

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

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

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.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

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

Viz:

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

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

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

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

Sec. 1. Short title; table of contents.

Sec. 2. Definition of Secretary.

TITLE I—GENERAL PROVISIONS

Sec. 1001. Corps budgeting.

- Sec. 1002. National Academy studies.
- 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.

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TITLE II—STUDIES, MODIFICATIONS, AND PROJECT
AUTHORIZATIONS

Subtitle A—Studies

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

Subtitle B—Deauthorizations, Modifications, and Related Provisions

- Sec. 2101. Savannah Harbor expansion project.
- Sec. 2102. Deauthorization of Svensen Island.
- Sec. 2103. Whittier Narrows study.
- Sec. 2104. West Tennessee tributaries project, Tennessee.
- Sec. 2105. Bridgeport Harbor-Pequonnock River navigation project, Connecticut.
- Sec. 2106. 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.

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- 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.

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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.

Subtitle H—Environmental Management

Sec. 3701. Reauthorization of Rio Grande environmental management program.

Sec. 3702. Amendments to Long Island Sound programs.

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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.

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.

1 SEC. 2. DEFINITION OF SECRETARY.

2 In this Act, the term “Secretary” means the Sec-
3 retary 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
14 give responsibility to those districts to develop and
15 implement the district 5-year budget and work plan;
16 and

17 (3) to increase local and non-Federal partner
18 and stakeholder input in the process to improve
19 budgeting of activities by the Secretary.

20 (b) DEFINITIONS.—In this section:

21 (1) ASSISTANT SECRETARY.—The term “Assist-
22 ant Secretary” means the Assistant Secretary of the
23 Army for Civil Works.

24 (2) COM ACCOUNTS.—

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

3 (i) the Civil Works Program Con-
4 struction appropriations account of the
5 Secretary; and

6 (ii) the Civil Works Program Oper-
7 ation and Maintenance appropriations ac-
8 count of the Secretary.

9 (B) INCLUSION.—The term “COM ac-
10 counts” includes the portions of the Civil Works
11 Program Mississippi River and Tributaries ap-
12 propriations account of the Secretary specifi-
13 cally relating to—

14 (i) construction; or

15 (ii) operations and maintenance.

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

19 (A) to participate in project plan develop-
20 ment; or

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

23 (4) DISTRICT 5-YEAR BUDGET AND WORK
24 PLAN.—The term “district 5-year budget and work

1 plan” means a report by an appropriate District En-
2 gineer under subsection (e) that—

3 (A) includes—

4 (i) the district work plan for the fiscal
5 year; and

6 (ii) the district budget proposal for
7 the 4-year period following the fiscal year
8 to fund increments of work within the ju-
9 risdiction of the district;

10 (B) is based on—

11 (i) an allocation provided for a fiscal
12 year; and

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

16 (C) contains—

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

20 (ii) a list of studies that the District
21 Engineer determines would potentially pro-
22 vide value to the United States to be car-
23 ried out through the Investigations ac-
24 count; and

1 (iii) a list of projects and initiatives of
2 national significance to be carried out
3 through the COM accounts, if the project
4 or initiative is selected to be carried out.

5 (5) GOVERNMENT AGENCIES.—The term “gov-
6 ernment agencies” means Federal and non-Federal
7 government agencies that can provide authority, ex-
8 pertise, or funding, in cases in which the Secretary
9 has limited authority or in which the government
10 agency can assist in developing a project alternative,
11 to collaborate on projects and plans relating to—

12 (A) flood damage reduction and risk man-
13 agement;

14 (B) reliable water supply;

15 (C) ecosystem restoration; and

16 (D) other business lines.

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

21 (A) includes—

22 (i) the Corps of Engineers work plan
23 for the fiscal year; and

24 (ii) the Corps of Engineers budget
25 proposal for the 4-year period following the

1 fiscal year to fund increments of work to
2 be carried out that is considered to be of
3 regional, Tribal, or local significance; and
4 (B) is based on—

5 (i) an amount provided for the fiscal
6 year through an appropriations Act; and

7 (ii) estimates based on the amount
8 under clause (i), assuming an annual
9 growth rate of 2 percent.

10 (7) INTEGRATED WATER RESOURCE MANAGE-
11 MENT.—The term “integrated water resource man-
12 agement” means a holistic and mission-integrated
13 process that—

14 (A) focuses on water resources challenges
15 and opportunities; and

16 (B) promotes collaboration with cost-share
17 partners, relevant government agencies, and
18 stakeholders for coordinated development and
19 active management of water and related re-
20 sources—

21 (i) to align authorities and funding;

22 (ii) to provide opportunities for infor-
23 mation sharing; and

24 (iii) to support complementary and in-
25 tegrated solutions to problems across Fed-

1 eral and non-Federal boundaries to deliver
2 value to the United States based on re-
3 gional, Tribal, or local benefits.

4 (8) INVESTIGATIONS ACCOUNT.—

5 (A) IN GENERAL.—The term “Investiga-
6 tions account” means the Civil Works Program
7 Investigations appropriations account of the
8 Secretary.

9 (B) INCLUSION.—The term “Investigations
10 account” includes the portions of the Civil
11 Works Program Mississippi River and Tribu-
12 taries appropriations account of the Secretary
13 specifically relating to investigations.

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

17 (10) PROJECT OR INITIATIVE OF NATIONAL
18 SIGNIFICANCE.—The term “project or initiative of
19 national significance” means a Corps of Engineers
20 activity that—

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

23 (B) satisfies the economic analysis or as-
24 sumption and other legal and policy require-
25 ments, including the benefit-cost ratio, for po-

1 tential inclusion in the budget transmitted
2 under section 1105(a) of title 31, United States
3 Code.

4 (11) PROJECT OR INITIATIVE OF REGIONAL,
5 TRIBAL, OR LOCAL SIGNIFICANCE.—The term
6 “project or initiative of regional, Tribal, or local sig-
7 nificance” means a Corps of Engineers activity
8 that—

9 (A) provides value to the United States;
10 but

11 (B) does not satisfy the requirements to be
12 considered a project or initiative of national sig-
13 nificance.

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

18 (A) the enhancement or stabilization of the
19 regional, Tribal, or local economy;

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

22 (C) the provision of health, safety, and
23 general welfare to maintain or improve the
24 quality of life of the people of the United
25 States.

1 (13) WORK PLAN PROCESS.—The term “work
2 plan process” means the process used by the Sec-
3 retary and the Chief of Engineers on the date of en-
4 actment of this Act by which funds that are not allo-
5 cated to a specified project in an appropriations Act
6 (including the statement of managers for such an
7 Act) are subdivided into various categories within
8 the areas of—

9 (A) navigation;

10 (B) flood risk management; and

11 (C) other authorized project purposes.

12 (c) BUDGET RECOMMENDATIONS BY SECRETARY.—

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

22 (A) the District Engineer; and

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

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

5 (A) the Regulatory appropriations account;

6 (B) the Expenses appropriations account;

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

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

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

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

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

22 (d) HEADQUARTERS 5-YEAR BUDGET AND WORK
23 PLAN.—Not less frequently than once each fiscal year, on
24 the date that the budget is transmitted under section
25 1105(a) of title 31, United States Code, the Secretary

1 shall submit to Congress the headquarters 5-year budget
2 and work plan.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13 (F) pursues integrated water resource
14 management.

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

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

1 (B) the prioritization of activities and
2 management of infrastructure within each rel-
3 evant system or watershed.

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

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

17 (i) the desired outcomes of the
18 project; and

19 (ii) value to the United States; and

20 (B) managing the regional and national
21 portfolios of projects to make cost-effective and
22 sequenced investment decisions.

23 (4) FEDERAL CONSIDERATIONS.—In developing
24 and comparing project alternatives or making any
25 other determination for purposes of a headquarters

1 5-year budget and work plan or district 5-year budg-
2 et and work plan, the Secretary shall issue guidance
3 to ensure that each plan includes an evaluation of
4 the projected effects of each project or initiative of
5 national significance or project or initiative of re-
6 gional, Tribal, or local significance, or project alter-
7 native, if applicable, on—

8 (A) the nonmonetary physical, chemical,
9 and biological conditions of water and related
10 land resources in the United States, at the sys-
11 tem or watershed scale;

12 (B) the economic value of—

13 (i) water and related land resources in
14 the United States; and

15 (ii) the national output of goods and
16 services produced using those resources;

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

19 (i) taking into consideration applicable
20 flood and coastal storm damage reduction
21 plans, and any other relevant plans; and

22 (ii) using—

23 (I) nonmonetary units; or

24 (II) qualitative descriptions;

1 (D) significant cultural, aesthetic, and sub-
2 watershed-scale ecological resources, as meas-
3 ured using—

4 (i) nonmonetary units; or

5 (ii) qualitative descriptions; and

6 (E) the effects described in subparagraphs
7 (A) through (D) with respect to—

8 (i) low-income communities;

9 (ii) rural communities; and

10 (iii) Tribal and other minority com-
11 munities.

12 (5) BUSINESS LINE CONSIDERATIONS.—The
13 Secretary shall issue guidance to ensure that head-
14 quarters 5-year budget and work plans and district
15 5-year budget and work plans analyze the accom-
16 plishments, projected challenges, and business pro-
17 grams funding and performance of each project or
18 initiative of national significance and project or ini-
19 tiative of regional, Tribal, or local significance, tak-
20 ing into consideration any relevant business lines of
21 the project or initiative.

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

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

4 (2) to maximize the return on Federal invest-
5 ment; and

6 (3) to ensure that the infrastructure of the
7 Corps of Engineers protects laborers and employees,
8 private investment, and production in the United
9 States.

10 (i) SAVINGS PROVISION.—Nothing in this section af-
11 fects or alters the requirements under section 206 of the
12 Water Resources Development Act of 1996 (33 U.S.C.
13 2330) with respect to ecosystem restoration.

14 **SEC. 1002. NATIONAL ACADEMY STUDIES.**

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

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

21 (A) Congress;

22 (B) State and local units of government;

23 (C) local stakeholders; and

24 (D) other cost-share partners, government
25 agencies, and stakeholders;

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

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

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

9 (B) should be modified to increase—

10 (i) efficiency;

11 (ii) coordination;

12 (iii) transparency; or

13 (iv) cost savings.

14 **SEC. 1003. GAO STUDY ON BENEFIT-COST ANALYSIS RE-**
15 **FORMS.**

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

23 (A) an examination of the benefits and
24 costs that the Secretary and the Director do
25 and do not include in the benefit-cost calcula-

1 tion, including, at a minimum, local and re-
2 gional economic benefits; and

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

9 (2) submit to Congress a report that—

10 (A) describes the results of the study
11 under paragraph (1); and

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

16 **SEC. 1004. TRANSPARENCY AND ACCOUNTABILITY IN COST-**
17 **SHARING FOR WATER RESOURCES**
18 **PROJECTS.**

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

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

24 (2) the status of those funds.

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

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

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

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

15 (d) EXCESS FUNDS.—

16 (1) IN GENERAL.—In the case of a completed
17 project carried out by the Secretary for which funds
18 in excess of the funds needed to complete the project
19 have been contributed by a non-Federal interest, the
20 Secretary shall transfer the excess funds to a sepa-
21 rate account of the Secretary, in which the funds
22 shall remain available until the non-Federal interest
23 uses the funds in accordance with paragraph (2).

24 (2) USE IN FUTURE PROJECTS OR OPERATION
25 AND MAINTENANCE COSTS.—The non-Federal inter-

1 est may use funds in the account for the non-Fed-
2 eral interest under paragraph (1)—

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

6 (B) to pay the costs of operation and
7 maintenance of a project of the non-Federal in-
8 terest for which a non-Federal cost-share is re-
9 quired.

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

11 (a) DEFINITION OF UNREIMBURSED FUNDS.—In
12 this section, the term “unreimbursed funds”, with respect
13 to a project carried out by the Secretary, means funds
14 spent by a non-Federal sponsor, including for in-kind serv-
15 ices, for the project that have not been reimbursed by the
16 Secretary under an existing agreement before the end of
17 the fiscal year following the fiscal year in which the funds
18 were spent.

19 (b) APPLICATION OF UNREIMBURSED FUNDS.—In
20 the case of a project carried out by the Secretary under
21 an existing agreement for which the non-Federal sponsor
22 has unreimbursed funds, on the request of the non-Fed-
23 eral sponsor, the Secretary shall—

24 (1) credit the unreimbursed funds to—

1 (A) the non-Federal operation and mainte-
2 nance cost-share for that project; or

3 (B) the non-Federal cost-share require-
4 ment of that non-Federal sponsor for another
5 project to be carried out by the Secretary; or

6 (2) reimburse the funds to the non-Federal
7 sponsor.

8 **SEC. 1006. CHALLENGE COST-SHARING PROGRAM FOR THE**
9 **MANAGEMENT OF RECREATION FACILITIES.**

10 Section 225(c) of the Water Resources Development
11 Act of 1992 (33 U.S.C. 2328(c)) is amended—

12 (1) by striking “non-Federal public entity” each
13 place it appears and inserting “non-Federal public
14 or private entity”; and

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

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

20 **SEC. 1007. COST ESTIMATES.**

21 Section 2008(c) of the Water Resources Development
22 Act of 2007 (33 U.S.C. 2340(c)) is amended by striking
23 “before, on, or after” and inserting “on or after”.

1 **SEC. 1008. RETROACTIVE CHANGES TO COST-SHARING**
2 **AGREEMENTS.**

3 Study costs incurred before the date of execution of
4 a feasibility cost-sharing agreement for a project to be car-
5 ried out under section 206 of the Water Resources Devel-
6 opment Act of 1996 (33 U.S.C. 2330) shall be Federal
7 costs, if—

8 (1) the study was initiated before October 1,
9 2006; and

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

12 **SEC. 1009. PROJECT PARTNERSHIP AGREEMENTS.**

13 (a) DEFINITION OF PROJECT PARTNERSHIP AGREE-
14 MENT.—In this section, the term “project partnership
15 agreement” means an agreement between the Secretary
16 and the non-Federal sponsor of a water resources project
17 that describes—

18 (1) the project; and

19 (2) the responsibilities of each of the Secretary
20 and the non-Federal sponsor with respect to cost-
21 sharing, execution of work, and other aspects of the
22 project.

23 (b) IMPROVED COST DESCRIPTION.—In any project
24 partnership agreement entered into after the date of en-
25 actment of this Act, the Secretary shall ensure that the
26 project partnership agreement includes clear and detailed

1 descriptions of operation and maintenance, repair, replace-
2 ment, and rehabilitation costs and the entity with respon-
3 sibility for those costs with respect to the project.

4 **SEC. 1010. STUDY AND REPORT ON EXPEDITING CERTAIN**
5 **WAIVER PROCESSES.**

6 Not later than 1 year after the date of enactment
7 of this Act, the Secretary shall complete, and submit to
8 the Committee on Environment and Public Works of the
9 Senate and the Committee on Transportation and Infra-
10 structure of the House of Representatives a report based
11 on the results of, a study on the best options available
12 to the Secretary to improve and expedite the waiver proc-
13 ess for the non-Federal cost-share under section 116 of
14 the Energy and Water Development and Related Agencies
15 Appropriations Act, 2010 (Public Law 111–85; 123 Stat.
16 2851).

17 **SEC. 1011. FEASIBILITY STUDIES FOR MITIGATION OF**
18 **STORM DAMAGE.**

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

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

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

1 “(F) COST-SHARE FOR CERTAIN MITIGA-
2 TION PROJECTS.—

3 “(i) IN GENERAL.—In the case of a
4 feasibility study described in clause (ii),
5 the Federal share of the cost of the study
6 shall be, as determined by the Secretary—

7 “(I) not less than 50 percent;

8 and

9 “(II) not more than 100 percent.

10 “(ii) FEASIBILITY STUDIES DE-
11 SCRIBED.—A feasibility study referred to
12 in clause (i) is a feasibility study for a
13 project for mitigation of damage to an area
14 affected by weather or other events for
15 which—

16 “(I) during the 8-year period
17 ending on the date of enactment of
18 the America’s Water Infrastructure
19 Act of 2018—

20 “(aa) the Secretary provided
21 emergency response under section
22 5 of the Act of August 18, 1941
23 (commonly known as the ‘Flood
24 Control Act of 1941’) (55 Stat.

1 650, chapter 377; 33 U.S.C.
2 701n); or

3 “(bb) the area received dis-
4 aster assistance under the Robert
5 T. Stafford Disaster Relief and
6 Emergency Assistance Act (42
7 U.S.C. 5121 et seq.); and

8 “(II) there is a significant risk
9 for future similar events (as deter-
10 mined by the Secretary).”.

11 **SEC. 1012. EXTENDED COMMUNITY ASSISTANCE BY THE**
12 **CORPS OF ENGINEERS.**

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

16 (1) by redesignating paragraph (3) as para-
17 graph (4); and

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

20 “(3) EXTENDED ASSISTANCE.—

21 “(A) IN GENERAL.—A State, Tribe, or
22 other entity receiving assistance under the
23 fourth sentence of paragraph (1) on land the
24 State, Tribe, or entity owns, has jurisdiction
25 over, or otherwise controls, may petition the

1 Secretary for extended assistance, to apply after
2 the 30-day period of the project under section
3 203.61(b)(8) of title 33, Code of Federal Regu-
4 lations (or successor regulations).

5 “(B) ASSISTANCE.—On a petition under
6 subparagraph (A), the Secretary shall provide
7 extended assistance in accordance with this
8 paragraph.

9 “(C) COST-SHARING.—Except as provided
10 in subparagraph (D), extended assistance under
11 this paragraph shall be subject to a minimum
12 non-Federal cost-sharing requirement of 45
13 percent.

14 “(D) EXCEPTION.—The Secretary—

15 “(i) may waive or reduce the min-
16 imum non-Federal cost-sharing require-
17 ment under subparagraph (C), at the dis-
18 cretion of the Secretary, if the Secretary
19 determines that the financial situation of
20 the non-Federal sponsor of the project
21 warrants a reduction; and

22 “(ii) may not impose a non-Federal
23 cost-sharing requirement on a project serv-
24 ing a disadvantaged community (as defined

1 in section 1452(d) of the Safe Drinking
2 Water Act (42 U.S.C. 300j–12(d)).

3 “(E) FACTORS.—In determining how to
4 best provide extended assistance under this
5 paragraph, the Secretary shall consider whether
6 granting the extended assistance would—

7 “(i) minimize costs of long-term bur-
8 dens on the non-Federal sponsor of the
9 project;

10 “(ii) increase the resiliency of the
11 project; and

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

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

19 **SEC. 1013. ADVANCED FUNDS FOR WATER RESOURCES DE-**
20 **VELOPMENT STUDIES AND PROJECTS.**

21 The Act of October 15, 1940 (54 Stat. 1176, chapter
22 884; 33 U.S.C. 701h–1) is amended—

23 (1) in the first sentence—

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

1 “(a) IN GENERAL.—Whenever any”;

2 (B) by striking “a flood-control project
3 duly adopted and authorized by law” and in-
4 serting “an authorized water resources develop-
5 ment study or project,”; and

6 (C) by striking “such work” and inserting
7 “such study or project”;

8 (2) in the second sentence—

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

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

12 (B) by striking “from appropriations which
13 may be provided by Congress for flood-control
14 work” and inserting “if specific appropriations
15 are provided by Congress for such purpose”;
16 and

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

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

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

24 “(1) a State;

25 “(2) the District of Columbia;

1 “(3) the Commonwealth of Puerto Rico;

2 “(4) any other territory or possession of the
3 United States; and

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

8 **SEC. 1014. IMPLEMENTATION GUIDANCE.**

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

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

18 (2) the Water Infrastructure Improvements for
19 the Nation Act (130 Stat. 1628).

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

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

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

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

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

14 (d) SUBMISSION.—The Secretary shall submit to the
15 Committee on Environment and Public Works of the Sen-
16 ate and the Committee on Transportation and Infrastruc-
17 ture of the House of Representatives a copy of all public
18 comments received under subsection (c) and a description
19 of any consideration of those comments.

20 **SEC. 1016. EASEMENTS FOR CERTAIN RURAL ELECTRIC,**
21 **TELEPHONE, AND BROADBAND SERVICE FA-**
22 **CILITIES.**

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

25 (1) by redesignating subsection (c) as sub-
26 section (d); and

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

3 “(c) CERTAIN EASEMENTS.—

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

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

15 **SEC. 1017. CORPS CAPABILITIES.**

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

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

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

1 that apply to the business line under which the project
2 was originally authorized.

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

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

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

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

17 **SEC. 1020. NON-FEDERAL STUDY AND CONSTRUCTION OF**
18 **PROJECTS.**

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

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

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

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

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

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

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

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

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

17 **SEC. 1021. REPORTS TO CONGRESS.**

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

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

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

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

21 (c) LIMITATIONS.—

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

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

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

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

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

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

19 (e) LIMITATION.—The Secretary shall not reprogram
20 funds to the General Expenses account of the civil works
21 program of the Corps of Engineers for the loss of the
22 funds.

23 (f) REPORT.—Not less frequently than once each fis-
24 cal year, the Secretary shall submit to the Committee on
25 Environment and Public Works of the Senate and the

1 Committee on Transportation and Infrastructure of the
2 House of Representatives a report that includes a list of
3 each report or study by the Secretary that—

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

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

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

10 **SEC. 1022. DISPOSITION STUDIES.**

11 The Secretary shall carry out any disposition study
12 for a project of the Corps of Engineers in a transparent
13 manner, including—

14 (1) by offering opportunities for public input
15 during the study; and

16 (2) publishing and making publicly available
17 final disposition studies.

18 **SEC. 1023. NATURAL INFRASTRUCTURE.**

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

1 **SEC. 1024. WATERCRAFT INSPECTION STATIONS.**

2 Section 104 of the River and Harbor Act of 1958
3 (33 U.S.C. 610) is amended—

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

6 “(b) AUTHORIZATION OF APPROPRIATIONS.—

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

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

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

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

19 (2) in subsection (d)—

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

22 “(1) IN GENERAL.—

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

1 “(i) to protect the Columbia River
2 Basin; and

3 “(ii) to protect the Upper Missouri
4 River Basin.

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

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

18 (B) by striking paragraph (3)(A) and in-
19 serting the following:

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

1 **SEC. 1025. REAUTHORIZATION OF NON-FEDERAL IMPLE-**
2 **MENTATION PILOT PROGRAM.**

3 Section 1043 of the Water Resources Reform and De-
4 velopment Act of 2014 (33 U.S.C. 2201 note; Public Law
5 113–121) is amended—

6 (1) in subsection (a)—

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

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

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

16 (2) in subsection (b)—

17 (A) in paragraph (3)(A)(i), by striking
18 “date of enactment of this Act” each place it
19 appears and inserting “date of enactment of the
20 America’s Water Infrastructure Act of 2018”;

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

24 (C) in paragraph (5)(B), by inserting “and
25 not later than 3 years after the date of enact-

1 ment of the America’s Water Infrastructure Act
2 of 2018” after “this Act”;

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

5 (E) in paragraph (8), by striking “each of
6 fiscal years 2015 through 2019” and inserting
7 “each of fiscal years 2015 through 2021”.

8 **SEC. 1026. PROJECT STUDIES SUBJECT TO INDEPENDENT**
9 **PEER REVIEW.**

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

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

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

20 “(A) complete an analysis of—

21 “(i) cost and time overruns for
22 projects subject to this section;

23 “(ii) the effectiveness of peer review,
24 and the extent to which planning problems

1 are identified in the peer review process;
2 and

3 “(iii) whether the Secretary plans to
4 take actions to improve the general plan-
5 ning process to address planning problems
6 identified in multiple reviews by Inde-
7 pendent External Peer Review panels; and

8 “(B) submit to the Committee on Environ-
9 ment and Public Works of the Senate and the
10 Committee on Transportation and Infrastruc-
11 ture of the House of Representatives a report
12 describing the results of the analysis under sub-
13 paragraph (A).”.

14 **SEC. 1027. EXPEDITED CONSIDERATION.**

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

19 **SEC. 1028. WIFIA STUDY.**

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

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

1 (A) the obstacles that need to be removed
2 for the Secretary to implement the responsibil-
3 ities of the Secretary under that Act;

4 (B) an identification of all projects that
5 the Secretary determines to be potentially viable
6 to receive assistance under that Act; and

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

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

16 **SEC. 1029. ENHANCED DEVELOPMENT DEMONSTRATION**
17 **PROGRAM.**

18 (a) IN GENERAL.—The Secretary is directed to re-
19 view the master plan and shoreline management plan for
20 any lake described in section 3134 of the Water Resources
21 Development Act of 2007 (121 Stat. 1142; 130 Stat.
22 1671) for the purpose of identifying areas suitable for en-
23 hanced development if—

1 (1) the master plan and shoreline management
2 plan of the lake have been updated since January 1,
3 2013; and

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

6 (b) DEFINITION OF ENHANCED DEVELOPMENT.—In
7 this section, the term “enhanced development” means
8 structures or other improvements used for non-water-de-
9 pendent commercial or hospitality industry purposes or for
10 residential or recreational purposes.

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

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

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

22 (1) require payment of at least fair market
23 value, up to 50 percent of which amount may be
24 provided 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 recre-
11 ation facilities under the control of the Secretary;
12 and

13 (2) construction of new public recreation facili-
14 ties.

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

23 (1) Natural resource and recreation manage-
24 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
10 2 years after the date of enactment of this Act, the Sec-
11 retary 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
15 authorities to the civil works program of the Sec-
16 retary; and

17 (2) submit to Congress a report on the results
18 of the study under paragraph (1), including a de-
19 scription of the obstacles that must be removed to
20 implement the authorities.

21 **SEC. 1030. DUPLICATION OF EFFORTS.**

22 In the case of a project in which the non-Federal
23 sponsor is working with an institution of higher education,
24 in order to reduce duplication of efforts, the Secretary
25 shall consider hiring an institution of higher education or

1 entity, in accordance with any applicable contract law, to
2 provide assistance under section 22 of the Water Re-
3 sources Development Act of 1974 (42 U.S.C. 1962d-16)
4 with respect to that 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
16 applicant; 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
22 STATEMENTS.—No environmental impact statement
23 or environmental assessment required under the Na-
24 tional Environmental Policy Act of 1969 (42 U.S.C.
25 4321 et seq.) shall substantially commence with re-

1 spect to a water storage project for which an appli-
2 cation is submitted as described in paragraph (1)
3 until the date on which the District Engineer pro-
4 vides to the applicant the purpose and need state-
5 ment under that paragraph.

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 ap-
10 plicable 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 es-
14 tablish a board of appeals, to be known as the
15 “Corps of Engineers Board of Appeals” (referred to
16 in this subsection as the “Board”).

17 (2) MEMBERSHIP.—

18 (A) IN GENERAL.—The Board shall be
19 composed of 5 members, to be appointed by the
20 Secretary, 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 mem-
9 bers to serve on the Board, the Secretary shall
10 ensure 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
17 on the record of decision under subsection
18 (b).

19 (4) CONSIDERATION BY DISTRICT ENGINEER.—

20 (A) IN GENERAL.—In the case of any de-
21 termination of the Board under paragraph
22 (3)(A), the applicable District Engineer shall
23 reconsider the purpose and need statement or
24 permit condition, as applicable, taking into con-

1 sideration the determination of the Board under
2 paragraph (3)(A).

3 (B) EXPLANATION.—If the District Engi-
4 neer determines not to accept a determination
5 under subparagraph (A), the District Engineer
6 shall, not later than 90 days after the date on
7 which the District Engineer receives the deter-
8 mination, provide to the applicant and to the
9 Board a written explanation as to why the Dis-
10 trict Engineer rejected the determination.

11 **SEC. 1032. SENSE OF CONGRESS RELATING TO LOCAL ROLE**
12 **IN CORPS PROJECTS.**

13 It is the sense of Congress that in a case in which
14 a local non-Federal interest takes responsibility for certain
15 operation, maintenance, or capital improvement expenses
16 of a project of the Secretary, the provision of funds by
17 the local non-Federal interest results in savings to Federal
18 taxpayers.

19 **SEC. 1033. SENSE OF CONGRESS RELATING TO STUDY OF**
20 **WATER RESOURCES DEVELOPMENT**
21 **PROJECTS BY NON-FEDERAL INTERESTS.**

22 It is the sense of Congress that the amendment to
23 section 203 of the Water Resources Development Act of
24 1986 (33 U.S.C. 2231) made by section 1126 of the Water
25 Infrastructure Improvements for the Nation Act (130

1 Stat. 1648) was intended to supersede any conflicting
2 laws.

3 **SEC. 1034. SENSE OF CONGRESS RELATING TO PROJECT**
4 **PARTNERSHIP AGREEMENTS.**

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

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

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

12 **SEC. 1035. SENSE OF CONGRESS RELATING TO ENCOUR-**
13 **AGING RESILIENT TECHNIQUES AND HABI-**
14 **TAT CONNECTIVITY IN ECOSYSTEM RES-**
15 **TORATION.**

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

21 (1) encouraging the use of resilient structural
22 or nonstructural construction techniques; and

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

1 **SEC. 1036. ALTERATIONS TO LOCAL FLOOD CONTROL**
2 **PROJECTS.**

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

11 **SEC. 1037. NON-FEDERAL CONSTRUCTION.**

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

15 “(3) NON-FEDERAL CONSTRUCTION.—

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

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

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

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

14 **SEC. 1038. CONTRIBUTED FUNDS FOR NON-FEDERAL RES-**
15 **ERVOIR OPERATIONS.**

16 Section 5 of the Act of June 22, 1936 (commonly
17 known as the “Flood Control Act of 1936”) (49 Stat.
18 1589, chapter 688; 33 U.S.C. 701h) is amended by insert-
19 ing after “authorized purposes of the project” the fol-
20 lowing: “*Provided further*, That the Secretary is author-
21 ized to receive and expend funds from a State or a political
22 subdivision of a State, another non-Federal interest, or an
23 owner of a non-Federal reservoir to formulate, review, or
24 revise operational documents for any non-Federal res-
25 ervoir for which the Secretary is authorized to prescribe

1 regulations for the use of storage allocated for flood con-
2 trol or navigation pursuant to section 7 of the Act of De-
3 cember 22, 1944 (58 Stat. 890, chapter 665; 33 U.S.C.
4 709):”.

5 **SEC. 1039. MITIGATION BANK CREDIT RELEASE SCHED-**
6 **ULES.**

7 (a) DEFINITION OF MITIGATION BANK.—In this sec-
8 tion, the term “mitigation bank” has the meaning given
9 that term in section 332.2 of title 33, Code of Federal
10 Regulations (as in effect on the date of enactment of this
11 Act).

12 (b) GUIDANCE.—The Secretary, in coordination with
13 the Administrator of the Environmental Protection Agen-
14 cy, shall issue guidance for the development of mitigation
15 bank credit release schedules that—

16 (1) support the goal of achieving expedited per-
17 mitting; and

18 (2) maintain appropriate environmental protec-
19 tions.

20 (c) REQUIREMENTS.—In achieving the goal of expe-
21 dited permitting, the guidance issued under subsection (b)
22 shall—

23 (1) achieve compliance with the requirements
24 of—

1 (A) the final rule entitled “Compensatory
2 Mitigation for Losses of Aquatic Resources”
3 (73 Fed. Reg. 19594 (April 10, 2008)); and

4 (B) section 314(b) of the National Defense
5 Authorization Act for Fiscal Year 2004 (33
6 U.S.C. 1344 note; Public Law 108–136); and
7 (2) require—

8 (A) the mitigation bank sponsor to provide
9 financial assurances to ensure the completion,
10 in accordance with applicable performance
11 standards, of the mitigation bank in accordance
12 with section 332.3(n) of title 33, Code of Fed-
13 eral Regulations (as in effect on the date of en-
14 actment of this Act);

15 (B) the mitigation bank sponsor to reserve
16 the quantity of mitigation bank credits required
17 to ensure ecological performance of the mitiga-
18 tion bank; and

19 (C) that, except for credits reserved under
20 subparagraph (B), all mitigation bank credits
21 shall be available on completion of the construc-
22 tion of the bank.

1 **SEC. 1040. INNOVATIVE MATERIALS REPORT.**

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

5 (1) describes activities conducted by the Corps
6 of Engineers at centers of expertise, technology cen-
7 ters, technical centers, research and development
8 centers, and similar facilities and organizations re-
9 lating to the testing, research, development, identi-
10 fication, and recommended uses for innovative mate-
11 rials in water resources projects; and

12 (2) provides recommendations for projects in
13 which innovative materials should be used.

14 **SEC. 1041. UPDATES TO BENEFIT-COST ANALYSIS.**

15 Notwithstanding any other provision of law, for any
16 project of the Secretary for which construction has com-
17 menced, the Secretary shall not perform or update a ben-
18 efit-cost analysis of the project.

19 **SEC. 1042. LOCAL GOVERNMENT WATER MANAGEMENT**
20 **PLANS.**

21 The Secretary, with the consent of the non-Federal
22 sponsor of a feasibility study for a water resources devel-
23 opment project, may enter into a feasibility study cost-
24 sharing agreement under section 221(a) of the Flood Con-
25 trol Act of 1970 (42 U.S.C. 1962d–5b(a)), to allow a unit
26 of local government in a watershed that has adopted a

1 local or regional water management plan to participate in
2 the feasibility study to determine if there is an opportunity
3 to include additional feasible elements in the project being
4 studied to help achieve the purposes identified in the local
5 or regional water management plan.

6 **SEC. 1043. ACCESS TO REAL ESTATE DATA.**

7 (a) IN GENERAL.—Using available funds, the Sec-
8 retary shall make publicly available, including on the inter-
9 net, all real estate assets of the Corps of Engineers in
10 the United States and other Federal real estate assets
11 owned, operated, managed, regulated, or in the custody
12 of the Corps of Engineers.

13 (b) REQUIREMENTS.—

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

16 (A) existing standardized real estate plat
17 descriptions; and

18 (B) existing geographic information sys-
19 tems and geospatial information.

20 (2) COLLABORATION.—In distributing the in-
21 formation required under subsection (a), the Sec-
22 retary shall collaborate with the Administrator of
23 General Services.

24 (c) LIMITATION.—Nothing in this section shall com-
25 pel or authorize the disclosure of data or other information

1 determined by the Secretary to be confidential, privileged,
2 national security information, personal information, or in-
3 formation the disclosure of which is otherwise prohibited
4 by law.

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

8 **SEC. 1044. ADVANCED FUNDS FOR DISCRETE SEGMENTS.**

9 (a) IN GENERAL.—The Secretary may accept and ex-
10 pend funds advanced from a non-Federal interest to carry
11 out a discrete segment of an authorized project for naviga-
12 tion of the Secretary if the Secretary determines that the
13 discrete segment—

14 (1) is technically feasible and environmentally
15 acceptable; and

16 (2) can be operated independently without cre-
17 ating a hazard in advance of completion of the
18 project.

19 (b) CREDIT.—The Secretary may credit the funds ad-
20 vanced under subsection (a) toward the non-Federal share
21 of the cost of the project for which the funds were ad-
22 vanced.

1 **SEC. 1045. INCLUSION OF NON-FEDERAL INTERESTS IN**
2 **PROJECT CONSULTATIONS.**

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

8 (b) CONSIDERATION OF VIEWS.—

9 (1) IN GENERAL.—The Secretary shall solicit
10 and give full consideration to the views of a non-
11 Federal interest when carrying out the responsibil-
12 ities of the Secretary with respect to consultations
13 with Federal and State agencies and Indian Tribes
14 required by Federal law for a water resources devel-
15 opment study or project.

16 (2) CONTINUED CONSULTATIONS.—The Sec-
17 retary shall require the applicable District Com-
18 mander to engage in consultation with a non-Federal
19 interest throughout the course of a water resources
20 development study or project.

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

1 **SEC. 1046. CATEGORICAL EXCLUSIONS.**

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

4 (1) by striking “Water Resources Reform and
5 Development Act of 2014” each place it appears and
6 inserting “America’s Water Infrastructure Act of
7 2018”;

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

10 (3) in paragraph (2), by striking “(or successor
11 regulation)” and inserting “(as in effect on the date
12 of enactment of the America’s Water Infrastructure
13 Act of 2018)”.

14 **SEC. 1047. GEOMATIC DATA.**

15 If a Federal or State department or agency consid-
16 ering an aspect of an application for Federal authorization
17 requires the applicant to submit environmental data, the
18 department or agency shall consider any such data sub-
19 mitted by the applicant which was gathered by geomatic
20 techniques, including tools and techniques used in land
21 surveying, remote sensing, cartography, geographic infor-
22 mation systems, global navigation satellite systems, photo-
23 grammetry, geophysics, geography, or other remote
24 means. The applicable agency may grant conditional ap-
25 proval for Federal authorization, conditioned on the
26 verification of such data by subsequent onsite inspection.

1 **SEC. 1048. FLEXIBILITY FOR PROJECTS.**

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

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

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

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

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

16 (2) otherwise provide additional flexibility or ex-
17 pedited processing with respect to the requirements
18 described in paragraph (1) to meet the goal de-
19 scribed in subsection (a)(1).

20 (c) MAINTAINING PROTECTIONS.—Nothing in this
21 section—

22 (1) supersedes, amends, or modifies—

23 (A) section 1001(a)(1) of the Water Re-
24 sources Reform and Development Act of 2014
25 (33 U.S.C. 2282c(a)(1)); or

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

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

7 **TITLE II—STUDIES, MODIFICA-**
8 **TIONS, AND PROJECT AU-**
9 **THORIZATIONS**

10 **Subtitle A—Studies**

11 **SEC. 2001. AUTHORIZATION OF PROPOSED FEASIBILITY**
12 **STUDIES.**

13 The Secretary is authorized to conduct a feasibility
14 study for the following projects for water resources devel-
15 opment and conservation and other purposes, as identified
16 in the reports titled “Report to Congress on Future Water
17 Resources Development” submitted to Congress in March
18 2017 and February 2018, respectively, pursuant to section
19 7001 of the Water Resources Reform and Development
20 Act of 2014 (33 U.S.C. 2282d) or otherwise reviewed by
21 Congress:

22 (1) LOWER MISSISSIPPI RIVER, ARKANSAS, KEN-
23 TUCKY, LOUISIANA, MISSOURI, MISSISSIPPI, AND
24 TENNESSEE.—Project for water quality monitoring
25 program and planning, engineering, and design for

1 8 conservation reach habitat areas, Lower Mis-
2 sissippi River, Arkansas, Kentucky, Louisiana, Mis-
3 souri, Mississippi, and Tennessee.

4 (2) OUACHITA-BLACK RIVERS NAVIGATION
5 PROJECT, ARKANSAS AND LOUISIANA.—Project for
6 navigation, Lower Little River, Arkansas and Lou-
7 isiana.

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

12 (4) NORTHSHORE FLOOD RISK REDUCTION,
13 LOUISIANA.—Project for northshore flood risk reduc-
14 tion, St. Tammany Parish, Louisiana.

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

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

4 (7) TRINITY RIVER AND TRIBUTARIES,
5 TEXAS.—Project for navigation, Trinity River and
6 tributaries, channel to Liberty, Texas.

7 (8) COASTAL VIRGINIA WATER RESOURCES, VIR-
8 GINIA.—Project for hurricane and storm damage
9 risk reduction, coastal Virginia water resources, Vir-
10 ginia.

11 (9) TANGIER ISLAND, VIRGINIA.—Project for
12 ecosystem restoration, flood risk management, and
13 navigation, Tangier Island, Virginia.

14 **SEC. 2002. LOWER MISSOURI RIVER BANK STABILIZATION**
15 **AND NAVIGATION.**

16 The Secretary is authorized to conduct a study on
17 the function and reliability of the Lower Missouri River
18 Bank stabilization and navigation project, authorized by
19 the first section of the Act of July 25, 1912 (37 Stat.
20 219, chapter 253).

1 **Subtitle** **B—Deauthorizations,**
2 **Modifications, and Related Pro-**
3 **visions**

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

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

7 (1) by striking “\$492,000,000” and inserting
8 “\$677,613,600”;

9 (2) by striking “\$214,000,000” and inserting
10 “\$295,829,400”; and

11 (3) by striking “\$706,000,000” and inserting
12 “\$973,443,000”.

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

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

18 **SEC. 2103. WHITTIER NARROWS STUDY.**

19 (a) IN GENERAL.—Not later than 1 year after the
20 date of enactment of this Act, the Secretary shall complete
21 a study evaluating the impacts of removing 1 percent of
22 the flowage spreading grounds from the flood control ease-
23 ment granted for the Whittier Narrows dam for the
24 project on the San Gabriel River authorized by section 5
25 of the Act of June 22, 1936 (commonly known as the

1 “Flood Control Act of 1936”) (49 Stat. 1589, chapter
2 688; 33 U.S.C. 701h).

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

7 **SEC. 2104. WEST TENNESSEE TRIBUTARIES PROJECT, TEN-**
8 **NESSEE.**

9 The West Tennessee tributaries project along the
10 Obion and Forked Deer Rivers, Tennessee, authorized by
11 section 203 of the Flood Control Act of 1948 (62 Stat.
12 1178) and modified by section 207 of the Flood Control
13 Act of 1966 (80 Stat. 1423), section 3(a) of the Water
14 Resources Development Act of 1974 (88 Stat. 14), and
15 section 183 of the Water Resources Development Act of
16 1976 (90 Stat. 2940) is no longer authorized beginning
17 on the date of enactment of this Act.

18 **SEC. 2105. BRIDGEPORT HARBOR-PEQUONNOCK RIVER**
19 **NAVIGATION PROJECT, CONNECTICUT.**

20 The portions of the project for navigation, Bridgeport
21 Harbor-Pequonnock River, Bridgeport, Connecticut, au-
22 thorized by the first section of the Act of June 18, 1878
23 (20 Stat. 158, chapter 264), the first section of the Act
24 of August 11, 1888 (25 Stat. 401, chapter 860), the first
25 section of the Act of March 3, 1899 (30 Stat. 1122, chap-

1 ter 425), the first section of the Act of June 25, 1910
2 (36 Stat. 633, chapter 382), and the first section of the
3 Act of July 3, 1930 (46 Stat. 919, chapter 847), located
4 north of Congress Street in Bridgeport, Connecticut, are
5 no longer authorized beginning on the date of enactment
6 of this Act.

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

9 The portions of the project for flood control and other
10 purposes, Four River Basins, Florida, authorized by sec-
11 tion 203 of the Flood Control Act of 1962 (76 Stat. 1183),
12 consisting of levees L-212 and L-231 along the Ocklawaha
13 River, Florida, are no longer authorized beginning on the
14 date of enactment of this Act.

15 **SEC. 2107. CORPS OF ENGINEERS BRIDGE REPAIR AND DI-**
16 **VESTITURE PROGRAM FOR NEW ENGLAND**
17 **EVACUATION ROUTES.**

18 (a) IN GENERAL.—Subject to the availability of ap-
19 propriations, the Secretary is authorized to repair or re-
20 place, as necessary, any bridge owned and operated by the
21 Secretary that is—

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

1 (2) necessary for evacuation during a natural or
2 manmade weather event.

3 (b) SALE OR DIVESTMENT.—Notwithstanding any
4 other provision of law, to the maximum extent practicable,
5 after the completion of the repair or replacement of a
6 bridge under subsection (a), the Secretary shall convey the
7 bridge to a willing non-Federal entity, which shall assume
8 ownership and responsibility for the operation and mainte-
9 nance of the bridge.

10 **SEC. 2108. BOSTON HARBOR RESERVED CHANNEL**
11 **DEAUTHORIZATIONS.**

12 (a) 40-FOOT RESERVED CHANNEL.—

13 (1) IN GENERAL.—The portions of the project
14 for navigation, Boston Harbor, Massachusetts, au-
15 thorized by the first section of the Act of October
16 17, 1940 (54 Stat. 1198, chapter 895) and modified
17 by section 101 of the River and Harbor Act of 1958
18 (72 Stat. 297), section 101(a)(13) of the Water Re-
19 sources Development Act of 1990 (104 Stat. 4607),
20 and section 7002(1) of the Water Resources Reform
21 and Development Act of 2014 (128 Stat. 1365) de-
22 scribed in paragraph (2) are no longer authorized
23 beginning on the date of enactment of this Act.

24 (2) AREAS DESCRIBED.—

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

3 (i) beginning at a point N.
4 2950154.45, E. 785995.64;

5 (ii) running southwesterly about
6 1451.63 feet to a point N. 2950113.83, E.
7 784544.58;

8 (iii) running southeasterly about
9 54.00 feet to a point N. 2950059.85, E.
10 784546.09;

11 (iv) running southwesterly about
12 1335.82 feet to a point N. 2950022.48, E.
13 783210.79;

14 (v) running northwesterly about 83.00
15 feet to a point N. 2950105.44, E.
16 783208.47;

17 (vi) running northeasterly about
18 2787.45 feet to a point N. 2950183.44, E.
19 785994.83; and

20 (vii) running southeasterly about
21 29.00 feet to the point described in clause

22 (i).

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

1 (i) beginning at a point N.
2 2950502.86, E. 785540.84;

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

5 (iii) running southwesterly about
6 25.67 feet to a point N. 2950480.84, E.
7 785576.18;

8 (iv) running southwesterly to a point
9 N. 2950414.32, E. 783199.83;

10 (v) running northwesterly about 8.00
11 feet to a point N. 2950422.32, E.
12 783199.60;

13 (vi) running northeasterly about
14 2342.58 feet to a point N. 2950487.87, E.
15 785541.26; and

16 (vii) running northwesterly about
17 15.00 feet to the point described in clause
18 (i).

19 (b) 35-FOOT RESERVED CHANNEL.—

20 (1) IN GENERAL.—The portions of the project
21 for navigation, Boston Harbor, Massachusetts, au-
22 thorized by the first section of the Act of October
23 17, 1940 (54 Stat. 1198, chapter 895) and modified
24 by section 101 of the River and Harbor Act of 1958
25 (72 Stat. 297) described in paragraph (2) are no

1 longer authorized beginning on the date of enact-
2 ment of this Act.

3 (2) AREAS DESCRIBED.—

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

6 (i) beginning at a point N.
7 2950143.44, E. 787532.14;

8 (ii) running southeasterly about 22.21
9 feet to a point N. 2950128.91, E.
10 787548.93;

11 (iii) running southwesterly about
12 4,339.42 feet to a point N. 2950007.48, E.
13 783211.21;

14 (iv) running northwesterly about
15 15.00 feet to a point N. 2950022.48, E.
16 783210.79; and

17 (v) running northeasterly about
18 4,323.05 feet to the point described in
19 clause (i).

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

22 (i) beginning at a point N.
23 2950502.86, E. 785540.84;

1 (ii) running southeasterly about 15.00
2 feet to a point N. 2950487.87, E.
3 785541.26;

4 (iii) running southwesterly about
5 2342.58 feet to a point N. 2950422.32, E.
6 783199.60;

7 (iv) running southeasterly about 8.00
8 feet to a point N. 2950414.32, E.
9 783199.83;

10 (v) running southwesterly about
11 1339.12 feet to a point N. 2950376.85, E.
12 781861.23;

13 (vi) running northwesterly about
14 23.00 feet to a point N. 2950399.84, E.
15 781860.59; and

16 (vii) running northeasterly about
17 3681.70 feet to the point described in
18 clause (i).

19 **SEC. 2109. PROJECT DEAUTHORIZATION AND STUDY EX-**
20 **TENSIONS.**

21 (a) PROJECT DEAUTHORIZATIONS.—Section 6003(a)
22 of the Water Resources Reform and Development Act of
23 2014 (33 U.S.C. 579c(a)) is amended—

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

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

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

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

11 (b) STUDY EXTENSIONS.—Section 1001(d)(4) of the
12 Water Resources Reform and Development Act of 2014
13 (33 U.S.C. 2282c(d)(4)) is amended by striking “7 years”
14 and inserting “10 years”.

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

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

17 (1) to identify \$7,500,000,000 in feasibility
18 studies for water resources development projects
19 that have been authorized but are no longer viable
20 due to—

21 (A) a lack of local support;

22 (B) a lack of available Federal or non-Fed-
23 eral resources; or

24 (C) an authorizing purpose that is no
25 longer relevant;

1 (2) to create an expedited and definitive process
2 for Congress to deauthorize feasibility studies for
3 water resources development projects that are no
4 longer viable; and

5 (3) to allow the continued authorization of fea-
6 sibility studies for water resources development
7 projects that are viable.

8 (b) INTERIM DEAUTHORIZATION LIST.—

9 (1) IN GENERAL.—The Secretary shall develop
10 an interim deauthorization list that identifies each
11 feasibility study for a water resources development
12 project, or a separable element of a project (referred
13 to in this section as a “feasibility study”)—

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

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

19 (2) PUBLIC COMMENT AND CONSULTATION.—

20 (A) IN GENERAL.—The Secretary shall so-
21 licit comments from the public and from the
22 Governor of each applicable State on the in-
23 terim deauthorization list developed under para-
24 graph (1).

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

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

7 (A) submit a revised interim deauthoriza-
8 tion list to the Committee on Environment and
9 Public Works of the Senate and the Committee
10 on Transportation and Infrastructure of the
11 House of Representatives; and

12 (B) publish the revised interim deauthor-
13 ization list in the Federal Register.

14 (c) FINAL DEAUTHORIZATION LIST.—

15 (1) IN GENERAL.—The Secretary shall develop
16 a final deauthorization list of feasibility studies from
17 the revised interim deauthorization list described in
18 subsection (b)(3).

19 (2) DEAUTHORIZATION AMOUNT.—

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

1 (B) DETERMINATION OF FEDERAL COST
2 TO COMPLETE.—For purposes of subparagraph
3 (A), the Federal cost to complete shall take into
4 account any allowances authorized by section
5 902 of the Water Resources Development Act
6 of 1986 (33 U.S.C. 2280), as applied to the
7 most recent study schedule and cost estimate.

8 (3) IDENTIFICATION OF STUDIES.—

9 (A) SEQUENCING OF STUDIES.—

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

20 (ii) FACTORS TO CONSIDER.—The
21 Secretary may identify feasibility studies in
22 an order other than that established by
23 clause (i) if the Secretary determines, on a
24 case-by-case basis, that a feasibility study
25 is critical for interests of the United

1 States, based on the possible impact of the
2 project that is the subject of the feasibility
3 study on public health and safety, the na-
4 tional economy, or the environment.

5 (iii) CONSIDERATION OF PUBLIC COM-
6 MENTS.—In making determinations under
7 clause (ii), the Secretary shall consider any
8 comments received under subsection (b)(2).

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

12 (i) identifies each feasibility study on
13 the interim deauthorization list developed
14 under subsection (b) that is not included
15 on the proposed final deauthorization list;
16 and

17 (ii) describes the reasons why the fea-
18 sibility study is not included on the pro-
19 posed final list.

20 (4) PUBLIC COMMENT AND CONSULTATION.—

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

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

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

7 (A) submit a final deauthorization list and
8 an appendix to the final deauthorization list in
9 a report to the Committee on Environment and
10 Public Works of the Senate and the Committee
11 on Transportation and Infrastructure of the
12 House of Representatives; and

13 (B) publish the final deauthorization list
14 and the appendix to the final deauthorization
15 list in the Federal Register.

16 (d) DEAUTHORIZATION; CONGRESSIONAL REVIEW.—

17 (1) IN GENERAL.—After the expiration of the
18 180-day period beginning on the date of submission
19 of the final deauthorization list and appendix under
20 subsection (c), a feasibility study identified in the
21 final deauthorization list shall be deauthorized, un-
22 less Congress passes a joint resolution disapproving
23 the final deauthorization list prior to the end of that
24 period.

25 (2) NON-FEDERAL CONTRIBUTIONS.—

1 (A) IN GENERAL.—A feasibility study
2 identified in the final deauthorization list under
3 subsection (c) shall not be deauthorized under
4 this subsection if, before the expiration of the
5 180-day period referred to in paragraph (1),
6 the non-Federal interest for the feasibility study
7 provides sufficient funds to complete the feasi-
8 bility study.

9 (B) TREATMENT OF STUDIES.—Notwith-
10 standing subparagraph (A), each feasibility
11 study identified in the final deauthorization list
12 shall be treated as deauthorized for purposes of
13 the aggregate deauthorization amount described
14 in subsection (c)(2)(A).

15 (3) FEASIBILITY STUDIES IDENTIFIED IN AP-
16 PENDIX.—A feasibility study identified in the appen-
17 dix to the final deauthorization list shall remain sub-
18 ject to future deauthorization by Congress.

19 **SEC. 2111. CERTAIN DISPOSITION STUDIES.**

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

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

1 cluding improvements located in the Kentucky River, in
2 and to—

3 (1) Lock and Dam 1, located in Carroll County,
4 Kentucky;

5 (2) Lock and Dam 2, located in Owen and
6 Henry counties, Kentucky;

7 (3) Lock and Dam 3, located in Owen and
8 Henry counties, Kentucky; and

9 (4) Lock and Dam 4, located in Franklin Coun-
10 ty, Kentucky.

11 (c) CONDITIONS.—

12 (1) QUITCLAIM DEED.—A conveyance under
13 subsection (b) shall be accomplished by quitclaim
14 deed and without consideration.

15 (2) ADMINISTRATIVE COSTS.—The Secretary
16 shall be responsible for all administrative costs asso-
17 ciated with a conveyance under subsection (b), in-
18 cluding the costs of any surveys the Secretary deter-
19 mines to be necessary.

20 (3) ADDITIONAL TERMS AND CONDITIONS.—A
21 conveyance under subsection (b) shall be subject to
22 such additional terms and conditions as the Sec-
23 retary determines to be necessary to protect the pub-
24 lic interest.

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

6 (5) IMPROVEMENTS PROHIBITED.—

7 (A) IN GENERAL.—The Secretary may not
8 improve the locks and dams and land and im-
9 provements associated with the locks and dams
10 described in subsection (b) on or after the date
11 of enactment of this Act.

12 (B) SAVINGS CLAUSE.—Nothing in sub-
13 paragraph (A) prohibits the State from improv-
14 ing the locks and dams and the land and im-
15 provements associated with the locks and dams
16 described in subsection (b) on or after the date
17 of conveyance under subsection (b).

18 (6) APPLICABILITY OF REAL PROPERTY
19 SCREENING PROVISIONS.—Section 2696 of title 10,
20 United States Code, shall not apply to any convey-
21 ance under subsection (b).

22 (d) SAVINGS CLAUSE.—If the State does not accept
23 the conveyance under subsection (b) of the land and im-
24 provements associated with the locks and dams described
25 in subsection (b), the Secretary may dispose of the land

1 and improvements under subchapter III of chapter 5 of
2 title 40, United States Code.

3 **SEC. 2113. KISSIMMEE RIVER RESTORATION.**

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

14 **SEC. 2114. NORFOLK HARBOR AND CHANNEL, THIMBLE**
15 **SHOAL WIDENING, VIRGINIA.**

16 The Secretary may carry out the modifications to the
17 project for navigation, Norfolk Harbor and Channels, Vir-
18 ginia, authorized by section 201(a) of the Water Resources
19 Development Act of 1986 (100 Stat. 4090), as identified
20 in the report entitled “Report to Congress on Future
21 Water Resources Development” submitted to Congress in
22 February 2018, pursuant to section 7001 of the Water
23 Resources Reform and Development Act of 2014 (33
24 U.S.C. 2282d).

1 **Subtitle C—Water Resources**
 2 **Infrastructure**

3 **SEC. 2201. PROJECT AUTHORIZATIONS.**

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

14 (1) NAVIGATION.—

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

15 (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 |

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

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

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

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

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

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

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

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

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

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

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

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

5 (1) in subsection (f)—

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

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

10 and

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

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

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

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

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

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

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

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

8 (b) DESCRIPTION OF PROJECTS.—A project referred
9 to in subsection (a) is 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.
14 4835; 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
22 infrastructure.

23 **SEC. 2205. SENSE OF CONGRESS RELATING TO WEST**
24 **HAVEN, CONNECTICUT.**

25 It is the sense of Congress that, to the maximum ex-
26 tent practicable, the Secretary should prioritize the project

1 for storm damage reduction, West Haven, Connecticut,
2 authorized by section 101 of the River and Harbor Act
3 of 1954 (68 Stat. 1254) and section 3 of the Act of Au-
4 gust 13, 1946 (60 Stat. 1056, chapter 960; 33 U.S.C.
5 426g).

6 **SEC. 2206. COASTAL TEXAS STUDY.**

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

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

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

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

1 neering, and design in accordance with section 910 of the
2 Water Resources Development Act of 1986 (33 U.S.C.
3 2287).

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

6 The Secretary shall expedite the completion of the
7 Hudson-Raritan Estuary Comprehensive Restoration
8 Project—

9 (1) in a timely manner; and

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

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

14 The Secretary shall adhere to the proposed schedules
15 and avoid delays to the extent practicable with respect
16 to—

17 (1) the project for navigation, Providence River,
18 Rhode Island, authorized by the first section of the
19 Act of August 26, 1937 (50 Stat. 845, chapter 832)
20 and section 301 of the River and Harbor Act of
21 1965 (79 Stat. 1089);

22 (2) the feasibility study for the project for
23 coastal storm risk management, Pawcatuck River,
24 Rhode Island, authorized in the matter under the
25 heading “INVESTIGATIONS” under the heading

1 “CORPS OF ENGINEERS—CIVIL” under the heading
2 “DEPARTMENT OF THE ARMY” in title X of
3 division A of the Disaster Relief Appropriations Act,
4 2013 (Public Law 113–2; 127 Stat. 23); and
5 (3) the Rhode Island historical structure flood
6 hazard vulnerability assessment.

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

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

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

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

18 **SEC. 2306. BRANDON ROAD STUDY.**

19 The Secretary shall complete a final feasibility report
20 for the Great Lakes Mississippi River Interbasin Study
21 Brandon Road Study, authorized under section 3061(d)
22 of the Water Resources Development Act of 2007 (121
23 Stat. 1121) and section 1538(b)(1) of MAP–21 (Public
24 Law 112–141; 126 Stat. 586) by the original deadline of
25 February 2019.

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

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

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

8 The Secretary shall expedite the project for naviga-
9 tion for Portsmouth Harbor and the Piscataqua River au-
10 thorized by section 101 of the River and Harbor Act of
11 1962 (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
20 (130 Stat. 1680) with respect to the Table Rock Lake
21 Master Plan and Table Rock Lake Shoreline Management
22 Plan.

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

24 The Secretary shall consider the project for flood con-
25 trol at McCook Reservoir, Illinois, authorized by section
26 3(a)(5) of the Water Resources Development Act of 1988

1 (102 Stat. 4013; 110 Stat. 3716), a priority for the non-
2 Federal project implementation pilot project under section
3 1043(b) of the Water Resources Reform and Development
4 Act of 2014 (33 U.S.C. 2201 note; Public Law 113–121).

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

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

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

11 The Secretary shall expedite completion of the project
12 for hurricane and storm damage risk reduction, Morganza
13 to the Gulf, Louisiana, authorized by section 7002(3) of
14 the Water Resources Reform and Development Act of
15 2014 (128 Stat. 1368).

16 **SEC. 2314. LOUISIANA COASTAL AREA.**

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

22 **SEC. 2315. LOUISIANA COASTAL AREA-BARATARIA BASIN**
23 **BARRIER.**

24 The Secretary shall expedite completion of the project
25 for environmental restoration, Louisiana Coastal Area–

1 Barataria Basin Barrier, Louisiana, authorized by section
2 7002(5) of the Water Resources Reform and Development
3 Act of 2014 (128 Stat. 1370).

4 **SEC. 2316. WEST SHORE LAKE PONTCHARTRAIN, LOU-**
5 **ISIANA.**

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

11 **SEC. 2317. SOUTHWEST COASTAL LOUISIANA.**

12 The Secretary shall expedite completion of the project
13 for hurricane and storm damage risk reduction and eco-
14 system restoration, Southwest Coastal Louisiana, Lou-
15 isiana, authorized by section 1401(8) of the Water Infra-
16 structure Improvements for the Nation Act (130 Stat.
17 1715).

18 **SEC. 2318. NEW YORK-NEW JERSEY HARBOR AND TRIBU-**
19 **TARIES FEASIBILITY STUDY.**

20 Not later than 90 days after the date of enactment
21 of this Act, the Secretary shall complete the New York-
22 New Jersey Harbor and Tributaries Focus Area Feasi-
23 bility Study authorized by the first section of the Act of
24 June 15, 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.
7 2269).

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

11 **SEC. 2320. HAMPTON HARBOR, NEW HAMPSHIRE, NAVIGA-**
12 **TION IMPROVEMENT PROJECT.**

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

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

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

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

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

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

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

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

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

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

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

1 **SEC. 2323. HOUMA NAVIGATION CANAL, LOUISIANA.**

2 The Secretary shall expedite the review for the study
3 for navigation and channel deepening, Houma Navigation
4 Canal, Louisiana, authorized by section 1001(24)(B) of
5 the Water Resources Development Act of 2007 (121 Stat.
6 1053), under section 203 of the Water Resources Develop-
7 ment Act of 1986 (33 U.S.C. 2231).

8 **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
16 of August 13, 1946 (60 Stat. 1056, chapter 960; 33
17 U.S.C. 426g(e)) is amended—

18 (1) in paragraph (1), by striking
19 “\$30,000,000” 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
26 “\$50,000,000” and inserting “\$62,500,000”; and

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

3 (c) SHORE DAMAGE PREVENTION OR MITIGATION.—
4 Section 111 of the River and Harbor Act of 1968 (33
5 U.S.C. 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 sec-
11 tion that, on the date of enactment of the America’s Water
12 Infrastructure Act of 2018, is authorized to be carried out
13 at a cost greater than \$10,000,000, the Secretary may
14 provide to the project an increase in funding equal to the
15 lesser of—

16 “(1) 50 percent of the authorized amount; and

17 “(2) \$5,000,000.”.

18 (d) REGIONAL SEDIMENT MANAGEMENT.—Section
19 204 of the Water Resources Development Act of 1992 (33
20 U.S.C. 2326) is amended—

21 (1) in subsection (c)(1)(C), by striking
22 “\$10,000,000” and inserting “\$12,500,000”; and

23 (2) in subsection (g), in the first sentence, by
24 striking “\$50,000,000” and inserting
25 “\$62,500,000”.

1 (e) SMALL FLOOD CONTROL PROJECTS.—Section
2 205 of the Flood Control Act of 1948 (33 U.S.C. 701s)
3 is amended—

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
9 206 of the Water Resources Development Act of 1996 (33
10 U.S.C. 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
20 “\$10,000,000” 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
2 Resources Development Act of 1986 (33 U.S.C.
3 2309a) 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
10 (i) as subsections (i) and (j), respectively; and

11 (D) by inserting after subsection (g) the
12 following:

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 De-
21 velopment 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
2 PROTECTION.—Section 14 of the Flood Control Act of
3 1946 (33 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 flood-
12 ing that occurred within the 24-month period ending
13 on the date on which the Secretary makes an allot-
14 ment under this section.”.

15 **SEC. 3002. SENSE OF CONGRESS RELATING TO CON-**
16 **TINUING 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 Devel-
6 opment Act of 1992 (33 U.S.C. 2326);

7 (6) section 205 of the Flood Control Act of
8 1948 (33 U.S.C. 701s);

9 (7) section 206 of the Water Resources Devel-
10 opment 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 Devel-
14 opment 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
18 of this Act, the Secretary shall publish in the Federal Reg-
19 ister and on a publicly available website the prioritization
20 criteria and the annual report required under paragraphs
21 (2) and (3), respectively, of section 1030(a) of the Water
22 Resources Reform and Development Act of 2014 (33
23 U.S.C. 400).

Subtitle B—Navigation

PART I—INLAND WATERWAYS

3 SEC. 3101. GAO STUDY ON NAVIGATION AND ECOSYSTEM 4 SUSTAINABILITY PROGRAM.

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) complete a study on the implementation of
9 the navigation and ecosystem sustainability program
10 under title VIII of the Water Resources Develop-
11 ment Act of 2007 (33 U.S.C. 652 note; Public Law
12 110–114); and

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

17 SEC. 3102. MCCLELLAN-KERR ARKANSAS RIVER NAVIGA- 18 TION SYSTEM.

19 (a) IN GENERAL.—For the purposes of project con-
20 tinuation, prior funding for the McClellan-Kerr Arkansas
21 River Navigation System, 12-foot channel, from appro-
22 priations Acts enacted prior to 2009 shall be deemed to
23 have come from construction-related accounts, not oper-
24 ations 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
10 the “demonstration program”) to carry out not more than
11 5 projects for beach renourishment and shoreline protec-
12 tion along the Mid-Atlantic coast.

13 (b) PROJECT SELECTION.—The Secretary shall con-
14 sult with relevant State agencies in selecting projects
15 under the 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 collabora-
20 tion;

21 (2) evaluate the performance of project assets
22 within a system that yield system-wide benefits with-
23 in individual or multiple States; and

24 (3) include other criteria and considerations
25 that the Secretary determines to be appropriate.

1 (d) COST-SHARING.—Projects carried out under the
2 demonstration program shall be subject to the cost-shar-
3 ing requirements otherwise applicable to beach renourish-
4 ment and shoreline protection projects.

5 (e) REPORT.—Not later than 1 year after the date
6 of 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 Trans-
9 portation and Infrastructure of the House of Representa-
10 tives a report that includes findings and recommendations
11 of the Secretary with respect to the projects completed
12 under the 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
17 shall terminate after completion of all projects carried out
18 pursuant 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 Sec-
22 retary \$125,000,000 for the purchase of a mat sinking
23 unit.

1 **SEC. 3113. MAT SINKING UNIT.**

2 It is the sense of Congress that, in considering the
3 least cost alternative for purchasing a mat sinking unit,
4 the Corps of Engineers should consider entering into a
5 lease to purchase.

6 **SEC. 3114. SENSE OF CONGRESS RELATING TO KENNEBEC**
7 **RIVER FEDERAL NAVIGATION CHANNEL.**

8 It is the sense of Congress that periodic maintenance
9 dredging of the Federal navigation channel in the Ken-
10 nebec River, Maine, should be prioritized, based on a joint
11 plan developed by the Secretary and the Secretary of the
12 Navy.

13 **SEC. 3115. SENSE OF CONGRESS RELATING TO WIL-**
14 **MINGTON HARBOR DREDGING.**

15 It is the sense of Congress that the Secretary should
16 prioritize annual dredging for Wilmington Harbor, Dela-
17 ware.

18 **SEC. 3116. PORT OF ARLINGTON.**

19 The Secretary shall reimburse the Port of Arlington,
20 Gillam County, Oregon, not more than \$3,200,000, for the
21 costs incurred by the Port of Arlington for construction
22 and other expenses for the project described in the matter
23 under the heading "REGULATORY PROGRAM" under the
24 heading "CORPS OF ENGINEERS—CIVIL" under the head-
25 ing "DEPARTMENT OF THE ARMY" under the head-
26 ing of "DEPARTMENT OF DEFENSE—CIVIL" in

1 title I of division C of the Omnibus Appropriations Act,
2 2009 (Public Law 111–8; 123 Stat. 604), as authorized
3 under that provision.

4 **SEC. 3117. PEARL RIVER BASIN DEMONSTRATION PRO-**
5 **GRAM.**

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

11 (b) **DEMONSTRATION PROGRAM.**—The Secretary
12 shall establish a demonstration program to allow a project
13 authorized by section 211 of the Water Resources Devel-
14 opment Act of 1996 (33 U.S.C. 701b–13) (as in effect
15 on the day before the date of enactment of the Water Re-
16 sources Reform and Development Act of 2014 (128 Stat.
17 1193)) to begin preliminary engineering and design after
18 the completion of a feasibility study and an environmental
19 impact statement for the project.

20 (c) **REQUIREMENTS.**—For each project authorized to
21 begin preliminary engineering and design under subsection
22 (b)—

23 (1) the project shall conform to the feasibility
24 study approved by the headquarters office of the

1 Corps of Engineers and the environmental impact
2 statement for the project; and

3 (2) the Secretary and the non-Federal sponsor
4 shall jointly agree to the construction design of the
5 project.

6 (d) REPAYMENT.—If a project authorized to begin
7 preliminary engineering and design under subsection (b)
8 does not receive a favorable final decision document, the
9 non-Federal sponsor of the project shall repay any funds
10 provided under this section for the project.

11 (e) SUNSET.—The authority to carry out the dem-
12 onstration program under this section shall terminate on
13 the date that is 5 years after the date of enactment of
14 this Act.

15 **SEC. 3118. EXPEDITED INITIATION.**

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

1 **SEC. 3119. BENEFICIAL USE OF DREDGED SEDIMENT.**

2 Notwithstanding any other provision of law, in the
3 case of a project for beach nourishment, the easement for
4 the project shall be for a period—

5 (1) agreed to by the Secretary and the non-
6 Federal interest; and

7 (2) not less than 100 percent of the anticipated
8 lifecycle of the project and not more than 200 per-
9 cent of the anticipated lifecycle of the project.

10 **SEC. 3120. RULE FOR BEACH NOURISHMENT AND SHORE-**
11 **LINE PROTECTION PROJECTS.**

12 Notwithstanding any other provision of law, in the
13 case of a project for beach nourishment or shoreline pro-
14 tection, with respect to the benefit-cost analysis for the
15 project, the Secretary shall proceed with the project if the
16 benefits of the project are equal to or greater than the
17 costs of the project.

18 **PART III—MISCELLANEOUS PROVISIONS**

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

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

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

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

3 (3) recommendations for the establishment of a
4 pilot program to improve the implementation of that
5 section.

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

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

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

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

16 **SEC. 3124. SENSE OF CONGRESS RELATING TO EROSION ON**
17 **THE BANKS OF THE OHIO RIVER NEAR**
18 **CLARKSVILLE, INDIANA.**

19 It is the sense of Congress that the Secretary should
20 use the authority provided to the Secretary under section
21 9 of the Flood Control Act of 1946 (60 Stat. 643, chapter
22 596) to address erosion issues on the Ohio River near
23 Clarksville, Indiana.

1 **Subtitle C—Locks, Dams, Levees,**
2 **and Dikes**

3 **SEC. 3201. CERTAIN LEVEE IMPROVEMENTS.**

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

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

10 (1) owned, operated, and maintained by the
11 Secretary; and

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

17 **SEC. 3202. REHABILITATION OF CORPS OF ENGINEERS**
18 **CONSTRUCTED DAMS.**

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

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

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

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

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

10 **SEC. 3204. REAUTHORIZATION OF NATIONAL DAM SAFETY**
11 **PROGRAM ACT.**

12 Section 14 of the National Dam Safety Program Act
13 (33 U.S.C. 467j) is amended by striking “for each of fiscal
14 years 2015 through 2019” each place it appears and in-
15 serting “for each of fiscal years 2015 through 2021”.

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

19 It is the sense of Congress that the Secretary should
20 expeditiously issue guidance as required under section
21 1139 of the Water Infrastructure Improvements for the
22 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 (c) 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 (I) 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 lic 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 Wright
12 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 (c) 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 **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
17 is undergoing (or is scheduled to undergo) envi-
18 ronmental remediation under chapter 160 of
19 title 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 Im-
8 provements for the Nation Act (130 Stat. 1675) is amend-
9 ed—

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

12 (2) by inserting after paragraph (3) the fol-
13 lowing:

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

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

21 (A) by redesignating subparagraph (B) as
22 subparagraph (C); and

23 (B) by striking subparagraph (A) and in-
24 serting the following:

1 “(A) IN GENERAL.—The Secretary shall
2 carry out the pilot program established under
3 this subsection in partnership with the Sec-
4 retary of the Interior, and the program shall
5 apply to reservoirs managed or owned by the
6 Bureau of Reclamation.

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

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

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

23 **SEC. 3402. RESERVOIR SEDIMENT.**

24 Section 215 of the Water Resources Development Act
25 of 2000 (33 U.S.C. 2326c) is amended—

1 (1) in subsection (a)—

2 (A) by striking “the date of enactment of
3 the Water Resources Development Act of 2016”
4 and inserting “the date of enactment of the
5 America’s Water Infrastructure Act of 2018”;
6 and

7 (B) by striking “shall establish, using
8 available funds, a pilot program to accept” and
9 inserting “shall, using available funds, accept”;

10 (2) in subsection (b)—

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

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

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

16 (3) by striking subsection (f) and inserting the
17 following:

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

1 **SEC. 3403. REGIONAL SEDIMENT MANAGEMENT.**

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

4 (1) in subsection (a)—

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

7 “(1) SEDIMENT USE.—For sediment obtained
8 through the construction, operation, or maintenance
9 of an authorized Federal water resources project or
10 a reclamation project, including Federal reservoirs
11 authorized for flood control, the Secretary (in con-
12 sultation with the Commissioner of Reclamation (re-
13 ferred to in this section as the ‘Commissioner’)) and,
14 subject to the availability of appropriations, the
15 Commissioner (in consultation with the Secretary),
16 as applicable, shall develop, at full Federal expense,
17 regional sediment management plans, and carry out
18 projects at locations identified in plans developed
19 under this section, or identified jointly by the non-
20 Federal interest and the Secretary or the Commis-
21 sioner, as applicable, for use in the construction, re-
22 pair, modification, or rehabilitation of projects asso-
23 ciated with Federal water resources projects and rec-
24 lamation projects for purposes listed in paragraph
25 (3).”;

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

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

8 (D) in paragraph (4), by inserting “or the
9 Commissioner, as applicable,” after “Sec-
10 retary”;

11 (2) in subsection (b)—

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

14 (B) in the matter preceding paragraph (1),
15 by inserting “or the Commissioner, as applica-
16 ble,” after “Secretary”;

17 (3) in subsection (c)(1)—

18 (A) in subparagraph (A), by inserting “or
19 reclamation project” after “water resources
20 project”; and

21 (B) in subparagraph (B)(ii), by inserting
22 “or the Commissioner, as applicable,” after
23 “Secretary”;

24 (4) in subsection (d)—

1 (A) by inserting “or the Commissioner, as
2 applicable,” after “Secretary” each place it ap-
3 pears; and

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

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

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

13 **Subtitle F—Flood Risk**
14 **Management**

15 **SEC. 3501. ICE JAM PREVENTION AND MITIGATION.**

16 Section 1150(c) of the Water Infrastructure Improve-
17 ments for the Nation Act (33 U.S.C. 701s note; Public
18 Law 114–322) is amended—

19 (1) in paragraph (1)—

20 (A) by striking “During fiscal years 2017
21 through 2022, the Secretary” and inserting
22 “The Secretary”; and

23 (B) by striking “10 projects” and inserting
24 “20 projects”;

25 (2) in paragraph (2)—

1 (A) by striking “shall ensure” and insert-
2 ing the following : “shall—

3 “(A) ensure”;

4 (B) by striking the period at the end and
5 inserting “; and”; and

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

7 “(B) select not less than 1 project on a
8 reservation (as defined in section 3 of the In-
9 dian Financing Act of 1974 (25 U.S.C. 1452))
10 that serves more than 1 Indian tribe (as defined
11 in section 4 of the Indian Self-Determination
12 and Education Assistance Act (25 U.S.C.
13 5304)).”; and

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

15 “(3) PRIORITIZATION.—In selecting projects
16 under paragraph (1), the Secretary shall give pri-
17 ority to—

18 “(A) projects in the Upper Missouri River
19 Basin; and

20 “(B) projects in the Northeast.”.

21 **SEC. 3502. UPPER MISSOURI RIVER BASIN FLOOD AND**
22 **DROUGHT MONITORING.**

23 Section 4003(a) of the Water Resources Reform and
24 Development Act of 2014 (128 Stat. 1311, 130 Stat.
25 1677) is amended by adding at the end the following:

1 “(6) PRIORITIZATION.—To the maximum ex-
2 tent practicable, in carrying out any projects or pro-
3 grams of the Secretary, the Secretary shall give pri-
4 ority to activities under this subsection.”.

5 **SEC. 3503. POLICIES THAT IMPACT FLOOD FIGHT MANAGE-**
6 **MENT PROJECTS WITHIN URBAN AREAS.**

7 Not later than 1 year after the date of enactment
8 of this Act, the Secretary shall carry out a study on—

9 (1) flooding within urban floodplains; and
10 (2) the Federal policy constraints on the ability
11 of the Secretary to address urban flooding, includ-
12 ing—

13 (A) the regulations under part 238 of title
14 33, Code of Federal Regulations (as in effect on
15 the date of enactment of this Act); and

16 (B) the limitation under section
17 238.7(a)(1) of that title (as in effect on the
18 date of enactment of this Act) that allows the
19 Secretary to provide assistance only where the
20 flood discharge of a stream or waterway within
21 an urban area is greater than 800 cubic feet
22 per second for the 10-percent flood.

1 **SEC. 3504. MISSOURI RIVER AND TRIBUTARIES AT KANSAS**
2 **CITIES, MISSOURI AND KANSAS.**

3 (a) IN GENERAL.—The project for flood damage re-
4 duction, Argentine, East Bottoms, Fairfax-Jersey Creek,
5 and North Kansas Levees Units, Missouri River and tribu-
6 taries at Kansas Cities, Missouri and Kansas, authorized
7 by section 1001(28) of the Water Resources Development
8 Act of 2007 (121 Stat. 1054), is modified to include the
9 Armourdale and Central Industrial District Levee Units,
10 to be carried out by the Secretary substantially in accord-
11 ance with the plans, and subject to the conditions, de-
12 scribed in the report of the Chief of Engineers, dated Jan-
13 uary 27, 2015, at an additional total cost of
14 \$328,110,000, with an estimated Federal cost of
15 \$213,271,500 and an estimated non-Federal cost of
16 \$114,838,500.

17 (b) SINGLE PROJECT.—The projects described in
18 subsection (a) shall be considered a single project for
19 budgeting purposes and shall not be subject to a new start
20 decision or new investment decision.

21 (c) CONFORMING AMENDMENT.—Item 2 of the table
22 in section 1401(2) of the Water Infrastructure Improve-
23 ments for the Nation Act (130 Stat. 1710) (relating to
24 Armourdale and Central Industrial District Levee Units,
25 Missouri River and Tributaries at Kansas Citys) is re-
26 pealed.

1 **SEC. 3505. FARGO-MOORHEAD METROPOLITAN AREA DI-**
2 **VERSION PROJECT, NORTH DAKOTA.**

3 (a) IN GENERAL.—Notwithstanding section
4 404(b)(2)(B)(ii) of the Robert T. Stafford Disaster Relief
5 and Emergency Assistance Act (42 U.S.C.
6 5170c(b)(2)(B)(ii)) and any regulations promulgated to
7 carry out that section, beginning on the date of enactment
8 of this Act, any property in the State of North Dakota
9 that was acquired through hazard mitigation assistance
10 provided under section 203 of that Act (42 U.S.C. 5133),
11 section 404 of that Act (42 U.S.C. 5170c), or section 1366
12 of the National Flood Insurance Act of 1968 (42 U.S.C.
13 4104c) that was subject to any open space deed restriction
14 shall be exempt from those restrictions to the extent nec-
15 essary to complete the Fargo-Moorhead Metropolitan Area
16 Diversion Project authorized by section 7002(2) of the
17 Water Resources Reform and Development Act of 2014
18 (128 Stat. 1366), subject to the conditions that—

19 (1) no new or additional structure unrelated to
20 the Project may be erected on the property unless
21 the new or additional structure is in compliance with
22 section 404(b)(2)(B)(ii) of the Robert T. Stafford
23 Disaster Relief and Emergency Assistance Act (42
24 U.S.C. 5170c(b)(2)(B)(ii)); and

1 (2) any subsequent use of the land on the prop-
2 erty that is unrelated to the Project shall comply
3 with that section.

4 (b) SAVINGS PROVISION.—Nothing in this section af-
5 fects the responsibility of any entity to comply with all
6 other applicable laws (including regulations) with respect
7 to the properties described in subsection (a).

8 **Subtitle G—River Basins,**
9 **Watersheds, and Coastal Areas**

10 **SEC. 3601. LONG-TERM FLOOD RISK REDUCTION, UPPER**
11 **MISSOURI RIVER BASIN, SNAKE RIVER BASIN,**
12 **AND RED RIVER BASIN.**

13 Section 5 of the Act of August 18, 1941 (commonly
14 known as the “Flood Control Act of 1941”) (55 Stat. 650,
15 chapter 377; 33 U.S.C. 701n) is amended by adding at
16 the end the following:

17 “(f) LONG TERM FLOOD-RISK REDUCTION.—

18 “(1) IN GENERAL.—The Secretary shall provide
19 assistance for the operation and maintenance of any
20 project constructed under this section that, as deter-
21 mined by the Secretary, becomes permanent due to
22 the extended presence of assistance from the Sec-
23 retary under subsection (a).

24 “(2) NO TIME LIMITATION.—Notwithstanding
25 any other provision of this section or any other law,

1 the Secretary may provide assistance under this sub-
2 section for any period of time, as determined by the
3 Secretary.

4 “(3) COST-SHARE.—The cost of operation and
5 maintenance provided under this subsection for a
6 project shall be subject to the cost-sharing provisions
7 that would otherwise apply to such a project.

8 “(4) TERMINATION.—The authority to provide
9 assistance under this subsection terminates on the
10 date that is 10 years after the date of enactment of
11 the America’s Water Infrastructure Act of 2018.”.

12 **SEC. 3602. SENSE OF CONGRESS RELATING TO PROVISION**
13 **OF RESOURCES FOR EMERGENCY INFRA-**
14 **STRUCTURE REPAIRS.**

15 It is the sense of Congress that the Secretary should
16 use all existing authorities of the Secretary to accept and
17 use resources provided by a non-Federal entity under sec-
18 tion 1024 of the Water Resources Reform and Develop-
19 ment Act of 2014 (33 U.S.C. 2325a) to carry out emer-
20 gency infrastructure repairs, regardless of the cause of the
21 emergency.

22 **SEC. 3603. SENSE OF CONGRESS ON EMERGENCY MANAGE-**
23 **MENT ASSISTANCE.**

24 It is the sense of Congress that the Secretary should
25 provide technical assistance and other support to State

1 emergency management agencies to assist in the develop-
2 ment of handbooks for floodplain managers that—

3 (1) include policies to help manage the risks of
4 coastal and river flooding; and

5 (2) consider coastal protection solutions that
6 promote resilience, such as living shorelines, and re-
7 gional sediment management.

8 **SEC. 3604. GREAT LAKES FISH AND WILDLIFE RESTORA-**
9 **TION ACT OF 1990.**

10 Section 1009 of the Great Lakes Fish and Wildlife
11 Restoration Act of 1990 (16 U.S.C. 941g) is amended by
12 striking subsection (a) and inserting the following:

13 “(a) IN GENERAL.—There are authorized to be ap-
14 propriated to the Director—

15 “(1) for fiscal year 2019—

16 “(A) \$6,600,000 to implement fish and
17 wildlife restoration proposals and regional
18 projects selected by the Director under section
19 1005(d), of which—

20 “(i) not more than the lesser of 33 $\frac{1}{3}$
21 percent and \$2,000,000 may be allocated
22 to implement regional projects; and

23 “(ii) the lesser of 5 percent and
24 \$300,000 shall be allocated to the United
25 States Fish and Wildlife Service to cover

1 costs incurred in administering the pro-
2 posals by any entity; and

3 “(B) \$2,200,000, which shall be allocated
4 for the activities of the Upper Great Lakes Fish
5 and Wildlife Conservation Offices and the
6 Lower Great Lakes Fish and Wildlife Conserva-
7 tion Office under section 1007;

8 “(2) for fiscal year 2020—

9 “(A) \$7,200,000 to implement fish and
10 wildlife restoration proposals and regional
11 projects selected by the Director under section
12 1005(d), of which—

13 “(i) not more than the lesser of 33 $\frac{1}{3}$
14 percent and \$2,000,000 may be allocated
15 to implement regional projects; and

16 “(ii) the lesser of 5 percent and
17 \$300,000 shall be allocated to the United
18 States Fish and Wildlife Service to cover
19 costs incurred in administering the pro-
20 posals by any entity; and

21 “(B) \$2,400,000, which shall be allocated
22 for the activities of the Upper Great Lakes Fish
23 and Wildlife Conservation Offices and the
24 Lower Great Lakes Fish and Wildlife Conserva-
25 tion Office under section 1007; and

1 “(3) for fiscal year 2021—

2 “(A) \$7,800,000 to implement fish and
3 wildlife restoration proposals and regional
4 projects selected by the Director under section
5 1005(d), of which—

6 “(i) not more than the lesser of 33 $\frac{1}{3}$
7 percent and \$2,000,000 may be allocated
8 to implement regional projects; and

9 “(ii) the lesser of 5 percent and
10 \$300,000 shall be allocated to the United
11 States Fish and Wildlife Service to cover
12 costs incurred in administering the pro-
13 posals by any entity; and

14 “(B) \$2,600,000, which shall be allocated
15 for the activities of the Upper Great Lakes Fish
16 and Wildlife Conservation Offices and the
17 Lower Great Lakes Fish and Wildlife Conserva-
18 tion Office under section 1007.”.

19 **SEC. 3605. GREAT LAKES RESTORATION INITIATIVE.**

20 Section 118(c)(7)(J) of the Federal Water Pollution
21 Control Act (33 U.S.C. 1268(c)(7)(J)) is amended by
22 striking clause (i) and inserting the following:

23 “(i) IN GENERAL.—There are author-
24 ized to be appropriated to carry out this
25 paragraph—

1 “(I) \$330,000,000 for fiscal year
2 2019;
3 “(II) \$360,000,000 for fiscal
4 year 2020; and
5 “(III) \$390,000,000 for fiscal
6 year 2021.”.

7 **SEC. 3606. GREAT LAKES COASTAL RESILIENCY STUDY.**

8 The Secretary shall carry out the proposed Great
9 Lakes coastal resiliency study under section 729 of the
10 Water Resources Development Act of 1986 (33 U.S.C.
11 2267a)—

12 (1) to conduct an assessment of water resources
13 needs in the Great Lakes; and

14 (2) to prioritize efforts to study issues in the
15 Great Lakes, including lake level fluctuations, ero-
16 sion, flooding, nutrient runoff, aging infrastructure,
17 and economic and recreational issues.

18 **SEC. 3607. SPECIAL RULE FOR BEACH NOURISHMENT.**

19 Section 156(e) of the Water Resources Development
20 Act of 1976 (42 U.S.C. 1962d–5f(e)) is amended by strik-
21 ing “the date of enactment of the Water Resources Re-
22 form and Development Act of 2014” and inserting “the
23 date of enactment of the America’s Water Infrastructure
24 Act of 2018”.

1 **SEC. 3608. EXTENSION FOR CERTAIN COASTAL STORM DAM-**
2 **AGE REDUCTION PROGRAMS.**

3 Section 156(e) of the Water Resources Development
4 Act of 1976 (42 U.S.C. 1962d–5f(e)) is amended by in-
5 serting “or within the 5-year period beginning on the date
6 of enactment of the America’s Water Infrastructure Act
7 of 2018” after “Water Resources Reform and Develop-
8 ment Act of 2014”.

9 **SEC. 3609. SNAKE RIVER BASIN FLOOD PREVENTION AC-**
10 **TION PLAN.**

11 (a) IN GENERAL.—As soon as practicable after the
12 date of enactment of this Act, the Secretary, in consulta-
13 tion with the Commissioner of Reclamation, shall develop
14 a flood prevention action plan for each State or portion
15 of a State within the Snake River Basin.

16 (b) REQUIREMENTS.—A flood prevention action plan
17 under subsection (a) shall—

18 (1) focus on the areas most likely to experience
19 flooding within the next 2 years;

20 (2) include steps to manage and reduce flood
21 risks within the Snake River Basin; and

22 (3) include a description of the actions the Sec-
23 retary and the Commissioner of Reclamation plan to
24 take to improve coordination with local stakeholders
25 to help manage and reduce flood risks in the areas
26 described in paragraph (1).

1 (c) SUBMISSION.—Not later than 180 days after the
2 date of enactment of this Act, after coordinating with local
3 stakeholders, the Secretary shall submit to the Committee
4 on Environment and Public Works of the Senate and the
5 Committee on Transportation and Infrastructure of the
6 House of Representatives the flood prevention plans devel-
7 oped under subsection (a).

8 **SEC. 3610. AUTHORIZATION OF APPROPRIATIONS FOR CO-**
9 **LUMBIA RIVER BASIN RESTORATION.**

10 Section 123(d) of the Federal Water Pollution Con-
11 trol Act (33 U.S.C. 1275(d)) is amended by adding at the
12 end the following:

13 “(6) AUTHORIZATION OF APPROPRIATIONS.—

14 There are authorized to be appropriated to carry out
15 this subsection—

16 “(A) \$5,000,000 for fiscal year 2019; and

17 “(B) \$30,000,000 for each of fiscal years
18 2020 and 2021.”.

19 **SEC. 3611. MIDDLE RIO GRANDE PEAK FLOW RESTORA-**
20 **TION.**

21 (a) TEMPORARY DEVIATION.—During the 5-year pe-
22 riod beginning on the date of enactment of this Act, the
23 Secretary shall continue the temporary deviation in the op-
24 eration of Cochiti Lake and Jemez Canyon Dam, that was

1 initiated in 2009 and terminated in 2013, to continue to
2 evaluate the benefits of the deviation.

3 (b) FEASIBILITY STUDY AND REPORT.—Not later
4 than 1 year after the date of enactment of this Act, the
5 Secretary and the Secretary of the Interior shall—

6 (1) conduct a feasibility study to address
7 Cochiti Dam operation limitations on the timing,
8 magnitude, and duration of flows that support feder-
9 ally listed species in the Middle Rio Grande, con-
10 sistent with subsection (c); and

11 (2) submit to Congress a feasibility report on
12 the reauthorization of the purposes of Cochiti Dam.

13 (c) GOALS.—The deviation described in subsection
14 (a) shall provide for the detention and release of native
15 Rio Grande water and San Juan-Chama Project water
16 with the goals of—

17 (1) improving river processes to restore species
18 habitat on the Rio Grande, including a Spring peak
19 flow to the Rio Grande;

20 (2) increasing the spawning and recruitment of
21 endangered Rio Grande silvery minnows;

22 (3) creating overbanking flows that are nec-
23 essary—

24 (A) to maintain a healthy bosque; and

1 (B) to support habitat for the South-
2 western willow flycatcher and other wildlife;

3 (4) maintaining channel capacity; and

4 (5) increasing water operational flexibility and
5 efficiencies in meeting irrigation and municipal and
6 industrial purposes, if the increased water oper-
7 ational flexibility and efficiencies enhance the goals
8 described in paragraphs (1) and (4).

9 (d) MONITORING.—The Secretary, in cooperation
10 with the Secretary of the Interior and other Federal and
11 non-Federal stakeholders shall—

12 (1) monitor the environmental effects, benefits,
13 and results of the deviation mandated under this
14 section; and

15 (2) compile any data necessary to evaluate the
16 need for further amendment to the authorizations
17 and water control manuals for Cochiti Lake or
18 Jemez Canyon Dam.

19 (e) APPROVAL REQUIRED.—Before implementing the
20 temporary deviation under this section, as required by the
21 applicable water control manuals, the Secretary shall—

22 (1) first obtain approval from—

23 (A) Pueblo de Cochiti;

24 (B) Pueblo of Santa Ana; and

1 (C) the Rio Grande Compact Commission
2 established by the compact approved by Con-
3 gress under the Act of May 31, 1939 (53 Stat.
4 785, chapter 155); and

5 (2) to the maximum extent practicable, consult
6 with the existing Cochiti Lake Environmental Re-
7 sources Team, which includes other Federal agencies
8 and landowners in the region.

9 (f) REPORTS.—The Secretary shall prepare and sub-
10 mit to Congress—

11 (1) for each year in which the deviations are
12 being carried out under this section, annual reports
13 that describe the data compiled under subsection
14 (d)(2); and

15 (2) at the end of the period described in sub-
16 section (a), a final, cumulative report that summa-
17 rizes the data obtained during that period.

18 **SEC. 3612. NORTH ATLANTIC DIVISION REPORT ON HURRI-**
19 **CANE BARRIERS AND HARBORS OF REFUGE**
20 **IN NEW ENGLAND.**

21 Not later than 1 year after the date of enactment
22 of this Act, the Secretary, in consultation with State and
23 local experts in the North Atlantic Division of the Corps
24 of Engineers, shall submit to Congress a report on the
25 durability and resiliency of existing hurricane barriers and

1 harbors of refuge, giving particular consideration as to
2 how those structures will survive and fully serve their
3 planned levels of protection under current, near, and
4 longer term future predicted sea levels, storm surge, and
5 storm strength.

6 **SEC. 3613. STUDY ON INNOVATIVE PORTS FOR OFFSHORE**
7 **WIND DEVELOPMENT.**

8 (a) DEFINITION OF INNOVATIVE PORT FOR OFF-
9 SHORE WIND DEVELOPMENT.—In this section, the term
10 “innovative port for offshore wind development” includes
11 any port that can accommodate, or be retrofitted to ac-
12 commodate—

13 (1) the upright assembly of the majority of an
14 offshore wind facility, including the foundation,
15 tower, turbine, blade, and electrical components;

16 (2) an assembly area, ground bearing pressure,
17 and overhead clearance for the assembly of offshore
18 wind facility turbines, which each have a capacity of
19 up to 20 megawatts;

20 (3) heavy-lift quay and not less than 30 acres
21 of port storage;

22 (4) innovative offshore wind facility and vessel
23 technologies that allow for the rapid installation of
24 an offshore wind facility; and

1 (5) any other innovative offshore wind facility
2 technology, as determined by the Secretary.

3 (b) STUDY AND REPORT.—

4 (1) IN GENERAL.—Not later than 1 year after
5 the date of enactment of this Act, the Secretary
6 shall—

7 (A) in consultation with the Secretary of
8 Energy and the Secretary of the Interior, carry
9 out a study of ports in the Mid-Atlantic and
10 New England regions of the United States to
11 identify—

12 (i) not less than 3 suitable ports in
13 those regions that could become innovative
14 ports for offshore wind development;

15 (ii) barriers to the development of in-
16 novative ports for offshore wind develop-
17 ment;

18 (iii) the Federal and State actions, in-
19 cluding dredging and construction of sup-
20 porting infrastructure, needed to facilitate
21 the development of the ports identified
22 under clause (i) to become innovative ports
23 for offshore wind development; and

24 (iv) recommendations on any further
25 research needed to improve ports in the

1 United States for offshore wind facility de-
2 velopment and deployment; and

3 (B) submit to Congress a report describing
4 the results of the study under subparagraph
5 (A).

6 (2) CONSULTATION.—In carrying out the study
7 under paragraph (1), the Secretary shall consult
8 with, at a minimum—

9 (A) the Governor of each affected State;

10 (B) units of local government; and

11 (C) relevant experts in engineering, envi-
12 ronment, and industry considerations.

13 **Subtitle H—Environmental** 14 **Management**

15 **SEC. 3701. REAUTHORIZATION OF RIO GRANDE ENVIRON-** 16 **MENTAL MANAGEMENT PROGRAM.**

17 Section 5056(f) of the Water Resources Development
18 Act of 2007 (121 Stat. 1214; 128 Stat. 1315) is amended
19 by striking “each of fiscal years 2008 through 2019” and
20 inserting “each of fiscal years 2008 through 2021”.

21 **SEC. 3702. AMENDMENTS TO LONG ISLAND SOUND PRO-** 22 **GRAMS.**

23 (a) LONG ISLAND SOUND RESTORATION PRO-
24 GRAM.—Section 119 of the Federal Water Pollution Con-
25 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 ceding 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 (c), 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(e) and 3717(e), 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 assistance”.

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 and
24 carry out a village development plan for any Indian village
25 (as defined in section 4 of the Indian Self-Determination

1 and Education Assistance Act (25 U.S.C. 5304)) sub-
2 merged as a result of the construction of the Dalles Dam,
3 Oregon, as authorized by section 204 of the Flood Control
4 Act of 1950 (64 Stat. 179, chapter 188).

5 (b) ASSISTANCE.—The Secretary may acquire land
6 from willing land owners in carrying out the village devel-
7 opment plan.

8 (c) REQUIREMENTS.—The village development plan
9 under subsection (a) shall include an estimated cost and
10 tentative schedule for the construction of a replacement
11 village.

12 **SEC. 3807. INDIAN IRRIGATION FUND REAUTHORIZATION.**

13 (a) DEPOSITS TO FUNDS.—Section 3212(a) of the
14 Water Infrastructure Improvements for the Nation Act
15 (130 Stat. 1750) is amended by striking “each of fiscal
16 years 2017 through 2021” and inserting “each of fiscal
17 years 2017 through 2028”.

18 (b) EXPENDITURES FROM FUND.—Section 3213(a)
19 of the Water Infrastructure Improvements for the Nation
20 Act (130 Stat. 1750) is amended in the matter preceding
21 paragraph (1) by striking “each of fiscal years 2017
22 through 2021” and inserting “each of fiscal years 2017
23 through 2028”.

24 (c) TERMINATION.—Section 3216 of the Water Infra-
25 structure Improvements for the Nation Act (130 Stat.

1 1750) is amended in the matter preceding paragraph (1)
2 by striking “September 30, 2021” and inserting “Sep-
3 tember 30, 2028”.

4 **SEC. 3808. REAUTHORIZATION OF REPAIR, REPLACEMENT,**
5 **AND MAINTENANCE OF CERTAIN INDIAN IR-**
6 **RIGATION PROJECTS.**

7 (a) IN GENERAL.—Section 3221(b) of the Water In-
8 frastructure Improvements for the Nation Act (130 Stat.
9 1751) is amended in the matter preceding paragraph (1)
10 by striking “each of fiscal years 2017 through 2021” and
11 inserting “each of fiscal years 2017 through 2028”.

12 (b) STATUS REPORT ON CERTAIN PROJECTS.—Sec-
13 tion 3224(d) of the Water Infrastructure Improvements
14 for the Nation Act (130 Stat. 1753) is amended in the
15 matter preceding paragraph (1) by striking “fiscal year
16 2021” and inserting “fiscal year 2028”.

17 (c) ALLOCATION AMONG PROJECTS.—Section 3226
18 of the Water Infrastructure Improvements for the Nation
19 Act (130 Stat. 1753) is amended—

20 (1) in subsection (a), by striking “each of fiscal
21 years 2017 through 2021” and inserting “each of
22 fiscal years 2017 through 2028”; and

23 (2) in subsection (b), by striking “the day be-
24 fore the date of enactment of this Act” and inserting

1 “the day before the date of enactment of the Amer-
2 ica’s Water Infrastructure Act of 2018”.

3 **SEC. 3809. INDIAN DAM SAFETY REAUTHORIZATION.**

4 Section 3101 of the Water Infrastructure Improve-
5 ments for the Nation Act (25 U.S.C. 3805) is amended—

6 (1) by striking “each of fiscal years 2017
7 through 2023” each place it appears and inserting
8 “each of fiscal years 2017 through 2030”;

9 (2) in subsection (b)—

10 (A) in paragraph (1)(F), in the matter
11 preceding clause (i), by striking “September 30,
12 2023” and inserting “September 30, 2030”;
13 and

14 (B) in paragraph (2)(F), in the matter
15 preceding clause (i), by striking “September 30,
16 2023” and inserting “September 30, 2030”;
17 and

18 (3) in subsection (f)—

19 (A) in paragraph (2), by striking “4
20 years” and inserting “11 years”; and

21 (B) in paragraph (3), by striking “each of
22 fiscal years 2017, 2018, and 2019” and insert-
23 ing “each of fiscal years 2017 through 2026”.

1 **SEC. 3810. GAO REPORT ON ALASKA NATIVE VILLAGE RE-**
2 **LOCATION EFFORTS DUE TO FLOODING AND**
3 **EROSION THREATS.**

4 (a) DEFINITION OF ALASKA NATIVE VILLAGE.—In
5 this section, the term “Alaska Native village” means a Na-
6 tive village that has a Village Corporation (as those terms
7 are defined in section 3 of the Alaska Native Claims Set-
8 tlement Act (43 U.S.C. 1602)).

9 (b) REPORT.—The Comptroller General of the
10 United States (referred to in this section as the “Comp-
11 troller General”) shall submit to Congress a report on ef-
12 forts to relocate Alaska Native villages due to flooding and
13 erosion threats that updates the report of the Comptroller
14 General entitled “Alaska Native Villages: Limited
15 Progress Has Been Made on Relocating Villages Threat-
16 ened by Flooding and Erosion”, dated June 2009.

17 (c) INCLUSIONS.—The report under subsection (b)
18 shall include—

19 (1) a summary of flooding and erosion threats
20 to Alaska Native villages throughout the State of
21 Alaska, based on information from—

22 (A) the Corps of Engineers;

23 (B) the Denali Commission; and

24 (C) any other relevant sources of informa-
25 tion as the Comptroller General determines to
26 be appropriate;

1 (2) the status of efforts to relocate Alaska Na-
2 tive villages due to flooding and erosion threats; and

3 (3) any other issues relating to flooding and
4 erosion threats to, or relocation of, Alaska Native
5 villages, as the Comptroller General determines to be
6 appropriate.

7 **TITLE IV—SENSE OF CONGRESS**
8 **RELATING TO CERTAIN**
9 **PROJECTS**

10 **SEC. 4001. SENSE OF CONGRESS RELATING TO CERTAIN**
11 **PROJECTS.**

12 (a) **IN GENERAL.**—It is the sense of Congress that—

13 (1) the projects described in subsection (b) are
14 valuable; and

15 (2) the Corps of Engineers should expeditiously
16 complete the post-authorization change report or re-
17 port of the Chief of Engineers, as applicable, for
18 each of those projects by the end of 2018.

19 (b) **PROJECTS DESCRIBED.**—The projects referred to
20 in subsection (a) are each of the following:

21 (1) **PROJECTS FOR WHICH A REPORT OF THE**
22 **CHIEF OF ENGINEERS IS EXPECTED.**—

23 (A) The project for flood risk management,
24 Lower San Joaquin River, California.

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

10 (C) The project for coastal storm risk
11 management, Hashamomuck Cove, New York,
12 authorized in the matter under the heading
13 “INVESTIGATIONS” under the heading “CORPS
14 OF ENGINEERS—CIVIL” under the heading
15 “DEPARTMENT OF THE ARMY” in title X
16 of division A of the Disaster Relief Appropria-
17 tions Act, 2013 (Public Law 113–2; 127 Stat.
18 23).

19 (D) The project for coastal storm risk
20 management and utilization of dredged mate-
21 rial, Delaware River, Delaware, New Jersey,
22 and Pennsylvania, authorized in the matter
23 under the heading “INVESTIGATIONS” under
24 the heading “CORPS OF ENGINEERS—CIVIL”
25 under the heading “DEPARTMENT OF THE

1 ARMY” in title X of division A of the Disaster
2 Relief Appropriations Act, 2013 (Public Law
3 113–2; 127 Stat. 23).

4 (E) The project for navigation, Seattle
5 Harbor, Washington, carried out under section
6 216 of the Flood Control Act of 1970 (33
7 U.S.C. 549a).

8 (F) The project for navigation, Three Riv-
9 ers, Arkansas, carried out under section 216 of
10 the Flood Control Act of 1970 (33 U.S.C.
11 549a).

12 (G) The project for navigation, San Juan
13 Harbor, Puerto Rico, described in the study au-
14 thorized by the resolution adopted by the Com-
15 mittee on Transportation and Infrastructure of
16 the House of Representatives on September 20,
17 2006.

18 (H) The project for flood risk management
19 and ecosystem restoration, Española Valley, Rio
20 Grande and tributaries, New Mexico, described
21 in the study authorized by the resolution adopt-
22 ed by the Committee on Environment and Pub-
23 lic Works of the Senate on December 10, 2009.

24 (I) The project for ecosystem restoration,
25 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 (J) The project for flood control, naviga-
4 tion, and ecosystem restoration, Anacostia Wa-
5 tershed, Prince 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 (K) 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 (L) 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 (M) 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 (N) 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 (O) The project for flood risk manage-
14 ment, Souris River Basin, Minot, North Da-
15 kota, authorized by section 209 of the Flood
16 Control Act of 1966 (80 Stat. 1423).

17 (P) 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 (Q) The project for navigation, Norfolk
6 Harbor and Channels, Virginia, authorized by
7 section 201(a) of the Water Resources Develop-
8 ment Act of 1986 (100 Stat. 4090).

9 (2) PROJECTS FOR WHICH A POST-AUTHORIZA-
10 TION CHANGE REPORT IS EXPECTED.—

11 (A) The project for navigation, Chicka-
12 mauga Lock, Tennessee, authorized by section
13 114 of the Energy and Water Development Ap-
14 propriations Act, 2003 (Public Law 108–7; 117
15 Stat. 140).

16 (B) The project for ecosystem restoration,
17 South Florida, Florida, authorized by section
18 601 of the Water Resources Development Act
19 of 2000 (114 Stat. 2680).

20 (C) The project for navigation, Freeport
21 Harbor, Texas, carried out under section 216 of
22 the Flood Control Act of 1970 (33 U.S.C.
23 549a).

24 (D) The project for Soo Locks, Sault
25 Sainte Marie, Michigan, authorized by section

1 1149 of the Water Resources Development Act
2 of 1986 (100 Stat. 4254; 121 Stat. 1131).

3 (E) The project for ecosystem restoration,
4 Central Everglades, Florida, authorized by sec-
5 tion 1401(4) of the Water Infrastructure Im-
6 provements for the Nation Act (130 Stat.
7 1713).

8 (F) The project for water supply and eco-
9 system restoration, Howard A. Hanson Dam,
10 Washington, authorized by section 204 of the
11 Flood Control Act of 1950 (64 Stat. 180) and
12 modified by section 101(b)(15) of the Water
13 Resources Development Act of 1999 (113 Stat.
14 281).

15 (G) 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 (H) 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 (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
11 204 of the Flood Control Act of 1965 (79 Stat.
12 1083).

13 (K) The project for navigation, Mississippi
14 River to Shreveport, Louisiana, Red River Wa-
15 terway, authorized by section 101 of the River
16 and Harbor Act of 1968 (82 Stat. 731).

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) 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 “(c) 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 ministrator, 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 “(c) 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
11 evapotranspire stormwater and reduce flows
12 to sewer systems 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 ‘munic-
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
12
13

14 “(B) SCOPE OF PERMIT INCORPORATING
15 INTEGRATED PLAN.—A permit issued under
16 this subsection that incorporates an integrated
17 plan may integrate all requirements under this
18 Act addressed in the integrated plan, including
19 requirements relating to—

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 munic-
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 1 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(c); 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 sec-
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 cree) 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 “(c) REGIONAL GREEN INFRASTRUCTURE PRO-
12 MOTION.—The Administrator shall direct each regional of-
13 fice of the Environmental Protection Agency, as appro-
14 priate based on local factors, and consistent with the re-
15 quirements of this Act, to promote and integrate the use
16 of green infrastructure within the region that includes—

17 “(1) outreach and training regarding green in-
18 frastructure implementation for State, tribal, and
19 local governments, tribal communities, and the pri-
20 vate sector; and

21 “(2) the incorporation of green infrastructure
22 into permitting and other regulatory programs,
23 codes, and ordinance development, including the re-
24 quirements under consent decrees and settlement
25 agreements in enforcement actions.

1 “(d) GREEN INFRASTRUCTURE INFORMATION SHAR-
2 ING.—The Administrator shall promote green infrastruc-
3 ture information sharing, including through an Internet
4 website, to share information with, and provide technical
5 assistance to, State, tribal, and local governments, tribal
6 communities, the private sector, and the public regarding
7 green infrastructure approaches for—

8 “(1) reducing water pollution;

9 “(2) protecting water resources;

10 “(3) complying with regulatory requirements;

11 and

12 “(4) achieving other environmental, public
13 health, and community goals.”.

14 (d) FINANCIAL CAPABILITY GUIDANCE.—

15 (1) DEFINITIONS.—In this subsection:

16 (A) AFFORDABILITY.—The term “afford-
17 ability” means, with respect to payment of a
18 utility bill, a measure of whether an individual
19 customer or household can pay the bill without
20 undue hardship or unreasonable sacrifice in the
21 essential lifestyle or spending patterns of the in-
22 dividual or household, as determined by the Ad-
23 ministrator.

24 (B) FINANCIAL CAPABILITY.—The term
25 “financial capability” means the financial capa-

1 bility of a community to make investments nec-
2 essary to make water quality or drinking water
3 improvements.

4 (C) GUIDANCE.—The term “guidance”
5 means the guidance published by the Adminis-
6 trator entitled “Combined Sewer Overflows—
7 Guidance for Financial Capability Assessment
8 and Schedule Development” and dated Feb-
9 ruary 1997, as applicable to the combined
10 sewer overflows and sanitary sewer overflows
11 guidance published by the Administrator enti-
12 tled “Financial Capability Assessment Frame-
13 work” and dated November 24, 2014.

14 (2) USE OF MEDIAN HOUSEHOLD INCOME.—
15 The Administrator shall not use median household
16 income as the sole indicator of affordability for a
17 residential household.

18 (3) REVISED GUIDANCE.—

19 (A) IN GENERAL.—Not later than 1 year
20 after the date of completion of the National
21 Academy of Public Administration study to es-
22 tablish a definition and framework for commu-
23 nity affordability required by Senate Report
24 114–70, accompanying S. 1645 (114th Con-

1 gress), the Administrator shall revise the guid-
2 ance described in paragraph (1)(C).

3 (B) USE OF GUIDANCE.—Beginning on the
4 date on which the revised guidance referred to
5 in subparagraph (A) is finalized, the Adminis-
6 trator shall use the revised guidance in lieu of
7 the guidance described in paragraph (1)(C).

8 (4) CONSIDERATION AND CONSULTATION.—

9 (A) CONSIDERATION.—In revising the
10 guidance, the Administrator shall consider—

11 (i) the recommendations of the study
12 referred to in paragraph (3)(A) and any
13 other relevant study, as determined by the
14 Administrator;

15 (ii) local economic conditions, includ-
16 ing site-specific local conditions that should
17 be taken into consideration in analyzing fi-
18 nancial capability;

19 (iii) other essential community invest-
20 ments;

21 (iv) potential adverse impacts on dis-
22 tressed populations, including the percent-
23 age of low-income ratepayers within the
24 service area of a utility and impacts in
25 communities with disparate economic con-

1 ditions throughout the entire service area
2 of a utility;

3 (v) the degree to which rates of low-
4 income consumers would be affected by
5 water infrastructure investments, the use
6 of rate structures, and customer assistance
7 programs to address the rates of low-in-
8 come consumers;

9 (vi) an evaluation of an array of fac-
10 tors, the relative importance of which may
11 vary across regions and localities; and

12 (vii) the appropriate weight for eco-
13 nomic, public health, and environmental
14 benefits.

15 (B) CONSULTATION.—Any revised guid-
16 ance issued to replace the guidance shall be de-
17 veloped in consultation with stakeholders.

18 (5) PUBLICATION AND SUBMISSION.—

19 (A) IN GENERAL.—On completion of the
20 revision of the guidance, the Administrator
21 shall publish in the Federal Register and sub-
22 mit to the Committee on Environment and
23 Public Works of the Senate and the Committee
24 on Transportation and Infrastructure of the
25 House of Representatives the revised guidance.

1 (B) EXPLANATION.—If the Administrator
2 makes a determination not to follow 1 or more
3 recommendations of the study referred to in
4 paragraph (3)(A), the Administrator shall in-
5 clude in the publication and submission under
6 paragraph (1) an explanation of that decision.

7 (6) EFFECT.—Nothing in this subsection pre-
8 empts or interferes with any obligation to comply
9 with any Federal law, including the Federal Water
10 Pollution Control Act (33 U.S.C. 1251 et seq.).

11 **SEC. 5007. WATER RESOURCES RESEARCH ACT AMEND-**
12 **MENTS.**

13 (a) CONGRESSIONAL FINDINGS AND DECLARA-
14 TIONS.—Section 102 of the Water Resources Research
15 Act of 1984 (42 U.S.C. 10301) is amended—

16 (1) by redesignating paragraphs (7) through
17 (9) as paragraphs (8) through (10), respectively;

18 (2) in paragraph (8) (as so redesignated), by
19 striking “and” at the end; and

20 (3) by inserting after paragraph (6) the fol-
21 lowing:

22 “(7) additional research is required into in-
23 creasing the effectiveness and efficiency of new and
24 existing treatment works through alternative ap-
25 proaches, including—

1 “(A) nonstructural alternatives;
2 “(B) decentralized approaches;
3 “(C) energy use efficiency;
4 “(D) water use efficiency; and
5 “(E) actions to extract energy from waste-
6 water;”.

7 (b) CLARIFICATION OF RESEARCH ACTIVITIES.—Sec-
8 tion 104(b)(1) of the Water Resources Research Act of
9 1984 (42 U.S.C. 10303(b)(1)) is amended—

10 (1) in subparagraph (B)(ii), by striking “water-
11 related phenomena” and inserting “water re-
12 sources”; and

13 (2) in subparagraph (D), by striking the period
14 at the end and inserting “; and”.

15 (c) COMPLIANCE REPORT.—Section 104(c) of the
16 Water Resources Research Act of 1984 (42 U.S.C.
17 10303(c)) is amended—

18 (1) by striking “(c) From the” and inserting
19 the following:

20 “(c) GRANTS.—

21 “(1) IN GENERAL.—From the”; and

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

23 “(2) REPORT.—Not later than December 31 of
24 each fiscal year, the Secretary shall submit to the
25 Committee on Environment and Public Works of the

1 Senate, the Committee on the Budget of the Senate,
2 the Committee on Transportation and Infrastructure
3 of the House of Representatives, and the Committee
4 on the Budget of the House of Representatives a re-
5 port regarding the compliance of each funding re-
6 cipient with this subsection for the immediately pre-
7 ceding fiscal year.”.

8 (d) EVALUATION OF WATER RESOURCES RESEARCH
9 PROGRAM.—Section 104 of the Water Resources Research
10 Act of 1984 (42 U.S.C. 10303) is amended by striking
11 subsection (e) and inserting the following:

12 “(e) EVALUATION OF WATER RESOURCES RESEARCH
13 PROGRAM.—

14 “(1) IN GENERAL.—The Secretary shall con-
15 duct a careful and detailed evaluation of each insti-
16 tute at least once every 3 years to determine—

17 “(A) the quality and relevance of the water
18 resources research of the institute;

19 “(B) the effectiveness of the institute at
20 producing measured results and applied water
21 supply research; and

22 “(C) whether the effectiveness of the insti-
23 tute as an institution for planning, conducting,
24 and arranging for research warrants continued
25 support under this section.

1 “(2) PROHIBITION ON FURTHER SUPPORT.—If,
2 as a result of an evaluation under paragraph (1), the
3 Secretary determines that an institute does not qual-
4 ify for further support under this section, no further
5 grants to the institute may be provided until the
6 qualifications of the institute are reestablished to the
7 satisfaction of the Secretary.”.

8 (e) AUTHORIZATION OF APPROPRIATIONS.—Section
9 104(f)(1) of the Water Resources Research Act of 1984
10 (42 U.S.C. 10303(f)(1)) is amended by striking
11 “\$12,000,000 for each of fiscal years 2007 through 2011”
12 and inserting “\$7,500,000 for each of fiscal years 2019
13 through 2021”.

14 (f) ADDITIONAL APPROPRIATIONS WHERE RE-
15 SEARCH FOCUSED ON WATER PROBLEMS OF INTERSTATE
16 NATURE.—Section 104(g)(1) of the Water Resources Re-
17 search Act of 1984 (42 U.S.C. 10303(g)(1)) is amended
18 in the first sentence, by striking “\$6,000,000 for each of
19 fiscal years 2007 through 2011” and inserting
20 “\$1,500,000 for each of fiscal years 2019 through 2021”.

21 **SEC. 5008. STUDY ON INTRACTABLE WATER SYSTEMS.**

22 Part E of the Safe Drinking Water Act (42 U.S.C.
23 300j et seq.) is amended by adding at the end the fol-
24 lowing:

1 **“SEC. 1459C. STUDY ON INTRACTABLE WATER SYSTEMS.**

2 “(a) DEFINITION OF INTRACTABLE WATER SYS-
3 TEM.—In this section, the term ‘intractable water system’
4 means a community water system or a noncommunity
5 water system—

6 “(1) that serves fewer than 1,000 individuals;
7 and

8 “(2) the owner or operator of which—

9 “(A) is unable or unwilling to provide safe
10 and adequate service to those individuals;

11 “(B) has abandoned or effectively aban-
12 doned the community water system or non-
13 community water system, as applicable;

14 “(C) has defaulted on a financial obliga-
15 tion relating to the community water system or
16 noncommunity water system, as applicable;

17 “(D) fails to maintain the facilities of the
18 community water system or noncommunity
19 water system, as applicable, in a manner so as
20 to prevent a potential public health hazard; or

21 “(E) is in significant noncompliance with
22 this Act or any regulation promulgated pursu-
23 ant to this Act.

24 “(b) STUDY REQUIRED.—

25 “(1) IN GENERAL.—Not later than 2 years
26 after the date of enactment of this section, the Ad-

1 administrator, in consultation with the Secretary of
2 Agriculture and the Secretary of Health and Human
3 Services, shall complete a study that—

4 “(A) identifies intractable water systems;
5 and

6 “(B) describes barriers to delivery of pota-
7 ble water to individuals served by an intractable
8 water system.

9 “(2) REPORT TO CONGRESS.—Not later than 2
10 years after the date of enactment of this section, the
11 Administrator shall submit to Congress a report de-
12 scribing findings and recommendations based on the
13 study under this subsection.

14 “(c) COMPLIANCE INCENTIVE.—Section 1414(h)(2)
15 shall apply to any person carrying out a plan to address
16 an intractable water system that is approved by—

17 “(1) in the case of a State with primary en-
18 forcement responsibility under section 1413, the
19 State; or

20 “(2) in the case of a State that does not have
21 primary enforcement responsibility, the Adminis-
22 trator.”.

23 **SEC. 5009. NATIONAL ONSITE WASTEWATER RECYCLING.**

24 (a) SENSE OF CONGRESS.—It is the sense of Con-
25 gress that providing communities with the knowledge and

1 resources necessary to fully use decentralized wastewater
2 systems can provide affordable wastewater recycling and
3 treatment to millions of people in the United States.

4 (b) DEFINITION OF ADMINISTRATOR.—In this sec-
5 tion, the term “Administrator” means the Administrator
6 of the Environmental Protection Agency.

7 (c) WASTEWATER TECHNOLOGY CLEARINGHOUSE.—

8 (1) IN GENERAL.—The Administrator shall—

9 (A) for each of the programs described in
10 paragraph (2), update the information for those
11 programs to include information on cost-effec-
12 tive and alternative wastewater recycling and
13 treatment systems, including onsite and decen-
14 tralized systems; and

15 (B) disseminate to units of local govern-
16 ment and nonprofit organizations seeking Fed-
17 eral funds for wastewater systems information
18 on the cost effectiveness of alternative waste-
19 water treatment and recycling systems, includ-
20 ing onsite and decentralized systems.

21 (2) PROGRAMS DESCRIBED.—The programs re-
22 ferred to in paragraph (1)(A) are programs that
23 provide technical assistance for wastewater manage-
24 ment, including—

1 (A) programs for nonpoint source manage-
2 ment under section 319 of the Federal Water
3 Pollution Control Act (33 U.S.C. 1329);

4 (B) the permit program for the disposal of
5 sewer sludge under section 405 of the Federal
6 Water Pollution Control Act (33 U.S.C. 1345);

7 (C) technical assistance for small public
8 water systems under section 1442(e) of the
9 Safe Drinking Water Act (42 U.S.C. 300j-
10 2(e)); and

11 (D) other programs of the Administrator
12 that provide technical assistance for wastewater
13 management.

14 (d) ALTERNATIVE WASTEWATER SYSTEM CERTIFI-
15 CATION.—

16 (1) CLEAN WATER STATE REVOLVING FUNDS.—
17 Section 603 of the Federal Water Pollution Control
18 Act (33 U.S.C. 1383) (as amended by section
19 5004(b)(1)) is amended by adding at the end the
20 following:

21 “(k) ALTERNATIVE WASTEWATER SYSTEM CERTIFI-
22 CATION.—In providing assistance from the water pollution
23 control revolving fund of the State established in accord-
24 ance with this title for a project for a wastewater system
25 serving a population of not more than 2,500, the State

1 shall ensure that an entity receiving assistance from the
2 water pollution control revolving fund of the State certifies
3 that the entity has considered an individual or shared on-
4 site, decentralized wastewater system as an alternative
5 wastewater system.”.

6 (2) WIFIA.—Section 5028(a) of the Water In-
7 frastructure Finance and Innovation Act of 2014
8 (33 U.S.C. 3907(a)) is amended by adding at the
9 end the following:

10 “(7) ALTERNATIVE WASTEWATER SYSTEM CER-
11 TIFICATION.—In the case of a project carried out by
12 the Administrator, the Administrator shall ensure
13 that, for a project for a wastewater system serving
14 a population of not more than 2,500, the eligible en-
15 tity receiving financial assistance certifies that the
16 eligible entity has considered an individual or shared
17 onsite, decentralized wastewater system as an alter-
18 native wastewater system.”.

19 (3) WATER AND WASTE DISPOSAL LOAN &
20 GRANT PROGRAM.—Section 306(a) of the Consoli-
21 dated Farm and Rural Development Act (7 U.S.C.
22 1926(a)) is amended by adding at the end the fol-
23 lowing:

24 “(27) ALTERNATIVE WASTEWATER SYSTEM
25 CERTIFICATION.—The Secretary shall ensure that,

1 for a wastewater project serving a population of not
2 more than 2,500, the recipient of the financial as-
3 sistance certifies that the recipient has considered an
4 individual or shared onsite, decentralized wastewater
5 system as an alternative wastewater system.”.

6 (e) REPORT TO CONGRESS.—Not later than 1 year
7 after the date of enactment of this Act, and not less fre-
8 quently than every 3 years thereafter, the Administrator
9 shall submit to Congress a report that describes—

10 (1) the amount of financial assistance provided
11 by State water pollution control revolving funds es-
12 tablished under title VI of the Federal Water Pollu-
13 tion Control Act (33 U.S.C. 1381 et seq.) to deploy
14 decentralized wastewater recycling technology;

15 (2) the barriers impacting greater use of decen-
16 tralized wastewater recycling technologies;

17 (3) the cost-saving potential to communities
18 and future infrastructure investments from further
19 deployment of decentralized wastewater recycling
20 technology;

21 (4) the environmental benefits to the commu-
22 nity and groundwater quality from additional invest-
23 ments in decentralized wastewater recycling; and

1 (5) the actions taken by the Administrator to
2 assist States in identifying eligible projects using de-
3 centralized wastewater recycling technology.

4 **SEC. 5010. WATER INFRASTRUCTURE AND WORKFORCE IN-**
5 **VESTMENT.**

6 (a) SENSE OF CONGRESS.—It is the sense of Con-
7 gress that—

8 (1) water and wastewater utilities provide a
9 unique opportunity for access to stable, high-quality
10 careers;

11 (2) as water and wastewater utilities make crit-
12 ical investments in infrastructure, water and waste-
13 water utilities can invest in the development of local
14 workers and local small businesses to strengthen
15 communities and ensure a strong pipeline of skilled
16 and diverse workers for today and tomorrow; and

17 (3) to further the goal of ensuring a strong
18 pipeline of skilled and diverse workers in the water
19 and wastewater utilities sector, Congress urges—

20 (A) increased collaboration among Federal,
21 State, and local governments; and

22 (B) institutions of higher education, ap-
23 prentice programs, high schools, and other com-
24 munity-based organizations to align workforce
25 training programs and community resources

1 with water and wastewater utilities to accelerate
2 career pipelines and provide access to workforce
3 opportunities.

4 (b) DEFINITION OF INTRACTABLE WATER SYS-
5 TEM.—In this section, the term “intractable water sys-
6 tem” means a community water system or a noncommu-
7 nity water system (as those terms are defined in section
8 1401 of the Safe Drinking Water Act (42 U.S.C. 300f))
9 that—

10 (1) that serves fewer than 1,000 individuals;

11 and

12 (2) the owner or operator of which—

13 (A) is unable or unwilling to provide safe
14 and adequate service to those individuals;

15 (B) has abandoned or effectively aban-
16 doned the community water system or non-
17 community water system, as applicable;

18 (C) has defaulted on a financial obligation
19 relating to the community water system or non-
20 community water system, as applicable;

21 (D) fails to maintain the facilities of the
22 community water system or noncommunity
23 water system, as applicable, in a manner so as
24 to prevent a potential public health hazard; or

- 1 (iv) advance training relating to con-
2 struction, utility operations, treatment and
3 distribution, green infrastructure, customer
4 service, maintenance, and engineering; and
5 (v)(I) have a high retiring workforce
6 rate; or
7 (II) are located in areas with a high
8 unemployment rate; or
9 (B) intractable water systems.

10 (3) USE OF FUNDS.—Grants awarded under
11 paragraph (1) may be used for activities such as—

12 (A) targeted internship, apprenticeship,
13 preapprenticeship, and post-secondary bridge
14 programs for mission-critical skilled trades, in
15 collaboration with labor organizations, commu-
16 nity colleges, and other training and education
17 institutions that provide—

- 18 (i) on-the-job training;
19 (ii) soft and hard skills development;
20 (iii) test preparation for skilled trade
21 apprenticeships; or
22 (iv) other support services to facilitate
23 post-secondary success;

24 (B) kindergarten through 12th grade and
25 young adult education programs that—

1 (i) educate young people about the
2 role of water and wastewater utilities in
3 the communities of the young people;

4 (ii) increase the career awareness and
5 exposure of the young people to water util-
6 ity careers through various work-based
7 learning opportunities inside and outside
8 the classroom; and

9 (iii) connect young people to post-sec-
10 ondary career pathways related to water
11 utilities;

12 (C) regional industry and workforce devel-
13 opment collaborations to identify water utility
14 employment needs, map existing career path-
15 ways, support the development of curricula, fa-
16 cilitate the sharing of resources, and coordinate
17 candidate development, staff preparedness ef-
18 forts, and activities that engage and support—

19 (i) water utilities employers;

20 (ii) educational and training institu-
21 tions;

22 (iii) local community-based organiza-
23 tions;

24 (iv) public workforce agencies; and

25 (v) other related stakeholders;

1 (D) integrated learning laboratories em-
2 bedded in high schools or other secondary edu-
3 cational institutions that provide students
4 with—

5 (i) hands-on, contextualized learning
6 opportunities;

7 (ii) dual enrollment credit for post-
8 secondary education and training pro-
9 grams; and

10 (iii) direct connection to industry em-
11 ployers; and

12 (E) leadership development, occupational
13 training, mentoring, or cross-training programs
14 that ensure that incumbent water and waste-
15 water utilities workers are prepared for higher-
16 level supervisory or management-level positions.

17 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
18 authorized to be appropriated to carry out this section
19 \$1,000,000 for each of fiscal years 2019 and 2020.

20 **SEC. 5011. SENSE OF CONGRESS RELATING TO STATE RE-**
21 **VOLVING FUNDS.**

22 It is the sense of Congress that Congress should pro-
23 vide robust funding of capitalization grants to States to
24 fund drinking water treatment revolving loan funds estab-
25 lished under section 1452 of the Safe Drinking Water Act

1 (42 U.S.C. 300j–12) and the State water pollution control
2 revolving funds established under title VI of the Federal
3 Water Pollution Control Act (33 U.S.C. 1381 et seq.).

4 **SEC. 5012. GAO STUDY ON WIFIA PROJECTS IN SMALL COM-**
5 **MUNITIES, RURAL COMMUNITIES, DISADVAN-**
6 **TAGED COMMUNITIES, AND TRIBAL COMMU-**
7 **NITIES.**

8 Not later than 1 year after the date of enactment
9 of this Act, the Comptroller General of the United States
10 shall—

11 (1) conduct a study on how to create flexibility
12 under the Water Infrastructure Finance and Innova-
13 tion Act (33 U.S.C. 3901 et seq.) for small commu-
14 nities, rural communities, disadvantaged commu-
15 nities, and Tribal communities, including—

16 (A) ways to improve access to assistance
17 under that Act for those communities; and

18 (B) how to lower the burden of applying
19 for assistance under that Act for those commu-
20 nities; and

21 (2) submit to Congress a report that describes
22 the results of the study under paragraph (1).

1 **SEC. 5013. AMERICAN IRON AND STEEL PRODUCTS.**

2 Section 1452(a)(4)(A) of the Safe Drinking Water
3 Act (42 U.S.C. 300j-12(a)(4)(A)) is amended by striking
4 “During fiscal year 2017, funds” and inserting “Funds”.

5 **SEC. 5014. SENSE OF CONGRESS RELATING TO ACCESS TO**
6 **NONPOTABLE WATER.**

7 It is the sense of Congress that—

8 (1) access to nonpotable water sources for in-
9 dustry can relieve the supply and demand challenges
10 for potable water in water-stressed regions through-
11 out the United States; and

12 (2) water users are encouraged to continue im-
13 plementing and incentivizing nonpotable water reuse
14 programs that will achieve greater water savings and
15 conservation needs.

16 **SEC. 5015. INNOVATIVE FINANCING FOR STATE LOAN**
17 **FUNDS.**

18 (a) IN GENERAL.—The Water Infrastructure Fi-
19 nance and Innovation Act of 2014 (33 U.S.C. 3901 et
20 seq.) is amended by adding at the end the following:

21 **“SEC. 5036. INNOVATIVE FINANCING FOR STATE LOAN**
22 **FUNDS.**

23 “(a) DEFINITION OF STATE LOAN FUNDS.—In this
24 section, the term ‘State loan funds’ means—

1 “(1) State drinking water treatment revolving
2 loan funds established under section 1452 of the
3 Safe Drinking Water Act (42 U.S.C. 300j–12); and

4 “(2) State water pollution control revolving
5 funds established under title VI of the Federal
6 Water Pollution Control Act (33 U.S.C. 1381 et
7 seq.).

8 “(b) FINANCIAL ASSISTANCE TO STATE LOAN
9 FUNDS.—The Administrator may provide financial assist-
10 ance under this section to State infrastructure financing
11 authorities for State loan funds to carry out water and
12 wastewater infrastructure projects in accordance with this
13 section.

14 “(c) ELIGIBLE ACTIVITIES.—

15 “(1) IN GENERAL.—The following activities
16 may be carried out by a State infrastructure financ-
17 ing authority with financial assistance made avail-
18 able under this section:

19 “(A) One or more activities that are in-
20 cluded in the intended use plan under section
21 606(c) of the Federal Water Pollution Control
22 Act (33 U.S.C. 1386(c)).

23 “(B) One or more activities that are in-
24 cluded in the project priority list of the in-
25 tended use plan under section 1452(b) of the

1 Safe Drinking Water Act (42 U.S.C. 300j–
2 12(b)).

3 “(2) ADMINISTRATIVE COSTS.—Financial as-
4 sistance provided under this section may be used to
5 pay the reasonable costs of administration related to
6 that financial assistance.

7 “(3) APPLICATION FEES.—Section 5029(b)(7)
8 shall not apply to financial assistance made available
9 under this section.

10 “(4) TREATMENT OF PROJECTS.—In deter-
11 mining whether to provide financial assistance under
12 this section, the Administrator shall consider a
13 project to be all of the activities included in an in-
14 tended use plan described in subparagraph (A) or
15 (B) of paragraph (1).

16 “(5) STATE AND LOCAL DECISIONMAKING.—A
17 State infrastructure financing authority that receives
18 financial assistance under this section may use the
19 assistance for any activity included in an intended
20 use plan described in subparagraph (A) or (B) of
21 paragraph (1).

22 “(d) REQUIREMENTS.—

23 “(1) IN GENERAL.—Except as otherwise pro-
24 vided in this section, the requirements and proce-

1 determined by the Administrator with
2 respect to each loan.

3 “(ii) STATES DESCRIBED.—A State
4 referred to in clause (i) is a State—

5 “(I) that received less than 2
6 percent of the total amount of funds
7 made available to States for the State
8 loan funds for the most recent fiscal
9 year for which data is available; or

10 “(II) for which the President has
11 declared a major disaster in accord-
12 ance with section 401 of the Robert
13 T. Stafford Disaster Relief and Emer-
14 gency Assistance Act (42 U.S.C.
15 5170) during the period beginning on
16 January 1, 2017, and ending on the
17 date of enactment of this section, if
18 the secured loan is for a project re-
19 lated to wastewater or drinking water
20 infrastructure damaged by the major
21 disaster.

22 “(C) DISTRIBUTION OF LOANS.—

23 “(i) IN GENERAL.—Except as pro-
24 vided in clause (ii), of the total amount of

1 funds made available to provide secured
2 loans under this section—

3 “(I) 50 percent shall be provided
4 for secured loans at the interest rate
5 described in subparagraph (A); and

6 “(II) 50 percent shall be provided
7 for secured loans at the interest rate
8 described in subparagraph (B)(i) to
9 States described in subparagraph
10 (B)(ii).

11 “(ii) REALLOCATION.—For any fiscal
12 year, if amounts for loans described in ei-
13 ther of subclause (I) or (II) of clause (i)
14 remain available, the Administrator may
15 reallocate the amounts to be used for loans
16 described in either of subclause (I) or (II)
17 of that clause, as applicable, to meet appli-
18 cant demand.

19 “(3) CERTAIN STATE REVIEWS.—

20 “(A) IN GENERAL.—A project under this
21 section shall comply with any applicable State
22 environmental or engineering review require-
23 ments pursuant to, as applicable—

1 “(i) title VI of the Federal Water Pol-
2 lution Control Act (33 U.S.C. 1381 et
3 seq.);

4 “(ii) section 1452 of the Safe Drink-
5 ing Water Act (42 U.S.C. 300j-12);

6 “(iii) section 35.3140 of title 40, Code
7 of Federal Regulations (or successor regu-
8 lations); and

9 “(iv) section 35.3580 of title 40, Code
10 of Federal Regulations (or successor regu-
11 lations).

12 “(B) NO NEW REVIEWS REQUIRED.—
13 Nothing in this section requires any additional
14 or new environmental or engineering review for
15 a project under this section other than any re-
16 quirement otherwise applicable to the project.

17 “(4) FEDERAL SHARE.—Notwithstanding sec-
18 tion 5029(b)(9), financial assistance for a project
19 under this section may be used to pay up to 100
20 percent of the costs of the project.

21 “(5) LIMITATION ON LOANS UNDER MULTIPLE
22 PROGRAMS.—

23 “(A) IN GENERAL.—A State infrastructure
24 financing authority—

1 “(i) may apply for financial assistance
2 under both this section and under this sub-
3 title (other than this section); but

4 “(ii) may accept financial assistance
5 from only 1 program described in clause
6 (i).

7 “(B) WITHDRAWAL; TIMING.—

8 “(i) WITHDRAWAL.—On a decision to
9 accept financial assistance under this sec-
10 tion or under this subtitle (other than this
11 section), a State infrastructure financing
12 authority shall withdraw the application of
13 the State infrastructure financing author-
14 ity from the program that the State infra-
15 structure financing authority does not se-
16 lect.

17 “(ii) TIMING.—A State infrastructure
18 financing authority shall not be required to
19 withdraw under clause (i) before decisions
20 on the applications of the State infrastruc-
21 ture financing authority under this section
22 and under this subtitle (other than this
23 section) have been made.

24 “(e) EXPEDITED REVIEW OF APPLICATIONS.—Not
25 later than 180 days after the date on which the Adminis-

1 trator receives a complete application for a project under
2 this section, the Administrator shall, through a written no-
3 tice to the State infrastructure financing authority—

4 “(1) approve the application; or

5 “(2) provide detailed guidance and an expla-
6 nation of any changes to the application necessary
7 for approval of the application.

8 “(f) FUNDING.—

9 “(1) AUTHORIZATION OF APPROPRIATIONS.—

10 “(A) IN GENERAL.—There is authorized to
11 be appropriated to the Administrator to carry
12 out this section \$100,000,000 for each of fiscal
13 years 2019 and 2020, to remain available until
14 expended.

15 “(B) SENSE OF CONGRESS.—It is the
16 sense of Congress that the amounts authorized
17 to be appropriated to carry out this section will
18 support, for each fiscal year—

19 “(i) \$5,000,000,000 in secured loans
20 at the interest rate described in subsection
21 (d)(2)(A); and

22 “(ii) \$425,000,000 in secured loans at
23 the interest rate described in subsection
24 (d)(2)(B)(i).

25 “(2) ADMINISTRATIVE COSTS.—

1 “(A) IN GENERAL.—Of the funds made
2 available to carry out this section, the Adminis-
3 trator may use for the administration of this
4 section, including for the provision of technical
5 assistance to aid State infrastructure financing
6 authorities in obtaining the necessary approvals
7 for eligible activities, not more than \$5,000,000
8 for each of fiscal years 2019 and 2020.

9 “(B) FEE WAIVERS.—

10 “(i) IN GENERAL.—Of the funds
11 made available to carry out this section,
12 the Administrator may use for costs re-
13 lated to processing and reviewing applica-
14 tions, including underwriting, such
15 amounts as are necessary for each of fiscal
16 years 2019 and 2020, to remain available
17 until expended.

18 “(ii) OTHER FEES.—The funds under
19 clause (i) shall be used in lieu of fees col-
20 lected under section 5030(b).

21 “(3) NO IMPACT ON OTHER FEDERAL FUND-
22 ING.—No funds shall be made available to carry out
23 this section if—

24 “(A) the total amount made available for
25 a fiscal year for the State loan funds is less

1 than the total amount made available for those
2 funds for fiscal year 2018; and

3 “(B) the amount made available for a fis-
4 cal year for assistance under this subtitle (other
5 than this section) is less than the amount made
6 available for that assistance for fiscal year
7 2018.

8 “(4) SUPPLEMENT, NOT SUPPLANT.—Amounts
9 made available to carry out this section shall be used
10 to supplement, and not supplant—

11 “(A) funds made available to carry out this
12 subtitle (other than this section);

13 “(B) funds made available to carry out
14 section 1452 of the Safe Drinking Water Act
15 (42 U.S.C. 300j–12); and

16 “(C) funds made available to carry out
17 title VI of the Federal Water Pollution Control
18 Act (33 U.S.C. 1381 et seq.).

19 “(g) DISTRIBUTION AND ALLOTMENT OF FUNDS.—

20 “(1) DISTRIBUTION OF FUNDS.—In deter-
21 mining the distribution of amounts between the
22 State loan funds, the Administrator shall—

23 “(A) provide financial assistance based on
24 need; and

1 “(B) give equal consideration to drinking
2 water projects and wastewater projects.

3 “(2) ALLOTMENT.—Notwithstanding section
4 5028(b), in providing financial assistance under this
5 section, the Administrator shall—

6 “(A) for each fiscal year, ensure that each
7 State infrastructure financing authority that
8 submits an application under this section for a
9 project described in subparagraph (A) or (B) of
10 subsection (c)(1) receives financial assistance
11 under this section; but

12 “(B) provide financial assistance under
13 subparagraph (A) in amounts based on need, as
14 determined by the Administrator.

15 “(h) TRANSPARENCY.—

16 “(1) IN GENERAL.—For each fiscal year, the
17 Administrator shall make available on the website of
18 the Administrator—

19 “(A) a list of each application received
20 under this section;

21 “(B) a list of each application approved
22 under this section;

23 “(C) the criteria and methods used for se-
24 lection of projects under this section; and

1 “(D) the terms of the financial assistance
2 provided for each project under this section.

3 “(2) REPORT.—Not later than 180 days after
4 the date on which the Administrator first provides
5 financial assistance for a project under this section
6 and each year thereafter, the Administrator shall
7 submit to the Committee on Environment and Pub-
8 lic Works of the Senate and the Committee on
9 Transportation and Infrastructure of the House of
10 Representatives a detailed report that includes—

11 “(A) the information described in subpara-
12 graphs (A) through (D) of paragraph (1); and

13 “(B) a detailed explanation of why each
14 project was approved.

15 “(i) SUNSET.—The authority to provide assistance
16 under this section shall terminate on September 30,
17 2020.”.

18 (b) FUNDING.—Section 5033 of the Water Infra-
19 structure Finance and Innovation Act of 2014 (33 U.S.C.
20 3912) is amended by inserting “(other than section
21 5036)” after “this subtitle” each place it appears.

22 (c) REMOVAL OF PILOT DESIGNATION.—

23 (1) Subtitle C of title V of the Water Resources
24 Reform and Development Act of 2014 (33 U.S.C.

1 3901 et seq.) is amended by striking the subtitle
2 designation and heading and inserting the following:

3 **“Subtitle C—Innovative Financing**
4 **Projects”.**

5 (2) Section 5023 of the Water Infrastructure
6 Finance and Innovation Act of 2014 (33 U.S.C.
7 3902) is amended by striking “pilot” each place it
8 appears.

9 (3) Section 5034 of the Water Infrastructure
10 Finance and Innovation Act of 2014 (33 U.S.C.
11 3913) is amended by striking the section designation
12 and heading and inserting the following:

13 **“SEC. 5034. REPORTS ON PROGRAM IMPLEMENTATION.”.**

14 (4) The table of contents for the Water Re-
15 sources Reform and Development Act of 2014 (Pub-
16 lic Law 113–121; 128 Stat. 1195) is amended—

17 (A) by striking the item relating to subtitle
18 C of title V and inserting the following:

“Subtitle C—Innovative Financing Projects”;

19 (B) by striking the item relating to section
20 5034 and inserting the following:

“Sec. 5034. Reports on program implementation.”;

21 and

22 (C) by inserting after the item relating to
23 section 5035 the following:

“Sec. 5036. Innovative financing for State loan funds.”.

1 **SEC. 5016. WATER INFRASTRUCTURE RESILIENCY AND SUS-**
2 **TAINABILITY.**

3 (a) DEFINITIONS.—In this section:

4 (1) ADMINISTRATOR.—The term “Adminis-
5 trator” means the Administrator of the Environ-
6 mental Protection Agency.

7 (2) HYDROLOGIC CONDITIONS.—The term “hy-
8 drologic conditions” means the quality, quantity, or
9 reliability of the water resources of a region of the
10 United States.

11 (3) OWNER OR OPERATOR OF A WATER SYS-
12 TEM.—

13 (A) IN GENERAL.—The term “owner or
14 operator of a water system” means an entity
15 (including a regional, State, interstate, Tribal,
16 local, municipal, intermunicipal, or private enti-
17 ty) that owns or operates a water system.

18 (B) INCLUSION.—The term “owner or op-
19 erator of a water system” includes—

20 (i) a non-Federal entity that has oper-
21 ational responsibilities for a federally, trib-
22 ally, or State-owned water system; and

23 (ii) an entity established by an agree-
24 ment between—

25 (I) an entity that owns or oper-
26 ates a water system; and

1 (II) at least 1 other entity.

2 (4) WATER SYSTEM.—The term “water sys-
3 tem” means—

4 (A) a community water system (as defined
5 in section 1401 of the Safe Drinking Water Act
6 (42 U.S.C. 300f));

7 (B) a treatment works (as defined in sec-
8 tion 212 of the Federal Water Pollution Control
9 Act (33 U.S.C. 1292)), including a municipal
10 separate storm sewer system (as the term is
11 used in the Federal Water Pollution Control
12 Act (33 U.S.C. 1251 et seq.));

13 (C) a decentralized wastewater treatment
14 system for domestic sewage;

15 (D) a groundwater storage and replenish-
16 ment system;

17 (E) a system for the conservation of water
18 or for the transport and delivery of water for ir-
19 rigation; or

20 (F) a natural or engineered system that
21 manages floodwaters.

22 (b) ESTABLISHMENT.—The Administrator shall es-
23 tablish and carry out a program, to be known as the
24 “Water Infrastructure Resiliency and Sustainability Pro-
25 gram”, under which the Administrator shall award grants

1 in each of fiscal years 2019 and 2020 to owners or opera-
2 tors of water systems for the purpose of increasing the
3 resiliency or adaptability of the systems to any ongoing
4 or forecasted changes (based on the best available research
5 and data) to the hydrologic conditions of a region of the
6 United States.

7 (c) USE OF FUNDS.—An owner or operator of a
8 water system may only use grant funds received under a
9 grant under this section to assist in the planning, design,
10 construction, implementation, operation, or maintenance
11 of a program or project that meets the purpose described
12 in subsection (b) through—

13 (1) the conservation of water or the enhance-
14 ment of water use efficiency, including through the
15 use of water metering and electronic sensing and
16 control systems to measure the effectiveness of a
17 water efficiency program;

18 (2) the modification or relocation of existing
19 water system infrastructure made or projected to be
20 significantly impaired by changing hydrologic condi-
21 tions;

22 (3) the preservation or improvement of water
23 quality, including through measures to manage, re-
24 duce, treat, or reuse municipal stormwater, waste-
25 water, or drinking water;

1 (4) the investigation, design, or construction of
2 groundwater remediation, recycled water, or desali-
3 nation facilities or systems to serve existing commu-
4 nities;

5 (5) the enhancement of water management by
6 increasing watershed preservation and protection, in-
7 cluding through the use of natural or engineered
8 green infrastructure in the management, conveyance,
9 or treatment of water, wastewater, or stormwater;

10 (6) the enhancement of energy efficiency or the
11 use and generation of renewable energy in the man-
12 agement, conveyance, or treatment of water, waste-
13 water, or stormwater;

14 (7) the adoption and use of advanced water
15 treatment, water supply management (such as res-
16 ervoir reoperation and water banking), or water de-
17 mand management technologies, projects, or proc-
18 esses (such as water reuse and recycling, adaptive
19 conservation pricing, and groundwater banking) that
20 maintain or increase water supply or improve water
21 quality;

22 (8) the modification or replacement of existing
23 systems or the construction of new systems for exist-
24 ing communities or land currently in agricultural

1 production to improve water supply, reliability, stor-
2 age, or conveyance;

3 (9) practices and projects, such as improved ir-
4 rigation systems, water banking and other forms of
5 water transactions, groundwater recharge,
6 stormwater capture, groundwater conjunctive use,
7 and reuse or recycling of drainage water, to improve
8 water quality or promote more efficient water use on
9 land currently in agricultural production;

10 (10) the reduction of flood damage, risk, and
11 vulnerability through—

12 (A) the restoration of floodplains, wet-
13 lands, and uplands integral to flood manage-
14 ment, protection, prevention, and response;

15 (B) the modification of levees, floodwalls,
16 and other structures to reduce risks associated
17 with rising sea levels or to facilitate reconne-
18 ction of rivers to floodplains, reduce flood stage
19 height, and reduce damage to properties and
20 populations;

21 (C) providing for the acquisition and ease-
22 ment of flood-prone lands and properties in
23 order to reduce damage to property and risk to
24 populations; or

1 (D) the promotion of land use planning
2 that prevents future floodplain development;

3 (11) carrying out studies or assessments to
4 project how changing hydrologic conditions may im-
5 pact the future operations and sustainability of
6 water systems; or

7 (12) the development and implementation of
8 measures to increase the resilience of water systems
9 and regional and hydrological basins to rapid hydro-
10 logic change or a natural disaster.

11 (d) APPLICATION.—To seek a grant under this sec-
12 tion, the owner or operator of a water system shall submit
13 to the Administrator an application that—

14 (1) includes a proposal of the program or
15 project to be planned, designed, constructed, imple-
16 mented, operated, or maintained by the water sys-
17 tem;

18 (2) cites the best available research or data that
19 demonstrate—

20 (A) the risk to the water resources or in-
21 frastructure of the water system as a result of
22 ongoing or forecasted changes to the
23 hydrological system of a region, including rising
24 sea levels and changes in precipitation patterns;
25 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
5 project 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 govern-
14 ment, an agency or instrumentality of a State or
15 local government, or a Tribal government or consor-
16 tium of Tribal governments, the program or project
17 to be planned, designed, constructed, implemented,
18 operated, or maintained through the grant shall be
19 publicly 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,
23 to the satisfaction of the Administrator, that—

24 (A) the applicant has consulted with the
25 affected 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
7 selecting recipients of a grant under this section, the Ad-
8 ministrators shall—

9 (1) give priority to owners or operators of water
10 systems—

11 (A) that are, based on the best available
12 research and data, at the greatest and most im-
13 mediate risk of facing significant negative im-
14 pacts due to changing hydrologic conditions;
15 and

16 (B) whose proposed projects would most
17 effectively deliver long-term solutions to those
18 risks; and

19 (2) ensure that grants are awarded each fiscal
20 year for a diverse range of programs and projects
21 described in paragraphs (1) through (12) of sub-
22 section (c).

23 (g) COST-SHARING.—

24 (1) FEDERAL SHARE.—The Federal share of
25 the cost of a program or project carried out using

1 a grant made under subsection (b) shall be not more
2 than 75 percent.

3 (2) CALCULATION OF NON-FEDERAL SHARE.—

4 In calculating the non-Federal share of the cost of
5 a program or project under paragraph (1), the Ad-
6 ministrator shall—

7 (A) include the value of any in-kind serv-
8 ices that are integral to the completion of the
9 program or project, including reasonable admin-
10 istrative 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
20 are authorized to be appropriated to carry out this section
21 \$12,500,000 for each of fiscal years 2019 and 2020.