

115TH CONGRESS  
2D SESSION

**S.** \_\_\_\_\_

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.

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IN THE SENATE OF THE UNITED STATES

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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 \_\_\_\_\_

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**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.

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## 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.

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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

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- 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—



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

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

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

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

20 (A) flood damage reduction and risk man-  
21 agement;

22 (B) reliable water supply; and

23 (C) other business lines.

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

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

3 (A) includes—

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

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

11 (B) is based on—

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

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

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

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

23 (B) promotes collaboration with cost-share  
24 partners, relevant government agencies, and  
25 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-Fed-  
2 eral sponsor, the Secretary shall—

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

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

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

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

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

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

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

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

22 Section 2008(c) of the Water Resources Development  
23 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. 701e-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

1 reconsider the purpose and need statement or  
2 permit condition, as applicable, taking into con-  
3 sideration the determination of the Board under  
4 paragraph (3)(A).

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

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

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

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

24 It is the sense of Congress that the amendment to  
25 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) NORTHSHORE 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,**  
2            **Modifications, and Related Pro-**  
3            **visions**

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

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

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

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

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

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

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

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

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

1 “Flood Control Act of 1936”) (49 Stat. 1589, chapter  
2 688).

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

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

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

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

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

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

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

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

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

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

22 (1) located in any of the States of Connecticut,  
23 Maine, Massachusetts, New Hampshire, Rhode Is-  
24 land, 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 modified  
17 by section 101 of the River and Harbor Act of 1958  
18 (72 Stat. 297), section 101(a)(13) of the Water Re-  
19 sources Development Act of 1990 (104 Stat. 4607),  
20 and section 7002(1) of the Water Resources Reform  
21 and Development Act of 2014 (128 Stat. 1365) de-  
22 scribed in paragraph (2) are no longer authorized  
23 beginning on the date of enactment of this Act.

24           (2) AREAS DESCRIBED.—

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

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

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

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

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

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

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

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

22 (i).

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



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

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

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

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

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

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

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

19 (b) 35-FOOT RESERVED CHANNEL.—

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

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

3 (2) AREAS DESCRIBED.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17 (1) to identify \$7,000,000,000 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.—

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

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

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

## 19 **Subtitle C—Water Resources**

### 20 **Infrastructure**

#### 21 **SEC. 2201. PROJECT AUTHORIZATIONS.**

22 The following projects for water resources develop-  
23 ment and conservation and other purposes, as identified  
24 in the report entitled “Report to Congress on Future  
25 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.—

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

8 (2) FLOOD RISK MANAGEMENT.—

<b>A. State</b>	<b>B. Name</b>	<b>C. Date of Report of Chief of Engineers</b>	<b>D. Estimated Costs</b>
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 Riv- ers	December 14, 2017	Federal: \$51,920,000 Non-Federal: \$27,960,000 Total: \$79,880,000

9 (3) HURRICANE AND STORM DAMAGE RISK RE-  
 10 Duction.—

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

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

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

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

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

1 (b) REPORT.—Not later than 180 days after the date  
2 of enactment of this Act, the Secretary shall submit to  
3 Congress a report describing the results of the study under  
4 subsection (a).

5 (c) REQUIREMENTS.—The report under subsection  
6 (b) shall include—

7 (1) a description of the reasons of the Secretary  
8 for deauthorizing the projects described in sub-  
9 section (a);

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

13 **SEC. 2203. ENVIRONMENTAL INFRASTRUCTURE PROJECTS.**

14 Section 219 of the Water Resources Development Act  
15 of 1992 (106 Stat. 4835, 113 Stat. 334, 114 Stat. 2763A-  
16 219, 121 Stat. 1242, 121 Stat. 1261) is amended—

17 (1) in subsection (f)—

18 (A) in paragraph (25)—

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

21 (ii) by striking “Berkeley”; and

22 (iii) by striking “and Orangeberg”  
23 and inserting “Orangeburg, and Sumter”;

1 (B) in paragraph (43), by striking  
2 “\$35,000,000” and inserting “\$70,000,000”;  
3 and

4 (C) by striking paragraph (121) and in-  
5 serting the following:

6 “(121) CHARLOTTE COUNTY, FLORIDA.—  
7 \$16,000,000 for wastewater infrastructure, Char-  
8 lotte County, Florida.”; and

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

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

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

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

19 **SEC. 2204. CONDITIONAL REAUTHORIZATION OF ENVIRON-  
20 MENTAL PROJECTS.**

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

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

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

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

8 (3) was authorized—

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

13 (B) for an amount equal to not more than  
14 \$2,000,000 for improvements to water related  
15 infrastructure.

16 **SEC. 2205. SENSE OF CONGRESS RELATING TO WEST**  
17 **HAVEN, CONNECTICUT.**

18 It is the sense of Congress that, to the maximum ex-  
19 tent practicable, the Secretary should prioritize the project  
20 for storm damage reduction, West Haven, Connecticut,  
21 authorized by section 101 of the River and Harbor Act  
22 of 1954 (68 Stat. 1254) and section 3 of the Act of Au-  
23 gust 13, 1946 (60 Stat. 1056, chapter 960; 33 U.S.C.  
24 426g).

1 **SEC. 2206. SENSE OF CONGRESS RELATING TO COASTAL**  
2 **TEXAS STUDY.**

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

11 **Subtitle D—Expedited and**  
12 **Modified Studies and Projects**

13 **SEC. 2301. RAHWAY RIVER BASIN FLOOD RISK MANAGE-**  
14 **MENT PROJECT.**

15 In accordance with section 1322(b)(2)(B) of the  
16 Water Infrastructure Improvements for the Nation Act  
17 (130 Stat. 1707), the Secretary shall expedite completion  
18 of the report for the project for flood risk management,  
19 Rahway River Basin, New Jersey, and, if the Secretary  
20 determines that the project is justified in the completed  
21 report, proceed directly to project preconstruction, engi-  
22 neering, and design in accordance with section 910 of the  
23 Water Resources Development Act of 1986 (33 U.S.C.  
24 2287).



1 **SEC. 2302. HUDSON-RARITAN ESTUARY COMPREHENSIVE**  
2 **RESTORATION PROJECT.**

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

6 (1) in a timely manner; and

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

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

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

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

19 (2) the feasibility study for the project for  
20 coastal storm risk management, Pawcatuck River,  
21 Rhode Island, authorized in the matter under the  
22 heading “INVESTIGATIONS” under the heading  
23 “CORPS OF ENGINEERS—CIVIL” under the heading  
24 “DEPARTMENT OF THE ARMY” in title X of  
25 division A of the Disaster Relief Appropriations Act,  
26 2013 (Public Law 113–2; 127 Stat. 23); and

1           (3) the Rhode Island historical structure flood  
2           hazard vulnerability assessment.

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

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

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

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

14 **SEC. 2306. BRANDON ROAD STUDY.**

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

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

23           The Secretary shall expedite construction of a res-  
24 ervoir south of Lake Okeechobee as part of the project  
25 for ecosystem restoration in the central Everglades au-

1 thORIZED by section 1401(4) of the Water Infrastructure  
2 Improvements for the Nation Act (130 Stat. 1713).

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

4 The Secretary shall expedite the project for naviga-  
5 tion for Portsmouth Harbor and the Piscataqua River au-  
6 thorized by section 101 of the River and Harbor Act of  
7 1962 (76 Stat. 1173).

8 **SEC. 2309. BLAIN ROAD FOOTBRIDGE, THOMPSON, CON-**  
9 **NECTICUT.**

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

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

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

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

20 The Secretary shall consider the project for flood con-  
21 trol at McCook Reservoir, Illinois, authorized by section  
22 3(a)(5) of the Water Resources Development Act of 1988  
23 (102 Stat. 4013; 110 Stat. 3716), a priority for the non-  
24 Federal project implementation pilot project under section

1 1043(b) of the Water Resources Reform and Development  
2 Act of 2014 (33 U.S.C. 2201 note; Public Law 113–121).

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

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

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

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

14 **SEC. 2314. LOUISIANA COASTAL AREA.**

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

20 **SEC. 2315. LOUISIANA COASTAL AREA-BARATARIA BASIN**  
21 **BARRIER.**

22 The Secretary shall expedite completion of the project  
23 for environmental restoration, Louisiana Coastal Area–  
24 Barataria Basin Barrier, Louisiana, authorized by section

1 7002(5) of the Water Resources Reform and Development  
2 Act of 2014 (128 Stat. 1370).

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

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

10 **SEC. 2317. SOUTHWEST COASTAL LOUISIANA.**

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

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

19 Not later than 90 days after the date of enactment  
20 of this Act, the Secretary shall complete the New York-  
21 New Jersey Harbor and Tributaries Focus Area Feasi-  
22 bility Study authorized by the first section of the Act of  
23 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 Wright  
19 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 ceeding 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 ceeding 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) PRIORITY.—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-

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

5 **Subtitle G—River Basins,**  
6 **Watersheds, and Coastal Areas**

7 **SEC. 3601. LONG-TERM FLOOD RISK REDUCTION, UPPER**  
8 **MISSOURI RIVER BASIN, SNAKE RIVER BASIN,**  
9 **AND RED RIVER BASIN.**

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

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

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

21 “(2) NO TIME LIMITATION.—Notwithstanding  
22 any other provision of this section or any other law,  
23 the Secretary may provide assistance under this sub-  
24 section for any period of time, as determined by the  
25 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           “(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 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**  
13 **PROJECTS**

14 **SEC. 4001. SENSE OF CONGRESS RELATING TO CERTAIN**  
15 **PROJECTS.**

16 (a) IN GENERAL.—It is the sense of Congress that—

17 (1) the projects described in subsection (b) are  
18 valuable; and

19 (2) the Corps of Engineers should expeditiously  
20 complete the post-authorization change report or re-  
21 port of the Chief of Engineers, as applicable, for  
22 each of those projects by the end of 2018.

23 (b) PROJECTS DESCRIBED.—The projects referred to  
24 in subsection (a) are each of the following:

1           (1) PROJECTS FOR WHICH A REPORT OF THE  
2 CHIEF OF ENGINEERS IS EXPECTED.—

3           (A) The project for flood risk management,  
4 Lower San Joaquin River, California.

5           (B) The project for coastal storm risk  
6 management, Pawcatuck River, Rhode Island,  
7 authorized in the matter under the heading  
8 “INVESTIGATIONS” under the heading “CORPS  
9 OF ENGINEERS—CIVIL” under the heading  
10 “DEPARTMENT OF THE ARMY” in title X  
11 of division A of the Disaster Relief Appropria-  
12 tions Act, 2013 (Public Law 113–2; 127 Stat.  
13 23).

14           (C) The project for coastal storm risk  
15 management, Hashamomuck Cove, New York,  
16 authorized in the matter under the heading  
17 “INVESTIGATIONS” under the heading “CORPS  
18 OF ENGINEERS—CIVIL” under the heading  
19 “DEPARTMENT OF THE ARMY” in title X  
20 of division A of the Disaster Relief Appropria-  
21 tions Act, 2013 (Public Law 113–2; 127 Stat.  
22 23).

23           (D) The project for coastal storm risk  
24 management and utilization of dredged mate-  
25 rial, Delaware River, Delaware, New Jersey,

1 and Pennsylvania, authorized in the matter  
2 under the heading “INVESTIGATIONS” under  
3 the heading “CORPS OF ENGINEERS—CIVIL”  
4 under the heading “DEPARTMENT OF THE  
5 ARMY” in title X of division A of the Disaster  
6 Relief Appropriations Act, 2013 (Public Law  
7 113–2; 127 Stat. 23).

8 (E) The project for navigation, 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 in 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          ministrators, 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 including 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  
18 evapotranspire stormwater and reduce flows  
19 to sewer systems 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        requirements 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

1 114–70, accompanying S. 1645 (114th Con-  
2 gress), the Administrator shall revise the guid-  
3 ance described in paragraph (1)(C).

4 (B) USE OF GUIDANCE.—Beginning on the  
5 date on which the revised guidance referred to  
6 in subparagraph (A) is finalized, the Adminis-  
7 trator shall use the revised guidance in lieu of  
8 the guidance described in paragraph (1)(C).

9 (4) CONSIDERATION AND CONSULTATION.—

10 (A) CONSIDERATION.—In revising the  
11 guidance, the Administrator shall consider—

12 (i) the recommendations of the study  
13 referred to in paragraph (3)(A) and any  
14 other relevant study, as determined by the  
15 Administrator;

16 (ii) local economic conditions, includ-  
17 ing site-specific local conditions that should  
18 be taken into consideration in analyzing fi-  
19 nancial capability;

20 (iii) other essential community invest-  
21 ments;

22 (iv) potential adverse impacts on dis-  
23 tressed populations, including the percent-  
24 age of low-income ratepayers within the  
25 service area of a utility and impacts in

1 communities with disparate economic con-  
2 ditions throughout the entire service area  
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 1 or more  
5 recommendations of the study referred to in  
6 paragraph (3)(A), the Administrator shall in-  
7 clude in the publication and submission under  
8 paragraph (1) an explanation of that decision.

9 (6) EFFECT.—Nothing in this subsection pre-  
10 empts or interferes with any obligation to comply  
11 with any Federal law, including the Federal Water  
12 Pollution Control Act (33 U.S.C. 1251 et seq.).

13 **SEC. 5007. WATER RESOURCES RESEARCH ACT AMEND-**  
14 **MENTS.**

15 (a) CONGRESSIONAL FINDINGS AND 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).