

115TH CONGRESS
2D SESSION

S. 2800

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

IN THE SENATE OF THE UNITED STATES

MAY 8, 2018

Mr. BARRASSO (for himself, Mr. CARPER, Mr. INHOFE, and Mr. CARDIN) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

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

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

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.

TITLE II—STUDIES, MODIFICATIONS, AND PROJECT AUTHORIZATIONS

Subtitle A—Studies

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

Subtitle B—Deauthorizations, Modifications, and Related Provisions

- Sec. 2101. Savannah Harbor expansion project.
- Sec. 2102. Deauthorization of Svensen Island.
- Sec. 2103. Whittier Narrows study.
- Sec. 2104. West Tennessee tributaries project, Tennessee.
- Sec. 2105. Bridgeport Harbor-Pequonnock River navigation project, Connecticut.
- Sec. 2106. Levees L-212 and L-231, Four River Basin, Ocklawaha River, Florida.
- Sec. 2107. Corps of Engineers bridge repair and divestiture program for New England evacuation routes.
- Sec. 2108. Boston Harbor reserved channel deauthorizations.
- Sec. 2109. Project deauthorization and study extensions.
- Sec. 2110. Deauthorization of inactive studies.

Subtitle C—Water Resources Infrastructure

- Sec. 2201. Project authorizations.
- Sec. 2202. McMicken Dam, Arizona, and Muddy River, Massachusetts.
- Sec. 2203. Environmental infrastructure projects.
- Sec. 2204. Conditional reauthorization of environmental projects.
- Sec. 2205. Sense of Congress relating to West Haven, Connecticut.
- Sec. 2206. Sense of Congress relating to Coastal Texas study.

Subtitle D—Expedited and Modified Studies and Projects

- Sec. 2301. Rahway River Basin flood risk management project.
- Sec. 2302. Hudson-Raritan Estuary Comprehensive Restoration Project.
- Sec. 2303. Certain projects in Rhode Island.
- Sec. 2304. Cedar River, Iowa.
- Sec. 2305. Plymouth Harbor, Massachusetts.
- Sec. 2306. Brandon Road study.
- Sec. 2307. Central Everglades Planning Project.
- Sec. 2308. Portsmouth Harbor and Piscataqua River.
- Sec. 2309. Blain Road footbridge, Thompson, Connecticut.
- Sec. 2310. Table Rock Lake, Arkansas and Missouri.
- Sec. 2311. McCook Reservoir, Illinois.
- Sec. 2312. Baptiste Collette Bayou study, Louisiana.
- Sec. 2313. Morganza to the Gulf, Louisiana.
- Sec. 2314. Louisiana Coastal Area.
- Sec. 2315. Louisiana Coastal Area—Barataria Basin Barrier.
- Sec. 2316. West Shore Lake Pontchartrain, Louisiana.
- Sec. 2317. Southwest Coastal Louisiana.
- Sec. 2318. New York—New Jersey Harbor and Tributaries feasibility study.
- Sec. 2319. Lower Brule shoreline stabilization project.
- Sec. 2320. Hampton Harbor, New Hampshire, navigation improvement project.
- Sec. 2321. New Jersey and Delaware Back Bays Coastal Storm Risk Management.
- Sec. 2322. Minnesota locks and dams divestment study.

TITLE III—PRIMARY CORPS OF ENGINEERS ACTIVITIES

Subtitle A—Continuing Authorities Programs

- Sec. 3001. Corps of Engineers continuing authorities program.
- Sec. 3002. Sense of Congress relating to continuing authorities program.

Sec. 3003. Report relating to availability of prioritized CAP projects.

Subtitle B—Navigation

PART I—INLAND WATERWAYS

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

PART II—PORTS AND HARBORS

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

PART III—MISCELLANEOUS PROVISIONS

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

Subtitle C—Locks, Dams, Levees, and Dikes

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

Subtitle D—Water Supply

- Sec. 3301. Authority to make entire active capacity of Fontenelle Reservoir available for use.
- Sec. 3302. Pricing of water storage contracts.
- Sec. 3303. Report on water supply contract, Wright Patman Lake, Texas.
- Sec. 3304. Sense of Congress relating to Wright Patman Lake, Sulphur River Basin, Texas.
- Sec. 3305. City reservoir expansion pilot program.
- Sec. 3306. Sense of Congress relating to water-related infrastructure in Idaho, Montana, rural Nevada, New Mexico, rural Utah, and Wyoming.

Subtitle E—Sediment Management

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

Subtitle F—Flood Risk Management

- Sec. 3501. Ice jam prevention and mitigation.
- Sec. 3502. Upper Missouri River Basin flood and drought monitoring.
- Sec. 3503. Policies that impact flood fight management projects within urban areas.
- Sec. 3504. Missouri River and tributaries at Kansas Cities, Missouri and Kansas.

Subtitle G—River Basins, Watersheds, and Coastal Areas

- Sec. 3601. Long-term flood risk reduction, Upper Missouri River Basin, Snake River Basin, and Red River Basin.
- Sec. 3602. Sense of Congress relating to provision of resources for emergency infrastructure repairs.
- Sec. 3603. Sense of Congress on emergency management assistance.
- Sec. 3604. Great Lakes Fish and Wildlife Restoration Act of 1990.
- Sec. 3605. Great Lakes Restoration Initiative.
- Sec. 3606. Great Lakes Coastal Resiliency study.
- Sec. 3607. Special rule for beach nourishment.
- Sec. 3608. Extension for certain coastal storm damage reduction programs.
- Sec. 3609. Snake River Basin flood prevention action plan.
- Sec. 3610. Authorization of appropriations for Columbia River Basin restoration.

Subtitle H—Environmental Management

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

Subtitle I—Tribal Programs

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

TITLE IV—SENSE OF CONGRESS RELATING TO CERTAIN PROJECTS

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

TITLE V—EPA-RELATED PROVISIONS

- Sec. 5001. Stormwater infrastructure funding task force.
- Sec. 5002. Reauthorization of the Water Infrastructure Finance and Innovation Act.
- Sec. 5003. Indian reservation drinking water and wastewater pilot program.
- Sec. 5004. Technical assistance for treatment works.
- Sec. 5005. Clean, safe, reliable water infrastructure.
- Sec. 5006. Water infrastructure flexibility.
- Sec. 5007. Water Resources Research Act amendments.
- Sec. 5008. Study on intractable water systems.
- Sec. 5009. National onsite wastewater recycling.
- Sec. 5010. Water infrastructure and workforce investment.
- Sec. 5011. Sense of Congress relating to State revolving funds.
- Sec. 5012. GAO study on WIFIA projects in small communities, rural communities, disadvantaged communities, and Tribal communities.

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

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

4 **TITLE I—GENERAL PROVISIONS**

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

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

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

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

12 (B) the headquarters office of the Corps of
13 Engineers to manage projects and initiatives of
14 national significance;

15 (2) to require the Secretary to allocate a budget
16 for each district of the Corps of Engineers and to
17 give responsibility to those districts to develop and
18 implement the district 5-year budget and work plan;
19 and

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

4 (b) DEFINITIONS.—In this section:

5 (1) ASSISTANT SECRETARY.—The term “Assist-
6 ant Secretary” means the Assistant Secretary of the
7 Army for Civil Works.

8 (2) COM ACCOUNTS.—

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

11 (i) the Civil Works Program Con-
12 struction appropriations account of the
13 Secretary; and

14 (ii) the Civil Works Program Oper-
15 ation and Maintenance appropriations ac-
16 count of the Secretary.

17 (B) INCLUSION.—The term “COM ac-
18 counts” includes the portions of the Civil Works
19 Program Mississippi River and Tributaries ap-
20 propriations account of the Secretary specifi-
21 cally relating to—

22 (i) construction; or

23 (ii) operations and maintenance.

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

4 (A) to participate in project plan develop-
 5 ment; or

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

8 (4) DISTRICT 5-YEAR BUDGET AND WORK
 9 PLAN.—The term “district 5-year budget and work
 10 plan” means a report by an appropriate District En-
 11 gineer under subsection (e) that—

12 (A) includes—

13 (i) the district work plan for the fiscal
 14 year; and

15 (ii) the district budget proposal for
 16 the 4-year period following the fiscal year
 17 to fund increments of work within the ju-
 18 risdiction of the district;

19 (B) is based on—

20 (i) an allocation provided for a fiscal
 21 year; and

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

25 (C) contains—

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

(ii) a list of studies that the District Engineer determines would potentially provide value to the United States to be carried out through the Investigations account; and

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

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

(A) flood damage reduction and risk management;

(B) reliable water supply; and

(C) other business lines.

(6) HEADQUARTERS 5-YEAR BUDGET AND WORK PLAN.—The term “headquarters 5-year budg-

et and work plan” means a report by the Chief of
Engineers under subsection (d) that—

(A) includes—

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

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

(B) is based on—

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

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

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

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

(B) promotes collaboration with cost-share
partners, relevant government agencies, and
stakeholders for coordinated development and

1 active management of water and related re-
2 sources—

3 (i) to align authorities and funding;

4 (ii) to provide opportunities for infor-
5 mation sharing; and

6 (iii) to support complementary and in-
7 tegrated solutions to problems across Fed-
8 eral and non-Federal boundaries to deliver
9 value to the United States based on re-
10 gional, Tribal, or local benefits.

11 (8) INVESTIGATIONS ACCOUNT.—

12 (A) IN GENERAL.—The term “Investiga-
13 tions account” means the Civil Works Program
14 Investigations appropriations account of the
15 Secretary.

16 (B) INCLUSION.—The term “Investigations
17 account” includes the portions of the Civil
18 Works Program Mississippi River and Tribu-
19 taries appropriations account of the Secretary
20 specifically relating to investigations.

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

24 (10) PROJECT OR INITIATIVE OF NATIONAL
25 SIGNIFICANCE.—The term “project or initiative of

1 national significance” means a Corps of Engineers
2 activity that—

3 (A) provides value to the United States;

4 and

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

11 (11) PROJECT OR INITIATIVE OF REGIONAL,
12 TRIBAL, OR LOCAL SIGNIFICANCE.—The term
13 “project or initiative of regional, Tribal, or local sig-
14 nificance” means a Corps of Engineers activity
15 that—

16 (A) provides value to the United States;

17 but

18 (B) does not satisfy the requirements to be
19 considered a project or initiative of national sig-
20 nificance.

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

1 (A) the enhancement or stabilization of the
2 regional, Tribal, or local economy;

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

5 (C) the provision of health, safety, and
6 general welfare to maintain or improve the
7 quality of life of the people of the United
8 States.

9 (13) WORK PLAN PROCESS.—The term “work
10 plan process” means the process used by the Sec-
11 retary and the Chief of Engineers on the date of en-
12 actment of this Act by which funds that are not allo-
13 cated to a specified project in an appropriations Act
14 (including the statement of managers for such an
15 Act) are subdivided into various categories within
16 the areas of—

17 (A) navigation;

18 (B) flood risk management; and

19 (C) other authorized project purposes.

20 (c) BUDGET RECOMMENDATIONS BY SECRETARY.—

21 (1) IN GENERAL.—Not less frequently than
22 once each fiscal year, the Secretary shall make rec-
23 ommendations to Congress on the date that the
24 budget is transmitted under section 1105(a) of title
25 31, United States Code, for the allocation and ap-

1 appropriation of amounts for that fiscal year in each
2 of the major business lines for the Investigations ac-
3 count and the COM accounts for allocation to each
4 district of the Corps of Engineers, for use by—

5 (A) the District Engineer; and

6 (B) the civilian Deputy District Engineer
7 for Programs and Project Management.

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

12 (A) the Regulatory appropriations account;

13 (B) the Ecosystem Restoration appropria-
14 tions account;

15 (C) the Expenses appropriations account;

16 (D) the Formerly Utilized Sites Remedial
17 Action Program appropriations account;

18 (E) the Flood Control and Coastal Emer-
19 gencies appropriations account;

20 (F) the Office of the Assistant Secretary of
21 the Army for Civil Works appropriations ac-
22 count;

23 (G) the revolving fund established by sec-
24 tion 101 of the Civil Functions Appropriations
25 Act, 1954 (33 U.S.C. 576); and

1 (H) the automation development program
2 pursuant to House Report 103–135, accom-
3 panying the Energy and Water Development
4 Appropriations Act, 1996 (Public Law 104–46;
5 109 Stat. 402).

6 (d) HEADQUARTERS 5-YEAR BUDGET AND WORK
7 PLAN.—Not less frequently than once each fiscal year, on
8 the date that the budget is transmitted under section
9 1105(a) of title 31, United States Code, the Secretary
10 shall submit to Congress the headquarters 5-year budget
11 and work plan.

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

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

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

22 (A) may include any project under the ju-
23 risdiction of the applicable District Engineer
24 that is not included in the budget transmitted

1 under section 1105(a) of title 31, United States
2 Code; and

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

5 (3) LEADERSHIP INPUT.—The headquarters of-
6 fice and Major Subordinate Command of the Corps
7 of Engineers shall provide appropriate quality assur-
8 ance guidance in the preparation of each district 5-
9 year budget and work plan.

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

15 (1) provide to cost-share partners, government
16 agencies, and stakeholders—

17 (A) notice and an opportunity for comment
18 for a period of not less than 30 days to submit
19 to the Secretary or to the District Engineer
20 comments, including through written submis-
21 sion of data, opinions, or arguments, with or
22 without an opportunity for oral presentation;

23 (B) written responses to comments re-
24 ceived under subparagraph (A); and

1 (C) a process through which cost-share
2 partners, government agencies, and stake-
3 holders may appeal decisions of the District En-
4 gineer regarding the contents of the district 5-
5 year budget and work plan under subsection
6 (e)(1) to the Major Subordinate Command with
7 jurisdiction over the District;

8 (2) publish the comments received under para-
9 graph (1)(A) on the internet website of the Corps of
10 Engineers;

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

13 (4) provide to government agencies the oppor-
14 tunity to consult and collaborate with each district
15 and obtain feedback to incorporate into risk assess-
16 ments; and

17 (5) provide to cost-share partners the oppor-
18 tunity to collaborate—

19 (A) to support information sharing;

20 (B) to the maximum extent practicable, to
21 share in concept development and decision-mak-
22 ing to achieve complementary or integrated so-
23 lutions to problems; and

24 (C) to obtain feedback to incorporate into
25 risk assessments.

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

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

9 (A) is holistic and mission-integrated;

10 (B) focuses on water resource challenges
11 and opportunities;

12 (C) promotes collaboration with stake-
13 holders, government agencies, and cost-share
14 partners for coordinated development and active
15 management of water and related resources;

16 (D) maximizes the benefits resulting from
17 Corps of Engineers investment;

18 (E) aligns Corps of Engineers, government
19 agencies, and cost-share partners authorities
20 and funding to gain efficiencies and maximize
21 return on investment; and

22 (F) pursues integrated water resource
23 management.

24 (2) SYSTEM AND WATERSHED EVALUATION
25 AND PRIORITIZATION.—The Secretary shall issue

1 guidance to ensure, in the development of a head-
2 quarters 5-year budget and work plan or district 5-
3 year budget and work plan—

4 (A) the use of modeling and data to evalu-
5 ate the performance of project assets on a sys-
6 tem or watershed basis in yielding system-wide
7 or watershed-wide benefits; and

8 (B) the prioritization of activities and
9 management of infrastructure within each rel-
10 evant system or watershed.

11 (3) LIFECYCLE PORTFOLIO MANAGEMENT.—In
12 making a determination relating to investment at
13 any stage of a project, the Secretary shall issue
14 guidance to ensure that the principles of lifecycle
15 portfolio management are applied in the development
16 of headquarters 5-year budget and work plans and
17 district 5-year budget and work plans, including
18 by—

19 (A) managing the entire lifecycle of the
20 project, within a system or watershed context,
21 using data and objective criteria as the basis for
22 risk-informed investment decision-making to
23 provide—

24 (i) the desired outcomes of the
25 project; and

1 (ii) value to the United States; and

2 (B) managing the regional and national
3 portfolios of projects to make cost-effective and
4 sequenced investment decisions.

5 (4) FEDERAL CONSIDERATIONS.—In developing
6 and comparing project alternatives or making any
7 other determination for purposes of a headquarters
8 5-year budget and work plan or district 5-year budg-
9 et and work plan, the Secretary shall issue guidance
10 to ensure that each plan includes an evaluation of
11 the projected effects of each project or initiative of
12 national significance or project or initiative of re-
13 gional, Tribal, or local significance, or project alter-
14 native, if applicable, on—

15 (A) the nonmonetary physical, chemical,
16 and biological conditions of water and related
17 land resources in the United States, at the sys-
18 tem or watershed scale;

19 (B) the economic value of—

20 (i) water and related land resources in
21 the United States; and

22 (ii) the national output of goods and
23 services produced using those resources;

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

1 (i) taking into consideration applicable
 2 flood and coastal storm damage reduction
 3 plans, and any other relevant plans; and

4 (ii) using—

5 (I) nonmonetary units; or

6 (II) qualitative descriptions;

7 (D) significant cultural, aesthetic, and sub-
 8 watershed-scale ecological resources, as meas-
 9 ured using—

10 (i) nonmonetary units; or

11 (ii) qualitative descriptions; and

12 (E) the effects described in subparagraphs

13 (A) through (D) with respect to—

14 (i) low-income communities;

15 (ii) rural communities; and

16 (iii) Tribal and other minority com-
 17 munities.

18 (5) BUSINESS LINE CONSIDERATIONS.—The
 19 Secretary shall issue guidance to ensure that head-
 20 quarters 5-year budget and work plans and district
 21 5-year budget and work plans analyze the accom-
 22 plishments, projected challenges, and business pro-
 23 grams funding and performance of each project or
 24 initiative of national significance and project or ini-
 25 tiative of regional, Tribal, or local significance, tak-

1 ing into consideration any relevant business lines of
2 the project or initiative.

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

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

10 (2) to maximize the return on Federal invest-
11 ment; and

12 (3) to ensure that the infrastructure of the
13 Corps of Engineers protects laborers and employees,
14 private investment, and production in the United
15 States.

16 **SEC. 1002. NATIONAL ACADEMY STUDIES.**

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

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

23 (A) Congress;

24 (B) State and local units of government;

25 (C) local stakeholders; and

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

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

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

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

11 (B) should be modified to increase—

12 (i) efficiency;

13 (ii) coordination;

14 (iii) transparency; or

15 (iv) cost savings.

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

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

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

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

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

12 (2) submit to Congress a report that—

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

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

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

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

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

3 (2) the status of those funds.

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

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

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

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

18 (d) EXCESS FUNDS.—

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

1 shall remain available until the non-Federal interest
2 uses the funds in accordance with paragraph (2).

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

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

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

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

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

22 (b) APPLICATION OF UNREIMBURSED FUNDS.—In
23 the case of a project carried out by the Secretary under
24 an existing agreement for which the non-Federal sponsor

1 has unreimbursed funds, on the request of the non-Federal sponsor, the Secretary shall—

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

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

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

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

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

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

17 “(4) TREATMENT.—In carrying out this subsection, the Secretary shall ensure that a private entity is subject to the same regulations and requirements as a non-Federal public entity.”.

21 **SEC. 1007. COST ESTIMATES.**

22 Section 2008(c) of the Water Resources Development Act of 2007 (33 U.S.C. 2340(c)) is amended by striking
24 “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 **SEC. 1016. EASEMENTS FOR CERTAIN RURAL ELECTRIC,**
12 **TELEPHONE, AND BROADBAND SERVICE FA-**
13 **CILITIES.**

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

16 (1) by redesignating subsection (c) as sub-
17 section (d); and

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

20 “(c) CERTAIN EASEMENTS.—

21 “(1) IN GENERAL.—The Secretary shall grant
22 an easement across water resources development
23 project land for the electric, telephone, or broadband
24 service facilities of a nonprofit organization that is
25 eligible for financing under the Rural Electrification
26 Act of 1936 (7 U.S.C. 901 et seq.) if the easement

1 does not interfere with the safe functioning of the
2 water resources development project.

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

6 **SEC. 1017. CORPS CAPABILITIES.**

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

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

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

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

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

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

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

8 **SEC. 1020. NON-FEDERAL STUDY AND CONSTRUCTION OF**
 9 **PROJECTS.**

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

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

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

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

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

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

24 “(B) shall not affect the responsibilities of
 25 the Secretary—

1 “(i) to review the feasibility study for
2 compliance with applicable Federal laws
3 (including regulations) under subsection
4 (b); and
5 “(ii) to make recommendations to
6 Congress on the plan or design of the
7 project under subsection (c).”.

8 **SEC. 1021. REPORTS TO CONGRESS.**

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

14 (b) FAILURE TO PROVIDE A COMPLETED REPORT OR
15 STUDY.—

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

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

11 (c) LIMITATIONS.—

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

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

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

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

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

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

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

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

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

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

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

1 **SEC. 1022. DISPOSITION STUDIES.**

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

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

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

9 **SEC. 1023. NATURAL INFRASTRUCTURE.**

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

16 **SEC. 1024. WATERCRAFT INSPECTION STATIONS.**

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

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

21 “(b) AUTHORIZATION OF APPROPRIATIONS.—

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

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

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

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

8 (2) in subsection (d)—

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

11 “(1) IN GENERAL.—

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

16 “(i) to protect the Columbia River
17 Basin; and

18 “(ii) to protect the Upper Missouri
19 River Basin.

20 “(B) LOCATIONS.—The Secretary shall
21 place watercraft inspection stations under sub-
22 paragraph (A) at locations, as determined by
23 the Secretary in consultation with States within
24 the areas described in subparagraph (A), with
25 the highest likelihood of preventing the spread

1 of aquatic invasive species at reservoirs oper-
 2 ated and maintained by the Secretary.

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

8 (B) by striking paragraph (3)(A) and in-
 9 serting the following:

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

13 **SEC. 1025. REAUTHORIZATION OF NON-FEDERAL IMPLE-**
 14 **MENTATION PILOT PROGRAM.**

15 Section 1043 of the Water Resources Reform and De-
 16 velopment Act of 2014 (33 U.S.C. 2201 note; Public Law
 17 113–121) is amended—

18 (1) in subsection (a)—

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

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

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

5 (A) in paragraph (3)(A)(i), by striking
 6 “date of enactment of this Act” each place it
 7 appears and inserting “date of enactment of the
 8 America’s Water Infrastructure Act of 2018”;

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

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

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

18 (E) in paragraph (8), by striking “each of
 19 fiscal years 2015 through 2019” and inserting
 20 “each of fiscal years 2015 through 2021”.

21 **SEC. 1026. PROJECT STUDIES SUBJECT TO INDEPENDENT**
 22 **PEER REVIEW.**

23 (a) **EXTENSION.**—Section 2034(h)(2) of the Water
 24 Resources Development Act of 2007 (33 U.S.C.

1 2343(h)(2)) is amended by striking “12 years” and insert-
 2 ing “17 years”.

3 (b) REPORT ON COST AND TIME OVERRUNS.—Sec-
 4 tion 2034(i) of the Water Resources Development Act of
 5 2007 (33 U.S.C. 2343(i)) is amended by adding at the
 6 end the following:

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

17 **SEC. 1027. EXPEDITED CONSIDERATION.**

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

22 **SEC. 1028. WIFIA STUDY.**

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

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

5 (A) the obstacles that need to be removed
 6 for the Secretary to implement the responsibil-
 7 ities of the Secretary under that Act;

8 (B) an identification of all projects that
 9 the Secretary determines to be potentially viable
 10 to receive assistance under that Act; and

11 (C) an identification of any amendments to
 12 that Act or other legislative or regulatory
 13 changes that would improve the ability of the
 14 Secretary to implement that Act; and

15 (2) submit to the Committee on Environment
 16 and Public Works of the Senate and the Committee
 17 on Transportation and Infrastructure of the House
 18 of Representatives a report on the results of the
 19 study under paragraph (1).

20 **SEC. 1029. ENHANCED DEVELOPMENT DEMONSTRATION**
 21 **PROGRAM.**

22 (a) IN GENERAL.—The Secretary is directed to re-
 23 view the master plan and shoreline management plan for
 24 any lake described in section 3134 of the Water Resources
 25 Development Act of 2007 (121 Stat. 1142; 130 Stat.

1 1671) for the purpose of identifying areas suitable for en-
2 hanced development if—

3 (1) the master plan and shoreline management
4 plan of the lake have been updated since January 1,
5 2013; and

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

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

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

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

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

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

4 (2) enter into a partnership agreement with a
5 private entity;

6 (3) consider lease durations of up to 100 years;
7 and

8 (4) consider regional economic impacts.

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

12 (1) the maintenance, protection, alteration, re-
13 pair, improvement, or restoration of public recre-
14 ation facilities under the control of the Secretary;
15 and

16 (2) construction of new public recreation facili-
17 ties.

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

1 (1) Natural resource and recreation manage-
2 ment.

3 (2) The investigation, planning, construction,
4 operation, and maintenance of public recreation fa-
5 cilities.

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

10 (i) STUDY APPLICATION OF MILITARY LEASING AU-
11 THORITIES TO CIVIL WORKS PROJECTS.—Not later than
12 2 years after the date of enactment of this Act, the Sec-
13 retary shall—

14 (1) complete a study on the application of sec-
15 tion 2667 of title 10, United States Code, enhanced
16 use leasing authorities, and other military leasing
17 authorities to the civil works program of the Sec-
18 retary; and

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

23 **SEC. 1030. DUPLICATION OF EFFORTS.**

24 In the case of a project in which the non-Federal
25 sponsor is working with an institution of higher education,

1 in order to reduce duplication of efforts, the Secretary
 2 shall consider hiring an institution of higher education or
 3 entity, in accordance with any applicable contract law, to
 4 provide assistance under section 22 of the Water Re-
 5 sources Development Act of 1974 (42 U.S.C. 1962d–16)
 6 with respect to that project.

7 **SEC. 1031. CORPS OF ENGINEERS BOARD OF APPEALS FOR**
 8 **CERTAIN WATER STORAGE PROJECTS.**

9 (a) PURPOSE AND NEED STATEMENTS.—

10 (1) IN GENERAL.—Not later than 90 days after
 11 the date of receipt of a complete application for a
 12 water storage project, the District Engineer shall de-
 13 velop and provide to the applicant a purpose and
 14 need statement that describes—

15 (A) whether the District Engineer concurs
 16 with the assessment of the purpose of and need
 17 for the water storage project proposed by the
 18 applicant; and

19 (B) in any case in which the District Engi-
 20 neer does not concur as described in subpara-
 21 graph (A), an assessment by the District Engi-
 22 neer of the purpose of and need for the project.

23 (2) EFFECT ON ENVIRONMENTAL IMPACT
 24 STATEMENTS.—No environmental impact statement
 25 or environmental assessment required under the Na-

1 tional Environmental Policy Act of 1969 (42 U.S.C.
 2 4321 et seq.) shall substantially commence with re-
 3 spect to a water storage project for which an appli-
 4 cation is submitted as described in paragraph (1)
 5 until the date on which the District Engineer pro-
 6 vides to the applicant the purpose and need state-
 7 ment under that paragraph.

8 (b) RECORDS OF DECISION.—Before the Secretary
 9 issues a permit decision for any project for which a permit
 10 from the Secretary is required, the Secretary shall provide
 11 to the applicant a record of decision that describes all ap-
 12 plicable conditions under the permit that will apply to the
 13 project.

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

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

19 (2) MEMBERSHIP.—

20 (A) IN GENERAL.—The Board shall be
 21 composed of 5 members, to be appointed by the
 22 Secretary, of whom—

23 (i) 2 shall be representatives of State
 24 water development commissions and agen-
 25 cies with water storage needs;

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

3 (iii) 1—

4 (I) shall be selected jointly by the
5 Secretary and the entities described in
6 clause (i); and

7 (II) shall not be a representative
8 of any entity described in clause (i) or
9 (ii).

10 (B) REQUIREMENTS.—In selecting mem-
11 bers to serve on the Board, the Secretary shall
12 ensure that each Board member—

13 (i) does not have a conflict of interest;
14 and

15 (ii) is not from the same State in
16 which the project that is the subject of the
17 appeal is located.

18 (3) DUTIES.—

19 (A) IN GENERAL.—The Board shall make
20 determinations on—

21 (i) all appeals relating to a purpose
22 and need statement provided under sub-
23 section (a)(1); and

1 (ii) all appeals relating to the permit
 2 conditions described in a record of decision
 3 under subsection (b).

4 (B) DEADLINE.—The Board shall make a
 5 determination regarding an appeal under sub-
 6 paragraph (A) by not later than 90 days after
 7 the date on which the appeal is filed with the
 8 Board.

9 (C) FACTORS FOR CONSIDERATION.—In
 10 making a determination under subparagraph
 11 (A), the Board shall evaluate—

12 (i) in the case of an appeal described
 13 in subparagraph (A)(i), any field assess-
 14 ment of the Corps of Engineers regarding
 15 the purpose of and need for the applicable
 16 water storage project; and

17 (ii) in the case of an appeal described
 18 in subparagraph (A)(ii), any condition
 19 placed on a project under a permit based
 20 on the record of decision under subsection
 21 (b).

22 (4) CONSIDERATION BY DISTRICT ENGINEER.—

23 (A) IN GENERAL.—In the case of any de-
 24 termination of the Board under paragraph
 25 (3)(A), the applicable District Engineer shall

reconsider the purpose and need statement or permit condition, as applicable, taking into consideration the determination of the Board under paragraph (3)(A).

(B) EXPLANATION.—If the District Engineer determines not to accept a determination under subparagraph (A), the District Engineer shall, not later than 90 days after the date on which the District Engineer receives the determination, provide to the applicant and to the Board a written explanation as to why the District Engineer rejected the determination.

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

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

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

It is the sense of Congress that the amendment to section 203 of the Water Resources Development Act of

1 1986 (33 U.S.C. 2231) made by section 1126 of the Water
 2 Infrastructure Improvements for the Nation Act (130
 3 Stat. 1648) was intended to supersede any conflicting
 4 laws.

5 **SEC. 1034. SENSE OF CONGRESS RELATING TO PROJECT**
 6 **PARTNERSHIP AGREEMENTS.**

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

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

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

14 **SEC. 1035. SENSE OF CONGRESS RELATING TO ENCOUR-**
 15 **AGING RESILIENT TECHNIQUES AND HABITAT**
 16 **CONNECTIVITY IN ECOSYSTEM RES-**
 17 **TORATION.**

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

23 (1) encouraging the use of resilient structural
 24 or nonstructural construction techniques; and

1 (2) clarifying that nonstructural approaches,
 2 techniques, and alternatives include natural and na-
 3 ture-based solutions.

4 **SEC. 1036. ALTERATIONS TO LOCAL FLOOD CONTROL**
 5 **PROJECTS.**

6 The District Engineer of each district of the Corps
 7 of Engineers shall have the authority to implement exist-
 8 ing authorities to approve alterations to local flood control
 9 projects in accordance with section 208.10 of title 33,
 10 Code of Federal Regulations (or successor regulations),
 11 and all other applicable laws (including regulations).

12 **TITLE II—STUDIES, MODIFICA-**
 13 **TIONS, AND PROJECT AU-**
 14 **THORIZATIONS**

15 **Subtitle A—Studies**

16 **SEC. 2001. AUTHORIZATION OF PROPOSED FEASIBILITY**
 17 **STUDIES.**

18 The Secretary is authorized to conduct a feasibility
 19 study for the following projects for water resources devel-
 20 opment and conservation and other purposes, as identified
 21 in the reports titled “Report to Congress on Future Water
 22 Resources Development” submitted to Congress in March
 23 2017 and February 2018, respectively, pursuant to section
 24 7001 of the Water Resources Reform and Development

1 Act of 2014 (33 U.S.C. 2282d) or otherwise reviewed by
2 Congress:

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

10 (2) OUACHITA-BLACK RIVERS NAVIGATION
11 PROJECT, ARKANSAS AND LOUISIANA.—Project for
12 navigation, Lower Little River, Arkansas and Lou-
13 isiana.

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

18 (4) NORTSHORE FLOOD RISK REDUCTION,
19 LOUISIANA.—Project for northshore flood risk reduc-
20 tion, St. Tammany Parish, Louisiana.

21 (5) ST. LOUIS RIVERFRONT-MERAMEC RIVER
22 BASIN, MISSOURI.—Project for ecosystem restora-
23 tion, St. Louis riverfront-Meramec River Basin, Mis-
24 souri, authorized by the resolution adopted by the
25 Committee on Transportation and Infrastructure of

1 the House of Representatives on June 21, 2000, to
 2 modify the project to add flood risk management as
 3 a project purpose and to expand the study area to
 4 include the entire Meramec River Basin.

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

8 (7) TRINITY RIVER AND TRIBUTARIES,
 9 TEXAS.—Project for navigation, Trinity River and
 10 tributaries, channel to Liberty, Texas.

11 (8) COASTAL VIRGINIA WATER RESOURCES, VIR-
 12 GINIA.—Project for hurricane and storm damage
 13 risk reduction, coastal Virginia water resources, Vir-
 14 ginia.

15 (9) TANGIER ISLAND, VIRGINIA.—Project for
 16 ecosystem restoration, flood risk management, and
 17 navigation, Tangier Island, Virginia.

18 **SEC. 2002. LOWER MISSOURI RIVER BANK STABILIZATION**
 19 **AND NAVIGATION.**

20 The Secretary is authorized to conduct a study on
 21 the function and reliability of the Lower Missouri River
 22 Bank stabilization and navigation project, authorized by
 23 the first section of the Act of July 25, 1912 (37 Stat.
 24 219, chapter 253).

1 **Subtitle B—Deauthorizations, Mod-**
2 **ifications, and Related Provi-**
3 **sions**

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).

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-

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

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

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

SEC. 2107. CORPS OF ENGINEERS BRIDGE REPAIR AND DIVESTITURE PROGRAM FOR NEW ENGLAND EVACUATION ROUTES.

(a) IN GENERAL.—Subject to the availability of appropriations, the Secretary may repair or replace, as necessary, any bridge owned and operated by the Secretary that is—

(1) located in any of the States of Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont; and

1 (2) necessary for evacuation during an extreme
2 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 modi-
17 fied by section 101 of the River and Harbor Act of
18 1958 (72 Stat. 297), section 101(a)(13) of the
19 Water Resources Development Act of 1990 (104
20 Stat. 4607), and section 7002(1) of the Water Re-
21 sources Reform and Development Act of 2014 (128
22 Stat. 1365) described in paragraph (2) are no longer
23 authorized beginning on the date of enactment of
24 this Act.

25 (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 modi-
 24 fied by section 101 of the River and Harbor Act of
 25 1958 (72 Stat. 297) described in paragraph (2) are

1 no 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 \$7,000,000,000 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 \$7,000,000,000.

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.—

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

(B) TREATMENT OF STUDIES.—Notwithstanding subparagraph (A), each feasibility study identified in the final deauthorization list shall be treated as deauthorized for purposes of the aggregate deauthorization amount described in subsection (c)(2)(A).

(3) FEASIBILITY STUDIES IDENTIFIED IN APPENDIX.—A feasibility study identified in the appendix to the final deauthorization list shall remain subject to future deauthorization by Congress.

Subtitle C—Water Resources Infrastructure

SEC. 2201. PROJECT AUTHORIZATIONS.

The following projects for water resources development and conservation and other purposes, as identified in the report entitled “Report to Congress on Future Water Resources Development” submitted to Congress in

1 March 2017, pursuant to section 7001 of the Water Re-
 2 sources Reform and Development Act of 2014 (33 U.S.C.
 3 2282d) or otherwise reviewed by Congress, are authorized
 4 to be carried out by the Secretary substantially in accord-
 5 ance with the plans, and subject to the conditions, de-
 6 scribed in the respective reports designated in this section:

7 (1) NAVIGATION.—

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

8 (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

3 **SEC. 2202. MCMICKEN DAM, ARIZONA, AND MUDDY RIVER,**
4 **MASSACHUSETTS.**

5 (a) STUDY.—The Secretary shall conduct a study on
6 the status of—

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

8 (2) the project for flood damage reduction and
9 environmental restoration, Muddy River, Brookline
10 and Boston, Massachusetts, authorized by section

1 522 of the Water Resources Development Act of
2 2000 (114 Stat. 2656).

3 (b) REPORT.—Not later than 180 days 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 (c) REQUIREMENTS.—The report under subsection
8 (b) shall include—

9 (1) a description of the reasons of the Secretary
10 for deauthorizing the projects described in sub-
11 section (a); and

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

15 **SEC. 2203. ENVIRONMENTAL INFRASTRUCTURE PROJECTS.**

16 Section 219 of the Water Resources Development Act
17 of 1992 (106 Stat. 4835, 113 Stat. 334, 114 Stat.
18 2763A–219, 121 Stat. 1242, 121 Stat. 1261) is amend-
19 ed—

20 (1) in subsection (f)—

21 (A) in paragraph (25)—

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

24 (ii) by striking “Berkeley”; and

1 (iii) by striking “and Orangeberg”
 2 and inserting “Orangeburg, and Sumter”;

3 (B) in paragraph (43), by striking
 4 “\$35,000,000” and inserting “\$70,000,000”;
 5 and

6 (C) by striking paragraph (121) and in-
 7 serting the following:

8 “(121) CHARLOTTE COUNTY, FLORIDA.—
 9 \$16,000,000 for wastewater infrastructure, Char-
 10 lotte County, Florida.”; and

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

12 “(g) CONSIDERATION OF ADDITIONAL PROJECTS.—
 13 The Secretary shall consider and complete an assessment
 14 of the following projects:

15 “(1) MACOMB COUNTY, MICHIGAN.—The
 16 project for wastewater infrastructure, Macomb
 17 County, Michigan.

18 “(2) MILWAUKEE AND SHOREWOOD, WIS-
 19 CONSIN.—The project for wastewater infrastructure,
 20 Milwaukee and Shorewood, Wisconsin.”.

21 **SEC. 2204. CONDITIONAL REAUTHORIZATION OF ENVIRON-**
 22 **MENTAL PROJECTS.**

23 (a) IN GENERAL.—A project described in subsection
 24 (b) shall be authorized for each of fiscal years 2019
 25 through 2021, if the Secretary receives from the project

1 sponsor a written request for the authorization by not
2 later than 90 days after the date of enactment of this Act.

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

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

7 (2) is described in section 219(f) of the Water
8 Resources Development Act of 1992 (106 Stat.
9 4835; 113 Stat. 334); and

10 (3) was authorized—

11 (A) pursuant to an amendment to that sec-
12 tion made by section 5158 of the Water Re-
13 sources Development Act of 2007 (121 Stat.
14 1258); and

15 (B) for an amount equal to not more than
16 \$2,000,000 for improvements to water related
17 infrastructure.

18 **SEC. 2205. SENSE OF CONGRESS RELATING TO WEST**
19 **HAVEN, CONNECTICUT.**

20 It is the sense of Congress that, to the maximum ex-
21 tent practicable, the Secretary should prioritize the project
22 for storm damage reduction, West Haven, Connecticut,
23 authorized by section 101 of the River and Harbor Act
24 of 1954 (68 Stat. 1254) and section 3 of the Act of Au-

1 gust 13, 1946 (60 Stat. 1056, chapter 960; 33 U.S.C.
2 426g).

3 **SEC. 2206. SENSE OF CONGRESS RELATING TO COASTAL**
4 **TEXAS STUDY.**

5 It is the sense of Congress that the Secretary should
6 expedite the completion of projects for flood damage re-
7 duction, hurricane and storm damage reduction, and eco-
8 system restoration in the coastal areas of Texas that are
9 identified in the interim report due to be published in
10 2018 that describes the tentatively selected plan developed
11 in accordance with section 4091 of the Water Resources
12 Development Act of 2007 (121 Stat. 1187).

13 **Subtitle D—Expedited and**
14 **Modified Studies and Projects**

15 **SEC. 2301. RAHWAY RIVER BASIN FLOOD RISK MANAGE-**
16 **MENT PROJECT.**

17 In accordance with section 1322(b)(2)(B) of the
18 Water Infrastructure Improvements for the Nation Act
19 (130 Stat. 1707), the Secretary shall expedite completion
20 of the report for the project for flood risk management,
21 Rahway River Basin, New Jersey, and, if the Secretary
22 determines that the project is justified in the completed
23 report, proceed directly to project preconstruction, engi-
24 neering, and design in accordance with section 910 of the

1 Water Resources Development Act of 1986 (33 U.S.C.
2 2287).

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

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

8 (1) in a timely manner; and

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

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

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

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

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

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

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

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

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

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

17 **SEC. 2306. BRANDON ROAD STUDY.**

18 The Secretary shall complete a final feasibility report
 19 for the Great Lakes Mississippi River Interbasin Study
 20 Brandon Road Study, authorized under section 3061(d)
 21 of the Water Resources Development Act of 2007 (121
 22 Stat. 1121) and section 1538(b)(1) of MAP–21 (Public
 23 Law 112–141; 126 Stat. 586) by the original deadline of
 24 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) PARTIAL DIVESTITURE.—The Secretary shall in-
 8 clude in the report describing the result of the study de-
 9 scribed in subsection (a) an examination of—

10 (1) the possibility of the partial divestiture of
 11 the Secretary from the locks and dams described in
 12 that subsection; and

13 (2) possible changes to the use of those locks
 14 and dams.

15 **TITLE III—PRIMARY CORPS OF**
 16 **ENGINEERS ACTIVITIES**
 17 **Subtitle A—Continuing Authorities**
 18 **Programs**

19 **SEC. 3001. CORPS OF ENGINEERS CONTINUING AUTHORI-**
 20 **TIES PROGRAM.**

21 (a) STORM AND HURRICANE RESTORATION AND IM-
 22 PACT MINIMIZATION PROGRAM.—Section 3(c) of the Act
 23 of August 13, 1946 (60 Stat. 1056, chapter 960; 33
 24 U.S.C. 426g(c)) is amended—

25 (1) in paragraph (1), by striking
 26 “\$30,000,000” and inserting “\$45,000,000”; and

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

3 (b) SMALL RIVER AND HARBOR IMPROVEMENT
4 PROJECTS.—Section 107 of the River and Harbor Act of
5 1960 (33 U.S.C. 577) is amended—

6 (1) in subsection (a), by striking
7 “\$50,000,000” and inserting “\$62,500,000”; and

8 (2) in subsection (b), by striking
9 “\$10,000,000” and inserting “\$12,500,000”.

10 (c) SHORE DAMAGE PREVENTION OR MITIGATION.—
11 Section 111 of the River and Harbor Act of 1968 (33
12 U.S.C. 426i) is amended—

13 (1) in subsection (c), by striking “\$10,000,000”
14 and inserting “\$15,000,000”; and

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

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

23 “(1) 50 percent of the authorized amount; and

24 “(2) \$5,000,000.”.

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

4 (1) in subsection (c)(1)(C), by striking
5 “\$10,000,000” and inserting “\$12,500,000”; and

6 (2) in subsection (g), in the first sentence, by
7 striking “\$50,000,000” and inserting
8 “\$62,500,000”.

9 (e) SMALL FLOOD CONTROL PROJECTS.—Section
10 205 of the Flood Control Act of 1948 (33 U.S.C. 701s)
11 is amended—

12 (1) in the first sentence, by striking
13 “\$55,000,000” and inserting “\$82,500,000”; and

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

16 (f) AQUATIC ECOSYSTEM RESTORATION.—Section
17 206 of the Water Resources Development Act of 1996 (33
18 U.S.C. 2330) is amended—

19 (1) in subsection (a), by adding at the end the
20 following:

21 “(3) REQUIREMENT.—In carrying out projects
22 under this section, the Secretary shall carry out—

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

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

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

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

7 (g) PROJECT MODIFICATIONS FOR IMPROVEMENT OF
8 ENVIRONMENT.—

9 (1) IN GENERAL.—Section 1135 of the Water
10 Resources Development Act of 1986 (33 U.S.C.
11 2309a) is amended—

12 (A) in subsection (d), in the third sentence,
13 by striking “\$10,000,000” and inserting
14 “\$15,000,000”;

15 (B) in subsection (h), by striking
16 “\$40,000,000” and inserting “\$60,000,000”;

17 (C) by redesignating subsections (h) and
18 (i) as subsections (i) and (j), respectively; and

19 (D) by inserting after subsection (g) the
20 following:

21 “(h) PRIORITIZATION OF CERTAIN PROJECTS.—In
22 carrying out activities under this section in the Upper Mis-
23 souri River Basin, the Secretary shall give priority to
24 projects within that area that restore degraded ecosystems

1 through modification of existing flood risk management
2 projects.”.

3 (2) CONFORMING AMENDMENT.—Section
4 4014(c)(1) of the Water Resources Reform and De-
5 velopment Act of 2014 (33 U.S.C. 2803a(c)(1)) is
6 amended by striking subparagraph (B) and inserting
7 the following:

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

10 **SEC. 3002. SENSE OF CONGRESS RELATING TO CON-**
11 **TINUING AUTHORITIES PROGRAM.**

12 It is the sense of Congress that for each fiscal year,
13 there should be made available to the Secretary the full
14 amount of appropriations to carry out the continuing au-
15 thorities program, which consists of—

16 (1) section 14 of the Flood Control Act of 1946
17 (33 U.S.C. 701r);

18 (2) section 3 of the Act of August 13, 1946 (60
19 Stat. 1056, chapter 960; 33 U.S.C. 426g);

20 (3) section 107 of the River and Harbor Act of
21 1960 (33 U.S.C. 577);

22 (4) section 111 of the River and Harbor Act of
23 1968 (33 U.S.C. 426i);

24 (5) section 204 of the Water Resources Devel-
25 opment Act of 1992 (33 U.S.C. 2326);

1 (6) section 205 of the Flood Control Act of
2 1948 (33 U.S.C. 701s);

3 (7) section 206 of the Water Resources Devel-
4 opment Act of 1996 (33 U.S.C. 2330);

5 (8) section 2 of the Act of August 28, 1937 (50
6 Stat. 877, chapter 877; 33 U.S.C. 701g); and

7 (9) section 1135 of the Water Resources Devel-
8 opment Act of 1986 (33 U.S.C. 2309a).

9 **SEC. 3003. REPORT RELATING TO AVAILABILITY OF**
10 **PRIORITIZED CAP PROJECTS.**

11 As soon as practicable after the date of enactment
12 of this Act, the Secretary shall publish in the Federal Reg-
13 ister and on a publicly available website the prioritization
14 criteria and the annual report required under paragraphs
15 (2) and (3), respectively, of section 1030(a) of the Water
16 Resources Reform and Development Act of 2014 (33
17 U.S.C. 400).

18 **Subtitle B—Navigation**

19 **PART I—INLAND WATERWAYS**

20 **SEC. 3101. GAO STUDY ON NAVIGATION AND ECOSYSTEM**
21 **SUSTAINABILITY PROGRAM.**

22 Not later than 1 year after the date of enactment
23 of this Act, the Comptroller General of the United States
24 shall—

1 (1) complete a study on the implementation of
 2 the navigation and ecosystem sustainability program
 3 under title VIII of the Water Resources Develop-
 4 ment Act of 2007 (33 U.S.C. 652 note; Public Law
 5 110–114); and

6 (2) submit to Congress a report on the results
 7 of the study under paragraph (1), including a de-
 8 scription of the obstacles that must be removed to
 9 implement the program expeditiously.

10 **PART II—PORTS AND HARBORS**

11 **SEC. 3111. AUTHORIZATION OF APPROPRIATIONS FOR PUR-** 12 **CHASE OF HOPPER DREDGE.**

13 (a) IN GENERAL.—There is authorized to be appro-
 14 priated to the Secretary \$150,000,000 for the purchase
 15 of a hopper dredge.

16 (b) USE OF HOPPER DREDGE.—A hopper dredge
 17 purchased with funds under subsection (a) shall be used
 18 primarily in areas that have been consistently damaged
 19 by extreme weather events.

20 **SEC. 3112. AUTHORIZATION OF APPROPRIATIONS FOR PUR-** 21 **CHASE OF MAT SINKING UNIT.**

22 There is authorized to be appropriated to the Sec-
 23 retary \$125,000,000 for the purchase of a mat sinking
 24 unit.

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

2 It is the sense of Congress that, in considering the
3 least cost alternative for purchasing a hopper dredge and
4 mat sinking unit, the Corps of Engineers should consider
5 entering into a 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 **PART III—MISCELLANEOUS PROVISIONS**

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

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

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

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

11 (3) recommendations for the establishment of a
12 pilot program to improve the implementation of that
13 section.

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

15 Section 113 of the Energy and Water Development
16 and Related Agencies Appropriations Act, 2014 (Public
17 Law 113–76; 128 Stat. 158) is amended by striking “for
18 5 years after the date of enactment of this Act” and in-
19 serting “until December 31, 2021”.

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

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

1 **SEC. 3124. SENSE OF CONGRESS RELATING TO EROSION ON**
 2 **THE BANKS OF THE OHIO RIVER NEAR**
 3 **CLARKSVILLE, INDIANA.**

4 It is the sense of Congress that the Secretary should
 5 use the authority provided to the Secretary under section
 6 9 of the Flood Control Act of 1946 (60 Stat. 643, chapter
 7 596) to address erosion issues on the Ohio River near
 8 Clarksville, Indiana.

9 **Subtitle C—Locks, Dams, Levees,**
 10 **and Dikes**

11 **SEC. 3201. CERTAIN LEVEE IMPROVEMENTS.**

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

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

18 (1) owned, operated, and maintained by the
 19 Secretary; and

20 (2) hydraulically tied to a community-owned
 21 levee that is not accredited by the Federal Emer-
 22 gency Management Agency in accordance with sec-
 23 tion 65.10 of title 44, Code of Federal Regulations
 24 (or successor regulations).

1 **SEC. 3202. REHABILITATION OF CORPS OF ENGINEERS**
2 **CONSTRUCTED DAMS.**

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

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

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

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

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

19 **SEC. 3204. REAUTHORIZATION OF NATIONAL DAM SAFETY**
20 **PROGRAM ACT.**

21 Section 14 of the National Dam Safety Program Act
22 (33 U.S.C. 467j) is amended by striking “for each of fiscal
23 years 2015 through 2019” each place it appears and in-
24 serting “for each of fiscal years 2015 through 2021”.

1 **SEC. 3205. SENSE OF CONGRESS RELATING TO IMPLEMEN-**
2 **TATION GUIDANCE FOR DAM SAFETY REPAIR**
3 **PROJECTS.**

4 It is the sense of Congress that the Secretary should
5 expeditiously issue guidance as required under section
6 1139 of the Water Infrastructure Improvements for the
7 Nation Act (33 U.S.C. 467n note; Public Law 114–322).

8 **SEC. 3206. REAUTHORIZATION OF NATIONAL LEVEE SAFE-**
9 **TY PROGRAM.**

10 (a) LEVEE SAFETY INITIATIVE.—Section 9005 of the
11 Water Resources Development Act of 2007 (33 U.S.C.
12 3303a) is amended—

13 (1) in subsection (c), by adding at the end the
14 following:

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

20 (2) in subsection (g)—

21 (A) in paragraph (1), by adding at the end
22 the following:

23 “(D) UPDATE.—Not later than 1 year
24 after the date of enactment of the America’s
25 Water Infrastructure Act of 2018, the Sec-
26 retary shall update the guidelines issued under

1 subparagraph (A) in accordance with this para-
2 graph.”; and

3 (B) in paragraph (2)(E)(i), by striking
4 “for each of fiscal years 2015 through 2019”
5 and inserting “for each of fiscal years 2015
6 through 2021”; and

7 (3) in subsection (h)(3), by adding at the end
8 the following:

9 “(F) UPDATE.—Not later than 1 year
10 after the date of enactment of the America’s
11 Water Infrastructure Act of 2018, the Sec-
12 retary shall update the guidelines issued under
13 subparagraph (D).”.

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

17 (1) in subsection (b), by inserting “, and not
18 later than 1 year after the date of enactment of the
19 America’s Water Infrastructure Act of 2018,” after
20 “this subsection,”;

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

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

6 (c) AUTHORIZATION OF APPROPRIATIONS.—Section
 7 9008 of the Water Resources Development Act of 2007
 8 (33 U.S.C. 3305) is amended—

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

11 (2) by striking “for each of fiscal years 2015
 12 through 2019” each place it appears and inserting
 13 “for each of fiscal years 2015 through 2021”.

14 **SEC. 3207. REAUTHORIZATION OF LOCK OPERATIONS**
 15 **PILOT PROGRAM.**

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

20 **SEC. 3208. RESTRICTED AREAS AT CORPS OF ENGINEERS**
 21 **DAMS.**

22 Section 2 of the Freedom to Fish Act (Public Law
 23 113–13; 127 Stat. 449, 128 Stat. 1271) is amended by
 24 striking “4 years after the date of enactment of the Water
 25 Resources Reform and Development Act of 2014” each

1 place it appears and inserting “5 years after the date of
 2 enactment of the America’s Water Infrastructure Act of
 3 2018”.

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

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

10 (b) DESCRIPTION OF DIKES.—A dike referred to in
 11 subsection (a) is a dike—

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

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

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

18 **SEC. 3210. REHABILITATION OF HIGH-HAZARD POTENTIAL**
 19 **DAMS.**

20 Section 8A of the National Dam Safety Program Act
 21 (33 U.S.C. 467f–2) is amended by striking subsection (e)
 22 and inserting the following:

23 “(e) EMERGENCY ACTION PLANS.—

24 “(1) IN GENERAL.—As a condition of receipt of
 25 assistance under this section, the non-Federal spon-

1 sor shall demonstrate that an emergency action plan
 2 is in place to protect the safety of persons and prop-
 3 erty in the area potentially affected by a breach of
 4 the dam.

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

7 “(A) incident detection, evaluation, and
 8 emergency level determination;

9 “(B) notification and communication;

10 “(C) emergency actions;

11 “(D) termination and follow-up; and

12 “(E) public education and awareness of
 13 the emergency action plan.”.

14 **SEC. 3211. MAINTENANCE OF HIGH RISK FLOOD CONTROL**
 15 **PROJECTS.**

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

22 (1) the date on which the project is modified to
 23 reduce that risk and the Secretary determines that
 24 the project is no longer classified as class III under

1 the Dam Safety Action Classification of the Corps of
2 Engineers; and

3 (2) the date that is 15 years after the date of
4 enactment of this Act.

5 **Subtitle D—Water Supply**

6 **SEC. 3301. AUTHORITY TO MAKE ENTIRE ACTIVE CAPACITY** 7 **OF FONTENELLE RESERVOIR AVAILABLE** 8 **FOR USE.**

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

25 (b) COOPERATIVE AGREEMENTS.—

1 (1) IN GENERAL.—The Secretary may enter
2 into any contract, grant, cooperative agreement, or
3 other agreement that is necessary to carry out sub-
4 section (a).

5 (2) STATE OF WYOMING.—

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

13 (B) REQUIREMENTS.—The cooperative
14 agreement under subparagraph (A) shall, at a
15 minimum, specify the responsibilities of the
16 Secretary and the State of Wyoming with re-
17 spect to—

18 (i) completing the planning and final
19 design of the modification of the
20 Fontenelle Dam under subsection (a);

21 (ii) any environmental and cultural re-
22 source compliance activities required for
23 the modification of the Fontenelle Dam
24 under subsection (a) including compliance
25 with—

1 (I) the National Environmental
2 Policy Act of 1969 (42 U.S.C. 4321
3 et seq.);

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

6 (III) subdivision 2 of division A
7 of subtitle III of title 54, United
8 States Code; and

9 (iii) the construction of the modifica-
10 tion of the Fontenelle Dam under sub-
11 section (a).

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

18 (d) OTHER CONTRACTING AUTHORITY.—

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

1 (2) TERMS AND CONDITIONS.—Unless other-
2 wise agreed to by the Secretary and the State of
3 Wyoming, a contract entered into under paragraph
4 (1) shall be subject to the terms and conditions of
5 Bureau of Reclamation Contract No. 14–06–400–
6 2474 and Bureau of Reclamation Contract No. 14–
7 06–400–6193.

8 (e) SAVINGS PROVISIONS.—Unless expressly provided
9 in this section, nothing in this section modifies, conflicts
10 with, preempts, or otherwise affects—

11 (1) the Boulder Canyon Project Act (43 U.S.C.
12 617 et seq.);

13 (2) the Colorado River Compact of 1922, as ap-
14 proved by the Presidential Proclamation of June 25,
15 1929 (46 Stat. 3000);

16 (3) the Boulder Canyon Project Adjustment Act
17 (43 U.S.C. 618 et seq.);

18 (4) the Treaty between the United States of
19 America and Mexico relating to the utilization of
20 waters of the Colorado and Tijuana Rivers and of
21 the Rio Grande, and supplementary protocol signed
22 November 14, 1944, signed at Washington February
23 3, 1944 (59 Stat. 1219);

1 (5) the Upper Colorado River Basin Compact
2 as consented to by the Act of April 6, 1949 (63
3 Stat. 31);

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

7 (7) the Colorado River Basin Project Act (Pub-
8 lic Law 90–537; 82 Stat. 885); or

9 (8) any State of Wyoming or other State water
10 law.

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

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

14 (1) by striking “such regulations: *Provided*,
15 That this section” and inserting the following:
16 “those regulations.

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

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

21 **“SEC. 7. WATER STORAGE.**

22 “(a) PRICING OF CONTRACTS.—

23 “(1) IN GENERAL.—Subject to paragraph (2),
24 the Secretary of the Army shall price each water

1 storage contract entered into by the Secretary at fair
2 market value.

3 “(2) FAIR MARKET VALUE REQUIREMENT.—
4 For purposes of paragraph (1), the fair market
5 value of a water storage contract shall not exceed
6 110 percent of the lowest-contracted price at any fa-
7 cility of the Corps of Engineers located within 50
8 miles of the water source covered by the contract, as
9 adjusted for inflation.

10 “(b) FLOOD CONTROL AND NAVIGATION.—

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

13 **SEC. 3303. REPORT ON WATER SUPPLY CONTRACT, WRIGHT**
14 **PATMAN LAKE, TEXAS.**

15 Not later than June 30, 2019, the Secretary shall
16 submit to Congress a report on the status of the imple-
17 mentation of the water supply contract, Department of the
18 Army, Civil Works Contract No. 29–68–A–0130, at
19 Wright Patman Lake, Texas, that—

20 (1) describes the accomplishments or failures
21 relating to the implementation of that contract at
22 Wright Patman Lake;

23 (2) identifies—

1 (A) the activities that the Secretary ex-
2 pects to be necessary to complete the execution
3 of the contract;

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

6 (C) the expected execution date of the con-
7 tract; and

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

11 **SEC. 3304. SENSE OF CONGRESS RELATING TO WRIGHT**
12 **PATMAN LAKE, SULPHUR RIVER BASIN,**
13 **TEXAS.**

14 It is the sense of Congress that the Secretary should
15 implement the Department of the Army, Civil Works Con-
16 tract No. 29-68-A-0130, at Wright Patman Lake, Texas,
17 in an expeditious manner and in accordance with all appli-
18 cable Federal and State water laws, including through the
19 acceptance and expenditure of funds contributed by a non-
20 Federal interest for any study required by law.

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

22 (a) IN GENERAL.—The Secretary shall establish a
23 pilot program to expedite review of applications described
24 in subsection (b).

1 (b) APPLICATIONS DESCRIBED.—An application re-
2 ferred to in subsection (a) is an application for a permit
3 from the Secretary—

4 (1) to expand a reservoir for which not less
5 than 80 percent of the water rights are for commu-
6 nity drinking water supplies in order to accommo-
7 date projected water supply needs of a city with a
8 population of less than 80,000; and

9 (2) from a city in which—

10 (A) any portion of the water resources
11 available to the community are polluted by
12 chemicals used at a formerly used defense site
13 under the jurisdiction of the Department of De-
14 fense that is undergoing (or is scheduled to un-
15 dergo) environmental remediation under chap-
16 ter 160 of title 10, United States Code; and

17 (B) mitigation of the pollution described in
18 subparagraph (A) is ongoing.

19 (c) SUNSET.—The authority to carry out the pilot
20 program under this section shall terminate on the date
21 that is 10 years after the date of enactment of this Act.

1 **SEC. 3306. SENSE OF CONGRESS RELATING TO WATER-RE-**
 2 **LATED INFRASTRUCTURE IN IDAHO, MON-**
 3 **TANA, RURAL NEVADA, NEW MEXICO, RURAL**
 4 **UTAH, AND WYOMING.**

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

10 **Subtitle E—Sediment Management**

11 **SEC. 3401. MISSOURI RIVER RESERVOIR SEDIMENT MAN-**
 12 **AGEMENT.**

13 Section 1179(a) of the Water Infrastructure Im-
 14 provements for the Nation Act (130 Stat. 1675) is amend-
 15 ed—

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

18 (2) by inserting after paragraph (3) the fol-
 19 lowing:

20 “(4) **PRIORITIZATION OF SEDIMENT MANAGE-**
 21 **MENT PLANS.**—In carrying out the pilot project
 22 under this subsection, the Secretary shall give pri-
 23 ority to developing and implementing sediment man-
 24 agement plans that affect reservoirs that cross State
 25 lines.”;

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

1 (A) by redesignating subparagraph (B) as
2 subparagraph (C); and

3 (B) by striking subparagraph (A) and in-
4 serting the following:

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

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

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

21 “(10) PRIORITIZATION OF FUNDS.—To the
22 maximum extent practicable, in carrying out any
23 projects or programs of the Secretary or the Sec-
24 retary of the Interior, the Secretary and the Sec-

1 retary of the Interior, as applicable, shall give pri-
2 ority to activities under this subsection.”.

3 **SEC. 3402. RESERVOIR SEDIMENT.**

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

6 (1) in subsection (a)—

7 (A) by striking “the date of enactment of
8 the Water Resources Development Act of 2016”
9 and inserting “the date of enactment of the
10 America’s Water Infrastructure Act of 2018”;
11 and

12 (B) by striking “shall establish, using
13 available funds, a pilot program to accept” and
14 inserting “shall, using available funds, accept”;

15 (2) in subsection (b)—

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

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

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

21 (3) by striking subsection (f) and inserting the
22 following:

23 “(f) REPORT TO CONGRESS.—Not later than 3 years
24 after the date of enactment of the America’s Water Infra-
25 structure Act of 2018, the Secretary may submit to the

1 Committee on Environment and Public Works of the Sen-
 2 ate and the Committee on Transportation and Infrastruc-
 3 ture of the House of Representatives a report describing
 4 the results of the program under this section.”.

5 **SEC. 3403. REGIONAL SEDIMENT MANAGEMENT.**

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

8 (1) in subsection (a)—

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

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

1 pair, modification, or rehabilitation of projects asso-
 2 ciated with Federal water resources projects and rec-
 3 lamation projects for purposes listed in paragraph
 4 (3).”;

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

8 (C) in paragraph (3), in the matter pre-
 9 ceding subparagraph (A), by inserting “and rec-
 10 lamation projects” after “water resources
 11 projects”; and

12 (D) in paragraph (4), by inserting “or the
 13 Commissioner, as applicable,” after “Sec-
 14 retary”;

15 (2) in subsection (b)—

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

18 (B) in the matter preceding paragraph (1),
 19 by inserting “or the Commissioner, as applica-
 20 ble,” after “Secretary”;

21 (3) in subsection (c)(1)—

22 (A) in subparagraph (A), by inserting “or
 23 reclamation project” after “water resources
 24 project”; and

1 (B) in subparagraph (B)(ii), by inserting
 2 “or the Commissioner, as applicable,” after
 3 “Secretary”;

4 (4) in subsection (d)—

5 (A) by inserting “or the Commissioner, as
 6 applicable,” after “Secretary” each place it ap-
 7 pears; and

8 (B) in paragraph (1), in the matter pre-
 9 ceding subparagraph (A), by inserting “or rec-
 10 lamation project” after “water resources
 11 project”;

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

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

17 **Subtitle F—Flood Risk**
 18 **Management**

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

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

23 (1) in paragraph (1)—

1 (A) by striking “During fiscal years 2017
 2 through 2022, the Secretary” and inserting
 3 “The Secretary”; and

4 (B) by striking “10 projects” and inserting
 5 “20 projects”;

6 (2) in paragraph (2)—

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

9 “(A) ensure”;

10 (B) by striking the period at the end and
 11 inserting “; and”; and

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

13 “(B) select not less than 1 project on a
 14 reservation (as defined in section 3 of the In-
 15 dian Financing Act of 1974 (25 U.S.C. 1452))
 16 that serves more than 1 Indian tribe (as defined
 17 in section 4 of the Indian Self-Determination
 18 and Education Assistance Act (25 U.S.C.
 19 5304)).”; and

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

21 “(3) PRIORITIZATION.—In selecting projects
 22 under paragraph (1), the Secretary shall give pri-
 23 ority to—

24 “(A) projects in the Upper Missouri River
 25 Basin; and

1 “(B) projects in the Northeast.”.

2 **SEC. 3502. UPPER MISSOURI RIVER BASIN FLOOD AND**
 3 **DROUGHT MONITORING.**

4 Section 4003(a) of the Water Resources Reform and
 5 Development Act of 2014 (128 Stat. 1311, 130 Stat.
 6 1677) is amended by adding at the end the following:

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

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

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

15 (1) flooding within urban floodplains; and
 16 (2) the Federal policy constraints on the ability
 17 of the Secretary to address urban flooding, includ-
 18 ing—

19 (A) the regulations under part 238 of title
 20 33, Code of Federal Regulations (as in effect on
 21 the date of enactment of this Act); and

22 (B) the limitation under section
 23 238.7(a)(1) of that title (as in effect on the
 24 date of enactment of this Act) that allows the
 25 Secretary to provide assistance only where the

1 flood discharge of a stream or waterway within
 2 an urban area is greater than 800 cubic feet
 3 per second for the 10-percent flood.

4 **SEC. 3504. MISSOURI RIVER AND TRIBUTARIES AT KANSAS**
 5 **CITIES, MISSOURI AND KANSAS.**

6 (a) IN GENERAL.—The project for flood damage re-
 7 duction, Argentine, East Bottoms, Fairfax–Jersey Creek,
 8 and North Kansas Levees Units, Missouri River and tribu-
 9 taries at Kansas Cities, Missouri and Kansas, authorized
 10 by section 1001(28) of the Water Resources Development
 11 Act of 2007 (121 Stat. 1054), is modified to include the
 12 Armourdale and Central Industrial District Levee Units,
 13 to be carried out by the Secretary substantially in accord-
 14 ance with the plans, and subject to the conditions, de-
 15 scribed in the report of the Chief of Engineers, dated Jan-
 16 uary 27, 2015, at an additional total cost of
 17 \$328,110,000, with an estimated Federal cost of
 18 \$213,271,500 and an estimated non-Federal cost of
 19 \$114,838,500.

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

24 (c) CONFORMING AMENDMENT.—Item 2 of the table
 25 in section 1401(2) of the Water Infrastructure Improve-

ments for the Nation Act (130 Stat. 1710) (relating to
 Armourdale and Central Industrial District Levee Units,
 Missouri River and Tributaries at Kansas City) is re-
 pealed.

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.

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

“(f) LONG-TERM FLOOD-RISK REDUCTION.—

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

“(2) NO TIME LIMITATION.—Notwithstanding
 any other provision of this section or any other law,
 the Secretary may provide assistance under this sub-
 section for any period of time, as determined by the
 Secretary.

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

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

9 **SEC. 3602. SENSE OF CONGRESS RELATING TO PROVISION**
10 **OF RESOURCES FOR EMERGENCY INFRA-**
11 **STRUCTURE REPAIRS.**

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

19 **SEC. 3603. SENSE OF CONGRESS ON EMERGENCY MANAGE-**
20 **MENT ASSISTANCE.**

21 It is the sense of Congress that the Secretary should
22 provide technical assistance and other support to State
23 emergency management agencies to assist in the develop-
24 ment of handbooks for floodplain managers that—

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

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

6 **SEC. 3604. GREAT LAKES FISH AND WILDLIFE RESTORA-**
7 **TION ACT OF 1990.**

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

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

13 “(1) for fiscal year 2019—

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

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

21 “(ii) the lesser of 5 percent and
22 \$300,000 shall be allocated to the United
23 States Fish and Wildlife Service to cover
24 costs incurred in administering the pro-
25 posals by any entity; and

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

6 “(2) for fiscal year 2020—

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

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

14 “(ii) the lesser of 5 percent and
15 \$300,000 shall be allocated to the United
16 States Fish and Wildlife Service to cover
17 costs incurred in administering the pro-
18 posals by any entity; and

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

24 “(3) for fiscal year 2021—

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

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

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

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

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

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

22 “(i) IN GENERAL.—There are author-
 23 ized to be appropriated to carry out this
 24 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 **Subtitle H—Environmental**
 20 **Management**

21 **SEC. 3701. REAUTHORIZATION OF RIO GRANDE ENVIRON-**
 22 **MENTAL MANAGEMENT PROGRAM.**

23 Section 5056(f) of the Water Resources Development
 24 Act of 2007 (121 Stat. 1214; 128 Stat. 1315) is amended

1 by striking “each of fiscal years 2008 through 2019” and
 2 inserting “each of fiscal years 2008 through 2021”.

3 **SEC. 3702. AMENDMENTS TO LONG ISLAND SOUND PRO-**
 4 **GRAMS.**

5 (a) LONG ISLAND SOUND RESTORATION PRO-
 6 GRAM.—Section 119 of the Federal Water Pollution Con-
 7 trol Act (33 U.S.C. 1269) is amended—

8 (1) in subsection (b), by striking the subsection
 9 designation and heading and all that follows through
 10 “The Office shall” and inserting the following:

11 “(b) OFFICE.—

12 “(1) ESTABLISHMENT.—The Administrator
 13 shall—

14 “(A) continue to carry out the conference
 15 study; and

16 “(B) establish an office, to be located on
 17 or near Long Island Sound.

18 “(2) ADMINISTRATION AND STAFFING.—The
 19 Office shall”;

20 (2) in subsection (c)—

21 (A) in the matter preceding paragraph (1),
 22 by striking “Management Conference of the
 23 Long Island Sound Study” and inserting “con-
 24 ference study”;

25 (B) in paragraph (2)—

1 (i) in each of subparagraphs (A)
2 through (G), by striking the commas at
3 the end of the subparagraphs and inserting
4 semicolons;

5 (ii) in subparagraph (H), by striking
6 “, and” and inserting a semicolon;

7 (iii) in subparagraph (I), by striking
8 the period at the end and inserting a semi-
9 colon; and

10 (iv) by adding at the end the fol-
11 lowing:

12 “(J) environmental impacts on the Long
13 Island Sound watershed, including—

14 “(i) the identification and assessment
15 of vulnerabilities in the watershed;

16 “(ii) the development and implementa-
17 tion of adaptation strategies to reduce
18 those vulnerabilities; and

19 “(iii) the identification and assess-
20 ment of the impacts of sea level rise on
21 water quality, habitat, and infrastructure;
22 and

23 “(K) planning initiatives for Long Island
24 Sound that identify the areas that are most
25 suitable for various types or classes of activities

1 in order to reduce conflicts among uses, reduce
 2 adverse environmental impacts, facilitate com-
 3 patible uses, or preserve critical ecosystem serv-
 4 ices to meet economic, environmental, security,
 5 or social objectives;”;

6 (C) by striking paragraph (4) and insert-
 7 ing the following:

8 “(4) develop and implement strategies to in-
 9 crease public education and awareness with respect
 10 to the ecological health and water quality conditions
 11 of Long Island Sound;”;

12 (D) in paragraph (5), by inserting “study”
 13 after “conference”;

14 (E) in paragraph (6)—

15 (i) by inserting “(including on the
 16 Internet)” after “the public”; and

17 (ii) by inserting “study” after “con-
 18 ference”; and

19 (F) by striking paragraph (7) and insert-
 20 ing the following:

21 “(7) monitor the progress made toward meeting
 22 the identified goals, actions, and schedules of the
 23 Comprehensive Conservation and Management Plan,
 24 including through the implementation and support
 25 of a monitoring system for the ecological health and

1 water quality conditions of Long Island Sound;
2 and”;

3 (3) in subsection (d)(3), in the second sentence,
4 by striking “50 per centum” and inserting “60 per-
5 cent”;

6 (4) by redesignating subsection (f) as sub-
7 section (i); and

8 (5) by inserting after subsection (e) the fol-
9 lowing:

10 “(f) REPORT.—

11 “(1) IN GENERAL.—Not later than 2 years
12 after the date of enactment of the America’s Water
13 Infrastructure Act of 2018, and biennially there-
14 after, the Director of the Office, in consultation with
15 the Governor of each Long Island Sound State, shall
16 submit to Congress a report that—

17 “(A) summarizes and assesses the progress
18 made by the Office and the Long Island Sound
19 States in implementing the Long Island Sound
20 Comprehensive Conservation and Management
21 Plan, including an assessment of the progress
22 made toward meeting the performance goals
23 and milestones contained in the Plan;

1 “(B) assesses the key ecological attributes
2 that reflect the health of the ecosystem of the
3 Long Island Sound watershed;

4 “(C) describes any substantive modifica-
5 tions to the Long Island Sound Comprehensive
6 Conservation and Management Plan made dur-
7 ing the 2-year period preceding the date of sub-
8 mission of the report;

9 “(D) provides specific recommendations to
10 improve progress in restoring and protecting
11 the Long Island Sound watershed, including, as
12 appropriate, proposed modifications to the Long
13 Island Sound Comprehensive Conservation and
14 Management Plan;

15 “(E) identifies priority actions for imple-
16 mentation of the Long Island Sound Com-
17 prehensive Conservation and Management Plan
18 for the 2-year period following the date of sub-
19 mission of the report; and

20 “(F) describes the means by which Federal
21 funding and actions will be coordinated with the
22 actions of the Long Island Sound States and
23 other entities.

1 “(2) PUBLIC AVAILABILITY.—The Adminis-
2 trator shall make the report described in paragraph
3 (1) available to the public, including on the Internet.

4 “(g) ANNUAL BUDGET PLAN.—The President shall
5 submit, together with the annual budget of the United
6 States Government submitted under section 1105(a) of
7 title 31, United States Code, information regarding each
8 Federal department and agency involved in the protection
9 and restoration of the Long Island Sound watershed, in-
10 cluding—

11 “(1) an interagency crosscut budget that dis-
12 plays for each department and agency—

13 “(A) the amount obligated during the pre-
14 ceding fiscal year for protection and restoration
15 projects and studies relating to the watershed;

16 “(B) the estimated budget for the current
17 fiscal year for protection and restoration
18 projects and studies relating to the watershed;
19 and

20 “(C) the proposed budget for succeeding
21 fiscal years for protection and restoration
22 projects and studies relating to the watershed;
23 and

24 “(2) a summary of any proposed modifications
25 to the Long Island Sound Comprehensive Conserva-

1 tion and Management Plan for the following fiscal
2 year.

3 “(h) FEDERAL ENTITIES.—

4 “(1) COORDINATION.—The Administrator shall
5 coordinate the actions of all Federal departments
6 and agencies that impact water quality in the Long
7 Island Sound watershed in order to improve the
8 water quality and living resources of the watershed.

9 “(2) METHODS.—In carrying out this section,
10 the Administrator, acting through the Director of
11 the Office, may—

12 “(A) enter into interagency agreements;
13 and

14 “(B) make intergovernmental personnel
15 appointments.

16 “(3) FEDERAL PARTICIPATION IN WATERSHED
17 PLANNING.—A Federal department or agency that
18 owns or occupies real property, or carries out activi-
19 ties, within the Long Island Sound watershed shall
20 participate in regional and subwatershed planning,
21 protection, and restoration activities with respect to
22 the watershed.

23 “(4) CONSISTENCY WITH COMPREHENSIVE CON-
24 SERVATION AND MANAGEMENT PLAN.—To the max-
25 imum extent practicable, the head of each Federal

1 department and agency that owns or occupies real
 2 property, or carries out activities, within the Long
 3 Island Sound watershed shall ensure that the prop-
 4 erty and all activities carried out by the department
 5 or agency are consistent with the Long Island Sound
 6 Comprehensive Conservation and Management Plan
 7 (including any related subsequent agreements and
 8 plans).”.

9 (b) LONG ISLAND SOUND STEWARDSHIP PRO-
 10 GRAM.—

11 (1) LONG ISLAND SOUND STEWARDSHIP ADVI-
 12 SORY COMMITTEE.—Section 8 of the Long Island
 13 Sound Stewardship Act of 2006 (33 U.S.C. 1269
 14 note; Public Law 109–359) is amended—

15 (A) in subsection (g), by striking “2011”
 16 and inserting “2021”; and

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

18 “(h) NONAPPLICABILITY OF FACCA.—The Federal
 19 Advisory Committee Act (5 U.S.C. App.) shall not apply
 20 to—

21 “(1) the Advisory Committee; or

22 “(2) any board, committee, or other group es-
 23 tablished under this Act.”.

24 (2) REPORTS.—Section 9(b)(1) of the Long Is-
 25 land Sound Stewardship Act of 2006 (33 U.S.C.

1 1269 note; Public Law 109–359) is amended in the
 2 matter preceding subparagraph (A) by striking “fis-
 3 cal years 2007 through 2011” and inserting “fiscal
 4 years 2019 through 2021”.

5 (3) AUTHORIZATION.—Section 11 of the Long
 6 Island Sound Stewardship Act of 2006 (33 U.S.C.
 7 1269 note; Public Law 109–359) is amended—

8 (A) by striking subsection (a);

9 (B) by redesignating subsections (b)
 10 through (d) as subsections (a) through (c), re-
 11 spectively; and

12 (C) in subsection (a) (as so redesignated),
 13 by striking “under this section each” and in-
 14 serting “to carry out this Act for a”.

15 (4) EFFECTIVE DATE.—The amendments made
 16 by this subsection take effect on October 1, 2018.

17 (c) REAUTHORIZATION OF LONG ISLAND SOUND
 18 PROGRAMS.—

19 (1) IN GENERAL.—There are authorized to be
 20 appropriated to the Administrator of the Environ-
 21 mental Protection Agency such sums as are nec-
 22 essary for each of fiscal years 2019 through 2021
 23 for the implementation of—

1 (A) section 119 of the Federal Water Pol-
 2 lution Control Act (33 U.S.C. 1269), other than
 3 subsection (d) of that section; and

4 (B) the Long Island Sound Stewardship
 5 Act of 2006 (33 U.S.C. 1269 note; Public Law
 6 109–359).

7 (2) LONG ISLAND SOUND GRANTS.—There is
 8 authorized to be appropriated to the Administrator
 9 of the Environmental Protection Agency to carry out
 10 section 119(d) of the Federal Water Pollution Con-
 11 trol Act (33 U.S.C. 1269(d)) \$40,000,000 for each
 12 of fiscal years 2019 through 2021.

13 (3) LONG ISLAND SOUND STEWARDSHIP
 14 GRANTS.—There is authorized to be appropriated to
 15 the Administrator of the Environmental Protection
 16 Agency to carry out the Long Island Sound Stew-
 17 ardship Act of 2006 (33 U.S.C. 1269 note; Public
 18 Law 109–359) \$25,000,000 for each of fiscal years
 19 2019 through 2021.

20 **SEC. 3703. SENSE OF CONGRESS RELATING TO THE CAÑO**
 21 **MARTÍN PEÑA ECOSYSTEM RESTORATION**
 22 **PROJECT.**

23 It is the sense of Congress that the Secretary should
 24 advance the project for ecosystem restoration, Caño
 25 Martín Peña, Puerto Rico.

1 **Subtitle I—Tribal Programs**

2 **SEC. 3801. INFLATION ADJUSTMENT OF COST-SHARING**
3 **PROVISIONS FOR TERRITORIES AND INDIAN**
4 **TRIBES.**

5 Section 1156(b) of the Water Resources Development
6 Act of 1986 (33 U.S.C. 2310(b)) is amended by striking
7 “the date of enactment of this subsection” and inserting
8 “the date of enactment of the America’s Water Infrastruc-
9 ture Act of 2018”.

10 **SEC. 3802. TRIBAL PARTNERSHIP PROGRAM.**

11 Section 203(b)(4) of the Water Resources Develop-
12 ment Act of 2000 (33 U.S.C. 2269(b)(4)) is amended by
13 striking “\$10,000,000” in each of subparagraphs (A) and
14 (B) and inserting “\$15,000,000”.

15 **SEC. 3803. BLACKFEET WATER RIGHTS SETTLEMENT.**

16 (a) **AUTHORIZATION FOR APPROPRIATIONS.**—Section
17 3718 of the Water Infrastructure Improvements for the
18 Nation Act (130 Stat. 1838) is amended by adding at the
19 end the following:

20 “(c) **BLACKFEET WATER RIGHTS SETTLEMENT.**—
21 Notwithstanding sections 3716(e) and 3717(e), to the ex-
22 tent funds have been appropriated, 50 percent of the
23 amounts appropriated to the Blackfeet Settlement Trust
24 Fund and 50 percent of the amounts appropriated to the
25 Blackfeet Water Settlement Implementation Fund under

1 this section shall be available to the Tribe and the Sec-
 2 retary in a manner consistent with this title on the execu-
 3 tion of the waivers and releases under section 3720(a).”.

4 (b) WAIVER AND RELEASE OF CLAIMS.—Section
 5 3720 of the Water Infrastructure Improvements for the
 6 Nation Act (130 Stat. 1839) is amended—

7 (1) in subsection (a)(3)(B), by striking “section
 8 3706” and inserting “section 6”; and

9 (2) in subsection (h), in the matter preceding
 10 paragraph (1), by striking “January 21, 2026” and
 11 inserting “January 21, 2025”.

12 **SEC. 3804. BONNEVILLE DAM, OREGON.**

13 (a) IN GENERAL.—The Secretary, in consultation
 14 with the Secretary of the Interior, shall examine and as-
 15 sess the extent to which Indians (as defined in section 4
 16 of the Indian Self-Determination and Education Assist-
 17 ance Act (25 U.S.C. 5304)) have been displaced as a re-
 18 sult of the construction of the Bonneville Dam, Oregon.

19 (b) INCLUSION.—The examination and assessment
 20 under subsection (a) may include assessments relating to
 21 housing and related facilities.

22 (c) ASSISTANCE.—If the Secretary determines, based
 23 on the examination and assessment under subsection (a),
 24 that assistance is required, the Secretary may use all exist-
 25 ing authorities of the Secretary to provide assistance to

1 Indians that have been displaced as a result of the con-
 2 struction of the Bonneville Dam, Oregon.

3 (d) TRIBAL ASSISTANCE.—Section 1178(c)(1)(A) of
 4 the Water Infrastructure Improvements for the Nation
 5 Act (130 Stat. 1675) is amended by striking “Upon the
 6 request of the Secretary of the Interior, the Secretary may
 7 provide assistance” and inserting “The Secretary, in con-
 8 sultation with the Secretary of the Interior, may provide
 9 assistance”.

10 **SEC. 3805. JOHN DAY DAM, OREGON.**

11 (a) IN GENERAL.—The Secretary, in consultation
 12 with the Secretary of the Interior, shall examine and as-
 13 sess the extent to which Indians (as defined in section 4
 14 of the Indian Self-Determination and Education Assist-
 15 ance Act (25 U.S.C. 5304)) have been displaced as a re-
 16 sult of the construction of the John Day Dam, Oregon,
 17 as authorized by section 204 of the Flood Control Act of
 18 1950 (64 Stat. 179, chapter 188).

19 (b) INCLUSION.—The examination and assessment
 20 under subsection (a) may include assessments relating to
 21 housing and related facilities.

22 (c) ASSISTANCE.—If the Secretary determines, based
 23 on the examination and assessment under subsection (a),
 24 that assistance is required, the Secretary may use all exist-
 25 ing authorities of the Secretary to provide assistance to

1 Indians that have been displaced as a result of the con-
 2 struction of the John Day Dam, Oregon.

3 **SEC. 3806. DALLES DAM, OREGON.**

4 (a) IN GENERAL.—The Secretary, in consultation
 5 with the Secretary of the Interior, shall complete a village
 6 development plan for any Indian village (as defined in sec-
 7 tion 4 of the Indian Self-Determination and Education As-
 8 sistance Act (25 U.S.C. 5304)) submerged as a result of
 9 the construction of the Dalles Dam, Oregon, as authorized
 10 by section 204 of the Flood Control Act of 1950 (64 Stat.
 11 179, chapter 188).

12 (b) REQUIREMENTS.—The village development plan
 13 under subsection (a) shall include an estimated cost and
 14 tentative schedule for the construction of a replacement
 15 village.

16 **SEC. 3807. INDIAN IRRIGATION FUND REAUTHORIZATION.**

17 (a) DEPOSITS TO FUNDS.—Section 3212(a) of the
 18 Water Infrastructure Improvements for the Nation Act
 19 (130 Stat. 1750) is amended by striking “each of fiscal
 20 years 2017 through 2021” and inserting “each of fiscal
 21 years 2017 through 2028”.

22 (b) EXPENDITURES FROM FUND.—Section 3213(a)
 23 of the Water Infrastructure Improvements for the Nation
 24 Act (130 Stat. 1750) is amended in the matter preceding
 25 paragraph (1) by striking “each of fiscal years 2017

1 through 2021” and inserting “each of fiscal years 2017
2 through 2028”.

3 (c) TERMINATION.—Section 3216 of the Water Infra-
4 structure Improvements for the Nation Act (130 Stat.
5 1750) is amended in the matter preceding paragraph (1)
6 by striking “September 30, 2021” and inserting “Sep-
7 tember 30, 2028”.

8 **SEC. 3808. REAUTHORIZATION OF REPAIR, REPLACEMENT,**
9 **AND MAINTENANCE OF CERTAIN INDIAN IR-**
10 **RIGATION PROJECTS.**

11 (a) IN GENERAL.—Section 3221(b) of the Water In-
12 frastructure Improvements for the Nation Act (130 Stat.
13 1751) is amended in the matter preceding paragraph (1)
14 by striking “each of fiscal years 2017 through 2021” and
15 inserting “each of fiscal years 2017 through 2028”.

16 (b) STATUS REPORT ON CERTAIN PROJECTS.—Sec-
17 tion 3224(d) of the Water Infrastructure Improvements
18 for the Nation Act (130 Stat. 1753) is amended in the
19 matter preceding paragraph (1) by striking “fiscal year
20 2021” and inserting “fiscal year 2028”.

21 (c) ALLOCATION AMONG PROJECTS.—Section 3226
22 of the Water Infrastructure Improvements for the Nation
23 Act (130 Stat. 1753) is amended—

1 (1) in subsection (a), by striking “each of fiscal
2 years 2017 through 2021” and inserting “each of
3 fiscal years 2017 through 2028”; and

4 (2) in subsection (b), by striking “the day be-
5 fore the date of enactment of this Act” and inserting
6 “the day before the date of enactment of the Amer-
7 ica’s Water Infrastructure Act of 2018”.

8 **SEC. 3809. INDIAN DAM SAFETY REAUTHORIZATION.**

9 Section 3101 of the Water Infrastructure Improve-
10 ments for the Nation Act (25 U.S.C. 3805) is amended—

11 (1) by striking “each of fiscal years 2017
12 through 2023” each place it appears and inserting
13 “each of fiscal years 2017 through 2030”;

14 (2) in subsection (b)—

15 (A) in paragraph (1)(F), in the matter
16 preceding clause (i), by striking “September 30,
17 2023” and inserting “September 30, 2030”;
18 and

19 (B) in paragraph (2)(F), in the matter
20 preceding clause (i), by striking “September 30,
21 2023” and inserting “September 30, 2030”;
22 and

23 (3) in subsection (f)—

24 (A) in paragraph (2), by striking “4
25 years” and inserting “11 years”; and

1 (B) in paragraph (3), by striking “each of
2 fiscal years 2017, 2018, and 2019” and insert-
3 ing “each of fiscal years 2017 through 2026”.

4 **SEC. 3810. GAO REPORT ON ALASKA NATIVE VILLAGE RE-**
5 **LOCATION EFFORTS DUE TO FLOODING AND**
6 **EROSION THREATS.**

7 (a) DEFINITION OF ALASKA NATIVE VILLAGE.—In
8 this section, the term “Alaska Native village” means a Na-
9 tive village that has a Village Corporation (as those terms
10 are defined in section 3 of the Alaska Native Claims Set-
11 tlement Act (43 U.S.C. 1602)).

12 (b) REPORT.—The Comptroller General of the
13 United States (referred to in this section as the “Comp-
14 troller General”) shall submit to Congress a report on ef-
15 forts to relocate Alaska Native villages due to flooding and
16 erosion threats that updates the report of the Comptroller
17 General entitled “Alaska Native Villages: Limited
18 Progress Has Been Made on Relocating Villages Threat-
19 ened by Flooding and Erosion”, dated June 2009.

20 (c) INCLUSIONS.—The report under subsection (b)
21 shall include—

22 (1) a summary of flooding and erosion threats
23 to Alaska Native villages throughout the State of
24 Alaska, based on information from—

25 (A) the Corps of Engineers;

1 (B) the Denali Commission; and

2 (C) any other relevant sources of informa-
 3 tion as the Comptroller General determines to
 4 be appropriate;

5 (2) the status of efforts to relocate Alaska Na-
 6 tive villages due to flooding and erosion threats; and

7 (3) any other issues relating to flooding and
 8 erosion threats to, or relocation of, Alaska Native
 9 villages, as the Comptroller General determines to be
 10 appropriate.

11 **TITLE IV—SENSE OF CONGRESS** 12 **RELATING TO CERTAIN PROJ-** 13 **ECTS**

14 **SEC. 4001. SENSE OF CONGRESS RELATING TO CERTAIN** 15 **PROJECTS.**

16 (a) IN GENERAL.—It is the sense of Congress that—

17 (1) the projects described in subsection (b) are
 18 valuable; and

19 (2) the Corps of Engineers should expeditiously
 20 complete the post-authorization change report or re-
 21 port of the Chief of Engineers, as applicable, for
 22 each of those projects by the end of 2018.

23 (b) PROJECTS DESCRIBED.—The projects referred to
 24 in subsection (a) are each of the following:

1 (1) PROJECTS FOR WHICH A REPORT OF THE
2 CHIEF OF ENGINEERS IS EXPECTED.—

3 (A) The project for flood risk management,
4 Lower San Joaquin River, California.

5 (B) The project for coastal storm risk
6 management, Pawcatuck River, Rhode Island,
7 authorized in the matter under the heading
8 “INVESTIGATIONS” under the heading “CORPS
9 OF ENGINEERS—CIVIL” under the heading
10 “DEPARTMENT OF THE ARMY” in title X
11 of division A of the Disaster Relief Appropria-
12 tions Act, 2013 (Public Law 113–2; 127 Stat.
13 23).

14 (C) The project for coastal storm risk
15 management, Hashamomuck Cove, New York,
16 authorized in the matter under the heading
17 “INVESTIGATIONS” under the heading “CORPS
18 OF ENGINEERS—CIVIL” under the heading
19 “DEPARTMENT OF THE ARMY” in title X
20 of division A of the Disaster Relief Appropria-
21 tions Act, 2013 (Public Law 113–2; 127 Stat.
22 23).

23 (D) The project for coastal storm risk
24 management and utilization of dredged mate-
25 rial, Delaware River, Delaware, New Jersey,

1 and Pennsylvania, authorized in the matter
2 under the heading “INVESTIGATIONS” under
3 the heading “CORPS OF ENGINEERS—CIVIL”
4 under the heading “DEPARTMENT OF THE
5 ARMY” in title X of division A of the Disaster
6 Relief Appropriations Act, 2013 (Public Law
7 113–2; 127 Stat. 23).

8 (E) The project for navigation, Seattle
9 Harbor, Washington, carried out under section
10 216 of the Flood Control Act of 1970 (33
11 U.S.C. 549a).

12 (F) The project for navigation, Elizabeth
13 River and Southern Branch, Virginia, carried
14 out under section 216 of the Flood Control Act
15 of 1970 (33 U.S.C. 549a).

16 (G) The project for navigation, Three Riv-
17 ers, Arkansas, carried out under section 216 of
18 the Flood Control Act of 1970 (33 U.S.C.
19 549a).

20 (H) The project for navigation, San Juan
21 Harbor, Puerto Rico, described in the study au-
22 thorized by the resolution adopted by the Com-
23 mittee on Transportation and Infrastructure of
24 the House of Representatives on September 20,
25 2006.

1 (I) The project for flood risk management
2 and ecosystem restoration, Española Valley, Rio
3 Grande and tributaries, New Mexico, described
4 in the study authorized by the resolution adopt-
5 ed by the Committee on Environment and Pub-
6 lic Works of the Senate on December 10, 2009.

7 (J) The project for ecosystem restoration,
8 Resacas at Brownsville, Texas, carried out
9 under section 206 of the Water Resources De-
10 velopment Act of 1996 (33 U.S.C. 2330).

11 (K) The project for flood control, naviga-
12 tion, and ecosystem restoration, Anacostia Wa-
13 tershed, Prince George's County, Maryland, de-
14 scribed in the study authorized by the resolu-
15 tion adopted by the Committee on Public Works
16 and Transportation of the House of Represent-
17 atives on September 8, 1988.

18 (L) The project for flood control, Willam-
19 ette River Basin, Oregon, described in the Wil-
20 lamette River Basin Review Study authorized
21 by the resolution adopted by the Committee on
22 Public Works and Transportation of the House
23 of Representatives on September 8, 1988.

24 (M) The project for flood risk management
25 and coastal storm risk management, Norfolk,

1 Virginia, authorized in the matter under the
2 heading “INVESTIGATIONS” under the heading
3 “CORPS OF ENGINEERS—CIVIL” under the
4 heading “DEPARTMENT OF THE ARMY”
5 in title X of division A of the Disaster Relief
6 Appropriations Act, 2013 (Public Law 113–2;
7 127 Stat. 23).

8 (N) The project for flood risk manage-
9 ment, Armourdale and Central Industrial Dis-
10 trict Levee Units, Missouri River and Tribu-
11 taries at Kansas City, Kansas, authorized by
12 section 1401(2) of the Water Infrastructure
13 Improvements for the Nation Act (130 Stat.
14 1711) (as modified by section 3504).

15 (O) The project for navigation and hurri-
16 cane and storm damage reduction, Houma,
17 Louisiana, authorized by section 1001(24)(B)
18 of the Water Resources Development Act of
19 2007 (121 Stat. 1053).

20 (P) The project for flood risk management,
21 Souris River Basin, Minot, North Dakota, au-
22 thorized by section 209 of the Flood Control
23 Act of 1966 (80 Stat. 1423).

1 (Q) The project for ecosystem restoration,
2 Delta Islands and Levees, California, described
3 in the study authorized by—

4 (i) the resolution adopted by the Com-
5 mittee on Public Works of the Senate on
6 June 1, 1948;

7 (ii) the resolution adopted by the
8 Committee on Public Works of the House
9 of Representatives on May 8, 1948; and

10 (iii) House Report 108–357, accom-
11 panying the Energy and Water Develop-
12 ment Appropriations Act, 2004 (Public
13 Law 108–137; 117 Stat. 1827).

14 (2) PROJECTS FOR WHICH A POST-AUTHORIZA-
15 TION CHANGE REPORT IS EXPECTED.—

16 (A) The project for navigation, Chicka-
17 mauga Lock, Tennessee, authorized by section
18 114 of the Energy and Water Development Ap-
19 propriations Act, 2003 (Public Law 108–7; 117
20 Stat. 140).

21 (B) The project for ecosystem restoration,
22 South Florida, Florida, authorized by section
23 601 of the Water Resources Development Act
24 of 2000 (114 Stat. 2680).

1 (C) The project for navigation, Freeport
2 Harbor, Texas, carried out under section 216 of
3 the Flood Control Act of 1970 (33 U.S.C.
4 549a).

5 (D) The project for Soo Locks, Sault
6 Sainte Marie, Michigan, authorized by section
7 1149 of the Water Resources Development Act
8 of 1986 (100 Stat. 4254; 121 Stat. 1131).

9 (E) The project for ecosystem restoration,
10 Central Everglades, Florida, authorized by sec-
11 tion 1401(4) of the Water Infrastructure Im-
12 provements for the Nation Act (130 Stat.
13 1713).

14 (F) The project for water supply and eco-
15 system restoration, Howard A. Hanson Dam,
16 Washington, authorized by section 204 of the
17 Flood Control Act of 1950 (64 Stat. 180) and
18 modified by section 101(b)(15) of the Water
19 Resources Development Act of 1999 (113 Stat.
20 281).

21 (G) The project for ecosystem restoration,
22 Kissimmee River, Florida, authorized by section
23 101(8) of the Water Resources Development
24 Act of 1992 (106 Stat. 4802).

1 (H) The project for flood risk manage-
2 ment, Green Brook Sub-Basin, Raritan River
3 Basin, New Jersey, authorized by section
4 401(a) of the Water Resources Development
5 Act of 1986 (100 Stat. 4119).

6 (I) The project for shore protection and
7 harbor mitigation, Fort Pierce Beach, Florida,
8 authorized by section 301 of the River and
9 Harbor Act of 1965 (79 Stat. 1092), section
10 102 of the River and Harbor Act of 1968 (82
11 Stat. 732), and section 506(a)(2) of the Water
12 Resources Development Act of 1996 (110 Stat.
13 3757), and modified by section 313 of the
14 Water Resources Development Act of 1999
15 (113 Stat. 301).

16 (J) The project for flood control,
17 McMicken Dam, Arizona, authorized by section
18 304 of the Act of August 7, 1953 (67 Stat.
19 450, chapter 342).

20 (K) The project for flood protection, Cave
21 Buttes Dam, Arizona, authorized by section
22 204 of the Flood Control Act of 1965 (79 Stat.
23 1083).

24 (L) The project for navigation, Norfolk
25 Harbor and Channels, Virginia, authorized by

1 section 201(a) of the Water Resources Develop-
2 ment Act of 1986 (100 Stat. 4090).

3 **TITLE V—EPA-RELATED**
4 **PROVISIONS**

5 **SEC. 5001. STORMWATER INFRASTRUCTURE FUNDING TASK**
6 **FORCE.**

7 (a) IN GENERAL.—Not later than 180 days after the
8 date of enactment of this Act, the Administrator of the
9 Environmental Protection Agency (referred to in this sec-
10 tion as the “Administrator”) shall establish a voluntary
11 stormwater infrastructure funding task force comprised of
12 representatives of public, private, and Federal entities to
13 study and develop recommendations to improve the fund-
14 ing and financing of stormwater infrastructure to ensure
15 that—

16 (1) municipalities are able to identify appro-
17 priate funding sources; and

18 (2) funding is—

19 (A) available in all States;

20 (B) affordable (based on the integrated
21 planning guidelines described in the Integrated
22 Municipal Stormwater and Wastewater Plan-
23 ning Approach Framework, issued by the Envi-
24 ronmental Protection Agency and dated June 5,
25 2012); and

1 (C) sufficient to support capital expendi-
 2 tures and long-term operation and maintenance
 3 costs.

4 (b) REPORT.—Not later than 18 months after the
 5 date of enactment of this Act, the Administrator shall sub-
 6 mit to Congress a report that describes the results of the
 7 study under subsection (a).

8 **SEC. 5002. REAUTHORIZATION OF THE WATER INFRA-**
 9 **STRUCTURE FINANCE AND INNOVATION ACT.**

10 Section 5033 of the Water Infrastructure Finance
 11 and Innovation Act of 2014 (33 U.S.C. 3912) is amend-
 12 ed—

13 (1) in subsection (a)(5), by striking “for fiscal
 14 year 2019” and inserting “for each of fiscal years
 15 2019 through 2021”; and

16 (2) in subsection (b), by striking “for each of
 17 fiscal years 2015 through 2019” and inserting “for
 18 each of fiscal years 2015 through 2021”.

19 **SEC. 5003. INDIAN RESERVATION DRINKING WATER AND**
 20 **WASTEWATER PILOT PROGRAM.**

21 (a) IN GENERAL.—Subject to the availability of ap-
 22 propriations, the Administrator of the Environmental Pro-
 23 tection Agency shall carry out a pilot program to imple-
 24 ment—

1 (1) 10 eligible projects described in subsection
 2 (b) that are within the Upper Missouri River Basin;
 3 and

4 (2) 10 eligible projects described in subsection
 5 (b) that are within the Upper Rio Grande Basin.

6 (b) ELIGIBLE PROJECTS.—A project eligible to par-
 7 ticipate in the pilot program under subsection (a) is a
 8 project—

9 (1) that is on a reservation (as defined in sec-
 10 tion 3 of the Indian Financing Act of 1974 (25
 11 U.S.C. 1452)) that serves a federally recognized In-
 12 dian Tribe; and

13 (2) the purpose of which is—

14 (A) to connect, expand, or repair existing
 15 drinking water lines or water towers in order to
 16 improve water quality, pressure, or services; or

17 (B) to replace or refurbish wastewater la-
 18 goons that are insufficient for current or near-
 19 term community needs or economic growth.

20 (c) REQUIREMENT.—In carrying out the pilot pro-
 21 gram under subsection (a)(1), the Administrator of the
 22 Environmental Protection Agency shall select not less
 23 than 1 eligible project for a reservation that serves more
 24 than 1 federally recognized Indian Tribe.

1 **SEC. 5004. TECHNICAL ASSISTANCE FOR TREATMENT**
2 **WORKS.**

3 (a) IN GENERAL.—Title II of the Federal Water Pol-
4 lution Control Act (33 U.S.C. 1281 et seq.) is amended
5 by adding at the end the following:

6 **“SEC. 222. TECHNICAL ASSISTANCE FOR SMALL TREAT-**
7 **MENT WORKS.**

8 “(a) DEFINITIONS.—In this section:

9 “(1) QUALIFIED NONPROFIT SMALL TREAT-
10 MENT WORKS TECHNICAL ASSISTANCE PROVIDER.—
11 The term ‘qualified nonprofit small treatment works
12 technical assistance provider’ means a nonprofit or-
13 ganization that, as determined by the Adminis-
14 trator—

15 “(A) is qualified and experienced in pro-
16 viding training and technical assistance to small
17 treatment works; and

18 “(B) the small treatment works in the
19 State finds to be the most beneficial and effec-
20 tive.

21 “(2) SMALL TREATMENT WORKS.—The term
22 ‘small treatment works’ means a publicly owned
23 treatment works serving not more than 10,000 indi-
24 viduals.

25 “(b) TECHNICAL ASSISTANCE.—The Administrator
26 may use amounts made available to carry out this section

1 to provide grants or cooperative agreements to qualified
 2 nonprofit small treatment works technical assistance pro-
 3 viders to provide to owners and operators of small treat-
 4 ment works onsite technical assistance, circuit rider tech-
 5 nical assistance programs, multi-State, regional technical
 6 assistance programs, and onsite and regional training, to
 7 assist the small treatment works in achieving compliance
 8 with this Act or obtaining financing under this Act for
 9 eligible projects.

10 “(c) AUTHORIZATION OF APPROPRIATIONS.—There
 11 are authorized to be appropriated to carry out this section
 12 for grants for small treatment works technical assistance,
 13 \$15,000,000 for each of fiscal years 2019 through 2021.

14 **“SEC. 223. TECHNICAL ASSISTANCE FOR MEDIUM TREAT-**
 15 **MENT WORKS.**

16 “(a) DEFINITIONS.—In this section:

17 “(1) MEDIUM TREATMENT WORKS.—The term
 18 ‘medium treatment works’ means a publicly owned
 19 treatment works serving not fewer than 10,001, and
 20 not more than 75,000, individuals.

21 “(2) QUALIFIED NONPROFIT MEDIUM TREAT-
 22 MENT WORKS TECHNICAL ASSISTANCE PROVIDER.—
 23 The term ‘qualified nonprofit medium treatment
 24 works technical assistance provider’ means a quali-
 25 fied nonprofit technical assistance provider of water

1 and wastewater services to medium-sized commu-
2 nities that provides technical assistance (including
3 circuit rider technical assistance programs, multi-
4 State, regional assistance programs, and training
5 and preliminary engineering evaluations) to owners
6 and operators of medium treatment works, which
7 may include a State agency.

8 “(b) TECHNICAL ASSISTANCE.—The Administrator
9 may use amounts made available to carry out this section
10 to provide grants or cooperative agreements to qualified
11 nonprofit medium treatment works technical assistance
12 providers to provide to owners and operators of medium
13 treatment works onsite technical assistance, circuit-rider
14 technical assistance programs, multi-State, regional tech-
15 nical assistance programs, and onsite and regional train-
16 ing to assist medium treatment works that are facing dif-
17 ficulty in achieving compliance with this Act or obtaining
18 financing under this Act for eligible projects.

19 “(c) AUTHORIZATION OF APPROPRIATIONS.—There
20 is authorized to be appropriated to carry out this section
21 \$10,000,000 for each of fiscal years 2019 through 2021.”.

22 (b) WATER POLLUTION CONTROL REVOLVING LOAN
23 FUNDS.—

1 (1) IN GENERAL.—Section 603 of the Federal
2 Water Pollution Control Act (33 U.S.C. 1383) is
3 amended—

4 (A) in subsection (d)—

5 (i) in the matter preceding paragraph
6 (1), by inserting “and as provided in sub-
7 section (e)” after “State law”;

8 (ii) by redesignating subsections (e)
9 through (i) as subsections (f) through (j),
10 respectively; and

11 (iii) by inserting after subsection (d)
12 the following:

13 “(e) ADDITIONAL USE OF FUNDS.—A State may use
14 an additional 2 percent of the funds annually allotted to
15 the State under this section for qualified nonprofit small
16 treatment works technical assistance providers (as the
17 term is defined in section 222) and qualified nonprofit me-
18 dium treatment works technical assistance providers (as
19 the term is defined in section 223) to provide technical
20 assistance to small treatment works (as the term is de-
21 fined in section 222) and medium treatment works (as the
22 term is defined in section 223) in the State.”.

23 (2) CONFORMING AMENDMENT.—Section
24 221(d) of the Federal Water Pollution Control Act

1 (33 U.S.C. 1301(d)) is amended by striking “section
2 603(h)” and inserting “section 603(i)”.

3 **SEC. 5005. CLEAN, SAFE, RELIABLE WATER INFRASTRUC-**
4 **TURE.**

5 (a) DRINKING WATER INFRASTRUCTURE.—

6 (1) OTHER AUTHORIZED ACTIVITIES.—Section
7 1452(k) of the Safe Drinking Water Act (42 U.S.C.
8 300j–12(k)) is amended—

9 (A) in paragraph (1)(D), by inserting “and
10 the implementation of plans to protect source
11 water identified in a source water assessment
12 under section 1453” before the period at the
13 end; and

14 (B) in paragraph (2)(E), by inserting “and
15 implement plans to protect source water identi-
16 fied in a source water assessment under section
17 1453” after “wellhead protection programs”.

18 (2) NEGOTIATION OF CONTRACTS.—Section
19 1452 of the Safe Drinking Water Act (42 U.S.C.
20 300j–12) is amended by adding at the end the fol-
21 lowing:

22 “(s) NEGOTIATION OF CONTRACTS.—For commu-
23 nities with populations of more than 10,000 individuals,
24 a contract to be carried out using funds directly made
25 available by a capitalization grant under this section for

1 program management, construction management, feasi-
 2 bility studies, preliminary engineering, design, engineer-
 3 ing, surveying, mapping, or architectural or related serv-
 4 ices shall be negotiated in the same manner as—

5 “(1) a contract for architectural and engineer-
 6 ing services is negotiated under chapter 11 of title
 7 40, United States Code; or

8 “(2) an equivalent State qualifications-based re-
 9 quirement (as determined by the Governor of the
 10 State).”.

11 (3) WATERSENSE PROGRAM.—The Safe Drink-
 12 ing Water Act (42 U.S.C. 300j et seq.) is amended
 13 by adding after part F the following:

14 **“PART G—ADDITIONAL PROVISIONS**

15 **“SEC. 1471. WATERSENSE PROGRAM.**

16 “(a) ESTABLISHMENT OF WATERSENSE PRO-
 17 GRAM.—

18 “(1) IN GENERAL.—There is established within
 19 the Agency a voluntary WaterSense program to
 20 identify and promote water-efficient products, build-
 21 ings, landscapes, facilities, processes, and services
 22 that, through voluntary labeling of, or other forms
 23 of communications regarding, products, buildings,
 24 landscapes, facilities, processes, and services while
 25 meeting strict performance criteria, sensibly—

1 “(A) reduce water use;

2 “(B) reduce the strain on public and com-
3 munity water systems and wastewater and
4 stormwater infrastructure;

5 “(C) conserve energy used to pump, heat,
6 transport, and treat water; and

7 “(D) preserve water resources for future
8 generations.

9 “(2) INCLUSIONS.—The Administrator shall,
10 consistent with this section, identify water-efficient
11 products, buildings, landscapes, facilities, processes,
12 and services, including categories such as—

13 “(A) irrigation technologies and services;

14 “(B) point-of-use water treatment devices;

15 “(C) plumbing products;

16 “(D) reuse and recycling technologies;

17 “(E) landscaping and gardening products,
18 including moisture control or water enhancing
19 technologies;

20 “(F) xeriscaping and other landscape con-
21 versions that reduce water use;

22 “(G) whole house humidifiers; and

23 “(H) water-efficient buildings or facilities.

24 “(b) DUTIES.—The Administrator, coordinating as
25 appropriate with the Secretary of Energy, shall—

1 “(1) establish—

2 “(A) a WaterSense label to be used for
3 items meeting the certification criteria estab-
4 lished in accordance with this section; and

5 “(B) the procedure, including the methods
6 and means, and criteria by which an item may
7 be certified to display the WaterSense label;

8 “(2) enhance public awareness regarding the
9 WaterSense label through outreach, education, and
10 other means;

11 “(3) preserve the integrity of the WaterSense
12 label by—

13 “(A) establishing and maintaining feasible
14 performance criteria so that products, build-
15 ings, landscapes, facilities, processes, and serv-
16 ices labeled with the WaterSense label perform
17 as well or better than less water-efficient coun-
18 terparts;

19 “(B) overseeing WaterSense certifications
20 made by third parties, which shall be inde-
21 pendent third-party product certification bodies
22 accredited by an accreditation entity domiciled
23 in the United States, such as the American Na-
24 tional Standards Institute, as achieving—

1 “(i) the requirements described in the
2 document of the International Organiza-
3 tion for Standardization and the Inter-
4 national Electrotechnical Commission enti-
5 tled ‘ISO/IEC 17065 Conformity assess-
6 ment—Requirements for bodies certifying
7 products, processes and services’ and dated
8 September 2012; and

9 “(ii) the applicable WaterSense re-
10 quirements;

11 “(C) as determined appropriate by the Ad-
12 ministrator, using testing protocols, from the
13 appropriate, applicable, and relevant consensus
14 standards, for the purpose of determining
15 standards compliance; and

16 “(D) auditing the use of the WaterSense
17 label in the marketplace and preventing cases of
18 misuse;

19 “(4) not more frequently than every 6 years
20 after adoption or major revision of any WaterSense
21 specification, review and, if appropriate, revise the
22 specification to achieve additional water savings;

23 “(5) in revising a WaterSense specification—

24 “(A) provide reasonable notice to inter-
25 ested parties and the public of any changes, in-

1 cluding effective dates, and an explanation of
2 the changes;

3 “(B) solicit comments from interested par-
4 ties and the public prior to any changes;

5 “(C) as appropriate, respond to comments
6 submitted by interested parties and the public;
7 and

8 “(D) provide an appropriate transition
9 time prior to the applicable effective date of any
10 changes, taking into account the timing nec-
11 essary for the manufacture, marketing, train-
12 ing, and distribution of the specific water-effi-
13 cient product, building, landscape, process, or
14 service category being addressed; and

15 “(6) not later than December 31, 2019, con-
16 sider for review and revision any WaterSense speci-
17 fication adopted before January 1, 2012.

18 “(c) TRANSPARENCY.—The Administrator shall, to
19 the maximum extent practicable and not less than annu-
20 ally, regularly estimate and make available to the public
21 savings of water, energy, and capital costs of water, waste-
22 water, and stormwater attributable to the use of
23 WaterSense-labeled products, buildings, landscapes, facili-
24 ties, processes, and services.

1 “(d) DISTINCTION OF AUTHORITIES.—In setting or
 2 maintaining specifications for Energy Star pursuant to
 3 section 324A of the Energy Policy and Conservation Act
 4 (42 U.S.C. 6294a), and WaterSense under this section,
 5 the Secretary of Energy and the Administrator shall co-
 6 ordinate to prevent duplicative or conflicting requirements
 7 among the respective programs.

8 “(e) NO WARRANTY.—A WaterSense label shall not
 9 create an express or implied warranty.”.

10 (b) SEWER OVERFLOW CONTROL GRANTS.—Section
 11 221 of the Federal Water Pollution Control Act (33
 12 U.S.C. 1301) is amended—

13 (1) in subsection (a), by striking the subsection
 14 designation and heading and all that follows through
 15 “subject to subsection (g), the Administrator may”
 16 in paragraph (2) and inserting the following:

17 “(a) AUTHORITY.—The Administrator may—

18 “(1) make grants to States for the purpose of
 19 providing grants to a municipality or municipal enti-
 20 ty for planning, designing, and constructing—

21 “(A) treatment works to intercept, trans-
 22 port, control, or treat municipal combined sewer
 23 overflows and sanitary sewer overflows; and

1 “(B) measures to manage, reduce, treat, or
 2 recapture stormwater or subsurface drainage
 3 water; and

4 “(2) subject to subsection (g),”;
 5 (2) in subsection (b)—

6 (A) in paragraph (1), by striking the semi-
 7 colon at the end and inserting “; or”;

8 (B) by striking paragraphs (2) and (3);
 9 and

10 (C) by redesignating paragraph (4) as
 11 paragraph (2);

12 (3) by striking subsections (e) through (g) and
 13 inserting the following:

14 “(e) ADMINISTRATIVE REQUIREMENTS.—

15 “(1) IN GENERAL.—Subject to paragraph (2), a
 16 project that receives grant assistance under sub-
 17 section (a) shall be carried out subject to the same
 18 requirements as a project that receives assistance
 19 from a State water pollution control revolving fund
 20 established pursuant to title VI.

21 “(2) DETERMINATION OF GOVERNOR.—The re-
 22 quirement described in paragraph (1) shall not apply
 23 to a project that receives grant assistance under
 24 subsection (a) to the extent that the Governor of the
 25 State in which the project is located determines that

1 a requirement described in title VI is inconsistent
2 with the purposes of this section.

3 “(f) AUTHORIZATION OF APPROPRIATIONS.—There
4 is authorized to be appropriated to carry out this section
5 \$225,000,000 for each of fiscal years 2019 and 2020, to
6 remain available until expended.

7 “(g) ALLOCATION OF FUNDS.—For each of fiscal
8 years 2019 and 2020, subject to subsection (h), the Ad-
9 ministrator shall use the amounts made available to carry
10 out this section to provide grants to municipalities and
11 municipal entities under subsection (a)(2)—

12 “(1) in accordance with the priority criteria de-
13 scribed in subsection (b); and

14 “(2) with additional priority given to proposed
15 projects that involve the use of—

16 “(A) nonstructural, low-impact develop-
17 ment;

18 “(B) water conservation, efficiency, or
19 reuse; or

20 “(C) other decentralized stormwater or
21 wastewater approaches to minimize flows into
22 the sewer systems.”; and

23 (4) by striking subsection (i).

1 **SEC. 5006. WATER INFRASTRUCTURE FLEXIBILITY.**

2 (a) DEFINITION OF ADMINISTRATOR.—In this sec-
 3 tion, the term “Administrator” means the Administrator
 4 of the Environmental Protection Agency.

5 (b) INTEGRATED PLANS.—

6 (1) INTEGRATED PLANS.—Section 402 of the
 7 Federal Water Pollution Control Act (33 U.S.C.
 8 1342) is amended by adding at the end the fol-
 9 lowing:

10 “(s) INTEGRATED PLAN PERMITS.—

11 “(1) DEFINITIONS.—In this subsection:

12 “(A) GREEN INFRASTRUCTURE.—The
 13 term ‘green infrastructure’ means the range of
 14 measures that use plant or soil systems, per-
 15 meable pavement or other permeable surfaces
 16 or substrates, stormwater harvest and reuse, or
 17 landscaping to store, infiltrate, or evapotranspi-
 18 rate stormwater and reduce flows to sewer sys-
 19 tems or to surface waters.

20 “(B) INTEGRATED PLAN.—The term ‘inte-
 21 grated plan’ has the meaning given in Part III
 22 of the Integrated Municipal Stormwater and
 23 Wastewater Planning Approach Framework,
 24 issued by the Environmental Protection Agency
 25 and dated June 5, 2012.

26 “(C) MUNICIPAL DISCHARGE.—

1 “(i) IN GENERAL.—The term ‘municipal discharge’ means a discharge from a
2 treatment works (as defined in section
3 212) or a discharge from a municipal
4 storm sewer under subsection (p).
5

6 “(ii) INCLUSION.—The term ‘municipal discharge’ includes a discharge of
7 wastewater or storm water collected from
8 multiple municipalities if the discharge is
9 covered by the same permit issued under
10 this section.
11

12 “(2) INTEGRATED PLAN.—

13 “(A) IN GENERAL.—The Administrator (or
14 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
15 plan.
16 plan.
17
18

19 “(B) SCOPE OF PERMIT INCORPORATING
20 INTEGRATED PLAN.—A permit issued under
21 this subsection that incorporates an integrated
22 plan may integrate all requirements under this
23 Act addressed in the integrated plan, including
24 requirements relating to—
25

 “(i) a combined sewer overflow;

1 “(ii) a capacity, management, oper-
2 ation, and maintenance program for sani-
3 tary sewer collection systems;

4 “(iii) a municipal stormwater dis-
5 charge;

6 “(iv) a municipal wastewater dis-
7 charge; and

8 “(v) a water quality-based effluent
9 limitation to implement an applicable
10 wasteload allocation in a total maximum
11 daily load.

12 “(3) COMPLIANCE SCHEDULES.—

13 “(A) IN GENERAL.—A permit for a munic-
14 ipal discharge by a municipality that incor-
15 porates an integrated plan may include a sched-
16 ule of compliance, under which actions taken to
17 meet any applicable water quality-based effluent
18 limitation may be implemented over more than
19 1 permit term if the compliance schedules are
20 authorized by State water quality standards.

21 “(B) INCLUSION.—Actions subject to a
22 compliance schedule under subparagraph (A)
23 may include green infrastructure if imple-
24 mented as part of a water quality-based effluent
25 limitation.

1 “(C) REVIEW.—A schedule of compliance
2 may be reviewed each time the permit is re-
3 newed.

4 “(4) EXISTING AUTHORITIES RETAINED.—

5 “(A) APPLICABLE STANDARDS.—Nothing
6 in this subsection modifies any obligation to
7 comply with applicable technology and water
8 quality-based effluent limitations under this
9 Act.

10 “(B) FLEXIBILITY.—Nothing in this sub-
11 section reduces or eliminates any flexibility
12 available under this Act, including the authority
13 of—

14 “(i) a State to revise a water quality
15 standard after a use attainability analysis
16 under section 131.10(g) of title 40, Code
17 of Federal Regulations (or a successor reg-
18 ulation), subject to the approval of the Ad-
19 ministrator under section 303(c); and

20 “(ii) the Administrator or a State to
21 authorize a schedule of compliance that ex-
22 tends beyond the date of expiration of a
23 permit term if the schedule of compliance
24 meets the requirements of section 122.47
25 of title 40, Code of Federal Regulations

1 (as in effect on the date of enactment of
2 this subsection).

3 “(5) CLARIFICATION OF STATE AUTHORITY.—

4 “(A) IN GENERAL.—Nothing in section
5 301(b)(1)(C) precludes a State from author-
6 izing in the water quality standards of the
7 State the issuance of a schedule of compliance
8 to meet water quality-based effluent limitations
9 in permits that incorporate provisions of an in-
10 tegrated plan.

11 “(B) TRANSITION RULE.—In any case in
12 which a discharge is subject to a judicial order
13 or consent decree as of the date of enactment
14 of the America’s Water Infrastructure Act of
15 2018 resolving an enforcement action under
16 this Act, any schedule of compliance issued pur-
17 suant to an authorization in a State water qual-
18 ity standard shall not revise a schedule of com-
19 pliance in that order or decree unless the order
20 or decree is modified by agreement of the par-
21 ties and the court.”.

22 (2) MUNICIPAL OMBUDSMAN.—

23 (A) ESTABLISHMENT.—There is estab-
24 lished within the Office of the Administrator an
25 Office of the Municipal Ombudsman.

1 (B) GENERAL DUTIES.—The duties of the
2 municipal ombudsman shall include the provi-
3 sion of—

4 (i) technical assistance to municipali-
5 ties seeking to comply with the Federal
6 Water Pollution Control Act (33 U.S.C.
7 1251 et seq.) and the Safe Drinking Water
8 Act (42 U.S.C. 300f et seq.); and

9 (ii) information to the Administrator
10 to help the Administrator ensure that
11 agency policies are implemented by all of-
12 fices of the Environmental Protection
13 Agency, including regional offices.

14 (C) ACTIONS REQUIRED.—The municipal
15 ombudsman shall work with appropriate offices
16 at the headquarters and regional offices of the
17 Environmental Protection Agency to ensure
18 that the municipality seeking assistance is pro-
19 vided information—

20 (i) about available Federal financial
21 assistance for which the municipality is eli-
22 gible;

23 (ii) about flexibility available under
24 the Federal Water Pollution Control Act
25 (33 U.S.C. 1251 et seq.) and, if applicable,

1 the Safe Drinking Water Act (42 U.S.C.
2 300f et seq.); and

3 (iii) regarding the opportunity to de-
4 velop an integrated plan, as defined in sec-
5 tion 402(s)(1)(B) of the Federal Water
6 Pollution Control Act (as added by para-
7 graph (1)).

8 (D) INFORMATION SHARING.—The munic-
9 ipal ombudsman shall publish on the website of
10 the Environmental Protection Agency—

11 (i) general information relating to—

12 (I) the technical assistance re-
13 ferred to in subparagraph (B)(i);

14 (II) the financial assistance re-
15 ferred to in subparagraph (C)(i);

16 (III) the flexibility referred to in
17 subparagraph (C)(ii); and

18 (IV) any resources related to in-
19 tegrated plans developed by the Ad-
20 ministrator; and

21 (ii) a copy of each permit, order, or
22 judicial consent decree that implements or
23 incorporates an integrated plan.

24 (3) MUNICIPAL ENFORCEMENT.—Section 309
25 of the Federal Water Pollution Control Act (33

1 U.S.C. 1319) is amended by adding at the end the
2 following:

3 “(h) IMPLEMENTATION OF INTEGRATED PLANS
4 THROUGH ENFORCEMENT TOOLS.—

5 “(1) IN GENERAL.—In conjunction with an en-
6 forcement action under subsection (a) or (b) relating
7 to municipal discharges, the Administrator shall in-
8 form a municipality of the opportunity to develop an
9 integrated plan (as defined in section 402(s)).

10 “(2) MODIFICATION.—Any municipality under
11 an administrative order under subsection (a) or set-
12 tlement agreement (including a judicial consent de-
13 cree) under subsection (b) that has developed an in-
14 tegrated plan consistent with section 402(s) may re-
15 quest a modification of the administrative order or
16 settlement agreement based on that integrated
17 plan.”.

18 (4) REPORT TO CONGRESS.—Not later than 2
19 years after the date of enactment of this Act, the
20 Administrator shall submit to the Committee on En-
21 vironment and Public Works of the Senate and the
22 Committee on Transportation and Infrastructure of
23 the House of Representatives and make publicly
24 available a report on each integrated plan developed
25 and implemented through a permit, order, or judicial

1 consent decree since the date of publication of the
2 “Integrated Municipal Stormwater and Wastewater
3 Planning Approach Framework” issued by the Envi-
4 ronmental Protection Agency and dated June 5,
5 2012, including a description of the control meas-
6 ures, levels of control, estimated costs, and compli-
7 ance schedules for the requirements implemented
8 through an integrated plan.

9 (c) GREEN INFRASTRUCTURE PROMOTION.—Title V
10 of the Federal Water Pollution Control Act (33 U.S.C.
11 1361 et seq.) is amended—

12 (1) by redesignating section 519 (33 U.S.C.
13 1251 note) as section 520; and

14 (2) by inserting after section 518 (33 U.S.C.
15 1377) the following:

16 **“SEC. 519. ENVIRONMENTAL PROTECTION AGENCY GREEN**
17 **INFRASTRUCTURE PROMOTION.**

18 “(a) IN GENERAL.—The Administrator shall ensure
19 that the Office of Water, the Office of Enforcement and
20 Compliance Assurance, the Office of Research and Devel-
21 opment, and the Office of Policy of the Environmental
22 Protection Agency promote the use of green infrastructure
23 in and coordinate the integration of green infrastructure
24 into, permitting programs, planning efforts, research,
25 technical assistance, and funding guidance.

1 “(b) DUTIES.—The Administrator shall ensure that
2 the Office of Water—

3 “(1) promotes the use of green infrastructure in
4 the programs of the Environmental Protection Agen-
5 cy; and

6 “(2) coordinates efforts to increase the use of
7 green infrastructure with—

8 “(A) other Federal departments and agen-
9 cies;

10 “(B) State, tribal, and local governments;
11 and

12 “(C) the private sector.

13 “(c) REGIONAL GREEN INFRASTRUCTURE PRO-
14 MOTION.—The Administrator shall direct each regional of-
15 fice of the Environmental Protection Agency, as appro-
16 priate based on local factors, and consistent with the re-
17 quirements of this Act, to promote and integrate the use
18 of green infrastructure within the region that includes—

19 “(1) outreach and training regarding green in-
20 frastructure implementation for State, tribal, and
21 local governments, tribal communities, and the pri-
22 vate sector; and

23 “(2) the incorporation of green infrastructure
24 into permitting and other regulatory programs,
25 codes, and ordinance development, including the re-

1 quirements under consent decrees and settlement
2 agreements in enforcement actions.

3 “(d) GREEN INFRASTRUCTURE INFORMATION SHAR-
4 ING.—The Administrator shall promote green infrastruc-
5 ture information sharing, including through an Internet
6 website, to share information with, and provide technical
7 assistance to, State, tribal, and local governments, tribal
8 communities, the private sector, and the public regarding
9 green infrastructure approaches for—

10 “(1) reducing water pollution;

11 “(2) protecting water resources;

12 “(3) complying with regulatory requirements;

13 and

14 “(4) achieving other environmental, public
15 health, and community goals.”.

16 (d) FINANCIAL CAPABILITY GUIDANCE.—

17 (1) DEFINITIONS.—In this subsection:

18 (A) AFFORDABILITY.—The term “afford-
19 ability” means, with respect to payment of a
20 utility bill, a measure of whether an individual
21 customer or household can pay the bill without
22 undue hardship or unreasonable sacrifice in the
23 essential lifestyle or spending patterns of the in-
24 dividual or household, as determined by the Ad-
25 ministrator.

1 (B) FINANCIAL CAPABILITY.—The term
 2 “financial capability” means the financial capa-
 3 bility of a community to make investments nec-
 4 essary to make water quality or drinking water
 5 improvements.

6 (C) GUIDANCE.—The term “guidance”
 7 means the guidance published by the Adminis-
 8 trator entitled “Combined Sewer Overflows—
 9 Guidance for Financial Capability Assessment
 10 and Schedule Development” and dated Feb-
 11 ruary 1997, as applicable to the combined
 12 sewer overflows and sanitary sewer overflows
 13 guidance published by the Administrator enti-
 14 tled “Financial Capability Assessment Frame-
 15 work” and dated November 24, 2014.

16 (2) USE OF MEDIAN HOUSEHOLD INCOME.—
 17 The Administrator shall not use median household
 18 income as the sole indicator of affordability for a
 19 residential household.

20 (3) REVISED GUIDANCE.—

21 (A) IN GENERAL.—Not later than 1 year
 22 after the date of completion of the National
 23 Academy of Public Administration study to es-
 24 tablish a definition and framework for commu-
 25 nity affordability required by Senate Report

114–70, accompanying S. 1645 (114th Congress), the Administrator shall revise the guidance described in paragraph (1)(C).

(B) USE OF GUIDANCE.—Beginning on the date on which the revised guidance referred to in subparagraph (A) is finalized, the Administrator shall use the revised guidance in lieu of the guidance described in paragraph (1)(C).

(4) CONSIDERATION AND CONSULTATION.—

(A) CONSIDERATION.—In revising the guidance, the Administrator shall consider—

(i) the recommendations of the study referred to in paragraph (3)(A) and any other relevant study, as determined by the Administrator;

(ii) local economic conditions, including site-specific local conditions that should be taken into consideration in analyzing financial capability;

(iii) other essential community investments;

(iv) potential adverse impacts on distressed populations, including the percentage of low-income ratepayers within the service area of a utility and impacts in

1 communities with disparate economic con-
2 ditions throughout the entire service area
3 of a utility;

4 (v) the degree to which rates of low-
5 income consumers would be affected by
6 water infrastructure investments, the use
7 of rate structures, and customer assistance
8 programs to address the rates of low-in-
9 come consumers;

10 (vi) an evaluation of an array of fac-
11 tors, the relative importance of which may
12 vary across regions and localities; and

13 (vii) the appropriate weight for eco-
14 nomic, public health, and environmental
15 benefits.

16 (B) CONSULTATION.—Any revised guid-
17 ance issued to replace the guidance shall be de-
18 veloped in consultation with stakeholders.

19 (5) PUBLICATION AND SUBMISSION.—

20 (A) IN GENERAL.—On completion of the
21 revision of the guidance, the Administrator
22 shall publish in the Federal Register and sub-
23 mit to the Committee on Environment and
24 Public Works of the Senate and the Committee

1 on Transportation and Infrastructure of the
2 House of Representatives the revised guidance.

3 (B) EXPLANATION.—If the Administrator
4 makes a determination not to follow one or
5 more recommendations of the study referred to
6 in paragraph (3)(A), the Administrator shall in-
7 clude in the publication and submission under
8 paragraph (1) an explanation of that decision.

9 (6) EFFECT.—Nothing in this subsection pre-
10 empts or interferes with any obligation to comply
11 with any Federal law, including the Federal Water
12 Pollution Control Act (33 U.S.C. 1251 et seq.).

13 **SEC. 5007. WATER RESOURCES RESEARCH ACT AMEND-**
14 **MENTS.**

15 (a) CONGRESSIONAL FINDINGS AND DECLARA-
16 TIONS.—Section 102 of the Water Resources Research
17 Act of 1984 (42 U.S.C. 10301) is amended—

18 (1) by redesignating paragraphs (7) through
19 (9) as paragraphs (8) through (10), respectively;

20 (2) in paragraph (8) (as so redesignated), by
21 striking “and” at the end; and

22 (3) by inserting after paragraph (6) the fol-
23 lowing:

24 “(7) additional research is required into in-
25 creasing the effectiveness and efficiency of new and

1 existing treatment works through alternative ap-
 2 proaches, including—

3 “(A) nonstructural alternatives;

4 “(B) decentralized approaches;

5 “(C) energy use efficiency;

6 “(D) water use efficiency; and

7 “(E) actions to extract energy from waste-
 8 water;”.

9 (b) CLARIFICATION OF RESEARCH ACTIVITIES.—Sec-
 10 tion 104(b)(1) of the Water Resources Research Act of
 11 1984 (42 U.S.C. 10303(b)(1)) is amended—

12 (1) in subparagraph (B)(ii), by striking “water-
 13 related phenomena” and inserting “water re-
 14 sources”; and

15 (2) in subparagraph (D), by striking the period
 16 at the end and inserting “; and”.

17 (c) COMPLIANCE REPORT.—Section 104(c) of the
 18 Water Resources Research Act of 1984 (42 U.S.C.
 19 10303(c)) is amended—

20 (1) by striking “(c) From the” and inserting
 21 the following:

22 “(c) GRANTS.—

23 “(1) IN GENERAL.—From the”; and

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

1 “(2) REPORT.—Not later than December 31 of
 2 each fiscal year, the Secretary shall submit to the
 3 Committee on Environment and Public Works of the
 4 Senate, the Committee on the Budget of the Senate,
 5 the Committee on Transportation and Infrastructure
 6 of the House of Representatives, and the Committee
 7 on the Budget of the House of Representatives a re-
 8 port regarding the compliance of each funding re-
 9 cipient with this subsection for the immediately pre-
 10 ceding fiscal year.”.

11 (d) EVALUATION OF WATER RESOURCES RESEARCH
 12 PROGRAM.—Section 104 of the Water Resources Research
 13 Act of 1984 (42 U.S.C. 10303) is amended by striking
 14 subsection (e) and inserting the following:

15 “(e) EVALUATION OF WATER RESOURCES RESEARCH
 16 PROGRAM.—

17 “(1) IN GENERAL.—The Secretary shall con-
 18 duct a careful and detailed evaluation of each insti-
 19 tute at least once every 3 years to determine—

20 “(A) the quality and relevance of the water
 21 resources research of the institute;

22 “(B) the effectiveness of the institute at
 23 producing measured results and applied water
 24 supply research; and

1 “(C) whether the effectiveness of the insti-
 2 tute as an institution for planning, conducting,
 3 and arranging for research warrants continued
 4 support under this section.

5 “(2) PROHIBITION ON FURTHER SUPPORT.—If,
 6 as a result of an evaluation under paragraph (1), the
 7 Secretary determines that an institute does not qual-
 8 ify for further support under this section, no further
 9 grants to the institute may be provided until the
 10 qualifications of the institute are reestablished to the
 11 satisfaction of the Secretary.”.

12 (e) AUTHORIZATION OF APPROPRIATIONS.—Section
 13 104(f)(1) of the Water Resources Research Act of 1984
 14 (42 U.S.C. 10303(f)(1)) is amended by striking
 15 “\$12,000,000 for each of fiscal years 2007 through 2011”
 16 and inserting “\$7,500,000 for each of fiscal years 2019
 17 through 2021”.

18 (f) ADDITIONAL APPROPRIATIONS WHERE RE-
 19 SEARCH FOCUSED ON WATER PROBLEMS OF INTERSTATE
 20 NATURE.—Section 104(g)(1) of the Water Resources Re-
 21 search Act of 1984 (42 U.S.C. 10303(g)(1)) is amended
 22 in the first sentence, by striking “\$6,000,000 for each of
 23 fiscal years 2007 through 2011” and inserting
 24 “\$1,500,000 for each of fiscal years 2019 through 2021”.

1 **SEC. 5008. STUDY ON INTRACTABLE WATER SYSTEMS.**

2 Part E of the Safe Drinking Water Act (42 U.S.C.
3 300j et seq.) is amended by adding at the end the fol-
4 lowing:

5 **“SEC. 1459C. STUDY ON INTRACTABLE WATER SYSTEMS.**

6 “(a) DEFINITION OF INTRACTABLE WATER SYS-
7 TEM.—In this section, the term ‘intractable water system’
8 means a community water system or a noncommunity
9 water system—

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 obliga-
19 tion relating to the community water system or
20 noncommunity water system, as applicable;

21 “(D) fails to maintain the facilities of the
22 community water system or noncommunity
23 water system, as applicable, in a manner so as
24 to prevent a potential public health hazard; or

1 “(E) is in significant noncompliance with
2 this Act or any regulation promulgated pursu-
3 ant to this Act.

4 “(b) STUDY REQUIRED.—

5 “(1) IN GENERAL.—Not later than 2 years
6 after the date of enactment of this section, the Ad-
7 ministrator, in consultation with the Secretary of
8 Agriculture and the Secretary of Health and Human
9 Services, shall complete a study that—

10 “(A) identifies intractable water systems;
11 and

12 “(B) describes barriers to delivery of pota-
13 ble water to individuals served by an intractable
14 water system.

15 “(2) REPORT TO CONGRESS.—Not later than 2
16 years after the date of enactment of this section, the
17 Administrator shall submit to Congress a report de-
18 scribing findings and recommendations based on the
19 study under this subsection.

20 “(c) COMPLIANCE INCENTIVE.—Section 1414(h)(2)
21 shall apply to any person carrying out a plan to address
22 an intractable water system that is approved by—

23 “(1) in the case of a State with primary en-
24 forcement responsibility under section 1413, the
25 State; or

1 “(2) in the case of a State that does not have
2 primary enforcement responsibility, the Adminis-
3 trator.”.

4 **SEC. 5009. NATIONAL ONSITE WASTEWATER RECYCLING.**

5 (a) SENSE OF CONGRESS.—It is the sense of Con-
6 gress that providing communities with the knowledge and
7 resources necessary to fully use decentralized wastewater
8 systems can provide affordable wastewater recycling and
9 treatment to millions of people in the United States.

10 (b) DEFINITION OF ADMINISTRATOR.—In this sec-
11 tion, the term “Administrator” means the Administrator
12 of the Environmental Protection Agency.

13 (c) WASTEWATER TECHNOLOGY CLEARINGHOUSE.—

14 (1) IN GENERAL.—The Administrator shall—

15 (A) for each of the programs described in
16 paragraph (2), update the information for those
17 programs to include information on cost-effec-
18 tive and alternative wastewater recycling and
19 treatment systems, including onsite and decen-
20 tralized systems; and

21 (B) disseminate to units of local govern-
22 ment and nonprofit organizations seeking Fed-
23 eral funds for wastewater systems information
24 on the cost effectiveness of alternative waste-

1 water treatment and recycling systems, includ-
2 ing onsite and decentralized systems.

3 (2) PROGRAMS DESCRIBED.—The programs re-
4 ferred to in paragraph (1)(A) are programs that
5 provide technical assistance for wastewater manage-
6 ment, including—

7 (A) programs for nonpoint source manage-
8 ment under section 319 of the Federal Water
9 Pollution Control Act (33 U.S.C. 1329);

10 (B) the permit program for the disposal of
11 sewer sludge under section 405 of the Federal
12 Water Pollution Control Act (33 U.S.C. 1345);

13 (C) technical assistance for small public
14 water systems under section 1442(e) of the
15 Safe Drinking Water Act (42 U.S.C. 300j-
16 2(e)); and

17 (D) other programs of the Administrator
18 that provide technical assistance for wastewater
19 management.

20 (d) ALTERNATIVE WASTEWATER SYSTEM CERTIFI-
21 CATION.—

22 (1) CLEAN WATER STATE REVOLVING FUNDS.—
23 Section 603 of the Federal Water Pollution Control
24 Act (33 U.S.C. 1383) (as amended by section

1 5004(b)(1)) is amended by adding at the end the
2 following:

3 “(k) ALTERNATIVE WASTEWATER SYSTEM CERTIFI-
4 CATION.—In providing assistance from the water pollution
5 control revolving fund of the State established in accord-
6 ance with this title for a project for a wastewater system
7 serving a population of not more than 2,500, the State
8 shall ensure that an entity receiving assistance from the
9 water pollution control revolving fund of the State certifies
10 that the entity has considered an individual or shared on-
11 site, decentralized wastewater system as an alternative
12 wastewater system.”.

13 (2) WIFIA.—Section 5028(a) of the Water In-
14 frastructure Finance and Innovation Act of 2014
15 (33 U.S.C. 3907(a)) is amended by adding at the
16 end the following:

17 “(7) ALTERNATIVE WASTEWATER SYSTEM CER-
18 TIFICATION.—In the case of a project carried out by
19 the Administrator, the Administrator shall ensure
20 that, for a project for a wastewater system serving
21 a population of not more than 2,500, the eligible en-
22 tity receiving financial assistance certifies that the
23 eligible entity has considered an individual or shared
24 onsite, decentralized wastewater system as an alter-
25 native wastewater system.”.

1 (3) WATER AND WASTE DISPOSAL LOAN &
2 GRANT PROGRAM.—Section 306(a) of the Consoli-
3 dated Farm and Rural Development Act (7 U.S.C.
4 1926(a)) is amended by adding at the end the fol-
5 lowing:

6 “(27) ALTERNATIVE WASTEWATER SYSTEM
7 CERTIFICATION.—The Secretary shall ensure that,
8 for a wastewater project serving a population of not
9 more than 2,500, the recipient of the financial as-
10 sistance certifies that the recipient has considered an
11 individual or shared onsite, decentralized wastewater
12 system as an alternative wastewater system.”.

13 (e) REPORT TO CONGRESS.—Not later than 1 year
14 after the date of enactment of this Act, and not less fre-
15 quently than every 3 years thereafter, the Administrator
16 shall submit to Congress a report that describes—

17 (1) the amount of financial assistance provided
18 by State water pollution control revolving funds es-
19 tablished under title VI of the Federal Water Pollu-
20 tion Control Act (33 U.S.C. 1381 et seq.) to deploy
21 decentralized wastewater recycling technology;

22 (2) the barriers impacting greater use of decen-
23 tralized wastewater recycling technologies;

24 (3) the cost-saving potential to communities
25 and future infrastructure investments from further

1 deployment of decentralized wastewater recycling
2 technology;

3 (4) the environmental benefits to the commu-
4 nity and groundwater quality from additional invest-
5 ments in decentralized wastewater recycling; and

6 (5) the actions taken by the Administrator to
7 assist States in identifying eligible projects using de-
8 centralized wastewater recycling technology.

9 **SEC. 5010. WATER INFRASTRUCTURE AND WORKFORCE IN-**
10 **VESTMENT.**

11 (a) SENSE OF CONGRESS.—It is the sense of Con-
12 gress that—

13 (1) water and wastewater utilities provide a
14 unique opportunity for access to stable, high-quality
15 careers;

16 (2) as water and wastewater utilities make crit-
17 ical investments in infrastructure, water and waste-
18 water utilities can invest in the development of local
19 workers and local small businesses to strengthen
20 communities and ensure a strong pipeline of skilled
21 and diverse workers for today and tomorrow; and

22 (3) to further the goal of ensuring a strong
23 pipeline of skilled and diverse workers in the water
24 and wastewater utilities sector, Congress urges—

1 (A) increased collaboration among Federal,
2 State, and local governments; and

3 (B) institutions of higher education, ap-
4 prentice programs, high schools, and other com-
5 munity-based organizations to align workforce
6 training programs and community resources
7 with water and wastewater utilities to accelerate
8 career pipelines and provide access to workforce
9 opportunities.

10 (b) DEFINITION OF INTRACTABLE WATER SYS-
11 TEM.—In this section, the term “intractable water sys-
12 tem” means a community water system or a noncommu-
13 nity water system (as those terms are defined in section
14 1401 of the Safe Drinking Water Act (42 U.S.C. 300f))
15 that—

16 (1) that serves fewer than 1,000 individuals;
17 and

18 (2) the owner or operator of which—

19 (A) is unable or unwilling to provide safe
20 and adequate service to those individuals;

21 (B) has abandoned or effectively aban-
22 doned the community water system or non-
23 community water system, as applicable;

1 (C) has defaulted on a financial obligation
 2 relating to the community water system or non-
 3 community water system, as applicable;

4 (D) fails to maintain the facilities of the
 5 community water system or noncommunity
 6 water system, as applicable, in a manner so as
 7 to prevent a potential public health hazard; or

8 (E) is in significant noncompliance with
 9 the Safe Drinking Water Act (42 U.S.C. 300f
 10 et seq.) or any regulation promulgated pursuant
 11 to that Act.

12 (c) INNOVATIVE WATER INFRASTRUCTURE WORK-
 13 FORCE DEVELOPMENT PROGRAM.—

14 (1) GRANTS AUTHORIZED.—The Administrator
 15 of the Environmental Protection Agency (referred to
 16 in this section as the “Administrator”) and the Sec-
 17 retary shall establish a competitive grant program to
 18 assist the development of innovative activities relat-
 19 ing to workforce development in the water utility
 20 sector.

21 (2) SELECTION OF GRANT RECIPIENTS.—In
 22 awarding grants under paragraph (1), the Adminis-
 23 trator or the Secretary, as applicable, shall, to the
 24 maximum extent practicable, select—

25 (A) water utilities that—

1 (i) are geographically diverse;

2 (ii) address the workforce and human
3 resources needs of large and small public
4 water and wastewater utilities;

5 (iii) address the workforce and human
6 resources needs of urban and rural public
7 water and wastewater utilities;

8 (iv) advance training relating to con-
9 struction, utility operations, treatment and
10 distribution, green infrastructure, customer
11 service, maintenance, and engineering; and

12 (v)(I) have a high retiring workforce
13 rate; or

14 (II) are located in areas with a high
15 unemployment rate; or

16 (B) intractable water systems.

17 (3) USE OF FUNDS.—Grants awarded under
18 paragraph (1) may be used for activities such as—

19 (A) targeted internship, apprenticeship,
20 preapprenticeship, and post-secondary bridge
21 programs for mission-critical skilled trades, in
22 collaboration with labor organizations, commu-
23 nity colleges, and other training and education
24 institutions that provide—

25 (i) on-the-job training;

1 (ii) soft and hard skills development;

2 (iii) test preparation for skilled trade

3 apprenticeships; or

4 (iv) other support services to facilitate

5 post-secondary success;

6 (B) kindergarten through 12th grade and

7 young adult education programs that—

8 (i) educate young people about the

9 role of water and wastewater utilities in

10 the communities of the young people;

11 (ii) increase the career awareness and

12 exposure of the young people to water util-

13 ity careers through various work-based

14 learning opportunities inside and outside

15 the classroom; and

16 (iii) connect young people to post-sec-

17 ondary career pathways related to water

18 utilities;

19 (C) regional industry and workforce devel-

20 opment collaborations to identify water utility

21 employment needs, map existing career path-

22 ways, support the development of curricula, fa-

23 cilitate the sharing of resources, and coordinate

24 candidate development, staff preparedness ef-

25 forts, and activities that engage and support—

- 1 (i) water utilities employers;
- 2 (ii) educational and training institu-
- 3 tions;
- 4 (iii) local community-based organiza-
- 5 tions;
- 6 (iv) public workforce agencies; and
- 7 (v) other related stakeholders;

8 (D) integrated learning laboratories em-
9 bedded in high schools or other secondary edu-
10 cational institutions that provide students
11 with—

- 12 (i) hands-on, contextualized learning
- 13 opportunities;
- 14 (ii) dual enrollment credit for post-
- 15 secondary education and training pro-
- 16 grams; and
- 17 (iii) direct connection to industry em-
- 18 ployers; and

19 (E) leadership development, occupational
20 training, mentoring, or cross-training programs
21 that ensure that incumbent water and waste-
22 water utilities workers are prepared for higher-
23 level supervisory or management-level positions.

1 (d) AUTHORIZATION OF APPROPRIATIONS.—There
2 are authorized to be appropriated such sums as are nec-
3 essary to carry out this section.

4 **SEC. 5011. SENSE OF CONGRESS RELATING TO STATE RE-**
5 **VOLVING FUNDS.**

6 It is the sense of Congress that Congress should pro-
7 vide robust funding of capitalization grants to States to
8 fund drinking water treatment revolving loan funds estab-
9 lished under section 1452 of the Safe Drinking Water Act
10 (42 U.S.C. 300j–12) and the State water pollution control
11 revolving funds established under title VI of the Federal
12 Water Pollution Control Act (33 U.S.C. 1381 et seq.).

13 **SEC. 5012. GAO STUDY ON WIFIA PROJECTS IN SMALL COM-**
14 **MUNITIES, RURAL COMMUNITIES, DISADVAN-**
15 **TAGED COMMUNITIES, AND TRIBAL COMMU-**
16 **NITIES.**

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

20 (1) conduct a study on how to create flexibility
21 under the Water Infrastructure Finance and Innova-
22 tion Act (33 U.S.C. 3901 et seq.) for small commu-
23 nities, rural communities, disadvantaged commu-
24 nities, and Tribal communities, including—

1 (A) ways to improve access to assistance
2 under that Act for those communities; and

3 (B) how to lower the burden of applying
4 for assistance under that Act for those commu-
5 nities; and

6 (2) submit to Congress a report that describes
7 the results of the study under paragraph (1).

○