvements for the Nation Act (130*
20 *Stat. 1680) with respect to the Table Rock Lake Master*
21 *Plan and Table Rock Lake Shoreline Management Plan.*

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

23 *The Secretary shall consider the project for flood con-*
24 *trol at McCook Reservoir, Illinois, authorized by section*
25 *3(a)(5) of the Water Resources Development Act of 1988*
26 *(102 Stat. 4013; 110 Stat. 3716), a priority for the non-*

1 *Federal project implementation pilot project under section*
2 *1043(b) of the Water Resources Reform and Development*
3 *Act of 2014 (33 U.S.C. 2201 note; Public Law 113–121).*

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

5 *The Secretary shall expedite the review for the study*
6 *for navigation and channel deepening, Baptiste Collette*
7 *Bayou, Louisiana, under section 203 of the Water Resources*
8 *Development Act of 1986 (33 U.S.C. 2231).*

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

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

15 **SEC. 2314. LOUISIANA COASTAL AREA.**

16 *The Secretary shall expedite completion of the project*
17 *for environmental restoration, Louisiana Coastal Area,*
18 *Louisiana, authorized by section 7002(5) of the Water Re-*
19 *sources Reform and Development Act of 2014 (128 Stat.*
20 *1370).*

21 **SEC. 2315. LOUISIANA COASTAL AREA–BARATARIA BASIN**

22 **BARRIER.**

23 *The Secretary shall expedite completion of the project*
24 *for environmental restoration, Louisiana Coastal Area–*
25 *Barataria Basin Barrier, Louisiana, authorized by section*

1 7002(5) of the Water Resources Reform and Development
2 Act of 2014 (128 Stat. 1370).

3 **SEC. 2316. WEST SHORE LAKE PONTCHARTRAIN, LOU-**
4 **ISIANA.**

5 *The Secretary shall expedite completion of the project*
6 *for hurricane and storm damage risk reduction, West Shore*
7 *Lake Pontchartrain, Louisiana, authorized by section*
8 *1401(3) of the Water Infrastructure Improvements for the*
9 *Nation Act (130 Stat. 1712).*

10 **SEC. 2317. SOUTHWEST COASTAL LOUISIANA.**

11 *The Secretary shall expedite completion of the project*
12 *for hurricane and storm damage risk reduction and eco-*
13 *system restoration, Southwest Coastal Louisiana, Lou-*
14 *isiana, authorized by section 1401(8) of the Water Infra-*
15 *structure Improvements for the Nation Act (130 Stat.*
16 *1715).*

17 **SEC. 2318. NEW YORK–NEW JERSEY HARBOR AND TRIBU-**
18 **TARIES FEASIBILITY STUDY.**

19 *Not later than 90 days after the date of enactment of*
20 *this Act, the Secretary shall complete the New York-New*
21 *Jersey Harbor and Tributaries Focus Area Feasibility*
22 *Study authorized by the first section of the Act of June 15,*
23 *1955 (69 Stat. 132, chapter 140).*

1 **SEC. 2319. LOWER BRULE SHORELINE STABILIZATION**
2 **PROJECT.**

3 (a) *IN GENERAL.*—The Secretary shall carry out a
4 project for shoreline stabilization on the Lower Brule Res-
5 ervation, South Dakota, pursuant to section 203 of the
6 Water Resources Development Act of 2000 (33 U.S.C. 2269).

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

10 **SEC. 2320. HAMPTON HARBOR, NEW HAMPSHIRE, NAVIGA-**
11 **TION IMPROVEMENT PROJECT.**

12 *In carrying out the project for navigation, Hampton*
13 *Harbor, New Hampshire, under section 107 of the River*
14 *and Harbor Act of 1960 (33 U.S.C. 577), the Secretary shall*
15 *use all existing authorities of the Secretary to mitigate se-*
16 *vere shoaling.*

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

19 *Notwithstanding section 1001(a)(1) of the Water Re-*
20 *sources Reform and Development Act of 2014 (33 U.S.C.*
21 *2282c(a)(1)), the final feasibility report for coastal storm*
22 *management, back bays, New Jersey and Delaware, shall*
23 *be completed by the date that is not later than 6 years after*
24 *the date of initiation of the feasibility study for the 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 divesti-*
5 *ture 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 may produce a separate*
8 *report for each lock and dam described in subsection (a)*
9 *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 use*
18 *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 may accept*
22 *and expend funds to carry out the study described in sub-*
23 *section (a) that are contributed by a State or a political*
24 *subdivision of a State under the Act of October 15, 1940*
25 *(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 the*
 5 *Water Resources Development Act of 2007 (121 Stat. 1053),*
 6 *under section 203 of the Water Resources Development Act*
 7 *of 1986 (33 U.S.C. 2231).*

8 **TITLE III—PRIMARY CORPS OF**
 9 **ENGINEERS ACTIVITIES**

10 **Subtitle A—Continuing Authorities**
 11 **Programs**

12 **SEC. 3001. CORPS OF ENGINEERS CONTINUING AUTHORI-**
 13 **TIES PROGRAM.**

14 (a) *STORM AND HURRICANE RESTORATION AND IM-*
 15 *PACT MINIMIZATION PROGRAM.—Section 3(c) of the Act of*
 16 *August 13, 1946 (60 Stat. 1056, chapter 960; 33 U.S.C.*
 17 *426g(c)) is amended—*

18 (1) *in paragraph (1), by striking “\$30,000,000”*
 19 *and inserting “\$45,000,000”; and*

20 (2) *in paragraph (2)(B), by striking*
 21 *“\$10,000,000” and inserting “\$15,000,000”.*

22 (b) *SMALL RIVER AND HARBOR IMPROVEMENT*
 23 *PROJECTS.—Section 107 of the River and Harbor Act of*
 24 *1960 (33 U.S.C. 577) is amended—*

25 (1) *in subsection (a), by striking “\$50,000,000”*
 26 *and inserting “\$62,500,000”; and*

1 (2) *in subsection (b), by striking “\$10,000,000”*
 2 *and inserting “\$12,500,000”.*

3 (c) *SHORE DAMAGE PREVENTION OR MITIGATION.—*
 4 *Section 111 of the River and Harbor Act of 1968 (33 U.S.C.*
 5 *426i) is amended—*

6 (1) *in subsection (c), by striking “\$10,000,000”*
 7 *and inserting “\$15,000,000”; and*

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

9 “(f) *CERTAIN PROJECTS.—Subject to the availability*
 10 *of appropriations, in the case of a project under this section*
 11 *that, on the date of enactment of the America’s Water Infra-*
 12 *structure Act of 2018, is authorized to be carried out at*
 13 *a cost greater than \$10,000,000, the Secretary may provide*
 14 *to the project an increase in funding equal to the lesser of—*

15 “(1) *50 percent of the authorized amount; and*

16 “(2) *\$5,000,000.”.*

17 (d) *REGIONAL SEDIMENT MANAGEMENT.—Section 204*
 18 *of the Water Resources Development Act of 1992 (33 U.S.C.*
 19 *2326) is amended—*

20 (1) *in subsection (c)(1)(C), by striking*
 21 *“\$10,000,000” and inserting “\$12,500,000”; and*

22 (2) *in subsection (g), in the first sentence, by*
 23 *striking “\$50,000,000” and inserting “\$62,500,000”.*

1 (e) *SMALL FLOOD CONTROL PROJECTS.*—Section 205
 2 of the Flood Control Act of 1948 (33 U.S.C. 701s) is amend-
 3 ed—

4 (1) in the first sentence, by striking
 5 “\$55,000,000” and inserting “\$82,500,000”; and

6 (2) in the third sentence, by striking
 7 “\$10,000,000” and inserting “\$15,000,000”.

8 (f) *AQUATIC ECOSYSTEM RESTORATION.*—Section 206
 9 of the Water Resources Development Act of 1996 (33 U.S.C.
 10 2330) is amended—

11 (1) in subsection (a), by adding at the end the
 12 following:

13 “(3) *REQUIREMENT.*—In carrying out projects
 14 under this section, the Secretary shall carry out—

15 “(A) not less than 2 projects in areas with
 16 a population of 80,000 or less; and

17 “(B) not less than 2 projects in areas with
 18 a population of 2,500,000 or more.”;

19 (2) in subsection (d), by striking “\$10,000,000”
 20 and inserting “\$12,500,000”; and

21 (3) in subsection (e), by striking “\$50,000,000”
 22 and inserting “\$62,500,000”.

23 (g) *PROJECT MODIFICATIONS FOR IMPROVEMENT OF*
 24 *ENVIRONMENT.*—

1 (1) *IN GENERAL.*—Section 1135 of the Water Re-
2 sources Development Act of 1986 (33 U.S.C. 2309a)
3 is amended—

4 (A) in subsection (d), in the third sentence,
5 by striking “\$10,000,000” and inserting
6 “\$15,000,000”;

7 (B) in subsection (h), by striking
8 “\$40,000,000” and inserting “\$60,000,000”;

9 (C) by redesignating subsections (h) and (i)
10 as subsections (i) and (j), respectively; and

11 (D) by inserting after subsection (g) the fol-
12 lowing:

13 “(h) *PRIORITIZATION OF CERTAIN PROJECTS.*—In
14 carrying out activities under this section in the Upper Mis-
15 souri River Basin, the Secretary shall give priority to
16 projects within that area that restore degraded ecosystems
17 through modification of existing flood risk management
18 projects.”.

19 (2) *CONFORMING AMENDMENT.*—Section
20 4014(c)(1) of the Water Resources Reform and Devel-
21 opment Act of 2014 (33 U.S.C. 2803a(c)(1)) is
22 amended by striking subparagraph (B) and inserting
23 the following:

24 “(B) Section 1135 of the Water Resources
25 Development Act of 1986 (33 U.S.C. 2309a).”.

1 (h) *EMERGENCY STREAMBANK AND SHORELINE PRO-*
 2 *TECTION.*—Section 14 of the Flood Control Act of 1946 (33
 3 U.S.C. 701r) is amended—

4 (1) by striking “\$20,000,000” and inserting
 5 “\$25,000,000”;

6 (2) by striking “\$5,000,000” and inserting
 7 “\$7,500,000”; and

8 (3) by striking “one fiscal year.” and inserting
 9 the following: “1 fiscal year: Provided further, That
 10 the Secretary shall give priority to areas that are re-
 11 covering from significant high water levels or flooding
 12 that occurred within the 24-month period ending on
 13 the date on which the Secretary makes an allotment
 14 under this section.”.

15 **SEC. 3002. SENSE OF CONGRESS RELATING TO CONTINUING**
 16 **AUTHORITIES PROGRAM.**

17 It is the sense of Congress that for each fiscal year,
 18 there should be made available to the Secretary the full
 19 amount of appropriations to carry out the continuing au-
 20 thorities program, which consists of—

21 (1) section 14 of the Flood Control Act of 1946
 22 (33 U.S.C. 701r);

23 (2) section 3 of the Act of August 13, 1946 (60
 24 Stat. 1056, chapter 960; 33 U.S.C. 426g);

1 (3) *section 107 of the River and Harbor Act of*
2 *1960 (33 U.S.C. 577);*

3 (4) *section 111 of the River and Harbor Act of*
4 *1968 (33 U.S.C. 426i);*

5 (5) *section 204 of the Water Resources Develop-*
6 *ment Act of 1992 (33 U.S.C. 2326);*

7 (6) *section 205 of the Flood Control Act of 1948*
8 *(33 U.S.C. 701s);*

9 (7) *section 206 of the Water Resources Develop-*
10 *ment Act of 1996 (33 U.S.C. 2330);*

11 (8) *section 2 of the Act of August 28, 1937 (50*
12 *Stat. 877, chapter 877; 33 U.S.C. 701g); and*

13 (9) *section 1135 of the Water Resources Develop-*
14 *ment Act of 1986 (33 U.S.C. 2309a).*

15 **SEC. 3003. REPORT RELATING TO AVAILABILITY OF**
16 **PRIORITIZED CAP PROJECTS.**

17 *As soon as practicable after the date of enactment of*
18 *this Act, the Secretary shall publish in the Federal Register*
19 *and on a publicly available website the prioritization cri-*
20 *teria and the annual report required under paragraphs (2)*
21 *and (3), respectively, of section 1030(a) of the Water Re-*
22 *sources Reform and Development Act of 2014 (33 U.S.C.*
23 *400).*

Subtitle B—Navigation**PART I—INLAND WATERWAYS****SEC. 3101. GAO STUDY ON NAVIGATION AND ECOSYSTEM
SUSTAINABILITY PROGRAM.**

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

(1) complete a study on the implementation of the navigation and ecosystem sustainability program under title VIII of the Water Resources Development Act of 2007 (33 U.S.C. 652 note; Public Law 110–114); and

(2) submit to Congress a report on the results of the study under paragraph (1), including a description of the obstacles that must be removed to implement the program expeditiously.

SEC. 3102. MCCLELLAN-KERR ARKANSAS RIVER NAVIGATION SYSTEM.

(a) *IN GENERAL.*—For the purposes of project continuation, prior funding for the McClellan-Kerr Arkansas River Navigation System, 12-foot channel, from appropriations Acts enacted prior to 2009 shall be deemed to have come from construction-related accounts, not operations and maintenance accounts.

1 (b) *SAVINGS PROVISION.*—*Nothing in this section al-*
2 *ters the existing prioritization for Inland Waterway Trust*
3 *Fund activities.*

4 **PART II—PORTS AND HARBORS**

5 **SEC. 3111. BEACH RENOURISHMENT AND SHORELINE PRO-**
6 **TECTION DEMONSTRATION PROGRAM.**

7 (a) *IN GENERAL.*—*Not later than 90 days after the*
8 *date of enactment of this Act, the Secretary shall establish*
9 *a demonstration program (referred to in this section as the*
10 *“demonstration program”)* *to carry out not more than 5*
11 *projects for beach renourishment and shoreline protection*
12 *along the Mid-Atlantic coast.*

13 (b) *PROJECT SELECTION.*—*The Secretary shall consult*
14 *with relevant State agencies in selecting projects under the*
15 *demonstration program.*

16 (c) *CRITERIA.*—*The Secretary shall establish criteria*
17 *and other considerations for implementation of the dem-*
18 *onstration program that—*

19 (1) *foster Federal, State, and local collaboration;*

20 (2) *evaluate the performance of project assets*
21 *within a system that yield system-wide benefits with-*
22 *in individual or multiple States; and*

23 (3) *include other criteria and considerations that*
24 *the Secretary determines to be appropriate.*

1 (d) *COST-SHARING.*—*Projects carried out under the*
2 *demonstration program shall be subject to the cost-sharing*
3 *requirements otherwise applicable to beach renourishment*
4 *and shoreline protection projects.*

5 (e) *REPORT.*—*Not later than 1 year after the date of*
6 *enactment of this Act, and annually thereafter, the Sec-*
7 *retary shall submit to the Committee on Environment and*
8 *Public Works of the Senate and the Committee on Transpor-*
9 *tation and Infrastructure of the House of Representatives*
10 *a report that includes findings and recommendations of the*
11 *Secretary with respect to the projects completed under the*
12 *demonstration program.*

13 (f) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*
14 *authorized to be appropriated to carry out this section*
15 *\$75,000,000, to remain available until expended.*

16 (g) *TERMINATION.*—*The demonstration program shall*
17 *terminate after completion of all projects carried out pursu-*
18 *ant to subsection (a).*

19 **SEC. 3112. AUTHORIZATION OF APPROPRIATIONS FOR PUR-**
20 **CHASE OF MAT SINKING UNIT.**

21 *There is authorized to be appropriated to the Secretary*
22 *\$125,000,000 for the purchase of a mat sinking unit.*

23 **SEC. 3113. MAT SINKING UNIT.**

24 *It is the sense of Congress that, in considering the least*
25 *cost alternative for purchasing a mat sinking unit, the*

1 *Corps of Engineers should consider entering into a lease*
2 *to purchase.*

3 **SEC. 3114. SENSE OF CONGRESS RELATING TO KENNEBEC**
4 **RIVER FEDERAL NAVIGATION CHANNEL.**

5 *It is the sense of Congress that periodic maintenance*
6 *dredging of the Federal navigation channel in the Kennebec*
7 *River, Maine, should be prioritized, based on a joint plan*
8 *developed by the Secretary and the Secretary of the Navy.*

9 **SEC. 3115. SENSE OF CONGRESS RELATING TO WIL-**
10 **MINGTON HARBOR DREDGING.**

11 *It is the sense of Congress that the Secretary should*
12 *prioritize annual dredging for Wilmington Harbor, Dela-*
13 *ware.*

14 **SEC. 3116. PORT OF ARLINGTON.**

15 *The Secretary shall reimburse the Port of Arlington,*
16 *Gillam County, Oregon, not more than \$3,200,000, for the*
17 *costs incurred by the Port of Arlington for construction and*
18 *other expenses for the project described in the matter under*
19 *the heading “REGULATORY PROGRAM” under the heading*
20 *“CORPS OF ENGINEERS—CIVIL” under the heading “DE-*
21 *PARTMENT OF THE ARMY” under the heading of “DE-*
22 *PARTMENT OF DEFENSE—CIVIL” in title I of divi-*
23 *sion C of the Omnibus Appropriations Act, 2009 (Public*
24 *Law 111–8; 123 Stat. 604), as authorized under that provi-*
25 *sion.*

1 **SEC. 3117. PEARL RIVER BASIN DEMONSTRATION PRO-**
2 **GRAM.**

3 (a) *DEFINITION OF ENVIRONMENTAL IMPACT STATE-*
4 *MENT.*—*In this section, the term “environmental impact*
5 *statement” means the detailed written statement required*
6 *under section 102(2)(C) of the National Environmental Pol-*
7 *icy Act of 1969 (42 U.S.C. 4332(2)(C)).*

8 (b) *DEMONSTRATION PROGRAM.*—*The Secretary shall*
9 *establish a demonstration program to allow a project au-*
10 *thorized by section 211 of the Water Resources Development*
11 *Act of 1996 (33 U.S.C. 701b–13) (as in effect on the day*
12 *before the date of enactment of the Water Resources Reform*
13 *and Development Act of 2014 (128 Stat. 1193)) to begin*
14 *preliminary engineering and design after the completion of*
15 *a feasibility study and an environmental impact statement*
16 *for the project.*

17 (c) *REQUIREMENTS.*—*For each project authorized to*
18 *begin preliminary engineering and design under subsection*
19 *(b)—*

20 (1) *the project shall conform to the feasibility*
21 *study approved by the headquarters office of the Corps*
22 *of Engineers and the environmental impact statement*
23 *for the project; and*

24 (2) *the Secretary and the non-Federal sponsor*
25 *shall jointly agree to the construction design of the*
26 *project.*

1 (d) *REPAYMENT.*—If a project authorized to begin pre-
2 liminary engineering and design under subsection (b) does
3 not receive a favorable final decision document, the non-
4 Federal sponsor of the project shall repay any funds pro-
5 vided under this section for the project.

6 (e) *SUNSET.*—The authority to carry out the dem-
7 onstrations program under this section shall terminate on
8 the date that is 5 years after the date of enactment of this
9 Act.

10 **SEC. 3118. EXPEDITED INITIATION.**

11 Section 1322(b)(2) of the Water Infrastructure Im-
12 provements for the Nation Act (130 Stat. 1707) is amended
13 in the matter preceding subparagraph (A) by striking “if
14 the Secretary” and all that follows through “2287)” and
15 inserting “once the general reevaluation report for the
16 project has been submitted for approval, shall immediately
17 initiate preconstruction engineering and design for the
18 project”.

19 **SEC. 3119. BENEFICIAL USE OF DREDGED SEDIMENT.**

20 Notwithstanding any other provision of law, in the
21 case of a project for beach nourishment, the easement for
22 the project shall be for a period—

23 (1) agreed to by the Secretary and the non-Fed-
24 eral interest; and

1 (2) *not less than 100 percent of the anticipated*
2 *lifecycle of the project and not more than 200 percent*
3 *of the anticipated lifecycle of the project.*

4 **SEC. 3120. RULE FOR BEACH NOURISHMENT AND SHORE-**
5 **LINE PROTECTION PROJECTS.**

6 *Notwithstanding any other provision of law, in the*
7 *case of a project for beach nourishment or shoreline protec-*
8 *tion, with respect to the benefit-cost analysis for the project,*
9 *the Secretary shall proceed with the project if the benefits*
10 *of the project are equal to or greater than the costs of the*
11 *project.*

12 **PART III—MISCELLANEOUS PROVISIONS**

13 **SEC. 3121. REPORT ON DEBRIS REMOVAL.**

14 *Not later than 180 days after the date of enactment*
15 *of this Act, the Secretary shall submit to Congress and make*
16 *publicly available a report that describes—*

17 (1) *the extent to which the Secretary has carried*
18 *out section 3 of the Act of March 2, 1945 (59 Stat.*
19 *23, chapter 19; 33 U.S.C. 603a);*

20 (2) *how the Secretary has evaluated potential*
21 *projects to be carried out under that section; and*

22 (3) *recommendations for the establishment of a*
23 *pilot program to improve the implementation of that*
24 *section.*

1 **SEC. 3122. CAPE ARUNDEL DISPOSAL SITE, MAINE.**

2 *Section 113 of the Energy and Water Development and*
 3 *Related Agencies Appropriations Act, 2014 (Public Law*
 4 *113–76; 128 Stat. 158) is amended by striking “for 5 years*
 5 *after the date of enactment of this Act” and inserting “until*
 6 *December 31, 2021”.*

7 **SEC. 3123. DELAWARE RIVER NAVIGATION PROJECT.**

8 *Section 1131(3) of the Water Resources Development*
 9 *Act of 1986 (100 Stat. 4246) is amended by striking “ten*
 10 *feet” and inserting “35 feet”.*

11 **SEC. 3124. SENSE OF CONGRESS RELATING TO EROSION ON**

12 **THE BANKS OF THE OHIO RIVER NEAR**

13 **CLARKSVILLE, INDIANA.**

14 *It is the sense of Congress that the Secretary should*
 15 *use the authority provided to the Secretary under section*
 16 *9 of the Flood Control Act of 1946 (60 Stat. 643, chapter*
 17 *596) to address erosion issues on the Ohio River near*
 18 *Clarksville, Indiana.*

19 ***Subtitle C—Locks, Dams, Levees,***
 20 ***and Dikes***

21 **SEC. 3201. CERTAIN LEVEE IMPROVEMENTS.**

22 *(a) IN GENERAL.—In the case of a levee described in*
 23 *subsection (b), the Secretary is encouraged to cooperate to*
 24 *the maximum extent practicable with non-Federal sponsors*
 25 *to implement necessary improvements to the levee.*

1 (b) *LEVEES DESCRIBED.*—A levee referred to in sub-
2 section (a) is a levee that is—

3 (1) *owned, operated, and maintained by the Sec-*
4 *retary; and*

5 (2) *hydraulically tied to a community-owned*
6 *levee that is not accredited by the Federal Emergency*
7 *Management Agency in accordance with section 65.10*
8 *of title 44, Code of Federal Regulations (or successor*
9 *regulations).*

10 **SEC. 3202. REHABILITATION OF CORPS OF ENGINEERS CON-**
11 **STRUCTED DAMS.**

12 Section 1177 of the *Water Infrastructure Improve-*
13 *ments for the Nation Act (33 U.S.C. 467f–2 note; Public*
14 *Law 114–322)* is amended—

15 (1) *in subsection (e), by striking “\$10,000,000”*
16 *and inserting “\$40,000,000”; and*

17 (2) *in subsection (f), by striking “\$10,000,000”*
18 *and inserting “\$40,000,000”.*

19 **SEC. 3203. NON-FEDERAL DAMS.**

20 *The Secretary may accept and expend funds from an*
21 *owner of a non-Federal dam for the review and revision*
22 *of water operations manuals and flood control curves if the*
23 *Secretary regulates the non-Federal facilities associated*
24 *with the non-Federal dam under section 7 of the Act of De-*

1 cember 22, 1944 (commonly known as the “Flood Control
2 Act of 1944”) (58 Stat. 890, chapter 665; 33 U.S.C. 709).

3 **SEC. 3204. REAUTHORIZATION OF NATIONAL DAM SAFETY**
4 **PROGRAM ACT.**

5 Section 14 of the National Dam Safety Program Act
6 (33 U.S.C. 467j) is amended by striking “for each of fiscal
7 years 2015 through 2019” each place it appears and insert-
8 ing “for each of fiscal years 2015 through 2021”.

9 **SEC. 3205. SENSE OF CONGRESS RELATING TO IMPLEMEN-**
10 **TATION GUIDANCE FOR DAM SAFETY REPAIR**
11 **PROJECTS.**

12 It is the sense of Congress that the Secretary should
13 expeditiously issue guidance as required under section 1139
14 of the Water Infrastructure Improvements for the Nation
15 Act (33 U.S.C. 467n note; Public Law 114–322).

16 **SEC. 3206. REAUTHORIZATION OF NATIONAL LEVEE SAFETY**
17 **PROGRAM.**

18 (a) *LEVEE SAFETY INITIATIVE.*—Section 9005 of the
19 Water Resources Development Act of 2007 (33 U.S.C.
20 3303a) is amended—

21 (1) in subsection (c), by adding at the end the
22 following:

23 “(6) *UPDATES.*—Not later than 1 year after the
24 date of enactment of the America’s Water Infrastruc-
25 ture Act of 2018, the Secretary shall update the guide-

1 *lines issued under paragraph (1) in accordance with*
2 *this subsection.”;*

3 *(2) in subsection (g)—*

4 *(A) in paragraph (1), by adding at the end*
5 *the following:*

6 *“(D) UPDATE.—Not later than 1 year after*
7 *the date of enactment of the America’s Water In-*
8 *frastructure Act of 2018, the Secretary shall up-*
9 *date the guidelines issued under subparagraph*
10 *(A) in accordance with this paragraph.”; and*

11 *(B) in paragraph (2)(E)(i), by striking “for*
12 *each of fiscal years 2015 through 2019” and in-*
13 *serting “for each of fiscal years 2015 through*
14 *2021”;* and

15 *(3) in subsection (h)(3), by adding at the end the*
16 *following:*

17 *“(F) UPDATE.—Not later than 1 year after*
18 *the date of enactment of the America’s Water In-*
19 *frastructure Act of 2018, the Secretary shall up-*
20 *date the guidelines issued under subparagraph*
21 *(D).”.*

22 *(b) REPORTS.—Section 9006 of the Water Resources*
23 *Development Act of 2007 (33 U.S.C. 3303b) is amended—*

24 *(1) in subsection (b), by inserting “, and not*
25 *later than 1 year after the date of enactment of the*

1 *America’s Water Infrastructure Act of 2018,” after*
 2 *“this subsection,”;*

3 (2) *in subsection (c), in the matter preceding*
 4 *paragraph (1), by inserting “, and not later than 1*
 5 *year after the date of enactment of the America’s*
 6 *Water Infrastructure Act of 2018,” after “Water Re-*
 7 *sources Development Act of 2016,”; and*

8 (3) *in subsection (d), in the matter preceding*
 9 *paragraph (1), by inserting “, and not later than 1*
 10 *year after the date of enactment of the America’s*
 11 *Water Infrastructure Act of 2018,” after “Water Re-*
 12 *sources Development Act of 2016,”.*

13 (c) *AUTHORIZATION OF APPROPRIATIONS.—Section*
 14 *9008 of the Water Resources Development Act of 2007 (33*
 15 *U.S.C. 3305) is amended—*

16 (1) *in the matter preceding paragraph (1), by*
 17 *striking “is” and inserting “are”;* and

18 (2) *by striking “for each of fiscal years 2015*
 19 *through 2019” each place it appears and inserting*
 20 *“for each of fiscal years 2015 through 2021”.*

21 **SEC. 3207. REAUTHORIZATION OF LOCK OPERATIONS PILOT**
 22 **PROGRAM.**

23 *Section 1017(f) of the Water Resources Reform and De-*
 24 *velopment Act of 2014 (33 U.S.C. 2212 note; Public Law*

1 113–121) is amended by striking “5 years” and inserting
2 “10 years”.

3 **SEC. 3208. RESTRICTED AREAS AT CORPS OF ENGINEERS**

4 **DAMS.**

5 Section 2 of the Freedom to Fish Act (Public Law 113–
6 13; 127 Stat. 449, 128 Stat. 1271) is amended by striking
7 “4 years after the date of enactment of the Water Resources
8 Reform and Development Act of 2014” each place it ap-
9 pears and inserting “5 years after the date of enactment
10 of the America’s Water Infrastructure Act of 2018”.

11 **SEC. 3209. CERTAIN BUREAU OF RECLAMATION DIKES.**

12 (a) *IN GENERAL.*—Notwithstanding any other provi-
13 sion of law (including regulations), effective beginning on
14 the date of enactment of this Act, the Federal share of the
15 operations and maintenance costs of a dike described in
16 subsection (b) shall be 100 percent.

17 (b) *DESCRIPTION OF DIKES.*—A dike referred to in
18 subsection (a) is a dike—

19 (1) that is owned by the Bureau of Reclamation
20 on the date of enactment of this Act;

21 (2) the construction of which was completed not
22 later than December 31, 1945; and

23 (3) a corrective action study for which was com-
24 pleted not later than December 31, 2015.

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 sponsor*
9 *shall demonstrate that an emergency action plan is in*
10 *place to protect the safety of persons and property in*
11 *the area potentially affected by a breach of the dam.*

12 “(2) *INCLUSIONS.*—*An emergency action plan*
13 *under paragraph (1) shall address—*

14 “(A) *incident detection, evaluation, and*
15 *emergency level determination;*

16 “(B) *notification and communication;*

17 “(C) *emergency actions;*

18 “(D) *termination and follow-up; and*

19 “(E) *public education and awareness of the*
20 *emergency action plan.”.*

21 **SEC. 3211. MAINTENANCE OF HIGH RISK FLOOD CONTROL**
22 **PROJECTS.**

23 *In any case in which the Secretary has assumed, as*
24 *of the date of enactment of this Act, responsibility for the*
25 *maintenance of a project classified as class III under the*
26 *Dam Safety Action Classification of the Corps of Engineers,*

1 *the Secretary shall continue to be responsible for the main-*
 2 *tenance of that project until the earlier of—*

3 (1) *the date on which the project is modified to*
 4 *reduce that risk and the Secretary determines that the*
 5 *project is no longer classified as class III under the*
 6 *Dam Safety Action Classification of the Corps of En-*
 7 *gineers; and*

8 (2) *the date that is 15 years after the date of en-*
 9 *actment of this Act.*

10 ***Subtitle D—Water Supply***

11 ***SEC. 3301. AUTHORITY TO MAKE ENTIRE ACTIVE CAPACITY*** 12 ***OF FONTENELLE RESERVOIR AVAILABLE FOR*** 13 ***USE.***

14 (a) *IN GENERAL.—The Secretary of the Interior (re-*
 15 *ferred to in this section as the “Secretary”), in cooperation*
 16 *with the State of Wyoming, may amend the Definite Plan*
 17 *Report for the Seedskadee Project authorized under the first*
 18 *section of the Act of April 11, 1956 (commonly known as*
 19 *the “Colorado River Storage Project Act”) (43 U.S.C. 620),*
 20 *to provide for the study, design, planning, and construction*
 21 *activities that will enable the use of all active storage capac-*
 22 *ity (as may be defined or limited by legal, hydrologic, struc-*
 23 *tural, engineering, economic, and environmental consider-*
 24 *ations) of Fontenelle Dam and Reservoir, including the*
 25 *placement of sufficient riprap on the upstream face of*

1 *Fontenelle Dam to allow the active storage capacity of*
2 *Fontenelle Reservoir to be used for those purposes for which*
3 *the Seedskaadee Project was authorized.*

4 (b) *COOPERATIVE AGREEMENTS.—*

5 (1) *IN GENERAL.—The Secretary may enter into*
6 *any contract, grant, cooperative agreement, or other*
7 *agreement that is necessary to carry out subsection*
8 *(a).*

9 (2) *STATE OF WYOMING.—*

10 (A) *IN GENERAL.—The Secretary shall enter*
11 *into a cooperative agreement with the State of*
12 *Wyoming to work in cooperation and collabo-*
13 *ratively with the State of Wyoming for planning,*
14 *design, related preconstruction activities, and*
15 *construction of any modification of the*
16 *Fontenelle Dam under subsection (a).*

17 (B) *REQUIREMENTS.—The cooperative*
18 *agreement under subparagraph (A) shall, at a*
19 *minimum, specify the responsibilities of the Sec-*
20 *retary and the State of Wyoming with respect*
21 *to—*

22 (i) *completing the planning and final*
23 *design of the modification of the Fontenelle*
24 *Dam under subsection (a);*

1 (ii) any environmental and cultural
2 resource compliance activities required for
3 the modification of the Fontenelle Dam
4 under subsection (a) including compliance
5 with—

6 (I) the National Environmental
7 Policy Act of 1969 (42 U.S.C. 4321 et
8 seq.);

9 (II) the Endangered Species Act
10 of 1973 (16 U.S.C. 1531 et seq.); and

11 (III) subdivision 2 of division A
12 of subtitle III of title 54, United States
13 Code; and

14 (iii) the construction of the modifica-
15 tion of the Fontenelle Dam under subsection
16 (a).

17 (c) *FUNDING BY STATE OF WYOMING.*—Pursuant to
18 the Act of March 4, 1921 (41 Stat. 1404, chapter 161; 43
19 U.S.C. 395), and as a condition of providing any addi-
20 tional storage under subsection (a), the State of Wyoming
21 shall provide to the Secretary funds for any work carried
22 out under subsection (a).

23 (d) *OTHER CONTRACTING AUTHORITY.*—

24 (1) *IN GENERAL.*—The Secretary may enter into
25 contracts with the State of Wyoming, on such terms

1 *and conditions as the Secretary and the State of Wyo-*
2 *ming may agree, for division of any additional active*
3 *capacity made available under subsection (a).*

4 (2) *TERMS AND CONDITIONS.—Unless otherwise*
5 *agreed to by the Secretary and the State of Wyoming,*
6 *a contract entered into under paragraph (1) shall be*
7 *subject to the terms and conditions of Bureau of Rec-*
8 *lamation Contract No. 14-06-400-2474 and Bureau*
9 *of Reclamation Contract No. 14-06-400-6193.*

10 (e) *SAVINGS PROVISIONS.—Unless expressly provided*
11 *in this section, nothing in this section modifies, conflicts*
12 *with, preempts, or otherwise affects—*

13 (1) *the Boulder Canyon Project Act (43 U.S.C.*
14 *617 et seq.);*

15 (2) *the Colorado River Compact of 1922, as ap-*
16 *proved by the Presidential Proclamation of June 25,*
17 *1929 (46 Stat. 3000);*

18 (3) *the Boulder Canyon Project Adjustment Act*
19 *(43 U.S.C. 618 et seq.);*

20 (4) *the Treaty between the United States of*
21 *America and Mexico relating to the utilization of*
22 *waters of the Colorado and Tijuana Rivers and of the*
23 *Rio Grande, and supplementary protocol signed No-*
24 *vember 14, 1944, signed at Washington February 3,*
25 *1944 (59 Stat. 1219);*

1 (5) *the Upper Colorado River Basin Compact as*
2 *consented to by the Act of April 6, 1949 (63 Stat. 31);*

3 (6) *the Act of April 11, 1956 (commonly known*
4 *as the “Colorado River Storage Project Act”) (43*
5 *U.S.C. 620 et seq.);*

6 (7) *the Colorado River Basin Project Act (Public*
7 *Law 90–537; 82 Stat. 885); or*

8 (8) *any State of Wyoming or other State water*
9 *law.*

10 **SEC. 3302. PRICING OF WATER STORAGE CONTRACTS.**

11 *Section 7 of the Flood Control Act of 1944 (33 U.S.C.*
12 *709) is amended—*

13 (1) *by striking “such regulations: Provided, That*
14 *this section” and inserting the following: “those regu-*
15 *lations.*

16 “(2) *EXCEPTION.—This subsection”; and*

17 (2) *by striking the section designation and all*
18 *that follows through “It shall be the duty of the Sec-*
19 *retary of the Army to” and inserting the following:*

20 **“SEC. 7. WATER STORAGE.**

21 “(a) *PRICING OF CONTRACTS.—*

22 “(1) *IN GENERAL.—Subject to paragraph (2), the*
23 *Secretary of the Army shall price each water storage*
24 *contract entered into by the Secretary at fair market*
25 *value.*

1 “(2) *FAIR MARKET VALUE REQUIREMENT.*—*For*
2 *purposes of paragraph (1), the fair market value of*
3 *a water storage contract shall not exceed 110 percent*
4 *of the lowest-contracted price at any facility of the*
5 *Corps of Engineers located within 50 miles of the*
6 *water source covered by the contract, as adjusted for*
7 *inflation.*

8 “(b) *FLOOD CONTROL AND NAVIGATION.*—

9 “(1) *IN GENERAL.*—*Except as provided in para-*
10 *graph (2), the Secretary of the Army shall”.*

11 **SEC. 3303. REPORT ON WATER SUPPLY CONTRACT, WRIGHT**
12 **PATMAN LAKE, TEXAS.**

13 *Not later than June 30, 2019, the Secretary shall sub-*
14 *mit to Congress a report on the status of the implementation*
15 *of the water supply contract, Department of the Army, Civil*
16 *Works Contract No. 29-68-A-0130, at Wright Patman Lake,*
17 *Texas, that—*

18 (1) *describes the accomplishments or failures re-*
19 *lating to the implementation of that contract at*
20 *Wright Patman Lake;*

21 (2) *identifies—*

22 (A) *the activities that the Secretary expects*
23 *to be necessary to complete the execution of the*
24 *contract;*

1 (B) the expected completion date for each
2 activity identified under subparagraph (A); and

3 (C) the expected execution date of the con-
4 tract; and

5 (3) describes any adjustments to the timeline for
6 completion of the execution of the contract that the
7 Secretary determines to be necessary.

8 **SEC. 3304. SENSE OF CONGRESS RELATING TO WRIGHT PAT-**
9 **MAN LAKE, SULPHUR RIVER BASIN, TEXAS.**

10 *It is the sense of Congress that the Secretary should*
11 *implement the Department of the Army, Civil Works Con-*
12 *tract No. 29-68-A-0130, at Wright Patman Lake, Texas, in*
13 *an expeditious manner and in accordance with all applica-*
14 *ble Federal and State water laws, including through the ac-*
15 *ceptance and expenditure of funds contributed by a non-*
16 *Federal interest for any study required by law.*

17 **SEC. 3305. CITY RESERVOIR EXPANSION PILOT PROGRAM.**

18 (a) *IN GENERAL.*—*The Secretary shall establish a*
19 *pilot program to expedite review of applications described*
20 *in subsection (b).*

21 (b) *APPLICATIONS DESCRIBED.*—*An application re-*
22 *ferred to in subsection (a) is an application for a permit*
23 *from the Secretary—*

24 (1) *to expand a reservoir for which not less than*
25 80 percent of the water rights are for community

1 *drinking water supplies in order to accommodate pro-*
2 *jected water supply needs of a city with a population*
3 *of less than 80,000; and*

4 (2) *from a city in which—*

5 (A) *any portion of the water resources*
6 *available to the community are polluted by*
7 *chemicals used at a formerly used defense site*
8 *under the jurisdiction of the Department of De-*
9 *fense that is undergoing (or is scheduled to un-*
10 *dergo) environmental remediation under chapter*
11 *160 of title 10, United States Code; and*

12 (B) *mitigation of the pollution described in*
13 *subparagraph (A) is ongoing.*

14 (c) *SUNSET.—The authority to carry out the pilot pro-*
15 *gram under this section shall terminate on the date that*
16 *is 10 years after the date of enactment of this Act.*

17 **SEC. 3306. SENSE OF CONGRESS RELATING TO WATER-RE-**
18 **LATED INFRASTRUCTURE IN IDAHO, MON-**
19 **TANA, RURAL NEVADA, NEW MEXICO, RURAL**
20 **UTAH, AND WYOMING.**

21 *It is the sense of Congress that appropriations author-*
22 *ized by section 595(i) of the Water Resources Development*
23 *Act of 1999 (113 Stat. 384; 128 Stat. 1316; 130 Stat. 1681)*
24 *should be maintained at an amount not less than*
25 *\$75,000,000.*

1 **SEC. 3307. GROUNDWATER AND WELL WATER TESTING AND**
2 **TREATMENT PROGRAM.**

3 (a) *IN GENERAL.*—The Secretary shall carry out a
4 program to carry out the eligible projects described in sub-
5 section (b).

6 (b) *ELIGIBLE PROJECTS DESCRIBED.*—An eligible
7 project referred to in subsection (a) is a project located—

8 (1)(A) in a disadvantaged community (as de-
9 fined in section 1452(d) of the Safe Drinking Water
10 Act (42 U.S.C. 300j–12(d)); or

11 (B) in a municipality with a population of not
12 more than 100,000;

13 (2) in reasonable proximity to—

14 (A) an active military base;

15 (B) a formerly used defense site under the
16 jurisdiction of the Department of Defense that is
17 undergoing (or is scheduled to undergo) environ-
18 mental remediation under chapter 160 of title
19 10, United States Code; or

20 (C) any industrial site; and

21 (3) in an area in which—

22 (A) there may be contamination in the
23 available drinking water supply; and

24 (B) the local government is requesting as-
25 sistance in the testing and treatment of water
26 wells.

1 (c) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*
 2 *authorized to be appropriated to carry out this section*
 3 *\$50,000,000, to remain available until expended.*

4 ***Subtitle E—Sediment Management***

5 ***SEC. 3401. MISSOURI RIVER RESERVOIR SEDIMENT MAN-***
 6 ***AGEMENT.***

7 *Section 1179(a) of the Water Infrastructure Improve-*
 8 *ments for the Nation Act (130 Stat. 1675) is amended—*

9 (1) *by redesignating paragraphs (4) through (8)*
 10 *as paragraphs (5) through (9), respectively;*

11 (2) *by inserting after paragraph (3) the fol-*
 12 *lowing:*

13 “(4) *PRIORITIZATION OF SEDIMENT MANAGE-*
 14 *MENT PLANS.*—*In carrying out the pilot project under*
 15 *this subsection, the Secretary shall give priority to de-*
 16 *veloping and implementing sediment management*
 17 *plans that affect reservoirs that cross State lines.”;*

18 (3) *in paragraph (8) (as so redesignated)—*

19 (A) *by redesignating subparagraph (B) as*
 20 *subparagraph (C); and*

21 (B) *by striking subparagraph (A) and in-*
 22 *serting the following:*

23 “(A) *IN GENERAL.*—*The Secretary shall*
 24 *carry out the pilot program established under*
 25 *this subsection in partnership with the Secretary*

1 *of the Interior, and the program shall apply to*
 2 *reservoirs managed or owned by the Bureau of*
 3 *Reclamation.*

4 “(B) *MEMORANDUM OF AGREEMENT.—For*
 5 *sediment management plans that apply to a res-*
 6 *ervoir managed or owned by the Bureau of Rec-*
 7 *lamation under subparagraph (A), the Secretary*
 8 *and the Secretary of the Interior shall execute a*
 9 *memorandum of agreement establishing the*
 10 *framework for a partnership and the terms and*
 11 *conditions for sharing expertise and resources.”;*
 12 *and*

13 *(4) by adding at the end the following:*

14 “(10) *PRIORITIZATION OF FUNDS.—To the max-*
 15 *imum extent practicable, in carrying out any projects*
 16 *or programs of the Secretary or the Secretary of the*
 17 *Interior, the Secretary and the Secretary of the Inte-*
 18 *rior, as applicable, shall give priority to activities*
 19 *under this subsection.”.*

20 **SEC. 3402. RESERVOIR SEDIMENT.**

21 *Section 215 of the Water Resources Development Act*
 22 *of 2000 (33 U.S.C. 2326c) is amended—*

23 *(1) in subsection (a)—*

24 *(A) by striking “the date of enactment of*
 25 *the Water Resources Development Act of 2016”*

1 *and inserting “the date of enactment of the*
 2 *America’s Water Infrastructure Act of 2018”;*
 3 *and*

4 *(B) by striking “shall establish, using avail-*
 5 *able funds, a pilot program to accept” and in-*
 6 *serting “shall, using available funds, accept”;*

7 *(2) in subsection (b)—*

8 *(A) in paragraph (2), by adding “and” at*
 9 *the end;*

10 *(B) in paragraph (3), by striking “; and”*
 11 *at the end and inserting a period; and*

12 *(C) by striking paragraph (4); and*

13 *(3) by striking subsection (f) and inserting the*
 14 *following:*

15 *“(f) REPORT TO CONGRESS.—Not later than 3 years*
 16 *after the date of enactment of the America’s Water Infra-*
 17 *structure Act of 2018, the Secretary may submit to the*
 18 *Committee on Environment and Public Works of the Senate*
 19 *and the Committee on Transportation and Infrastructure*
 20 *of the House of Representatives a report describing the re-*
 21 *sults of the program under this section.”.*

22 **SEC. 3403. REGIONAL SEDIMENT MANAGEMENT.**

23 *Section 204 of the Water Resources Development Act*
 24 *of 1992 (33 U.S.C. 2326) is amended—*

25 *(1) in subsection (a)—*

1 (A) by striking paragraph (1) and inserting
2 the following:

3 “(1) *SEDIMENT USE.*—For sediment obtained
4 through the construction, operation, or maintenance
5 of an authorized Federal water resources project or a
6 reclamation project, including Federal reservoirs au-
7 thorized for flood control, the Secretary (in consulta-
8 tion with the Commissioner of Reclamation (referred
9 to in this section as the ‘Commissioner’)) and, subject
10 to the availability of appropriations, the Commis-
11 sioner (in consultation with the Secretary), as appli-
12 cable, shall develop, at full Federal expense, regional
13 sediment management plans, and carry out projects
14 at locations identified in plans developed under this
15 section, or identified jointly by the non-Federal inter-
16 est and the Secretary or the Commissioner, as appli-
17 cable, for use in the construction, repair, modifica-
18 tion, or rehabilitation of projects associated with Fed-
19 eral water resources projects and reclamation projects
20 for purposes listed in paragraph (3).”;

21 (B) in paragraph (2), by inserting “or the
22 Commissioner, as applicable,” after “Secretary”;

23 (C) in paragraph (3), in the matter pre-
24 ceding subparagraph (A), by inserting “and rec-

1 *lamation projects” after “water resources*
2 *projects”; and*

3 *(D) in paragraph (4), by inserting “or the*
4 *Commissioner, as applicable,” after “Secretary”;*
5 *(2) in subsection (b)—*

6 *(A) in the heading, by striking “SECRE-*
7 *TARIAL” and inserting “AGENCY”; and*

8 *(B) in the matter preceding paragraph (1),*
9 *by inserting “or the Commissioner, as applica-*
10 *ble,” after “Secretary”;*

11 *(3) in subsection (c)(1)—*

12 *(A) in subparagraph (A), by inserting “or*
13 *reclamation project” after “water resources*
14 *project”; and*

15 *(B) in subparagraph (B)(ii), by inserting*
16 *“or the Commissioner, as applicable,” after “Sec-*
17 *retary”;*

18 *(4) in subsection (d)—*

19 *(A) by inserting “or the Commissioner, as*
20 *applicable,” after “Secretary” each place it ap-*
21 *pears; and*

22 *(B) in paragraph (1), in the matter pre-*
23 *ceding subparagraph (A), by inserting “or rec-*
24 *lamation project” after “water resources project”;*

1 (5) *in subsection (e), in the matter preceding*
 2 *paragraph (1), by inserting “or the Commissioner, as*
 3 *applicable,” after “Secretary”; and*

4 (6) *in subsection (g), in the first sentence, by in-*
 5 *serting “to the Secretary” after “appropriated”.*

6 ***Subtitle F—Flood Risk Management***

7 ***SEC. 3501. ICE JAM PREVENTION AND MITIGATION.***

8 *Section 1150(c) of the Water Infrastructure Improve-*
 9 *ments for the Nation Act (33 U.S.C. 701s note; Public Law*
 10 *114–322) is amended—*

11 (1) *in paragraph (1)—*

12 (A) *by striking “During fiscal years 2017*
 13 *through 2022, the Secretary” and inserting “The*
 14 *Secretary”; and*

15 (B) *by striking “10 projects” and inserting*
 16 *“20 projects”;*

17 (2) *in paragraph (2)—*

18 (A) *by striking “shall ensure” and inserting*
 19 *the following : “shall—*

20 *“(A) ensure”;*

21 (B) *by striking the period at the end and*
 22 *inserting “; and”; and*

23 (C) *by adding at the end the following:*

24 *“(B) select not less than 1 project on a res-*
 25 *ervation (as defined in section 3 of the Indian*

1 *Financing Act of 1974 (25 U.S.C. 1452)) that*
 2 *serves more than 1 Indian tribe (as defined in*
 3 *section 4 of the Indian Self-Determination and*
 4 *Education Assistance Act (25 U.S.C. 5304)).”;*
 5 *and*

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

7 “(3) *PRIORITIZATION.—In selecting projects*
 8 *under paragraph (1), the Secretary shall give priority*
 9 *to—*

10 *“(A) projects in the Upper Missouri River*
 11 *Basin; and*

12 *“(B) projects in the Northeast.”.*

13 **SEC. 3502. UPPER MISSOURI RIVER BASIN FLOOD AND**
 14 **DROUGHT MONITORING.**

15 *Section 4003(a) of the Water Resources Reform and*
 16 *Development Act of 2014 (128 Stat. 1311, 130 Stat. 1677)*
 17 *is amended by adding at the end the following:*

18 “(6) *PRIORITIZATION.—To the maximum extent*
 19 *practicable, in carrying out any projects or programs*
 20 *of the Secretary, the Secretary shall give priority to*
 21 *activities under this subsection.”.*

22 **SEC. 3503. POLICIES THAT IMPACT FLOOD FIGHT MANAGE-**
 23 **MENT PROJECTS WITHIN URBAN AREAS.**

24 *Not later than 1 year after the date of enactment of*
 25 *this Act, the Secretary shall carry out a study on—*

1 (1) *flooding within urban floodplains; and*

2 (2) *the Federal policy constraints on the ability*
 3 *of the Secretary to address urban flooding, includ-*
 4 *ing—*

5 (A) *the regulations under part 238 of title*
 6 *33, Code of Federal Regulations (as in effect on*
 7 *the date of enactment of this Act); and*

8 (B) *the limitation under section 238.7(a)(1)*
 9 *of that title (as in effect on the date of enactment*
 10 *of this Act) that allows the Secretary to provide*
 11 *assistance only where the flood discharge of a*
 12 *stream or waterway within an urban area is*
 13 *greater than 800 cubic feet per second for the 10-*
 14 *percent flood.*

15 **SEC. 3504. MISSOURI RIVER AND TRIBUTARIES AT KANSAS**
 16 **CITIES, MISSOURI AND KANSAS.**

17 (a) *IN GENERAL.*—*The project for flood damage reduc-*
 18 *tion, Argentine, East Bottoms, Fairfax-Jersey Creek, and*
 19 *North Kansas Levees Units, Missouri River and tributaries*
 20 *at Kansas Cities, Missouri and Kansas, authorized by sec-*
 21 *tion 1001(28) of the Water Resources Development Act of*
 22 *2007 (121 Stat. 1054), is modified to include the*
 23 *Armourdale and Central Industrial District Levee Units,*
 24 *to be carried out by the Secretary substantially in accord-*
 25 *ance with the plans, and subject to the conditions, described*

1 *in the report of the Chief of Engineers, dated January 27,*
2 *2015, at an additional total cost of \$328,110,000, with an*
3 *estimated Federal cost of \$213,271,500 and an estimated*
4 *non-Federal cost of \$114,838,500.*

5 (b) *SINGLE PROJECT.—The projects described in sub-*
6 *section (a) shall be considered a single project for budgeting*
7 *purposes and shall not be subject to a new start decision*
8 *or new investment decision.*

9 (c) *CONFORMING AMENDMENT.—Item 2 of the table in*
10 *section 1401(2) of the Water Infrastructure Improvements*
11 *for the Nation Act (130 Stat. 1710) (relating to Armourdale*
12 *and Central Industrial District Levee Units, Missouri*
13 *River and Tributaries at Kansas City) is repealed.*

14 **SEC. 3505. FARGO-MOORHEAD METROPOLITAN AREA DIVER-**
15 **SION PROJECT, NORTH DAKOTA.**

16 (a) *IN GENERAL.—Notwithstanding section*
17 *404(b)(2)(B)(ii) of the Robert T. Stafford Disaster Relief*
18 *and Emergency Assistance Act (42 U.S.C.*
19 *5170c(b)(2)(B)(ii)) and any regulations promulgated to*
20 *carry out that section, beginning on the date of enactment*
21 *of this Act, any property in the State of North Dakota that*
22 *was acquired through hazard mitigation assistance pro-*
23 *vided under section 203 of that Act (42 U.S.C. 5133), sec-*
24 *tion 404 of that Act (42 U.S.C. 5170c), or section 1366 of*
25 *the National Flood Insurance Act of 1968 (42 U.S.C. 4104c)*

1 *that was subject to any open space deed restriction shall*
2 *be exempt from those restrictions to the extent necessary to*
3 *complete the Fargo-Moorhead Metropolitan Area Diversion*
4 *Project authorized by section 7002(2) of the Water Re-*
5 *sources Reform and Development Act of 2014 (128 Stat.*
6 *1366), subject to the conditions that—*

7 (1) *no new or additional structure unrelated to*
8 *the Project may be erected on the property unless the*
9 *new or additional structure is in compliance with*
10 *section 404(b)(2)(B)(ii) of the Robert T. Stafford Dis-*
11 *aster Relief and Emergency Assistance Act (42 U.S.C.*
12 *5170c(b)(2)(B)(ii)); and*

13 (2) *any subsequent use of the land on the prop-*
14 *erty that is unrelated to the Project shall comply with*
15 *that section.*

16 (b) *SAVINGS PROVISION.—Nothing in this section af-*
17 *fects the responsibility of any entity to comply with all*
18 *other applicable laws (including regulations) with respect*
19 *to the properties described in subsection (a).*

1 ***Subtitle G—River Basins,***
2 ***Watersheds, and Coastal Areas***

3 ***SEC. 3601. LONG-TERM FLOOD RISK REDUCTION, UPPER***
4 ***MISSOURI RIVER BASIN, SNAKE RIVER BASIN,***
5 ***AND RED RIVER BASIN.***

6 *Section 5 of the Act of August 18, 1941 (commonly*
7 *known as the “Flood Control Act of 1941”) (55 Stat. 650,*
8 *chapter 377; 33 U.S.C. 701n) is amended by adding at the*
9 *end the following:*

10 “(f) *LONG TERM FLOOD-RISK REDUCTION.*—

11 “(1) *IN GENERAL.*—*The Secretary shall provide*
12 *assistance for the operation and maintenance of any*
13 *project constructed under this section that, as deter-*
14 *mined by the Secretary, becomes permanent due to*
15 *the extended presence of assistance from the Secretary*
16 *under subsection (a).*

17 “(2) *NO TIME LIMITATION.*—*Notwithstanding*
18 *any other provision of this section or any other law,*
19 *the Secretary may provide assistance under this sub-*
20 *section for any period of time, as determined by the*
21 *Secretary.*

22 “(3) *COST-SHARE.*—*The cost of operation and*
23 *maintenance provided under this subsection for a*
24 *project shall be subject to the cost-sharing provisions*
25 *that would otherwise apply to such a project.*

1 “(4) *TERMINATION.*—*The authority to provide*
 2 *assistance under this subsection terminates on the*
 3 *date that is 10 years after the date of enactment of*
 4 *the America’s Water Infrastructure Act of 2018.*”.

5 **SEC. 3602. SENSE OF CONGRESS RELATING TO PROVISION**
 6 **OF RESOURCES FOR EMERGENCY INFRA-**
 7 **STRUCTURE REPAIRS.**

8 *It is the sense of Congress that the Secretary should*
 9 *use all existing authorities of the Secretary to accept and*
 10 *use resources provided by a non-Federal entity under sec-*
 11 *tion 1024 of the Water Resources Reform and Development*
 12 *Act of 2014 (33 U.S.C. 2325a) to carry out emergency in-*
 13 *frastructure repairs, regardless of the cause of the emer-*
 14 *gency.*

15 **SEC. 3603. SENSE OF CONGRESS ON EMERGENCY MANAGE-**
 16 **MENT ASSISTANCE.**

17 *It is the sense of Congress that the Secretary should*
 18 *provide technical assistance and other support to State*
 19 *emergency management agencies to assist in the develop-*
 20 *ment of handbooks for floodplain managers that—*

21 (1) *include policies to help manage the risks of*
 22 *coastal and river flooding; and*

23 (2) *consider coastal protection solutions that pro-*
 24 *mote resilience, such as living shorelines, and regional*
 25 *sediment management.*

1 **SEC. 3604. GREAT LAKES FISH AND WILDLIFE RESTORA-**
2 **TION ACT OF 1990.**

3 *Section 1009 of the Great Lakes Fish and Wildlife Res-*
4 *toration Act of 1990 (16 U.S.C. 941g) is amended by strik-*
5 *ing subsection (a) and inserting the following:*

6 *“(a) IN GENERAL.—There are authorized to be appro-*
7 *priated to the Director—*

8 *“(1) for fiscal year 2019—*

9 *“(A) \$6,600,000 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 ¹/₃*
14 *percent and \$2,000,000 may be allocated to*
15 *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) \$2,200,000, which shall be allocated*
22 *for the activities of the Upper Great Lakes Fish*
23 *and Wildlife Conservation Offices and the Lower*
24 *Great Lakes Fish and Wildlife Conservation Of-*
25 *fice under section 1007;*

26 *“(2) for fiscal year 2020—*

1 “(A) \$7,200,000 to implement fish and
2 wildlife restoration proposals and regional
3 projects selected by the Director under section
4 1005(d), of which—

5 “(i) not more than the lesser of 33 ¹/₃
6 percent and \$2,000,000 may be allocated to
7 implement regional projects; and

8 “(ii) the lesser of 5 percent and
9 \$300,000 shall be allocated to the United
10 States Fish and Wildlife Service to cover
11 costs incurred in administering the pro-
12 posals by any entity; and

13 “(B) \$2,400,000, which shall be allocated
14 for the activities of the Upper Great Lakes Fish
15 and Wildlife Conservation Offices and the Lower
16 Great Lakes Fish and Wildlife Conservation Of-
17 fice under section 1007; and

18 “(3) for fiscal year 2021—

19 “(A) \$7,800,000 to implement fish and
20 wildlife restoration proposals and regional
21 projects selected by the Director under section
22 1005(d), of which—

23 “(i) not more than the lesser of 33 ¹/₃
24 percent and \$2,000,000 may be allocated to
25 implement regional projects; and

1 “(i) the lesser of 5 percent and
2 \$300,000 shall be allocated to the United
3 States Fish and Wildlife Service to cover
4 costs incurred in administering the pro-
5 posals by any entity; and

6 “(B) \$2,600,000, which shall be allocated
7 for the activities of the Upper Great Lakes Fish
8 and Wildlife Conservation Offices and the Lower
9 Great Lakes Fish and Wildlife Conservation Of-
10 fice under section 1007.”.

11 **SEC. 3605. GREAT LAKES RESTORATION INITIATIVE.**

12 Section 118(c)(7)(J) of the Federal Water Pollution
13 Control Act (33 U.S.C. 1268(c)(7)(J)) is amended by strik-
14 ing clause (i) and inserting the following:

15 “(i) *IN GENERAL.*—There are author-
16 ized to be appropriated to carry out this
17 paragraph—

18 “(I) \$330,000,000 for fiscal year
19 2019;

20 “(II) \$360,000,000 for fiscal year
21 2020; and

22 “(III) \$390,000,000 for fiscal year
23 2021.”.

1 **SEC. 3606. GREAT LAKES COASTAL RESILIENCY STUDY.**

2 *The Secretary shall carry out the proposed Great Lakes*
3 *coastal resiliency study under section 729 of the Water Re-*
4 *sources Development Act of 1986 (33 U.S.C. 2267a)—*

5 *(1) to conduct an assessment of water resources*
6 *needs in the Great Lakes; and*

7 *(2) to prioritize efforts to study issues in the*
8 *Great Lakes, including lake level fluctuations, erosion,*
9 *flooding, nutrient runoff, aging infrastructure, and*
10 *economic and recreational issues.*

11 **SEC. 3607. SPECIAL RULE FOR BEACH NOURISHMENT.**

12 *Section 156(e) of the Water Resources Development Act*
13 *of 1976 (42 U.S.C. 1962d–5f(e)) is amended by striking*
14 *“the date of enactment of the Water Resources Reform and*
15 *Development Act of 2014” and inserting “the date of enact-*
16 *ment of the America’s Water Infrastructure Act of 2018”.*

17 **SEC. 3608. EXTENSION FOR CERTAIN COASTAL STORM DAM-**
18 **AGE REDUCTION PROGRAMS.**

19 *Section 156(e) of the Water Resources Development Act*
20 *of 1976 (42 U.S.C. 1962d–5f(e)) is amended by inserting*
21 *“or within the 5-year period beginning on the date of enact-*
22 *ment of the America’s Water Infrastructure Act of 2018”*
23 *after “Water Resources Reform and Development Act of*
24 *2014”.*

1 **SEC. 3609. SNAKE RIVER BASIN FLOOD PREVENTION AC-**
2 **TION PLAN.**

3 (a) *IN GENERAL.*—As soon as practicable after the
4 date of enactment of this Act, the Secretary, in consultation
5 with the Commissioner of Reclamation, shall develop a flood
6 prevention action plan for each State or portion of a State
7 within the Snake River Basin.

8 (b) *REQUIREMENTS.*—A flood prevention action plan
9 under subsection (a) shall—

10 (1) *focus on the areas most likely to experience*
11 *flooding within the next 2 years;*

12 (2) *include steps to manage and reduce flood*
13 *risks within the Snake River Basin; and*

14 (3) *include a description of the actions the Sec-*
15 *retary and the Commissioner of Reclamation plan to*
16 *take to improve coordination with local stakeholders*
17 *to help manage and reduce flood risks in the areas de-*
18 *scribed in paragraph (1).*

19 (c) *SUBMISSION.*—Not later than 180 days after the
20 date of enactment of this Act, after coordinating with local
21 stakeholders, the Secretary shall submit to the Committee
22 on Environment and Public Works of the Senate and the
23 Committee on Transportation and Infrastructure of the
24 House of Representatives the flood prevention plans devel-
25 oped under subsection (a).

1 **SEC. 3610. AUTHORIZATION OF APPROPRIATIONS FOR CO-**
2 **LUMBIA RIVER BASIN RESTORATION.**

3 *Section 123(d) of the Federal Water Pollution Control*
4 *Act (33 U.S.C. 1275(d)) is amended by adding at the end*
5 *the following:*

6 “(6) *AUTHORIZATION OF APPROPRIATIONS.—*
7 *There are authorized to be appropriated to carry out*
8 *this subsection—*

9 “(A) *\$5,000,000 for fiscal year 2019; and*

10 “(B) *\$30,000,000 for each of fiscal years*
11 *2020 and 2021.”.*

12 **SEC. 3611. MIDDLE RIO GRANDE PEAK FLOW RESTORATION.**

13 (a) *TEMPORARY DEVIATION.—During the 5-year pe-*
14 *riod beginning on the date of enactment of this Act, the*
15 *Secretary shall continue the temporary deviation in the op-*
16 *eration of Cochiti Lake and Jemez Canyon Dam, that was*
17 *initiated in 2009 and terminated in 2013, to continue to*
18 *evaluate the benefits of the deviation.*

19 (b) *FEASIBILITY STUDY AND REPORT.—Not later than*
20 *1 year after the date of enactment of this Act, the Secretary*
21 *and the Secretary of the Interior shall—*

22 (1) *conduct a feasibility study to address Cochiti*
23 *Dam operation limitations on the timing, magnitude,*
24 *and duration of flows that support federally listed*
25 *species in the Middle Rio Grande, consistent with*
26 *subsection (c); and*

1 (2) *submit to Congress a feasibility report on the*
2 *reauthorization of the purposes of Cochiti Dam.*

3 (c) *GOALS.—The deviation described in subsection (a)*
4 *shall provide for the detention and release of native Rio*
5 *Grande water and San Juan-Chama Project water with the*
6 *goals of—*

7 (1) *improving river processes to restore species*
8 *habitat on the Rio Grande, including a Spring peak*
9 *flow to the Rio Grande;*

10 (2) *increasing the spawning and recruitment of*
11 *endangered Rio Grande silvery minnows;*

12 (3) *creating overbanking flows that are nec-*
13 *essary—*

14 (A) *to maintain a healthy bosque; and*

15 (B) *to support habitat for the Southwestern*
16 *willow flycatcher and other wildlife;*

17 (4) *maintaining channel capacity; and*

18 (5) *increasing water operational flexibility and*
19 *efficiencies in meeting irrigation and municipal and*
20 *industrial purposes, if the increased water oper-*
21 *ational flexibility and efficiencies enhance the goals*
22 *described in paragraphs (1) and (4).*

23 (d) *MONITORING.—The Secretary, in cooperation with*
24 *the Secretary of the Interior and other Federal and non-*
25 *Federal stakeholders shall—*

1 (1) *monitor the environmental effects, benefits,*
2 *and results of the deviation mandated under this sec-*
3 *tion; and*

4 (2) *compile any data necessary to evaluate the*
5 *need for further amendment to the authorizations and*
6 *water control manuals for Cochiti Lake or Jemez*
7 *Canyon Dam.*

8 (e) *APPROVAL REQUIRED.—Before implementing the*
9 *temporary deviation under this section, as required by the*
10 *applicable water control manuals, the Secretary shall—*

11 (1) *first obtain approval from—*

12 (A) *Pueblo de Cochiti;*

13 (B) *Pueblo of Santa Ana; and*

14 (C) *the Rio Grande Compact Commission*
15 *established by the compact approved by Congress*
16 *under the Act of May 31, 1939 (53 Stat. 785,*
17 *chapter 155); and*

18 (2) *to the maximum extent practicable, consult*
19 *with the existing Cochiti Lake Environmental Re-*
20 *sources Team, which includes other Federal agencies*
21 *and landowners in the region.*

22 (f) *REPORTS.—The Secretary shall prepare and sub-*
23 *mit to Congress—*

24 (1) *for each year in which the deviations are*
25 *being carried out under this section, annual reports*

1 *that describe the data compiled under subsection*
2 *(d)(2); and*

3 *(2) at the end of the period described in sub-*
4 *section (a), a final, cumulative report that summa-*
5 *rizes the data obtained during that period.*

6 **SEC. 3612. NORTH ATLANTIC DIVISION REPORT ON HURRI-**
7 **CANE BARRIERS AND HARBORS OF REFUGE**
8 **IN NEW ENGLAND.**

9 *Not later than 1 year after the date of enactment of*
10 *this Act, the Secretary, in consultation with State and local*
11 *experts in the North Atlantic Division of the Corps of Engi-*
12 *neers, shall submit to Congress a report on the durability*
13 *and resiliency of existing hurricane barriers and harbors*
14 *of refuge, giving particular consideration as to how those*
15 *structures will survive and fully serve their planned levels*
16 *of protection under current, near, and longer term future*
17 *predicted sea levels, storm surge, and storm strength.*

18 **SEC. 3613. STUDY ON INNOVATIVE PORTS FOR OFFSHORE**
19 **WIND DEVELOPMENT.**

20 *(a) DEFINITION OF INNOVATIVE PORT FOR OFFSHORE*
21 *WIND DEVELOPMENT.—In this section, the term “innova-*
22 *tive port for offshore wind development” includes any port*
23 *that can accommodate, or be retrofitted to accommodate—*

1 (1) *the upright assembly of the majority of an*
2 *offshore wind facility, including the foundation,*
3 *tower, turbine, blade, and electrical components;*

4 (2) *an assembly area, ground bearing pressure,*
5 *and overhead clearance for the assembly of offshore*
6 *wind facility turbines, which each have a capacity of*
7 *up to 20 megawatts;*

8 (3) *heavy-lift quay and not less than 30 acres of*
9 *port storage;*

10 (4) *innovative offshore wind facility and vessel*
11 *technologies that allow for the rapid installation of an*
12 *offshore wind facility; and*

13 (5) *any other innovative offshore wind facility*
14 *technology, as determined by the Secretary.*

15 (b) *STUDY AND REPORT.*—

16 (1) *IN GENERAL.*—*Not later than 1 year after*
17 *the date of enactment of this Act, the Secretary*
18 *shall—*

19 (A) *in consultation with the Secretary of*
20 *Energy and the Secretary of the Interior, carry*
21 *out a study of ports in the Mid-Atlantic and*
22 *New England regions of the United States to*
23 *identify—*

1 (i) not less than 3 suitable ports in
2 those regions that could become innovative
3 ports for offshore wind development;

4 (ii) barriers to the development of in-
5 novative ports for offshore wind develop-
6 ment;

7 (iii) the Federal and State actions, in-
8 cluding dredging and construction of sup-
9 porting infrastructure, needed to facilitate
10 the development of the ports identified
11 under clause (i) to become innovative ports
12 for offshore wind development; and

13 (iv) recommendations on any further
14 research needed to improve ports in the
15 United States for offshore wind facility de-
16 velopment and deployment; and

17 (B) submit to Congress a report describing
18 the results of the study under subparagraph (A).

19 (2) CONSULTATION.—In carrying out the study
20 under paragraph (1), the Secretary shall consult with,
21 at a minimum—

22 (A) the Governor of each affected State;

23 (B) units of local government; and

24 (C) relevant experts in engineering, envi-
25 ronment, and industry considerations.

1 **SEC. 3614. REPORT ON CORPS OF ENGINEERS ACTIVITIES.**

2 (a) *DEFINITIONS.*—*In this section:*

3 (1) *APPLICABLE COASTAL STATE.*—*The term*
4 *“applicable coastal State” means a coastal State that*
5 *has a State-approved plan.*

6 (2) *STATE-APPROVED PLAN.*—*The term “State-*
7 *approved plan” includes—*

8 (A) *a coastal management plan;*

9 (B) *a special area management plan;*

10 (C) *a coastal master plan; and*

11 (D) *other similar coastal planning and re-*
12 *siliency strategies.*

13 (b) *REPORT.*—*Not later than 1 year after the date of*
14 *enactment of this Act, the Secretary shall submit to Con-*
15 *gress and each applicable coastal State a report that in-*
16 *cludes—*

17 (1) *a summary of all active and recently com-*
18 *pleted work of the Corps of Engineers in each appli-*
19 *cable coastal State;*

20 (2) *an analysis of how the work described in*
21 *paragraph (1) corresponds to, fits under, or com-*
22 *plements any existing State-approved plan; and*

23 (3) *recommendations for improved implementa-*
24 *tion of State-approved plans through existing authori-*
25 *ties of the Corps of Engineers, including by, if appro-*
26 *priate—*

1 (A) allowing State-approved plans to be
 2 submitted for proposed inclusion in the annual
 3 report entitled “Report to Congress on Future
 4 Water Resources Development” and submitted to
 5 Congress pursuant to section 7001 of the Water
 6 Resources Reform and Development Act of 2014
 7 (33 U.S.C. 2282d); and

8 (B) including specific projects included in a
 9 State-approved plan in the continuing authori-
 10 ties program (as described in section 3002).

11 **Subtitle H—Environmental**
 12 **Management**

13 **SEC. 3701. REAUTHORIZATION OF RIO GRANDE ENVIRON-**
 14 **MENTAL MANAGEMENT PROGRAM.**

15 Section 5056(f) of the Water Resources Development
 16 Act of 2007 (121 Stat. 1214; 128 Stat. 1315) is amended
 17 by striking “each of fiscal years 2008 through 2019” and
 18 inserting “each of fiscal years 2008 through 2021”.

19 **SEC. 3702. AMENDMENTS TO LONG ISLAND SOUND PRO-**
 20 **GRAMS.**

21 (a) **LONG ISLAND SOUND RESTORATION PROGRAM.**—
 22 Section 119 of the Federal Water Pollution Control Act (33
 23 U.S.C. 1269) is amended—

1 (1) *in subsection (b), by striking the subsection*
2 *designation and heading and all that follows through*
3 *“The Office shall” and inserting the following:*

4 “(b) *OFFICE.—*

5 “(1) *ESTABLISHMENT.—The Administrator*
6 *shall—*

7 “(A) *continue to carry out the conference*
8 *study; and*

9 “(B) *establish an office, to be located on or*
10 *near Long Island Sound.*

11 “(2) *ADMINISTRATION AND STAFFING.—The Of-*
12 *fice shall”;*

13 (2) *in subsection (c)—*

14 (A) *in the matter preceding paragraph (1),*
15 *by striking “Management Conference of the Long*
16 *Island Sound Study” and inserting “conference*
17 *study”;*

18 (B) *in paragraph (2)—*

19 (i) *in each of subparagraphs (A)*
20 *through (G), by striking the commas at the*
21 *end of the subparagraphs and inserting*
22 *semicolons;*

23 (ii) *in subparagraph (H), by striking*
24 *“, and” and inserting a semicolon;*

1 (iii) in subparagraph (I), by striking
2 the period at the end and inserting a semi-
3 colon; and

4 (iv) by adding at the end the following:

5 “(J) environmental impacts on the Long Is-
6 land Sound watershed, including—

7 “(i) the identification and assessment
8 of vulnerabilities in the watershed;

9 “(ii) the development and implementa-
10 tion of adaptation strategies to reduce those
11 vulnerabilities; and

12 “(iii) the identification and assessment
13 of the impacts of sea level rise on water
14 quality, habitat, and infrastructure; and

15 “(K) planning initiatives for Long Island
16 Sound that identify the areas that are most suit-
17 able for various types or classes of activities in
18 order to reduce conflicts among uses, reduce ad-
19 verse environmental impacts, facilitate compat-
20 ible uses, or preserve critical ecosystem services
21 to meet economic, environmental, security, or so-
22 cial objectives;”;

23 (C) by striking paragraph (4) and inserting
24 the following:

1 “(4) develop and implement strategies to increase
2 public education and awareness with respect to the ec-
3 ological health and water quality conditions of Long
4 Island Sound;”;

5 (D) in paragraph (5), by inserting “study”
6 after “conference”;

7 (E) in paragraph (6)—

8 (i) by inserting “(including on the
9 Internet)” after “the public”; and

10 (ii) by inserting “study” after “con-
11 ference”; and

12 (F) by striking paragraph (7) and inserting
13 the following:

14 “(7) monitor the progress made toward meeting
15 the identified goals, actions, and schedules of the
16 Comprehensive Conservation and Management Plan,
17 including through the implementation and support of
18 a monitoring system for the ecological health and
19 water quality conditions of Long Island Sound; and”;

20 (3) in subsection (d)(3), in the second sentence,
21 by striking “50 per centum” and inserting “60 per-
22 cent”;

23 (4) by redesignating subsection (f) as subsection
24 (i); and

25 (5) by inserting after subsection (e) the following:

1 “(f) *REPORT.*—

2 “(1) *IN GENERAL.*—Not later than 2 years after
3 the date of enactment of the America’s Water Infra-
4 structure Act of 2018, and biennially thereafter, the
5 Director of the Office, in consultation with the Gov-
6 ernor of each Long Island Sound State, shall submit
7 to Congress a report that—

8 “(A) summarizes and assesses the progress
9 made by the Office and the Long Island Sound
10 States in implementing the Long Island Sound
11 Comprehensive Conservation and Management
12 Plan, including an assessment of the progress
13 made toward meeting the performance goals and
14 milestones contained in the Plan;

15 “(B) assesses the key ecological attributes
16 that reflect the health of the ecosystem of the
17 Long Island Sound watershed;

18 “(C) describes any substantive modifica-
19 tions to the Long Island Sound Comprehensive
20 Conservation and Management Plan made dur-
21 ing the 2-year period preceding the date of sub-
22 mission of the report;

23 “(D) provides specific recommendations to
24 improve progress in restoring and protecting the
25 Long Island Sound watershed, including, as ap-

1 *appropriate, proposed modifications to the Long Is-*
2 *land Sound Comprehensive Conservation and*
3 *Management Plan;*

4 “(E) identifies priority actions for imple-
5 mentation of the Long Island Sound Comprehen-
6 sive Conservation and Management Plan for the
7 2-year period following the date of submission of
8 the report; and

9 “(F) describes the means by which Federal
10 funding and actions will be coordinated with the
11 actions of the Long Island Sound States and
12 other entities.

13 “(2) PUBLIC AVAILABILITY.—The Administrator
14 shall make the report described in paragraph (1)
15 available to the public, including on the Internet.

16 “(g) ANNUAL BUDGET PLAN.—The President shall
17 submit, together with the annual budget of the United
18 States Government submitted under section 1105(a) of title
19 31, United States Code, information regarding each Federal
20 department and agency involved in the protection and res-
21 toration of the Long Island Sound watershed, including—

22 “(1) an interagency crosscut budget that displays
23 for each department and agency—

1 “(A) the amount obligated during the pre-
2 ceding fiscal year for protection and restoration
3 projects and studies relating to the watershed;

4 “(B) the estimated budget for the current
5 fiscal year for protection and restoration projects
6 and studies relating to the watershed; and

7 “(C) the proposed budget for succeeding fis-
8 cal years for protection and restoration projects
9 and studies relating to the watershed; and

10 “(2) a summary of any proposed modifications
11 to the Long Island Sound Comprehensive Conserva-
12 tion and Management Plan for the following fiscal
13 year.

14 “(h) FEDERAL ENTITIES.—

15 “(1) COORDINATION.—The Administrator shall
16 coordinate the actions of all Federal departments and
17 agencies that impact water quality in the Long Is-
18 land Sound watershed in order to improve the water
19 quality and living resources of the watershed.

20 “(2) METHODS.—In carrying out this section,
21 the Administrator, acting through the Director of the
22 Office, may—

23 “(A) enter into interagency agreements; and

24 “(B) make intergovernmental personnel ap-
25 pointments.

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 de-*
11 *partment and agency that owns or occupies real*
12 *property, or carries out activities, within the Long Is-*
13 *land Sound watershed shall ensure that the property*
14 *and all activities carried out by the department or*
15 *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 PROGRAM.—*

20 (1) *LONG ISLAND SOUND STEWARDSHIP ADVI-*
21 *SORY COMMITTEE.—Section 8 of the Long Island*
22 *Sound Stewardship Act of 2006 (33 U.S.C. 1269 note;*
23 *Public Law 109–359) is amended—*

24 (A) *in subsection (g), by striking “2011”*
25 *and inserting “2021”; and*

1 (B) by adding at the end the following:

2 “(h) *NONAPPLICABILITY OF FACA.*—*The Federal Ad-*
3 *visory Committee Act (5 U.S.C. App.) shall not apply to—*

4 “(1) *the Advisory Committee; or*

5 “(2) *any board, committee, or other group estab-*
6 *lished under this Act.*”.

7 (2) *REPORTS.*—*Section 9(b)(1) of the Long Is-*
8 *land Sound Stewardship Act of 2006 (33 U.S.C. 1269*
9 *note; Public Law 109–359) is amended in the matter*
10 *preceding subparagraph (A) by striking “fiscal years*
11 *2007 through 2011” and inserting “fiscal years 2019*
12 *through 2021”.*

13 (3) *AUTHORIZATION.*—*Section 11 of the Long Is-*
14 *land Sound Stewardship Act of 2006 (33 U.S.C. 1269*
15 *note; Public Law 109–359) is amended—*

16 (A) *by striking subsection (a);*

17 (B) *by redesignating subsections (b) through*
18 *(d) as subsections (a) through (c), respectively;*
19 *and*

20 (C) *in subsection (a) (as so redesignated),*
21 *by striking “under this section each” and insert-*
22 *ing “to carry out this Act for a”.*

23 (4) *EFFECTIVE DATE.*—*The amendments made*
24 *by this subsection take effect on October 1, 2018.*

1 (c) *REAUTHORIZATION OF LONG ISLAND SOUND PRO-*
2 *GRAMS.—*

3 (1) *IN GENERAL.—There are authorized to be ap-*
4 *propriated to the Administrator of the Environmental*
5 *Protection Agency such sums as are necessary for*
6 *each of fiscal years 2019 through 2021 for the imple-*
7 *mentation of—*

8 (A) *section 119 of the Federal Water Pollu-*
9 *tion Control Act (33 U.S.C. 1269), other than*
10 *subsection (d) of that section; and*

11 (B) *the Long Island Sound Stewardship Act*
12 *of 2006 (33 U.S.C. 1269 note; Public Law 109–*
13 *359).*

14 (2) *LONG ISLAND SOUND GRANTS.—There is au-*
15 *thorized to be appropriated to the Administrator of*
16 *the Environmental Protection Agency to carry out*
17 *section 119(d) of the Federal Water Pollution Control*
18 *Act (33 U.S.C. 1269(d)) \$40,000,000 for each of fiscal*
19 *years 2019 through 2021.*

20 (3) *LONG ISLAND SOUND STEWARDSHIP*
21 *GRANTS.—There is authorized to be appropriated to*
22 *the Administrator of the Environmental Protection*
23 *Agency to carry out the Long Island Sound Steward-*
24 *ship Act of 2006 (33 U.S.C. 1269 note; Public Law*

1 109–359) \$25,000,000 for each of fiscal years 2019
2 through 2021.

3 **SEC. 3703. SENSE OF CONGRESS RELATING TO THE CAÑO**
4 **MARTÍN PEÑA ECOSYSTEM RESTORATION**
5 **PROJECT.**

6 *It is the sense of Congress that the Secretary should*
7 *advance the project for ecosystem restoration, Caño Martín*
8 *Peña, Puerto Rico.*

9 **Subtitle I—Tribal Programs**

10 **SEC. 3801. INFLATION ADJUSTMENT OF COST-SHARING**
11 **PROVISIONS FOR TERRITORIES AND INDIAN**
12 **TRIBES.**

13 *Section 1156(b) of the Water Resources Development*
14 *Act of 1986 (33 U.S.C. 2310(b)) is amended by striking*
15 *“the date of enactment of this subsection” and inserting*
16 *“the date of enactment of the America’s Water Infrastruc-*
17 *ture Act of 2018”.*

18 **SEC. 3802. TRIBAL PARTNERSHIP PROGRAM.**

19 *Section 203(b)(4) of the Water Resources Development*
20 *Act of 2000 (33 U.S.C. 2269(b)(4)) is amended by striking*
21 *“\$10,000,000” in each of subparagraphs (A) and (B) and*
22 *inserting “\$15,000,000”.*

23 **SEC. 3803. BLACKFEET WATER RIGHTS SETTLEMENT.**

24 *(a) AUTHORIZATION FOR APPROPRIATIONS.—Section*
25 *3718 of the Water Infrastructure Improvements for the Na-*

1 *tion Act (130 Stat. 1838) is amended by adding at the end*
2 *the following:*

3 “(c) *BLACKFEET WATER RIGHTS SETTLEMENT.*—Not-
4 *withstanding sections 3716(e) and 3717(e), to the extent*
5 *funds have been appropriated, 50 percent of the amounts*
6 *appropriated to the Blackfeet Settlement Trust Fund and*
7 *50 percent of the amounts appropriated to the Blackfeet*
8 *Water Settlement Implementation Fund under this section*
9 *shall be available to the Tribe and the Secretary in a man-*
10 *ner consistent with this title on the execution of the waivers*
11 *and releases under section 3720(a).”.*

12 (b) *WAIVER AND RELEASE OF CLAIMS.*—Section 3720
13 *of the Water Infrastructure Improvements for the Nation*
14 *Act (130 Stat. 1839) is amended—*

15 (1) *in subsection (a)(3)(B), by striking “section*
16 *3706” and inserting “section 6”; and*

17 (2) *in subsection (h), in the matter preceding*
18 *paragraph (1), by striking “January 21, 2026” and*
19 *inserting “January 21, 2025”.*

20 **SEC. 3804. BONNEVILLE DAM, OREGON.**

21 (a) *IN GENERAL.*—*The Secretary, in consultation with*
22 *the Secretary of the Interior, shall examine and assess the*
23 *extent to which Indians (as defined in section 4 of the In-*
24 *dian Self-Determination and Education Assistance Act (25*

1 *U.S.C. 5304)) have been displaced as a result of the con-*
2 *struction of the Bonneville Dam, Oregon.*

3 (b) *INCLUSION.—The examination and assessment*
4 *under subsection (a) may include assessments relating to*
5 *housing and related facilities.*

6 (c) *ASSISTANCE.—If the Secretary determines, based*
7 *on the examination and assessment under subsection (a),*
8 *that assistance is required, the Secretary may use all exist-*
9 *ing authorities of the Secretary to provide assistance to In-*
10 *dians that have been displaced as a result of the construc-*
11 *tion of the Bonneville Dam, Oregon.*

12 (d) *TRIBAL ASSISTANCE.—Section 1178(c)(1)(A) of*
13 *the Water Infrastructure Improvements for the Nation Act*
14 *(130 Stat. 1675) is amended by striking “Upon the request*
15 *of the Secretary of the Interior, the Secretary may provide*
16 *assistance” and inserting “The Secretary, in consultation*
17 *with the Secretary of the Interior, may provide assistance”.*

18 **SEC. 3805. JOHN DAY DAM, OREGON.**

19 (a) *IN GENERAL.—The Secretary, in consultation with*
20 *the Secretary of the Interior, shall examine and assess the*
21 *extent to which Indians (as defined in section 4 of the In-*
22 *dian Self-Determination and Education Assistance Act (25*
23 *U.S.C. 5304)) have been displaced as a result of the con-*
24 *struction of the John Day Dam, Oregon, as authorized by*

1 *section 204 of the Flood Control Act of 1950 (64 Stat. 179,*
2 *chapter 188).*

3 (b) *INCLUSION.—The examination and assessment*
4 *under subsection (a) may include assessments relating to*
5 *housing and related facilities.*

6 (c) *ASSISTANCE.—If the Secretary determines, based*
7 *on the examination and assessment under subsection (a),*
8 *that assistance is required, the Secretary may use all exist-*
9 *ing authorities of the Secretary to provide assistance to In-*
10 *dians that have been displaced as a result of the construc-*
11 *tion of the John Day Dam, Oregon.*

12 **SEC. 3806. DALLES DAM, OREGON.**

13 (a) *IN GENERAL.—The Secretary, in consultation with*
14 *the Secretary of the Interior, shall complete and carry out*
15 *a village development plan for any Indian village (as de-*
16 *finied in section 4 of the Indian Self-Determination and*
17 *Education Assistance Act (25 U.S.C. 5304)) submerged as*
18 *a result of the construction of the Dalles Dam, Oregon, as*
19 *authorized by section 204 of the Flood Control Act of 1950*
20 *(64 Stat. 179, chapter 188).*

21 (b) *ASSISTANCE.—The Secretary may acquire land*
22 *from willing land owners in carrying out the village devel-*
23 *opment plan.*

24 (c) *REQUIREMENTS.—The village development plan*
25 *under subsection (a) shall include an estimated cost and*

1 tentative schedule for the construction of a replacement vil-
2 lage.

3 **SEC. 3807. INDIAN IRRIGATION FUND REAUTHORIZATION.**

4 (a) *DEPOSITS TO FUNDS.*—Section 3212(a) of the
5 *Water Infrastructure Improvements for the Nation Act* (130
6 *Stat. 1750*) is amended by striking “each of fiscal years
7 2017 through 2021” and inserting “each of fiscal years
8 2017 through 2028”.

9 (b) *EXPENDITURES FROM FUND.*—Section 3213(a) of
10 the *Water Infrastructure Improvements for the Nation Act*
11 (130 *Stat. 1750*) is amended in the matter preceding para-
12 graph (1) by striking “each of fiscal years 2017 through
13 2021” and inserting “each of fiscal years 2017 through
14 2028”.

15 (c) *TERMINATION.*—Section 3216 of the *Water Infra-*
16 *structure Improvements for the Nation Act* (130 *Stat. 1750*)
17 is amended in the matter preceding paragraph (1) by strik-
18 ing “September 30, 2021” and inserting “September 30,
19 2028”.

20 **SEC. 3808. REAUTHORIZATION OF REPAIR, REPLACEMENT,**
21 **AND MAINTENANCE OF CERTAIN INDIAN IR-**
22 **RIGATION PROJECTS.**

23 (a) *IN GENERAL.*—Section 3221(b) of the *Water Infra-*
24 *structure Improvements for the Nation Act* (130 *Stat. 1751*)
25 is amended in the matter preceding paragraph (1) by strik-

1 *ing “each of fiscal years 2017 through 2021” and inserting*
2 *“each of fiscal years 2017 through 2028”.*

3 *(b) STATUS REPORT ON CERTAIN PROJECTS.—Section*
4 *3224(d) of the Water Infrastructure Improvements for the*
5 *Nation Act (130 Stat. 1753) is amended in the matter pre-*
6 *ceding paragraph (1) by striking “fiscal year 2021” and*
7 *inserting “fiscal year 2028”.*

8 *(c) ALLOCATION AMONG PROJECTS.—Section 3226 of*
9 *the Water Infrastructure Improvements for the Nation Act*
10 *(130 Stat. 1753) is amended—*

11 *(1) in subsection (a), by striking “each of fiscal*
12 *years 2017 through 2021” and inserting “each of fis-*
13 *cal years 2017 through 2028”; and*

14 *(2) in subsection (b), by striking “the day before*
15 *the date of enactment of this Act” and inserting “the*
16 *day before the date of enactment of the America’s*
17 *Water Infrastructure Act of 2018”.*

18 **SEC. 3809. INDIAN DAM SAFETY REAUTHORIZATION.**

19 *Section 3101 of the Water Infrastructure Improve-*
20 *ments for the Nation Act (25 U.S.C. 3805) is amended—*

21 *(1) by striking “each of fiscal years 2017 through*
22 *2023” each place it appears and inserting “each of*
23 *fiscal years 2017 through 2030”;*

24 *(2) in subsection (b)—*

1 (A) in paragraph (1)(F), in the matter pre-
 2 ceding clause (i), by striking “September 30,
 3 2023” and inserting “September 30, 2030”; and

4 (B) in paragraph (2)(F), in the matter pre-
 5 ceding clause (i), by striking “September 30,
 6 2023” and inserting “September 30, 2030”; and
 7 (3) in subsection (f)—

8 (A) in paragraph (2), by striking “4 years”
 9 and inserting “11 years”; and

10 (B) in paragraph (3), by striking “each of
 11 fiscal years 2017, 2018, and 2019” and inserting
 12 “each of fiscal years 2017 through 2026”.

13 **SEC. 3810. GAO REPORT ON ALASKA NATIVE VILLAGE RELO-**
 14 **CATION EFFORTS DUE TO FLOODING AND**
 15 **EROSION THREATS.**

16 (a) *DEFINITION OF ALASKA NATIVE VILLAGE.*—In this
 17 section, the term “Alaska Native village” means a Native
 18 village that has a Village Corporation (as those terms are
 19 defined in section 3 of the Alaska Native Claims Settlement
 20 Act (43 U.S.C. 1602)).

21 (b) *REPORT.*—The Comptroller General of the United
 22 States (referred to in this section as the “Comptroller Gen-
 23 eral”) shall submit to Congress a report on efforts to relocate
 24 Alaska Native villages due to flooding and erosion threats
 25 that updates the report of the Comptroller General entitled

1 “*Alaska Native Villages: Limited Progress Has Been Made*
2 *on Relocating Villages Threatened by Flooding and Ero-*
3 *sion*”, dated June 2009.

4 (c) *INCLUSIONS.*—*The report under subsection (b)*
5 *shall include—*

6 (1) *a summary of flooding and erosion threats to*
7 *Alaska Native villages throughout the State of Alaska,*
8 *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 be*
13 *appropriate;*

14 (2) *the status of efforts to relocate Alaska Native*
15 *villages due to flooding and erosion threats; and*

16 (3) *any other issues relating to flooding and ero-*
17 *sion threats to, or relocation of, Alaska Native vil-*
18 *lages, as the Comptroller General determines to be ap-*
19 *propriate.*

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 U.S.C.*
23 *2310(a)(2)) is amended by striking “(as defined” and all*
24 *that follows through the period at the end and inserting*
25 *“or tribal organization (as those terms are defined in sec-*

1 *tion 4 of the Indian Self-Determination and Education As-*
 2 *sistance Act (25 U.S.C. 5304)).”.*

3 **(b) WRITTEN AGREEMENT REQUIREMENT FOR WATER**
 4 **RESOURCES PROJECTS.**—*Section 221(b)(1) of the Flood*
 5 *Control Act of 1970 (42 U.S.C. 1962d–5b(b)(1)) is amended*
 6 *by striking “(including a” and all that follows through “;*
 7 *or” at the end and inserting “(including an Indian tribe*
 8 *and tribal organization (as those terms are defined in sec-*
 9 *tion 4 of the Indian Self-Determination and Education As-*
 10 *sistance 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 each*
 22 *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 man-*
6 *agement, Pawcatuck River, Rhode Island, au-*
7 *thorized in the matter under the heading “INVES-*
8 *TIGATIONS” under the heading “CORPS OF ENGI-*
9 *NEERS—CIVIL” under the heading “DEPART-*
10 *MENT OF THE ARMY” in title X of division*
11 *A of the Disaster Relief Appropriations Act,*
12 *2013 (Public Law 113–2; 127 Stat. 23).*

13 (C) *The project for coastal storm risk man-*
14 *agement, Hashamomuck Cove, New York, author-*
15 *ized in the matter under the heading “INVES-*
16 *TIGATIONS” under the heading “CORPS OF ENGI-*
17 *NEERS—CIVIL” under the heading “DEPART-*
18 *MENT OF THE ARMY” in title X of division*
19 *A of the Disaster Relief Appropriations Act,*
20 *2013 (Public Law 113–2; 127 Stat. 23).*

21 (D) *The project for coastal storm risk man-*
22 *agement and utilization of dredged material,*
23 *Delaware River, Delaware, New Jersey, and*
24 *Pennsylvania, authorized in the matter under*
25 *the heading “INVESTIGATIONS” under the head-*

1 ing “CORPS OF ENGINEERS—CIVIL” under the
2 heading “DEPARTMENT OF THE ARMY” in
3 title X of division A of the Disaster Relief Ap-
4 propriations Act, 2013 (Public Law 113–2; 127
5 Stat. 23).

6 (E) The project for navigation, Seattle Har-
7 bor, Washington, carried out under section 216
8 of the Flood Control Act of 1970 (33 U.S.C.
9 549a).

10 (F) The project for navigation, Three Riv-
11 ers, Arkansas, carried out under section 216 of
12 the Flood Control Act of 1970 (33 U.S.C. 549a).

13 (G) The project for navigation, San Juan
14 Harbor, Puerto Rico, described in the study au-
15 thorized by the resolution adopted by the Com-
16 mittee on Transportation and Infrastructure of
17 the House of Representatives on September 20,
18 2006.

19 (H) The project for flood risk management
20 and ecosystem restoration, Española Valley, Rio
21 Grande and tributaries, New Mexico, described
22 in the study authorized by the resolution adopted
23 by the Committee on Environment and Public
24 Works of the Senate on December 10, 2009.

1 (I) *The project for ecosystem restoration,*
2 *Resacas at Brownsville, Texas, carried out under*
3 *section 206 of the Water Resources Development*
4 *Act of 1996 (33 U.S.C. 2330).*

5 (J) *The project for flood control, navigation,*
6 *and ecosystem restoration, Anacostia Watershed,*
7 *Prince George’s County, Maryland, described in*
8 *the study authorized by the resolution adopted by*
9 *the Committee on Public Works and Transpor-*
10 *tation of the House of Representatives on Sep-*
11 *tember 8, 1988.*

12 (K) *The project for flood control, Willamette*
13 *River Basin, Oregon, described in the Willamette*
14 *River Basin Review Study authorized by the res-*
15 *olution adopted by the Committee on Public*
16 *Works and Transportation of the House of Rep-*
17 *resentatives on September 8, 1988.*

18 (L) *The project for flood risk management*
19 *and coastal storm risk management, Norfolk,*
20 *Virginia, authorized in the matter under the*
21 *heading “INVESTIGATIONS” under the heading*
22 *“CORPS OF ENGINEERS—CIVIL” under the head-*
23 *ing “DEPARTMENT OF THE ARMY” in title*
24 *X of division A of the Disaster Relief Appropria-*

1 *tions Act, 2013 (Public Law 113–2; 127 Stat.*
2 *23).*

3 *(M) The project for flood risk management,*
4 *Armourdale and Central Industrial District*
5 *Levee Units, Missouri River and Tributaries at*
6 *Kansas City, Kansas, authorized by section*
7 *1401(2) of the Water Infrastructure Improve-*
8 *ments for the Nation Act (130 Stat. 1711) (as*
9 *modified by section 3504).*

10 *(N) The project for navigation and hurri-*
11 *cane and storm damage reduction, Houma, Lou-*
12 *isiana, authorized by section 1001(24)(B) of the*
13 *Water Resources Development Act of 2007 (121*
14 *Stat. 1053).*

15 *(O) The project for flood risk management,*
16 *Souris River Basin, Minot, North Dakota, au-*
17 *thorized by section 209 of the Flood Control Act*
18 *of 1966 (80 Stat. 1423).*

19 *(P) The project for ecosystem restoration,*
20 *Delta Islands and Levees, California, described*
21 *in the study authorized by—*

22 *(i) the resolution adopted by the Com-*
23 *mittee on Public Works of the Senate on*
24 *June 1, 1948;*

1 (ii) the resolution adopted by the Com-
2 mittee on Public Works of the House of Rep-
3 resentatives on May 8, 1948; and

4 (iii) House Report 108–357, accom-
5 panying the Energy and Water Develop-
6 ment Appropriations Act, 2004 (Public
7 Law 108–137; 117 Stat. 1827).

8 (Q) The project for navigation, Norfolk
9 Harbor and Channels, Virginia, authorized by
10 section 201(a) of the Water Resources Develop-
11 ment Act of 1986 (100 Stat. 4090).

12 (2) *PROJECTS FOR WHICH A POST-AUTHORIZA-*
13 *TION CHANGE REPORT IS EXPECTED.—*

14 (A) The project for navigation, Chicka-
15 mauga Lock, Tennessee, authorized by section
16 114 of the Energy and Water Development Ap-
17 propriations Act, 2003 (Public Law 108–7; 117
18 Stat. 140).

19 (B) The project for ecosystem restoration,
20 South Florida, Florida, authorized by section
21 601 of the Water Resources Development Act of
22 2000 (114 Stat. 2680).

23 (C) The project for navigation, Freeport
24 Harbor, Texas, carried out under section 216 of
25 the Flood Control Act of 1970 (33 U.S.C. 549a).

1 (D) *The project for Soo Locks, Sault Sainte*
2 *Marie, Michigan, authorized by section 1149 of*
3 *the Water Resources Development Act of 1986*
4 *(100 Stat. 4254; 121 Stat. 1131).*

5 (E) *The project for ecosystem restoration,*
6 *Central Everglades, Florida, authorized by sec-*
7 *tion 1401(4) of the Water Infrastructure Im-*
8 *provements for the Nation Act (130 Stat. 1713).*

9 (F) *The project for water supply and eco-*
10 *system restoration, Howard A. Hanson Dam,*
11 *Washington, authorized by section 204 of the*
12 *Flood Control Act of 1950 (64 Stat. 180) and*
13 *modified by section 101(b)(15) of the Water Re-*
14 *sources Development Act of 1999 (113 Stat. 281).*

15 (G) *The project for flood risk management,*
16 *Green Brook Sub-Basin, Raritan River Basin,*
17 *New Jersey, authorized by section 401(a) of the*
18 *Water Resources Development Act of 1986 (100*
19 *Stat. 4119).*

20 (H) *The project for shore protection and*
21 *harbor mitigation, Fort Pierce Beach, Florida,*
22 *authorized by section 301 of the River and Har-*
23 *bor Act of 1965 (79 Stat. 1092), section 102 of*
24 *the River and Harbor Act of 1968 (82 Stat.*
25 *732), and section 506(a)(2) of the Water Re-*

1 *sources Development Act of 1996 (110 Stat.*
 2 *3757), and modified by section 313 of the Water*
 3 *Resources Development Act of 1999 (113 Stat.*
 4 *301).*

5 *(I) The project for flood control, McMicken*
 6 *Dam, Arizona, authorized by section 304 of the*
 7 *Act of August 7, 1953 (67 Stat. 450, chapter*
 8 *342).*

9 *(J) The project for flood protection, Cave*
 10 *Buttes Dam, Arizona, authorized by section 204*
 11 *of the Flood Control Act of 1965 (79 Stat. 1083).*

12 *(K) The project for navigation, Mississippi*
 13 *River to Shreveport, Louisiana, Red River Wa-*
 14 *terway, authorized by section 101 of the River*
 15 *and Harbor Act of 1968 (82 Stat. 731).*

16 **TITLE V—EPA-RELATED**
 17 **PROVISIONS**

18 **SEC. 5001. STORMWATER INFRASTRUCTURE FUNDING TASK**

19 **FORCE.**

20 *(a) IN GENERAL.—Not later than 180 days after the*
 21 *date of enactment of this Act, the Administrator of the En-*
 22 *vironmental Protection Agency (referred to in this section*
 23 *as the “Administrator”) shall establish a voluntary*
 24 *stormwater infrastructure funding task force comprised of*
 25 *representatives of public, private, and Federal entities to*

1 *study and develop recommendations to improve the funding*
2 *and financing of stormwater infrastructure to ensure*
3 *that—*

4 (1) *municipalities are able to identify appro-*
5 *priate funding sources; and*

6 (2) *funding is—*

7 (A) *available in all States;*

8 (B) *affordable (based on the integrated*
9 *planning guidelines described in the Integrated*
10 *Municipal Stormwater and Wastewater Plan-*
11 *ning Approach Framework, issued by the Envi-*
12 *ronmental Protection Agency and dated June 5,*
13 *2012); and*

14 (C) *sufficient to support capital expendi-*
15 *tures and long-term operation and maintenance*
16 *costs.*

17 (b) *REPORT.—Not later than 18 months after the date*
18 *of enactment of this Act, the Administrator shall submit*
19 *to Congress a report that describes the results of the study*
20 *under subsection (a).*

21 **SEC. 5002. REAUTHORIZATION OF THE WATER INFRASTRUC-**
22 **TURE FINANCE AND INNOVATION ACT.**

23 *Section 5033 of the Water Infrastructure Finance and*
24 *Innovation Act of 2014 (33 U.S.C. 3912) is amended—*

1 (1) *in subsection (a)(5), by striking “for fiscal*
2 *year 2019” and inserting “for each of fiscal years*
3 *2019 through 2021”;* and

4 (2) *in subsection (b), by striking “for each of fis-*
5 *cal years 2015 through 2019” and inserting “for each*
6 *of fiscal years 2015 through 2021”.*

7 **SEC. 5003. INDIAN RESERVATION DRINKING WATER AND**
8 **WASTEWATER PILOT PROGRAM.**

9 (a) *IN GENERAL.*—*Subject to the availability of appro-*
10 *priations, the Administrator of the Environmental Protec-*
11 *tion Agency shall carry out a pilot program to imple-*
12 *ment—*

13 (1) *10 eligible projects described in subsection (b)*
14 *that are within the Upper Missouri River Basin; and*

15 (2) *10 eligible projects described in subsection (b)*
16 *that are within the Upper Rio Grande Basin.*

17 (b) *ELIGIBLE PROJECTS.*—*A project eligible to par-*
18 *ticipate in the pilot program under subsection (a) is a*
19 *project—*

20 (1) *that is on a reservation (as defined in section*
21 *3 of the Indian Financing Act of 1974 (25 U.S.C.*
22 *1452)) that serves a federally recognized Indian*
23 *Tribe; and*

24 (2) *the purpose of which is—*

1 (A) to connect, expand, or repair existing
2 drinking water lines or water towers in order to
3 improve water quality, pressure, or services; or

4 (B) to replace or refurbish wastewater la-
5 goons that are insufficient for current or near-
6 term community needs or economic growth.

7 (c) *REQUIREMENT.*—In carrying out the pilot pro-
8 gram under subsection (a)(1), the Administrator of the En-
9 vironmental Protection Agency shall select not less than 1
10 eligible project for a reservation that serves more than 1
11 federally recognized Indian Tribe.

12 **SEC. 5004. TECHNICAL ASSISTANCE FOR TREATMENT**
13 **WORKS.**

14 (a) *IN GENERAL.*—Title II of the Federal Water Pollu-
15 tion Control Act (33 U.S.C. 1281 et seq.) is amended by
16 adding at the end the following:

17 **“SEC. 222. TECHNICAL ASSISTANCE FOR SMALL TREAT-**
18 **MENT WORKS.**

19 “(a) *DEFINITIONS.*—In this section:

20 “(1) *QUALIFIED NONPROFIT SMALL TREATMENT*
21 *WORKS TECHNICAL ASSISTANCE PROVIDER.*—The term
22 ‘qualified nonprofit small treatment works technical
23 assistance provider’ means a nonprofit organization
24 that, as determined by the Administrator—

1 “(A) is qualified and experienced in pro-
2 viding training and technical assistance to small
3 treatment works; and

4 “(B) the small treatment works in the State
5 finds to be the most beneficial and effective.

6 “(2) *SMALL TREATMENT WORKS.*—The term
7 ‘small treatment works’ means a publicly owned
8 treatment works serving not more than 10,000 indi-
9 viduals.

10 “(b) *TECHNICAL ASSISTANCE.*—The Administrator
11 may use amounts made available to carry out this section
12 to provide grants or cooperative agreements to qualified
13 nonprofit small treatment works technical assistance pro-
14 viders to provide to owners and operators of small treat-
15 ment works onsite technical assistance, circuit rider tech-
16 nical assistance programs, multi-State, regional technical
17 assistance programs, and onsite and regional training, to
18 assist the small treatment works in achieving compliance
19 with this Act or obtaining financing under this Act for eli-
20 gible projects.

21 “(c) *AUTHORIZATION OF APPROPRIATIONS.*—There are
22 authorized to be appropriated to carry out this section for
23 grants for small treatment works technical assistance,
24 \$15,000,000 for each of fiscal years 2019 through 2021.

1 **“SEC. 223. TECHNICAL ASSISTANCE FOR MEDIUM TREAT-**
2 **MENT WORKS.**

3 “(a) *DEFINITIONS.—In this section:*

4 “(1) *MEDIUM TREATMENT WORKS.—The term*
5 *‘medium treatment works’ means a publicly owned*
6 *treatment works serving not fewer than 10,001, and*
7 *not more than 75,000, individuals.*

8 “(2) *QUALIFIED NONPROFIT MEDIUM TREAT-*
9 *MENT WORKS TECHNICAL ASSISTANCE PROVIDER.—*
10 *The term ‘qualified nonprofit medium treatment*
11 *works technical assistance provider’ means a qualified*
12 *nonprofit technical assistance provider of water and*
13 *wastewater services to medium-sized communities that*
14 *provides technical assistance (including circuit rider*
15 *technical assistance programs, multi-State, regional*
16 *assistance programs, and training and preliminary*
17 *engineering evaluations) to owners and operators of*
18 *medium treatment works, which may include a State*
19 *agency.*

20 “(b) *TECHNICAL ASSISTANCE.—The Administrator*
21 *may use amounts made available to carry out this section*
22 *to provide grants or cooperative agreements to qualified*
23 *nonprofit medium treatment works technical assistance*
24 *providers to provide to owners and operators of medium*
25 *treatment works onsite technical assistance, circuit-rider*
26 *technical assistance programs, multi-State, regional tech-*

1 nical assistance programs, and onsite and regional training
2 to assist medium treatment works that are facing difficulty
3 in achieving compliance with this Act or obtaining financ-
4 ing under this Act for eligible projects.

5 “(c) *AUTHORIZATION OF APPROPRIATIONS.*—There is
6 authorized to be appropriated to carry out this section
7 \$10,000,000 for each of fiscal years 2019 through 2021.”.

8 (b) *WATER POLLUTION CONTROL REVOLVING LOAN*
9 *FUNDS.*—

10 (1) *IN GENERAL.*—Section 603 of the Federal
11 Water Pollution Control Act (33 U.S.C. 1383) is
12 amended—

13 (A) in subsection (d)—

14 (i) in the matter preceding paragraph
15 (1), by inserting “and as provided in sub-
16 section (e)” after “State law”;

17 (ii) by redesignating subsections (e)
18 through (i) as subsections (f) through (j), re-
19 spectively; and

20 (iii) by inserting after subsection (d)
21 the following:

22 “(e) *ADDITIONAL USE OF FUNDS.*—A State may use
23 an additional 2 percent of the funds annually allotted to
24 the State under this section for qualified nonprofit small
25 treatment works technical assistance providers (as the term

1 *is defined in section 222) and qualified nonprofit medium*
 2 *treatment works technical assistance providers (as the term*
 3 *in defined in section 223) to provide technical assistance*
 4 *to small treatment works (as the term is defined in section*
 5 *222) and medium treatment works (as the term is defined*
 6 *in section 223) in the State.”.*

7 (2) *CONFORMING AMENDMENT.—Section 221(d)*
 8 *of the Federal Water Pollution Control Act (33 U.S.C.*
 9 *1301(d)) is amended by striking “section 603(h)” and*
 10 *inserting “section 603(i)”.*

11 **SEC. 5005. CLEAN, SAFE, RELIABLE WATER INFRASTRUC-**
 12 **TURE.**

13 (a) *DRINKING WATER INFRASTRUCTURE.—*

14 (1) *OTHER AUTHORIZED ACTIVITIES.—Section*
 15 *1452(k) of the Safe Drinking Water Act (42 U.S.C.*
 16 *300j–12(k)) is amended—*

17 (A) *in paragraph (1)(D), by inserting “and*
 18 *the implementation of plans to protect source*
 19 *water identified in a source water assessment*
 20 *under section 1453” before the period at the end;*
 21 *and*

22 (B) *in paragraph (2)(E), by inserting “and*
 23 *implement plans to protect source water identi-*
 24 *fied in a source water assessment under section*
 25 *1453” after “wellhead protection programs”.*

1 (2) *NEGOTIATION OF CONTRACTS.*—Section 1452
 2 of the Safe Drinking Water Act (42 U.S.C. 300j–12)
 3 is amended by adding at the end the following:

4 “(s) *NEGOTIATION OF CONTRACTS.*—For communities
 5 with populations of more than 10,000 individuals, a con-
 6 tract to be carried out using funds directly made available
 7 by a capitalization grant under this section for program
 8 management, construction management, feasibility studies,
 9 preliminary engineering, design, engineering, surveying,
 10 mapping, or architectural or related services shall be nego-
 11 tiated in the same manner as—

12 “(1) a contract for architectural and engineering
 13 services is negotiated under chapter 11 of title 40,
 14 United States Code; or

15 “(2) an equivalent State qualifications-based re-
 16 quirement (as determined by the Governor of the
 17 State).”.

18 (3) *WATERSENSE PROGRAM.*—The Safe Drinking
 19 Water Act (42 U.S.C. 300j et seq.) is amended by
 20 adding after part F the following:

21 **“PART G—ADDITIONAL PROVISIONS**

22 **“SEC. 1471. WATERSENSE PROGRAM.**

23 “(a) *ESTABLISHMENT OF WATERSENSE PROGRAM.*—

24 “(1) *IN GENERAL.*—There is established within
 25 the Agency a voluntary WaterSense program to iden-

1 *tify and promote water-efficient products, buildings,*
2 *landscapes, facilities, processes, and services that,*
3 *through voluntary labeling of, or other forms of com-*
4 *munications regarding, products, buildings, land-*
5 *scapes, facilities, processes, and services while meeting*
6 *strict performance criteria, sensibly—*

7 *“(A) reduce water use;*

8 *“(B) reduce the strain on public and com-*
9 *munity water systems and wastewater and*
10 *stormwater infrastructure;*

11 *“(C) conserve energy used to pump, heat,*
12 *transport, and treat water; and*

13 *“(D) preserve water resources for future*
14 *generations.*

15 *“(2) INCLUSIONS.—The Administrator shall,*
16 *consistent with this section, identify water-efficient*
17 *products, buildings, landscapes, facilities, processes,*
18 *and services, including categories such as—*

19 *“(A) irrigation technologies and services;*

20 *“(B) point-of-use water treatment devices;*

21 *“(C) plumbing products;*

22 *“(D) reuse and recycling technologies;*

23 *“(E) landscaping and gardening products,*
24 *including moisture control or water enhancing*
25 *technologies;*

1 “(F) xeriscaping and other landscape con-
2 versions that reduce water use;

3 “(G) whole house humidifiers; and

4 “(H) water-efficient buildings or facilities.

5 “(b) DUTIES.—The Administrator, coordinating as
6 appropriate with the Secretary of Energy, shall—

7 “(1) establish—

8 “(A) a WaterSense label to be used for items
9 meeting the certification criteria established in
10 accordance with this section; and

11 “(B) the procedure, including the methods
12 and means, and criteria by which an item may
13 be certified to display the WaterSense label;

14 “(2) enhance public awareness regarding the
15 WaterSense label through outreach, education, and
16 other means;

17 “(3) preserve the integrity of the WaterSense
18 label by—

19 “(A) establishing and maintaining feasible
20 performance criteria so that products, buildings,
21 landscapes, facilities, processes, and services la-
22 beled with the WaterSense label perform as well
23 or better than less water-efficient counterparts;

24 “(B) overseeing WaterSense certifications
25 made by third parties, which shall be inde-

1 *pendent third-party product certification bodies*
2 *accredited by an accreditation entity domiciled*
3 *in the United States, such as the American Na-*
4 *tional Standards Institute, as achieving—*

5 *“(i) the requirements described in the*
6 *document of the International Organization*
7 *for Standardization and the International*
8 *Electrotechnical Commission entitled ‘ISO/*
9 *IEC 17065 Conformity assessment—Re-*
10 *quirements for bodies certifying products,*
11 *processes and services’ and dated September*
12 *2012; and*

13 *“(ii) the applicable WaterSense re-*
14 *quirements;*

15 *“(C) as determined appropriate by the Ad-*
16 *ministrator, using testing protocols, from the ap-*
17 *propriate, applicable, and relevant consensus*
18 *standards, for the purpose of determining stand-*
19 *ards compliance; and*

20 *“(D) auditing the use of the WaterSense*
21 *label in the marketplace and preventing cases of*
22 *misuse;*

23 *“(4) not more frequently than every 6 years after*
24 *adoption or major revision of any WaterSense speci-*

1 *fication, review and, if appropriate, revise the speci-*
2 *fication to achieve additional water savings;*

3 *“(5) in revising a WaterSense specification—*

4 *“(A) provide reasonable notice to interested*
5 *parties and the public of any changes, including*
6 *effective dates, and an explanation of the*
7 *changes;*

8 *“(B) solicit comments from interested par-*
9 *ties and the public prior to any changes;*

10 *“(C) as appropriate, respond to comments*
11 *submitted by interested parties and the public;*
12 *and*

13 *“(D) provide an appropriate transition*
14 *time prior to the applicable effective date of any*
15 *changes, taking into account the timing nec-*
16 *essary for the manufacture, marketing, training,*
17 *and distribution of the specific water-efficient*
18 *product, building, landscape, process, or service*
19 *category being addressed; and*

20 *“(6) not later than December 31, 2019, consider*
21 *for review and revision any WaterSense specification*
22 *adopted before January 1, 2012.*

23 *“(c) TRANSPARENCY.—The Administrator shall, to the*
24 *maximum extent practicable and not less than annually,*
25 *regularly estimate and make available to the public savings*

1 of water, energy, and capital costs of water, wastewater,
 2 and stormwater attributable to the use of WaterSense-la-
 3 beled products, buildings, landscapes, facilities, processes,
 4 and services.

5 “(d) *DISTINCTION OF AUTHORITIES.*—In setting or
 6 maintaining specifications for Energy Star pursuant to
 7 section 324A of the Energy Policy and Conservation Act
 8 (42 U.S.C. 6294a), and WaterSense under this section, the
 9 Secretary of Energy and the Administrator shall coordinate
 10 to prevent duplicative or conflicting requirements among
 11 the respective programs.

12 “(e) *NO WARRANTY.*—A WaterSense label shall not
 13 create an express or implied warranty.”.

14 (b) *SEWER OVERFLOW CONTROL GRANTS.*—Section
 15 221 of the Federal Water Pollution Control Act (33 U.S.C.
 16 1301) is amended—

17 (1) in subsection (a), by striking the subsection
 18 designation and heading and all that follows through
 19 “subject to subsection (g), the Administrator may” in
 20 paragraph (2) and inserting the following:

21 “(a) *AUTHORITY.*—The Administrator may—

22 “(1) make grants to States for the purpose of
 23 providing grants to a municipality or municipal en-
 24 tity for planning, designing, and constructing—

1 “(A) treatment works to intercept, trans-
2 port, control, or treat municipal combined sewer
3 overflows and sanitary sewer overflows; and

4 “(B) measures to manage, reduce, treat, or
5 recapture stormwater or subsurface drainage
6 water; and

7 “(2) subject to subsection (g),”;

8 (2) in subsection (b)—

9 (A) in paragraph (1), by striking the semi-
10 colon at the end and inserting “; or”;

11 (B) by striking paragraphs (2) and (3); and

12 (C) by redesignating paragraph (4) as
13 paragraph (2);

14 (3) by striking subsections (e) through (g) and
15 inserting the following:

16 “(e) ADMINISTRATIVE REQUIREMENTS.—

17 “(1) IN GENERAL.—Subject to paragraph (2), a
18 project that receives grant assistance under subsection
19 (a) shall be carried out subject to the same require-
20 ments as a project that receives assistance from a
21 State water pollution control revolving fund estab-
22 lished pursuant to title VI.

23 “(2) DETERMINATION OF GOVERNOR.—The re-
24 quirement described in paragraph (1) shall not apply
25 to a project that receives grant assistance under sub-

1 *section (a) to the extent that the Governor of the State*
2 *in which the project is located determines that a re-*
3 *quirement described in title VI is inconsistent with*
4 *the purposes of this section.*

5 *“(f) AUTHORIZATION OF APPROPRIATIONS.—There is*
6 *authorized to be appropriated to carry out this section*
7 *\$225,000,000 for each of fiscal years 2019 and 2020, to re-*
8 *main available until expended.*

9 *“(g) ALLOCATION OF FUNDS.—For each of fiscal years*
10 *2019 and 2020, subject to subsection (h), the Administrator*
11 *shall use the amounts made available to carry out this sec-*
12 *tion to provide grants to municipalities and municipal en-*
13 *tities under subsection (a)(2)—*

14 *“(1) in accordance with the priority criteria de-*
15 *scribed in subsection (b); and*

16 *“(2) with additional priority given to proposed*
17 *projects that involve the use of—*

18 *“(A) nonstructural, low-impact develop-*
19 *ment;*

20 *“(B) water conservation, efficiency, or*
21 *reuse; or*

22 *“(C) other decentralized stormwater or*
23 *wastewater approaches to minimize flows into*
24 *the sewer systems.”; and*

25 *(4) by striking subsection (i).*

1 **SEC. 5006. WATER INFRASTRUCTURE FLEXIBILITY.**

2 (a) *DEFINITION OF ADMINISTRATOR.*—*In this section,*
3 *the term “Administrator” means the Administrator of the*
4 *Environmental Protection Agency.*

5 (b) *INTEGRATED PLANS.*—

6 (1) *INTEGRATED PLANS.*—*Section 402 of the*
7 *Federal Water Pollution Control Act (33 U.S.C. 1342)*
8 *is amended by adding at the end the following:*

9 “(s) *INTEGRATED PLAN PERMITS.*—

10 “(1) *DEFINITIONS.*—*In this subsection:*

11 “(A) *GREEN INFRASTRUCTURE.*—*The term*
12 *‘green infrastructure’ means the range of meas-*
13 *ures that use plant or soil systems, permeable*
14 *pavement or other permeable surfaces or sub-*
15 *strates, stormwater harvest and reuse, or land-*
16 *scaping to store, infiltrate, or evapotranspirate*
17 *stormwater and reduce flows to sewer systems or*
18 *to surface waters.*

19 “(B) *INTEGRATED PLAN.*—*The term ‘inte-*
20 *grated plan’ has the meaning given in Part III*
21 *of the Integrated Municipal Stormwater and*
22 *Wastewater Planning Approach Framework,*
23 *issued by the Environmental Protection Agency*
24 *and dated June 5, 2012.*

25 “(C) *MUNICIPAL DISCHARGE.*—

1 “(i) *IN GENERAL.*—*The term ‘municipal discharge’ means a discharge from a*
2 *treatment works (as defined in section 212)*
3 *or a discharge from a municipal storm*
4 *sewer under subsection (p).*

6 “(ii) *INCLUSION.*—*The term ‘municipal discharge’ includes a discharge of*
7 *wastewater or storm water collected from*
8 *multiple municipalities if the discharge is*
9 *covered by the same permit issued under*
10 *this section.*

12 “(2) *INTEGRATED PLAN.*—

13 “(A) *IN GENERAL.*—*The Administrator (or*
14 *a State, in the case of a permit program ap-*
15 *proved under subsection (b)) shall inform a mu-*
16 *nicipal permittee or multiple municipal permit-*
17 *tees of the opportunity to develop an integrated*
18 *plan.*

19 “(B) *SCOPE OF PERMIT INCORPORATING IN-*
20 *TEGRATED PLAN.*—*A permit issued under this*
21 *subsection that incorporates an integrated plan*
22 *may integrate all requirements under this Act*
23 *addressed in the integrated plan, including re-*
24 *quirements relating to—*

25 “(i) *a combined sewer overflow;*

1 “(ii) a capacity, management, oper-
2 ation, and maintenance program for sani-
3 tary sewer collection systems;

4 “(iii) a municipal stormwater dis-
5 charge;

6 “(iv) a municipal wastewater dis-
7 charge; and

8 “(v) a water quality-based effluent lim-
9 itation to implement an applicable
10 wasteload allocation in a total maximum
11 daily load.

12 “(3) COMPLIANCE SCHEDULES.—

13 “(A) IN GENERAL.—A permit for a munic-
14 ipal discharge by a municipality that incor-
15 porates an integrated plan may include a sched-
16 ule of compliance, under which actions taken to
17 meet any applicable water quality-based effluent
18 limitation may be implemented over more than
19 1 permit term if the compliance schedules are
20 authorized by State water quality standards.

21 “(B) INCLUSION.—Actions subject to a com-
22 pliance schedule under subparagraph (A) may
23 include green infrastructure if implemented as
24 part of a water quality-based effluent limitation.

1 “(C) *REVIEW.*—*A schedule of compliance*
2 *may be reviewed each time the permit is re-*
3 *newed.*

4 “(4) *EXISTING AUTHORITIES RETAINED.*—

5 “(A) *APPLICABLE STANDARDS.*—*Nothing in*
6 *this subsection modifies any obligation to comply*
7 *with applicable technology and water quality-*
8 *based effluent limitations under this Act.*

9 “(B) *FLEXIBILITY.*—*Nothing in this sub-*
10 *section reduces or eliminates any flexibility*
11 *available under this Act, including the authority*
12 *of—*

13 “(i) *a State to revise a water quality*
14 *standard after a use attainability analysis*
15 *under section 131.10(g) of title 40, Code of*
16 *Federal Regulations (or a successor regula-*
17 *tion), subject to the approval of the Admin-*
18 *istrator under section 303(c); and*

19 “(ii) *the Administrator or a State to*
20 *authorize a schedule of compliance that ex-*
21 *tends beyond the date of expiration of a per-*
22 *mit term if the schedule of compliance meets*
23 *the requirements of section 122.47 of title*
24 *40, Code of Federal Regulations (as in effect*
25 *on the date of enactment of this subsection).*

1 “(5) *CLARIFICATION OF STATE AUTHORITY.*—

2 “(A) *IN GENERAL.*—*Nothing in section*
3 *301(b)(1)(C) precludes a State from authorizing*
4 *in the water quality standards of the State the*
5 *issuance of a schedule of compliance to meet*
6 *water quality-based effluent limitations in per-*
7 *mits that incorporate provisions of an integrated*
8 *plan.*

9 “(B) *TRANSITION RULE.*—*In any case in*
10 *which a discharge is subject to a judicial order*
11 *or consent decree as of the date of enactment of*
12 *the America’s Water Infrastructure Act of 2018*
13 *resolving an enforcement action under this Act,*
14 *any schedule of compliance issued pursuant to*
15 *an authorization in a State water quality stand-*
16 *ard shall not revise a schedule of compliance in*
17 *that order or decree unless the order or decree is*
18 *modified by agreement of the parties and the*
19 *court.”.*

20 (2) *MUNICIPAL OMBUDSMAN.*—

21 “(A) *ESTABLISHMENT.*—*There is established*
22 *within the Office of the Administrator an Office*
23 *of the Municipal Ombudsman.*

1 (B) *GENERAL DUTIES.*—*The duties of the*
2 *municipal ombudsman shall include the provi-*
3 *sion of—*

4 (i) *technical assistance to municipali-*
5 *ties seeking to comply with the Federal*
6 *Water Pollution Control Act (33 U.S.C.*
7 *1251 et seq.) and the Safe Drinking Water*
8 *Act (42 U.S.C. 300f et seq.); and*

9 (ii) *information to the Administrator*
10 *to help the Administrator ensure that agen-*
11 *cy policies are implemented by all offices of*
12 *the Environmental Protection Agency, in-*
13 *cluding regional offices.*

14 (C) *ACTIONS REQUIRED.*—*The municipal*
15 *ombudsman shall work with appropriate offices*
16 *at the headquarters and regional offices of the*
17 *Environmental Protection Agency to ensure that*
18 *the municipality seeking assistance is provided*
19 *information—*

20 (i) *about available Federal financial*
21 *assistance for which the municipality is eli-*
22 *gible;*

23 (ii) *about flexibility available under*
24 *the Federal Water Pollution Control Act (33*
25 *U.S.C. 1251 et seq.) and, if applicable, the*

1 *Safe Drinking Water Act (42 U.S.C. 300f et*
2 *seq.); and*

3 *(iii) regarding the opportunity to de-*
4 *velop an integrated plan, as defined in sec-*
5 *tion 402(s)(1)(B) of the Federal Water Pol-*
6 *lution Control Act (as added by paragraph*
7 *(1)).*

8 *(D) INFORMATION SHARING.—The munic-*
9 *ipal ombudsman shall publish on the website of*
10 *the Environmental Protection Agency—*

11 *(i) general information relating to—*

12 *(I) the technical assistance re-*
13 *ferred to in subparagraph (B)(i);*

14 *(II) the financial assistance re-*
15 *ferred to in subparagraph (C)(i);*

16 *(III) the flexibility referred to in*
17 *subparagraph (C)(ii); and*

18 *(IV) any resources related to inte-*
19 *grated plans developed by the Adminis-*
20 *trator; and*

21 *(ii) a copy of each permit, order, or ju-*
22 *dicial consent decree that implements or in-*
23 *corporates an integrated plan.*

1 (3) *MUNICIPAL ENFORCEMENT.*—Section 309 of
2 the *Federal Water Pollution Control Act* (33 U.S.C.
3 1319) is amended by adding at the end the following:

4 “(h) *IMPLEMENTATION OF INTEGRATED PLANS*
5 *THROUGH ENFORCEMENT TOOLS.*—

6 “(1) *IN GENERAL.*—In conjunction with an en-
7 forcement action under subsection (a) or (b) relating
8 to municipal discharges, the Administrator shall in-
9 form a municipality of the opportunity to develop an
10 integrated plan (as defined in section 402(s)).

11 “(2) *MODIFICATION.*—Any municipality under
12 an administrative order under subsection (a) or set-
13 tlement agreement (including a judicial consent de-
14 cree) under subsection (b) that has developed an inte-
15 grated plan consistent with section 402(s) may re-
16 quest a modification of the administrative order or
17 settlement agreement based on that integrated plan.”.

18 “(4) *REPORT TO CONGRESS.*—Not later than 2
19 years after the date of enactment of this Act, the Ad-
20 ministrator shall submit to the Committee on Envi-
21 ronment and Public Works of the Senate and the
22 Committee on Transportation and Infrastructure of
23 the House of Representatives and make publicly
24 available a report on each integrated plan developed
25 and implemented through a permit, order, or judicial

1 consent decree since the date of publication of the “In-
2 tegrated Municipal Stormwater and Wastewater
3 Planning Approach Framework” issued by the Envi-
4 ronmental Protection Agency and dated June 5, 2012,
5 including a description of the control measures, levels
6 of control, estimated costs, and compliance schedules
7 for the requirements implemented through an inte-
8 grated plan.

9 (c) **GREEN INFRASTRUCTURE PROMOTION.**—Title V of
10 the Federal Water Pollution Control Act (33 U.S.C. 1361
11 et seq.) is amended—

12 (1) by redesignating section 519 (33 U.S.C. 1251
13 note) as section 520; and

14 (2) by inserting after section 518 (33 U.S.C.
15 1377) the following:

16 **“SEC. 519. ENVIRONMENTAL PROTECTION AGENCY GREEN**
17 **INFRASTRUCTURE PROMOTION.**

18 “(a) **IN GENERAL.**—The Administrator shall ensure
19 that the Office of Water, the Office of Enforcement and
20 Compliance Assurance, the Office of Research and Develop-
21 ment, and the Office of Policy of the Environmental Protec-
22 tion Agency promote the use of green infrastructure in and
23 coordinate the integration of green infrastructure into, per-
24 mitting programs, planning efforts, research, technical as-
25 sistance, and funding guidance.

1 “(b) *DUTIES.*—*The Administrator shall ensure that*
2 *the Office of Water—*

3 “(1) *promotes the use of green infrastructure in*
4 *the programs of the Environmental Protection Agen-*
5 *cy; and*

6 “(2) *coordinates efforts to increase the use of*
7 *green infrastructure with—*

8 “(A) *other Federal departments and agen-*
9 *cies;*

10 “(B) *State, tribal, and local governments;*
11 *and*

12 “(C) *the private sector.*

13 “(c) *REGIONAL GREEN INFRASTRUCTURE PRO-*
14 *MOTION.*—*The Administrator shall direct each regional of-*
15 *fice of the Environmental Protection Agency, as appro-*
16 *priate based on local factors, and consistent with the re-*
17 *quirements of this Act, to promote and integrate the use*
18 *of green infrastructure within the region that includes—*

19 “(1) *outreach and training regarding green in-*
20 *frastructure implementation for State, tribal, and*
21 *local governments, tribal communities, and the pri-*
22 *ivate sector; and*

23 “(2) *the incorporation of green infrastructure*
24 *into permitting and other regulatory programs, codes,*
25 *and ordinance development, including the require-*

1 *ments under consent decrees and settlement agree-*
2 *ments in enforcement actions.*

3 “(d) *GREEN INFRASTRUCTURE INFORMATION SHAR-*
4 *ING.—The Administrator shall promote green infrastruc-*
5 *ture information sharing, including through an Internet*
6 *website, to share information with, and provide technical*
7 *assistance to, State, tribal, and local governments, tribal*
8 *communities, the private sector, and the public regarding*
9 *green infrastructure approaches for—*

10 “(1) *reducing water pollution;*

11 “(2) *protecting water resources;*

12 “(3) *complying with regulatory requirements;*

13 *and*

14 “(4) *achieving other environmental, public*
15 *health, and community goals.”.*

16 (d) *FINANCIAL CAPABILITY GUIDANCE.—*

17 (1) *DEFINITIONS.—In this subsection:*

18 (A) *AFFORDABILITY.—The term “afford-*
19 *ability” means, with respect to payment of a*
20 *utility bill, a measure of whether an individual*
21 *customer or household can pay the bill without*
22 *undue hardship or unreasonable sacrifice in the*
23 *essential lifestyle or spending patterns of the in-*
24 *dividual or household, as determined by the Ad-*
25 *ministrator.*

1 (B) *FINANCIAL CAPABILITY.*—The term “fi-
2 nancial capability” means the financial capa-
3 bility of a community to make investments nec-
4 essary to make water quality or drinking water
5 improvements.

6 (C) *GUIDANCE.*—The term “guidance”
7 means the guidance published by the Adminis-
8 trator entitled “Combined Sewer Overflows—
9 Guidance for Financial Capability Assessment
10 and Schedule Development” and dated February
11 1997, as applicable to the combined sewer over-
12 flows and sanitary sewer overflows guidance
13 published by the Administrator entitled “Finan-
14 cial Capability Assessment Framework” and
15 dated November 24, 2014.

16 (2) *USE OF MEDIAN HOUSEHOLD INCOME.*—The
17 Administrator shall not use median household income
18 as the sole indicator of affordability for a residential
19 household.

20 (3) *REVISED GUIDANCE.*—

21 (A) *IN GENERAL.*—Not later than 1 year
22 after the date of completion of the National
23 Academy of Public Administration study to es-
24 tablish a definition and framework for commu-
25 nity affordability required by Senate Report

1 114–70, accompanying S. 1645 (114th Con-
2 gress), the Administrator shall revise the guid-
3 ance described in paragraph (1)(C).

4 (B) *USE OF GUIDANCE.*—Beginning on the
5 date on which the revised guidance referred to in
6 subparagraph (A) is finalized, the Administrator
7 shall use the revised guidance in lieu of the guid-
8 ance described in paragraph (1)(C).

9 (4) *CONSIDERATION AND CONSULTATION.*—

10 (A) *CONSIDERATION.*—In revising the guid-
11 ance, the Administrator shall consider—

12 (i) the recommendations of the study
13 referred to in paragraph (3)(A) and any
14 other relevant study, as determined by the
15 Administrator;

16 (ii) local economic conditions, includ-
17 ing site-specific local conditions that should
18 be taken into consideration in analyzing fi-
19 nancial capability;

20 (iii) other essential community invest-
21 ments;

22 (iv) potential adverse impacts on dis-
23 tressed populations, including the percent-
24 age of low-income ratepayers within the
25 service area of a utility and impacts in

1 *communities with disparate economic con-*
2 *ditions throughout the entire service area of*
3 *a utility;*

4 *(v) the degree to which rates of low-in-*
5 *come consumers would be affected by water*
6 *infrastructure investments, the use of rate*
7 *structures, and customer assistance pro-*
8 *grams to address the rates of low-income*
9 *consumers;*

10 *(vi) an evaluation of an array of fac-*
11 *tors, the relative importance of which may*
12 *vary across regions and localities; and*

13 *(vii) the appropriate weight for eco-*
14 *nomi c, public health, and environmental*
15 *benefits.*

16 *(B) CONSULTATION.—Any revised guidance*
17 *issued to replace the guidance shall be developed*
18 *in consultation with stakeholders.*

19 *(5) PUBLICATION AND SUBMISSION.—*

20 *(A) IN GENERAL.—On completion of the re-*
21 *vision of the guidance, the Administrator shall*
22 *publish in the Federal Register and submit to*
23 *the Committee on Environment and Public*
24 *Works of the Senate and the Committee on*

1 *Transportation and Infrastructure of the House*
2 *of Representatives the revised guidance.*

3 (B) *EXPLANATION.*—*If the Administrator*
4 *makes a determination not to follow 1 or more*
5 *recommendations of the study referred to in*
6 *paragraph (3)(A), the Administrator shall in-*
7 *clude in the publication and submission under*
8 *paragraph (1) an explanation of that decision.*

9 (6) *EFFECT.*—*Nothing in this subsection pre-*
10 *empts or interferes with any obligation to comply*
11 *with any Federal law, including the Federal Water*
12 *Pollution Control Act (33 U.S.C. 1251 et seq.).*

13 **SEC. 5007. WATER RESOURCES RESEARCH ACT AMEND-**
14 **MENTS.**

15 (a) *CONGRESSIONAL FINDINGS AND DECLARATIONS.*—
16 *Section 102 of the Water Resources Research Act of 1984*
17 *(42 U.S.C. 10301) is amended—*

18 (1) *by redesignating paragraphs (7) through (9)*
19 *as paragraphs (8) through (10), respectively;*

20 (2) *in paragraph (8) (as so redesignated), by*
21 *striking “and” at the end; and*

22 (3) *by inserting after paragraph (6) the fol-*
23 *lowing:*

24 *“(7) additional research is required into increas-*
25 *ing the effectiveness and efficiency of new and exist-*

1 *ing treatment works through alternative approaches,*
 2 *including—*

3 *“(A) nonstructural alternatives;*

4 *“(B) decentralized approaches;*

5 *“(C) energy use efficiency;*

6 *“(D) water use efficiency; and*

7 *“(E) actions to extract energy from waste-*
 8 *water;”.*

9 *(b) CLARIFICATION OF RESEARCH ACTIVITIES.—Section*
 10 *tion 104(b)(1) of the Water Resources Research Act of 1984*
 11 *(42 U.S.C. 10303(b)(1)) is amended—*

12 *(1) in subparagraph (B)(ii), by striking “water-*
 13 *related phenomena” and inserting “water resources”;*
 14 *and*

15 *(2) in subparagraph (D), by striking the period*
 16 *at the end and inserting “; and”.*

17 *(c) COMPLIANCE REPORT.—Section 104(c) of the*
 18 *Water Resources Research Act of 1984 (42 U.S.C. 10303(c))*
 19 *is amended—*

20 *(1) by striking “(c) From the” and inserting the*
 21 *following:*

22 *“(c) GRANTS.—*

23 *“(1) IN GENERAL.—From the”; and*

24 *(2) by adding at the end the following:*

1 “(2) *REPORT.*—Not later than December 31 of
 2 each fiscal year, the Secretary shall submit to the
 3 Committee on Environment and Public Works of the
 4 Senate, the Committee on the Budget of the Senate,
 5 the Committee on Transportation and Infrastructure
 6 of the House of Representatives, and the Committee
 7 on the Budget of the House of Representatives a re-
 8 port regarding the compliance of each funding recipi-
 9 ent with this subsection for the immediately preceding
 10 fiscal year.”.

11 *(d) EVALUATION OF WATER RESOURCES RESEARCH*
 12 *PROGRAM.*—Section 104 of the Water Resources Research
 13 Act of 1984 (42 U.S.C. 10303) is amended by striking sub-
 14 section (e) and inserting the following:

15 “(e) *EVALUATION OF WATER RESOURCES RESEARCH*
 16 *PROGRAM.*—

17 “(1) *IN GENERAL.*—The Secretary shall conduct
 18 a careful and detailed evaluation of each institute at
 19 least once every 3 years to determine—

20 “(A) the quality and relevance of the water
 21 resources research of the institute;

22 “(B) the effectiveness of the institute at pro-
 23 ducing measured results and applied water sup-
 24 ply research; and

1 “(C) *whether the effectiveness of the institute*
2 *as an institution for planning, conducting, and*
3 *arranging for research warrants continued sup-*
4 *port under this section.*”

5 “(2) *PROHIBITION ON FURTHER SUPPORT.—If,*
6 *as a result of an evaluation under paragraph (1), the*
7 *Secretary determines that an institute does not qual-*
8 *ify for further support under this section, no further*
9 *grants to the institute may be provided until the*
10 *qualifications of the institute are reestablished to the*
11 *satisfaction of the Secretary.*”

12 *(e) AUTHORIZATION OF APPROPRIATIONS.—Section*
13 *104(f)(1) of the Water Resources Research Act of 1984 (42*
14 *U.S.C. 10303(f)(1)) is amended by striking “\$12,000,000*
15 *for each of fiscal years 2007 through 2011” and inserting*
16 *“\$7,500,000 for each of fiscal years 2019 through 2021”.*

17 *(f) ADDITIONAL APPROPRIATIONS WHERE RESEARCH*
18 *FOCUSED ON WATER PROBLEMS OF INTERSTATE NA-*
19 *TURE.—Section 104(g)(1) of the Water Resources Research*
20 *Act of 1984 (42 U.S.C. 10303(g)(1)) is amended in the first*
21 *sentence, by striking “\$6,000,000 for each of fiscal years*
22 *2007 through 2011” and inserting “\$1,500,000 for each of*
23 *fiscal years 2019 through 2021”.*

1 **SEC. 5008. STUDY ON INTRACTABLE WATER SYSTEMS.**

2 *Part E of the Safe Drinking Water Act (42 U.S.C. 300j*
3 *et seq.) is amended by adding at the end the following:*

4 **“SEC. 1459C. STUDY ON INTRACTABLE WATER SYSTEMS.**

5 *“(a) DEFINITION OF INTRACTABLE WATER SYSTEM.—*

6 *In this section, the term ‘intractable water system’ means*
7 *a community water system or a noncommunity water sys-*
8 *tem—*

9 *“(1) that serves fewer than 1,000 individuals;*

10 *and*

11 *“(2) the owner or operator of which—*

12 *“(A) is unable or unwilling to provide safe*
13 *and adequate service to those individuals;*

14 *“(B) has abandoned or effectively aban-*
15 *doned the community water system or non-*
16 *community water system, as applicable;*

17 *“(C) has defaulted on a financial obligation*
18 *relating to the community water system or non-*
19 *community water system, as applicable;*

20 *“(D) fails to maintain the facilities of the*
21 *community water system or noncommunity*
22 *water system, as applicable, in a manner so as*
23 *to prevent a potential public health hazard; or*

24 *“(E) is in significant noncompliance with*
25 *this Act or any regulation promulgated pursuant*
26 *to this Act.*

1 “(b) *STUDY REQUIRED.*—

2 “(1) *IN GENERAL.*—Not later than 2 years after
3 the date of enactment of this section, the Adminis-
4 trator, in consultation with the Secretary of Agri-
5 culture and the Secretary of Health and Human
6 Services, shall complete a study that—

7 “(A) identifies intractable water systems;
8 and

9 “(B) describes barriers to delivery of potable
10 water to individuals served by an intractable
11 water system.

12 “(2) *REPORT TO CONGRESS.*—Not later than 2
13 years after the date of enactment of this section, the
14 Administrator shall submit to Congress a report de-
15 scribing findings and recommendations based on the
16 study under this subsection.

17 “(c) *COMPLIANCE INCENTIVE.*—Section 1414(h)(2)
18 shall apply to any person carrying out a plan to address
19 an intractable water system that is approved by—

20 “(1) in the case of a State with primary enforce-
21 ment responsibility under section 1413, the State; or

22 “(2) in the case of a State that does not have
23 primary enforcement responsibility, the Adminis-
24 trator.”.

1 **SEC. 5009. NATIONAL ONSITE WASTEWATER RECYCLING.**

2 (a) *SENSE OF CONGRESS.*—*It is the sense of Congress*
3 *that providing communities with the knowledge and re-*
4 *sources necessary to fully use decentralized wastewater sys-*
5 *tems can provide affordable wastewater recycling and treat-*
6 *ment to millions of people in the United States.*

7 (b) *DEFINITION OF ADMINISTRATOR.*—*In this section,*
8 *the term “Administrator” means the Administrator of the*
9 *Environmental Protection Agency.*

10 (c) *WASTEWATER TECHNOLOGY CLEARINGHOUSE.*—

11 (1) *IN GENERAL.*—*The Administrator shall—*

12 (A) *for each of the programs described in*
13 *paragraph (2), update the information for those*
14 *programs to include information on cost-effective*
15 *and alternative wastewater recycling and treat-*
16 *ment systems, including onsite and decentralized*
17 *systems; and*

18 (B) *disseminate to units of local government*
19 *and nonprofit organizations seeking Federal*
20 *funds for wastewater systems information on the*
21 *cost effectiveness of alternative wastewater treat-*
22 *ment and recycling systems, including onsite*
23 *and decentralized systems.*

24 (2) *PROGRAMS DESCRIBED.*—*The programs re-*
25 *ferred to in paragraph (1)(A) are programs that pro-*

1 *vide technical assistance for wastewater management,*
 2 *including—*

3 *(A) programs for nonpoint source manage-*
 4 *ment under section 319 of the Federal Water*
 5 *Pollution Control Act (33 U.S.C. 1329);*

6 *(B) the permit program for the disposal of*
 7 *sewer sludge under section 405 of the Federal*
 8 *Water Pollution Control Act (33 U.S.C. 1345);*

9 *(C) technical assistance for small public*
 10 *water systems under section 1442(e) of the Safe*
 11 *Drinking Water Act (42 U.S.C. 300j-2(e)); and*

12 *(D) other programs of the Administrator*
 13 *that provide technical assistance for wastewater*
 14 *management.*

15 *(d) ALTERNATIVE WASTEWATER SYSTEM CERTIFI-*
 16 *CATION.—*

17 *(1) CLEAN WATER STATE REVOLVING FUNDS.—*
 18 *Section 603 of the Federal Water Pollution Control*
 19 *Act (33 U.S.C. 1383) (as amended by section*
 20 *5004(b)(1)) is amended by adding at the end the fol-*
 21 *lowing:*

22 *“(k) ALTERNATIVE WASTEWATER SYSTEM CERTIFI-*
 23 *CATION.—In providing assistance from the water pollution*
 24 *control revolving fund of the State established in accordance*
 25 *with this title for a project for a wastewater system serving*

1 *a population of not more than 2,500, the State shall ensure*
2 *that an entity receiving assistance from the water pollution*
3 *control revolving fund of the State certifies that the entity*
4 *has considered an individual or shared onsite, decentralized*
5 *wastewater system as an alternative wastewater system.”.*

6 (2) *WIFIA.—Section 5028(a) of the Water Infra-*
7 *structure Finance and Innovation Act of 2014 (33*
8 *U.S.C. 3907(a)) is amended by adding at the end the*
9 *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 a*
14 *population of not more than 2,500, the eligible entity*
15 *receiving financial assistance certifies that the eligible*
16 *entity has considered an individual or shared onsite,*
17 *decentralized wastewater system as an alternative*
18 *wastewater system.”.*

19 (3) *WATER AND WASTE DISPOSAL LOAN & GRANT*
20 *PROGRAM.—Section 306(a) of the Consolidated Farm*
21 *and Rural Development Act (7 U.S.C. 1926(a)) is*
22 *amended by adding at the end the following:*

23 “(27) *ALTERNATIVE WASTEWATER SYSTEM CER-*
24 *TIFICATION.—The Secretary shall ensure that, for a*
25 *wastewater project serving a population of not more*

1 *than 2,500, the recipient of the financial assistance*
2 *certifies that the recipient has considered an indi-*
3 *vidual or shared onsite, decentralized wastewater sys-*
4 *tem as an alternative wastewater system.”.*

5 *(e) REPORT TO CONGRESS.—Not later than 1 year*
6 *after the date of enactment of this Act, and not less fre-*
7 *quently than every 3 years thereafter, the Administrator*
8 *shall submit to Congress a report that describes—*

9 *(1) the amount of financial assistance provided*
10 *by State water pollution control revolving funds es-*
11 *tablished under title VI of the Federal Water Pollu-*
12 *tion Control Act (33 U.S.C. 1381 et seq.) to deploy*
13 *decentralized wastewater recycling technology;*

14 *(2) the barriers impacting greater use of decen-*
15 *tralized wastewater recycling technologies;*

16 *(3) the cost-saving potential to communities and*
17 *future infrastructure investments from further deploy-*
18 *ment of decentralized wastewater recycling technology;*

19 *(4) the environmental benefits to the community*
20 *and groundwater quality from additional investments*
21 *in decentralized wastewater recycling; and*

22 *(5) the actions taken by the Administrator to as-*
23 *ist States in identifying eligible projects using decen-*
24 *tralized wastewater recycling technology.*

1 **SEC. 5010. WATER INFRASTRUCTURE AND WORKFORCE IN-**
2 **VESTMENT.**

3 (a) *SENSE OF CONGRESS.*—*It is the sense of Congress*
4 *that—*

5 (1) *water and wastewater utilities provide a*
6 *unique opportunity for access to stable, high-quality*
7 *careers;*

8 (2) *as water and wastewater utilities make crit-*
9 *ical investments in infrastructure, water and waste-*
10 *water utilities can invest in the development of local*
11 *workers and local small businesses to strengthen com-*
12 *munities and ensure a strong pipeline of skilled and*
13 *diverse workers for today and tomorrow; and*

14 (3) *to further the goal of ensuring a strong pipe-*
15 *line of skilled and diverse workers in the water and*
16 *wastewater utilities sector, Congress urges—*

17 (A) *increased collaboration among Federal,*
18 *State, and local governments; and*

19 (B) *institutions of higher education, ap-*
20 *prentice programs, high schools, and other com-*
21 *munity-based organizations to align workforce*
22 *training programs and community resources*
23 *with water and wastewater utilities to accelerate*
24 *career pipelines and provide access to workforce*
25 *opportunities.*

1 (b) *DEFINITION OF INTRACTABLE WATER SYSTEM.*—

2 *In this section, the term “intractable water system” means*
3 *a community water system or a noncommunity water sys-*
4 *tem (as those terms are defined in section 1401 of the Safe*
5 *Drinking Water Act (42 U.S.C. 300f)) that—*

6 (1) *that serves fewer than 1,000 individuals; and*

7 (2) *the owner or operator of which—*

8 (A) *is unable or unwilling to provide safe*
9 *and adequate service to those individuals;*

10 (B) *has abandoned or effectively abandoned*
11 *the community water system or noncommunity*
12 *water system, as applicable;*

13 (C) *has defaulted on a financial obligation*
14 *relating to the community water system or non-*
15 *community water system, as applicable;*

16 (D) *fails to maintain the facilities of the*
17 *community water system or noncommunity*
18 *water system, as applicable, in a manner so as*
19 *to prevent a potential public health hazard; or*

20 (E) *is in significant noncompliance with*
21 *the Safe Drinking Water Act (42 U.S.C. 300f et*
22 *seq.) or any regulation promulgated pursuant to*
23 *that Act.*

24 (c) *INNOVATIVE WATER INFRASTRUCTURE WORK-*
25 *FORCE DEVELOPMENT PROGRAM.*—

1 (1) *GRANTS AUTHORIZED.*—*The Administrator*
2 *of the Environmental Protection Agency (referred to*
3 *in this section as the “Administrator”) and the Sec-*
4 *retary shall establish a competitive grant program to*
5 *assist the development of innovative activities relating*
6 *to workforce development in the water utility sector.*

7 (2) *SELECTION OF GRANT RECIPIENTS.*—*In*
8 *awarding grants under paragraph (1), the Adminis-*
9 *trator or the Secretary, as applicable, shall, to the*
10 *maximum extent practicable, select—*

11 (A) *water utilities that—*

12 (i) *are geographically diverse;*

13 (ii) *address the workforce and human*
14 *resources needs of large and small public*
15 *water and wastewater utilities;*

16 (iii) *address the workforce and human*
17 *resources needs of urban and rural public*
18 *water and wastewater utilities;*

19 (iv) *advance training relating to con-*
20 *struction, utility operations, treatment and*
21 *distribution, green infrastructure, customer*
22 *service, maintenance, and engineering; and*

23 (v) *(I) have a high retiring workforce*
24 *rate; or*

1 (ii) are located in areas with a high
2 unemployment rate; or

3 (B) intractable water systems.

4 (3) USE OF FUNDS.—Grants awarded under
5 paragraph (1) may be used for activities such as—

6 (A) targeted internship, apprenticeship,
7 preapprenticeship, and post-secondary bridge
8 programs for mission-critical skilled trades, in
9 collaboration with labor organizations, commu-
10 nity colleges, and other training and education
11 institutions that provide—

12 (i) on-the-job training;

13 (ii) soft and hard skills development;

14 (iii) test preparation for skilled trade
15 apprenticeships; or

16 (iv) other support services to facilitate
17 post-secondary success;

18 (B) kindergarten through 12th grade and
19 young adult education programs that—

20 (i) educate young people about the role
21 of water and wastewater utilities in the
22 communities of the young people;

23 (ii) increase the career awareness and
24 exposure of the young people to water util-
25 ity careers through various work-based

1 *learning opportunities inside and outside*
2 *the classroom; and*

3 (iii) *connect young people to post-sec-*
4 *ondary career pathways related to water*
5 *utilities;*

6 (C) *regional industry and workforce devel-*
7 *opment collaborations to identify water utility*
8 *employment needs, map existing career path-*
9 *ways, support the development of curricula, fa-*
10 *ilitate the sharing of resources, and coordinate*
11 *candidate development, staff preparedness efforts,*
12 *and activities that engage and support—*

13 (i) *water utilities employers;*

14 (ii) *educational and training institu-*
15 *tions;*

16 (iii) *local community-based organiza-*
17 *tions;*

18 (iv) *public workforce agencies; and*

19 (v) *other related stakeholders;*

20 (D) *integrated learning laboratories embed-*
21 *ded in high schools or other secondary edu-*
22 *cational institutions that provide students*
23 *with—*

24 (i) *hands-on, contextualized learning*
25 *opportunities;*

1 (ii) dual enrollment credit for post-sec-
2 ondary education and training programs;
3 and

4 (iii) direct connection to industry em-
5 ployers; and

6 (E) leadership development, occupational
7 training, mentoring, or cross-training programs
8 that ensure that incumbent water and waste-
9 water utilities workers are prepared for higher-
10 level supervisory or management-level positions.

11 (d) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*
12 *authorized to be appropriated to carry out this section*
13 *\$1,000,000 for each of fiscal years 2019 and 2020.*

14 **SEC. 5011. SENSE OF CONGRESS RELATING TO STATE RE-**
15 **VOLVING FUNDS.**

16 *It is the sense of Congress that Congress should provide*
17 *robust funding of capitalization grants to States to fund*
18 *drinking water treatment revolving loan funds established*
19 *under section 1452 of the Safe Drinking Water Act (42*
20 *U.S.C. 300j–12) and the State water pollution control re-*
21 *volving funds established under title VI of the Federal Water*
22 *Pollution Control Act (33 U.S.C. 1381 et seq.).*

1 **SEC. 5012. GAO STUDY ON WIFIA PROJECTS IN SMALL COM-**
 2 **MUNITIES, RURAL COMMUNITIES, DISADVAN-**
 3 **TAGED COMMUNITIES, AND TRIBAL COMMU-**
 4 **NITIES.**

5 *Not later than 1 year after the date of enactment of*
 6 *this Act, the Comptroller General of the United States*
 7 *shall—*

8 *(1) conduct a study on how to create flexibility*
 9 *under the Water Infrastructure Finance and Innova-*
 10 *tion Act (33 U.S.C. 3901 et seq.) for small commu-*
 11 *nities, rural communities, disadvantaged commu-*
 12 *nities, and Tribal communities, including—*

13 *(A) ways to improve access to assistance*
 14 *under that Act for those communities; and*

15 *(B) how to lower the burden of applying for*
 16 *assistance under that Act for those communities;*
 17 *and*

18 *(2) submit to Congress a report that describes the*
 19 *results of the study under paragraph (1).*

20 **SEC. 5013. AMERICAN IRON AND STEEL PRODUCTS.**

21 *Section 1452(a)(4)(A) of the Safe Drinking Water Act*
 22 *(42 U.S.C. 300j-12(a)(4)(A)) is amended by striking “Dur-*
 23 *ing fiscal year 2017, funds” and inserting “Funds”.*

24 **SEC. 5014. SENSE OF CONGRESS RELATING TO ACCESS TO**
 25 **NONPOTABLE WATER.**

26 *It is the sense of Congress that—*

1 (1) *access to nonpotable water sources for indus-*
 2 *try can relieve the supply and demand challenges for*
 3 *potable water in water-stressed regions throughout the*
 4 *United States; and*

5 (2) *water users are encouraged to continue im-*
 6 *plementing and incentivizing nonpotable water reuse*
 7 *programs that will achieve greater water savings and*
 8 *conservation needs.*

9 **SEC. 5015. INNOVATIVE FINANCING FOR STATE LOAN**
 10 **FUNDS.**

11 (a) *IN GENERAL.—The Water Infrastructure Finance*
 12 *and Innovation Act of 2014 (33 U.S.C. 3901 et seq.) is*
 13 *amended by adding at the end the following:*

14 **“SEC. 5036. INNOVATIVE FINANCING FOR STATE LOAN**
 15 **FUNDS.**

16 “(a) *DEFINITION OF STATE LOAN FUNDS.—In this*
 17 *section, the term ‘State loan funds’ means—*

18 “(1) *State drinking water treatment revolving*
 19 *loan funds established under section 1452 of the Safe*
 20 *Drinking Water Act (42 U.S.C. 300j–12); and*

21 “(2) *State water pollution control revolving*
 22 *funds established under title VI of the Federal Water*
 23 *Pollution Control Act (33 U.S.C. 1381 et seq.).*

24 “(b) *FINANCIAL ASSISTANCE TO STATE LOAN*
 25 *FUNDS.—The Administrator may provide financial assist-*

1 *ance under this section to State infrastructure financing*
2 *authorities for State loan funds to carry out water and*
3 *wastewater infrastructure projects in accordance with this*
4 *section.*

5 *“(c) ELIGIBLE ACTIVITIES.—*

6 *“(1) IN GENERAL.—The following activities may*
7 *be carried out by a State infrastructure financing au-*
8 *thority with financial assistance made available*
9 *under this section:*

10 *“(A) One or more activities that are in-*
11 *cluded in the intended use plan under section*
12 *606(c) of the Federal Water Pollution Control*
13 *Act (33 U.S.C. 1386(c)).*

14 *“(B) One or more activities that are in-*
15 *cluded in the project priority list of the intended*
16 *use plan under section 1452(b) of the Safe*
17 *Drinking Water Act (42 U.S.C. 300j-12(b)).*

18 *“(2) ADMINISTRATIVE COSTS.—Financial assist-*
19 *ance provided under this section may be used to pay*
20 *the reasonable costs of administration related to that*
21 *financial assistance.*

22 *“(3) APPLICATION FEES.—Section 5029(b)(7)*
23 *shall not apply to financial assistance made available*
24 *under this section.*

1 “(4) *TREATMENT OF PROJECTS.*—*In determining*
2 *whether to provide financial assistance under this sec-*
3 *tion, the Administrator shall consider a project to be*
4 *all of the activities included in an intended use plan*
5 *described in subparagraph (A) or (B) of paragraph*
6 *(1).*

7 “(5) *STATE AND LOCAL DECISIONMAKING.*—*A*
8 *State infrastructure financing authority that receives*
9 *financial assistance under this section may use the*
10 *assistance for any activity included in an intended*
11 *use plan described in subparagraph (A) or (B) of*
12 *paragraph (1).*

13 “(d) *REQUIREMENTS.*—

14 “(1) *IN GENERAL.*—*Except as otherwise provided*
15 *in this section, the requirements and procedures*
16 *under this subtitle shall apply to a project under this*
17 *section.*

18 “(2) *INTEREST RATE.*—

19 “(A) *IN GENERAL.*—*Except as provided in*
20 *subparagraph (B), the interest rate on a secured*
21 *loan provided under this section shall be equal to*
22 *the yield on United States Treasury securities of*
23 *a similar maturity to the maturity of the se-*
24 *cured loan on the date of execution of the loan*
25 *agreement.*

1 “(B) *CERTAIN STATES.*—

2 “(i) *IN GENERAL.*—*In the case of a*
3 *State described in clause (ii)*—

4 “(I) *the interest rate on a secured*
5 *loan provided under this section shall*
6 *be 80 percent of the interest rate under*
7 *subparagraph (A); but*

8 “(II) *if there is not sufficient de-*
9 *mand for loans under this subpara-*
10 *graph (as determined by the Adminis-*
11 *trator), the Administrator may provide*
12 *a secured loan at an interest rate that*
13 *is not less than 50 percent and not*
14 *more than 80 percent of the interest*
15 *rate under subparagraph (A), as deter-*
16 *mined by the Administrator with re-*
17 *spect to each loan.*

18 “(ii) *STATES DESCRIBED.*—*A State re-*
19 *ferred to in clause (i) is a State*—

20 “(I) *that received less than 2 per-*
21 *cent of the total amount of funds made*
22 *available to States for the State loan*
23 *funds for the most recent fiscal year for*
24 *which data is available; or*

1 “(II) for which the President has
2 declared a major disaster in accord-
3 ance with section 401 of the Robert T.
4 Stafford Disaster Relief and Emer-
5 gency Assistance Act (42 U.S.C. 5170)
6 during the period beginning on Janu-
7 ary 1, 2017, and ending on the date of
8 enactment of this section, if the secured
9 loan is for a project related to waste-
10 water or drinking water infrastructure
11 damaged by the major disaster.

12 “(C) DISTRIBUTION OF LOANS.—

13 “(i) IN GENERAL.—Except as provided
14 in clause (ii), of the total amount of funds
15 made available to provide secured loans
16 under this section—

17 “(I) 50 percent shall be provided
18 for secured loans at the interest rate
19 described in subparagraph (A); and

20 “(II) 50 percent shall be provided
21 for secured loans at the interest rate
22 described in subparagraph (B)(i) to
23 States described in subparagraph
24 (B)(ii).

1 “(i) *REALLOCATION.*—For any fiscal
2 year, if amounts for loans described in ei-
3 ther of subclause (I) or (II) of clause (i) re-
4 main available, the Administrator may re-
5 allocate the amounts to be used for loans de-
6 scribed in either of subclause (I) or (II) of
7 that clause, as applicable, to meet applicant
8 demand.

9 “(3) *CERTAIN STATE REVIEWS.*—

10 “(A) *IN GENERAL.*—A project under this
11 section shall comply with any applicable State
12 environmental or engineering review require-
13 ments pursuant to, as applicable—

14 “(i) title VI of the *Federal Water Pol-*
15 *lution Control Act (33 U.S.C. 1381 et seq.);*

16 “(ii) section 1452 of the *Safe Drinking*
17 *Water Act (42 U.S.C. 300j-12);*

18 “(iii) section 35.3140 of title 40, *Code*
19 *of Federal Regulations (or successor regula-*
20 *tions); and*

21 “(iv) section 35.3580 of title 40, *Code*
22 *of Federal Regulations (or successor regula-*
23 *tions).*

24 “(B) *NO NEW REVIEWS REQUIRED.*—*Noth-*
25 *ing in this section requires any additional or*

1 *new environmental or engineering review for a*
2 *project under this section other than any require-*
3 *ment otherwise applicable to the project.*

4 “(4) *FEDERAL SHARE.*—*Notwithstanding section*
5 *5029(b)(9), financial assistance for a project under*
6 *this section may be used to pay up to 100 percent of*
7 *the costs of the project.*

8 “(5) *LIMITATION ON LOANS UNDER MULTIPLE*
9 *PROGRAMS.*—

10 “(A) *IN GENERAL.*—*A State infrastructure*
11 *financing authority—*

12 “(i) *may apply for financial assistance*
13 *under both this section and under this sub-*
14 *title (other than this section); but*

15 “(ii) *may accept financial assistance*
16 *from only 1 program described in clause (i).*

17 “(B) *WITHDRAWAL; TIMING.*—

18 “(i) *WITHDRAWAL.*—*On a decision to*
19 *accept financial assistance under this sec-*
20 *tion or under this subtitle (other than this*
21 *section), a State infrastructure financing*
22 *authority shall withdraw the application of*
23 *the State infrastructure financing authority*
24 *from the program that the State infrastruc-*
25 *ture financing authority does not select.*

1 “(i) *TIMING.*—A State infrastructure
2 *financing authority shall not be required to*
3 *withdraw under clause (i) before decisions*
4 *on the applications of the State infrastruc-*
5 *ture financing authority under this section*
6 *and under this subtitle (other than this sec-*
7 *tion) have been made.*

8 “(e) *EXPEDITED REVIEW OF APPLICATIONS.*—Not
9 *later than 180 days after the date on which the Adminis-*
10 *trator receives a complete application for a project under*
11 *this section, the Administrator shall, through a written no-*
12 *tice to the State infrastructure financing authority—*

13 “(1) *approve the application; or*

14 “(2) *provide detailed guidance and an expla-*
15 *nation of any changes to the application necessary for*
16 *approval of the application.*

17 “(f) *FUNDING.*—

18 “(1) *AUTHORIZATION OF APPROPRIATIONS.*—

19 “(A) *IN GENERAL.*—*There is authorized to*
20 *be appropriated to the Administrator to carry*
21 *out this section \$100,000,000 for each of fiscal*
22 *years 2019 and 2020, to remain available until*
23 *expended.*

24 “(B) *SENSE OF CONGRESS.*—*It is the sense*
25 *of Congress that the amounts authorized to be*

1 *appropriated to carry out this section will sup-*
2 *port, for each fiscal year—*

3 “(i) \$5,000,000,000 in secured loans at
4 *the interest rate described in subsection*
5 *(d)(2)(A); and*

6 “(ii) \$425,000,000 in secured loans at
7 *the interest rate described in subsection*
8 *(d)(2)(B)(i).*

9 “(2) *ADMINISTRATIVE COSTS.—*

10 “(A) *IN GENERAL.—Of the funds made*
11 *available to carry out this section, the Adminis-*
12 *trator may use for the administration of this sec-*
13 *tion, including for the provision of technical as-*
14 *stance to aid State infrastructure financing*
15 *authorities in obtaining the necessary approvals*
16 *for eligible activities, not more than \$5,000,000*
17 *for each of fiscal years 2019 and 2020.*

18 “(B) *FEE WAIVERS.—*

19 “(i) *IN GENERAL.—Of the funds made*
20 *available to carry out this section, the Ad-*
21 *ministrator may use for costs related to*
22 *processing and reviewing applications, in-*
23 *cluding underwriting, such amounts as are*
24 *necessary for each of fiscal years 2019 and*
25 *2020, to remain available until expended.*

1 “(ii) *OTHER FEES.*—*The funds under*
2 *clause (i) shall be used in lieu of fees col-*
3 *lected under section 5030(b).*

4 “(3) *NO IMPACT ON OTHER FEDERAL FUND-*
5 *ING.*—*No funds shall be made available to carry out*
6 *this section if—*

7 “(A) *the total amount made available for a*
8 *fiscal year for the State loan funds is less than*
9 *the total amount made available for those funds*
10 *for fiscal year 2018; and*

11 “(B) *the amount made available for a fiscal*
12 *year for assistance under this subtitle (other*
13 *than this section) is less than the amount made*
14 *available for that assistance for fiscal year 2018.*

15 “(4) *SUPPLEMENT, NOT SUPPLANT.*—*Amounts*
16 *made available to carry out this section shall be used*
17 *to supplement, and not supplant—*

18 “(A) *funds made available to carry out this*
19 *subtitle (other than this section);*

20 “(B) *funds made available to carry out sec-*
21 *tion 1452 of the Safe Drinking Water Act (42*
22 *U.S.C. 300j–12); and*

23 “(C) *funds made available to carry out title*
24 *VI of the Federal Water Pollution Control Act*
25 *(33 U.S.C. 1381 et seq.).*

1 “(g) *DISTRIBUTION AND ALLOTMENT OF FUNDS.*—

2 “(1) *DISTRIBUTION OF FUNDS.*—*In determining*
3 *the distribution of amounts between the State loan*
4 *funds, the Administrator shall—*

5 “(A) *provide financial assistance based on*
6 *need; and*

7 “(B) *give equal consideration to drinking*
8 *water projects and wastewater projects.*

9 “(2) *ALLOTMENT.*—*Notwithstanding section*
10 *5028(b), in providing financial assistance under this*
11 *section, the Administrator shall—*

12 “(A) *for each fiscal year, ensure that each*
13 *State infrastructure financing authority that*
14 *submits an application under this section for a*
15 *project described in subparagraph (A) or (B) of*
16 *subsection (c)(1) receives financial assistance*
17 *under this section; but*

18 “(B) *provide financial assistance under*
19 *subparagraph (A) in amounts based on need, as*
20 *determined by the Administrator.*

21 “(h) *TRANSPARENCY.*—

22 “(1) *IN GENERAL.*—*For each fiscal year, the Ad-*
23 *ministrator shall make available on the website of the*
24 *Administrator—*

1 “(A) a list of each application received
2 under this section;

3 “(B) a list of each application approved
4 under this section;

5 “(C) the criteria and methods used for selec-
6 tion of projects under this section; and

7 “(D) the terms of the financial assistance
8 provided for each project under this section.

9 “(2) *REPORT.*—Not later than 180 days after the
10 date on which the Administrator first provides finan-
11 cial assistance for a project under this section and
12 each year thereafter, the Administrator shall submit
13 to the Committee on Environment and Public Works
14 of the Senate and the Committee on Transportation
15 and Infrastructure of the House of Representatives a
16 detailed report that includes—

17 “(A) the information described in subpara-
18 graphs (A) through (D) of paragraph (1); and

19 “(B) a detailed explanation of why each
20 project was approved.

21 “(i) *SUNSET.*—The authority to provide assistance
22 under this section shall terminate on September 30, 2020.”.

23 (b) *FUNDING.*—Section 5033 of the Water Infrastruc-
24 ture Finance and Innovation Act of 2014 (33 U.S.C. 3912)

1 *is amended by inserting “(other than section 5036)” after*
 2 *“this subtitle” each place it appears.*

3 *(c) REMOVAL OF PILOT DESIGNATION.—*

4 *(1) Subtitle C of title V of the Water Resources*
 5 *Reform and Development Act of 2014 (33 U.S.C.*
 6 *3901 et seq.) is amended by striking the subtitle des-*
 7 *ignation and heading and inserting the following:*

8 **“Subtitle C—Innovative Financing**
 9 **Projects”.**

10 *(2) Section 5023 of the Water Infrastructure Fi-*
 11 *nance and Innovation Act of 2014 (33 U.S.C. 3902)*
 12 *is amended by striking “pilot” each place it appears.*

13 *(3) Section 5034 of the Water Infrastructure Fi-*
 14 *nance and Innovation Act of 2014 (33 U.S.C. 3913)*
 15 *is amended by striking the section designation and*
 16 *heading and inserting the following:*

17 **“SEC. 5034. REPORTS ON PROGRAM IMPLEMENTATION.”.**

18 *(4) The table of contents for the Water Resources*
 19 *Reform and Development Act of 2014 (Public Law*
 20 *113–121; 128 Stat. 1195) is amended—*

21 *(A) by striking the item relating to subtitle*
 22 *C of title V and inserting the following:*

“Subtitle C—Innovative Financing Projects”;

23 *(B) by striking the item relating to section*
 24 *5034 and inserting the following:*

“Sec. 5034. Reports on program implementation.”;

1 *and*

2 *(C) by inserting after the item relating to*
 3 *section 5035 the following:*

“*Sec. 5036. Innovative financing for State loan funds.*”.

4 **SEC. 5016. WATER INFRASTRUCTURE RESILIENCY AND SUS-**
 5 **TAINABILITY.**

6 *(a) DEFINITIONS.—In this section:*

7 *(1) ADMINISTRATOR.—The term “Adminis-*
 8 *trator” means the Administrator of the Environ-*
 9 *mental Protection Agency.*

10 *(2) HYDROLOGIC CONDITIONS.—The term “hy-*
 11 *drologic conditions” means the quality, quantity, or*
 12 *reliability of the water resources of a region of the*
 13 *United States.*

14 *(3) OWNER OR OPERATOR OF A WATER SYS-*
 15 *TEM.—*

16 *(A) IN GENERAL.—The term “owner or op-*
 17 *erator of a water system” means an entity (in-*
 18 *cluding a regional, State, interstate, Tribal,*
 19 *local, municipal, intermunicipal, or private en-*
 20 *tity) that owns or operates a water system.*

21 *(B) INCLUSION.—The term “owner or oper-*
 22 *ator of a water system” includes—*

23 *(i) a non-Federal entity that has oper-*
 24 *ational responsibilities for a federally, trib-*
 25 *ally, or State-owned water system; and*

1 (ii) an entity established by an agree-
2 ment between—

3 (I) an entity that owns or oper-
4 ates a water system; and

5 (II) at least 1 other entity.

6 (4) *WATER SYSTEM.*—The term “water system”
7 means—

8 (A) a community water system (as defined
9 in section 1401 of the Safe Drinking Water Act
10 (42 U.S.C. 300f));

11 (B) a treatment works (as defined in section
12 212 of the Federal Water Pollution Control Act
13 (33 U.S.C. 1292)), including a municipal sepa-
14 rate storm sewer system (as the term is used in
15 the Federal Water Pollution Control Act (33
16 U.S.C. 1251 et seq.));

17 (C) a decentralized wastewater treatment
18 system for domestic sewage;

19 (D) a groundwater storage and replenish-
20 ment system;

21 (E) a system for the conservation of water
22 or for the transport and delivery of water for ir-
23 rigation; or

24 (F) a natural or engineered system that
25 manages floodwaters.

1 (b) *ESTABLISHMENT.*—*The Administrator shall estab-*
2 *lish and carry out a program, to be known as the “Water*
3 *Infrastructure Resiliency and Sustainability Program”,*
4 *under which the Administrator shall award grants in each*
5 *of fiscal years 2019 and 2020 to owners or operators of*
6 *water systems for the purpose of increasing the resiliency*
7 *or adaptability of the systems to any ongoing or forecasted*
8 *changes (based on the best available research and data) to*
9 *the hydrologic conditions of a region of the United States.*

10 (c) *USE OF FUNDS.*—*An owner or operator of a water*
11 *system may only use grant funds received under a grant*
12 *under this section to assist in the planning, design, con-*
13 *struction, implementation, operation, or maintenance of a*
14 *program or project that meets the purpose described in sub-*
15 *section (b) through—*

16 (1) *the conservation of water or the enhancement*
17 *of water use efficiency, including through the use of*
18 *water metering and electronic sensing and control*
19 *systems to measure the effectiveness of a water effi-*
20 *ciency program;*

21 (2) *the modification or relocation of existing*
22 *water system infrastructure made or projected to be*
23 *significantly impaired by changing hydrologic condi-*
24 *tions;*

1 (3) *the preservation or improvement of water*
2 *quality, including through measures to manage, re-*
3 *duce, treat, or reuse municipal stormwater, waste-*
4 *water, or drinking water;*

5 (4) *the investigation, design, or construction of*
6 *groundwater remediation, recycled water, or desalina-*
7 *tion facilities or systems to serve existing commu-*
8 *nities;*

9 (5) *the enhancement of water management by in-*
10 *creasing watershed preservation and protection, in-*
11 *cluding through the use of natural or engineered green*
12 *infrastructure in the management, conveyance, or*
13 *treatment of water, wastewater, or stormwater;*

14 (6) *the enhancement of energy efficiency or the*
15 *use and generation of renewable energy in the man-*
16 *agement, conveyance, or treatment of water, waste-*
17 *water, or stormwater;*

18 (7) *the adoption and use of advanced water*
19 *treatment, water supply management (such as res-*
20 *ervoir reoperation and water banking), or water de-*
21 *mand management technologies, projects, or processes*
22 *(such as water reuse and recycling, adaptive con-*
23 *servation pricing, and groundwater banking) that*
24 *maintain or increase water supply or improve water*
25 *quality;*

1 (8) *the modification or replacement of existing*
2 *systems or the construction of new systems for exist-*
3 *ing communities or land currently in agricultural*
4 *production to improve water supply, reliability, stor-*
5 *age, or conveyance;*

6 (9) *practices and projects, such as improved irri-*
7 *gation systems, water banking and other forms of*
8 *water transactions, groundwater recharge, stormwater*
9 *capture, groundwater conjunctive use, and reuse or*
10 *recycling of drainage water, to improve water quality*
11 *or promote more efficient water use on land currently*
12 *in agricultural production;*

13 (10) *the reduction of flood damage, risk, and vul-*
14 *nerability through—*

15 (A) *the restoration of floodplains, wetlands,*
16 *and uplands integral to flood management, pro-*
17 *tection, prevention, and response;*

18 (B) *the modification of levees, floodwalls,*
19 *and other structures to reduce risks associated*
20 *with rising sea levels or to facilitate reconnection*
21 *of rivers to floodplains, reduce flood stage height,*
22 *and reduce damage to properties and popu-*
23 *lations;*

24 (C) *providing for the acquisition and ease-*
25 *ment of flood-prone lands and properties in*

1 *order to reduce damage to property and risk to*
2 *populations; or*

3 *(D) the promotion of land use planning*
4 *that prevents future floodplain development;*

5 *(11) carrying out studies or assessments to*
6 *project how changing hydrologic conditions may im-*
7 *pect the future operations and sustainability of water*
8 *systems; or*

9 *(12) the development and implementation of*
10 *measures to increase the resilience of water systems*
11 *and regional and hydrological basins to rapid hydro-*
12 *logic change or a natural disaster.*

13 *(d) APPLICATION.—To seek a grant under this section,*
14 *the owner or operator of a water system shall submit to*
15 *the Administrator an application that—*

16 *(1) includes a proposal of the program or project*
17 *to be planned, designed, constructed, implemented, op-*
18 *erated, or maintained by the water system;*

19 *(2) cites the best available research or data that*
20 *demonstrate—*

21 *(A) the risk to the water resources or infra-*
22 *structure of the water system as a result of ongo-*
23 *ing or forecasted changes to the hydrological sys-*
24 *tem of a region, including rising sea levels and*
25 *changes in precipitation patterns; and*

1 (B) how the proposed program or project
2 would perform under the anticipated hydrologic
3 conditions; and

4 (3) explains how the proposed program or project
5 is expected—

6 (A) to enhance the resiliency of the water
7 system to the anticipated hydrologic conditions;
8 or

9 (B) to increase efficiency in the use of en-
10 ergy or water of the water system.

11 (e) *PUBLIC SPONSORSHIP OF PRIVATE ENTITIES.*—

12 (1) *IN GENERAL.*—If an applicant for a grant
13 under this section is not a State or local government,
14 an agency or instrumentality of a State or local gov-
15 ernment, or a Tribal government or consortium of
16 Tribal governments, the program or project to be
17 planned, designed, constructed, implemented, oper-
18 ated, or maintained through the grant shall be pub-
19 licly sponsored.

20 (2) *PUBLIC SPONSORSHIP.*—A program or
21 project shall be considered to be publicly sponsored
22 under paragraph (1) if the applicant demonstrates, to
23 the satisfaction of the Administrator, that—

24 (A) the applicant has consulted with the af-
25 fected State, local, or Tribal government in

1 *which the program or project is located, or that*
2 *is otherwise affected by the program or project;*
3 *and*

4 *(B) the government described in subpara-*
5 *graph (A) supports the program or project.*

6 *(f) PRIORITY; DIVERSITY OF PROJECT TYPES.—In se-*
7 *lecting recipients of a grant under this section, the Admin-*
8 *istrator shall—*

9 *(1) give priority to owners or operators of water*
10 *systems—*

11 *(A) that are, based on the best available re-*
12 *search and data, at the greatest and most imme-*
13 *diately risk of facing significant negative impacts*
14 *due to changing hydrologic conditions; and*

15 *(B) whose proposed projects would most ef-*
16 *fectively deliver long-term solutions to those*
17 *risks; and*

18 *(2) ensure that grants are awarded each fiscal*
19 *year for a diverse range of programs and projects de-*
20 *scribed in paragraphs (1) through (12) of subsection*
21 *(c).*

22 *(g) COST-SHARING.—*

23 *(1) FEDERAL SHARE.—The Federal share of the*
24 *cost of a program or project carried out using a grant*

1 *made under subsection (b) shall be not more than 75*
2 *percent.*

3 (2) *CALCULATION OF NON-FEDERAL SHARE.—In*
4 *calculating the non-Federal share of the cost of a pro-*
5 *gram or project under paragraph (1), the Adminis-*
6 *trator shall—*

7 (A) *include the value of any in-kind services*
8 *that are integral to the completion of the pro-*
9 *gram or project, including reasonable adminis-*
10 *trative and overhead costs; and*

11 (B) *not include any other amount that the*
12 *water system involved receives from the Federal*
13 *Government.*

14 (h) *REPORT TO CONGRESS.—Not later than 3 years*
15 *after the date of enactment of this Act, the Administrator*
16 *shall submit to Congress a report on progress in carrying*
17 *out this section, including information on project applica-*
18 *tions received and funded annually.*

19 (i) *AUTHORIZATION OF APPROPRIATIONS.—There are*
20 *authorized to be appropriated to carry out this section*
21 *\$12,500,000 for each of fiscal years 2019 and 2020.*

22 **SEC. 5017. REGIONAL LIAISONS FOR MINORITY, TRIBAL,**
23 **AND LOW-INCOME COMMUNITIES.**

24 (a) *IN GENERAL.—The Administrator of the Environ-*
25 *mental Protection Agency (referred to in this section as the*

1 “Administrator”) shall appoint not fewer than 1 employee
2 in each regional office of the Environmental Protection
3 Agency to serve as a liaison to minority, Tribal, and low-
4 income communities in the relevant region.

5 (b) *PUBLIC IDENTIFICATION.*—The Administrator
6 shall identify each regional liaison appointed under sub-
7 section (a) on the internet website of—

8 (1) the relevant regional office of the Environ-
9 mental Protection Agency; and

10 (2) the Office of Environmental Justice of the
11 Environmental Protection Agency.

Calendar No. 425

115TH CONGRESS
2^D SESSION
S. 2800

A BILL

To provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes.

MAY 22, 2018

Reported with an amendment