AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

Calendar No. 425

115TH CONGRESS, *2d Session* | SENATE | REPORT 115–294

AMERICA'S WATER INFRASTRUCTURE ACT OF 2018

JULY 10, 2018.—Ordered to be printed

Mr. BARRASSO, from the Committee on Environment and Public Works, submitted the following

R E P O R T

[To accompany S. 2800]

[Including cost estimate of the Congressional Budget Office]

The Committee on Environment and Public Works, to which was referred the bill (S. 2800) to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes, having considered the same, reports favorably thereon with an amendment in the nature of a substitute and recommends that the bill, as amended, do pass.

GENERAL STATEMENT AND BACKGROUND

America's Water Infrastructure Act of 2018 (AWIA 2018) primarily addresses the civil works program of the Army Corps of Engineers (Corps). The bill also authorizes key drinking water and wastewater infrastructure under the Safe Drinking Water Act (SDWA) and the Clean Water Act (CWA) that are administered by the Environmental Protection Agency (EPA). It also addresses certain water supply and storage programs of the Bureau of Reclamation (BOR).

In addition to authorizing Corps activities and projects, the Water Resources Reform and Development Act of 2014, P.L. 113–121 (WRRDA 2014), and the Water Infrastructure Improvements for the Nation Act of 2016, P.L. 144–322 (WIIN 2016), also modified programs under the CWA and SDWA. Similarly, in the 115th Congress, the Committee has given considerable attention to the importance of drinking water and wastewater infrastructure. AWIA

2018 includes provisions to help alleviate drinking and wastewater problems posed by outdated water systems that are not in compliance with current standards, and to address funding shortfalls faced by municipalities across the nation, with a focus on assisting small, rural, tribal, and other disadvantaged communities. AWIA 2018 enables the EPA to help such localities meet federally imposed water quality standards; fund critical water infrastructure projects; gain access to drinking water and wastewater systems; and invest in research and innovative water technologies for the future.

COMMITTEE OVERVIEW

The Committee's reported legislation:

CREATES JOBS AND GROWS THE ECONOMY

- Cuts bureaucratic red tape and increases transparency to ensure local communities have greater control in prioritizing the projects that receive funding
- Sets a goal that the Corps complete feasibility studies for new projects in 2 years
- Eliminates the need for multiple benefit-cost-ratio assessments from the Corps for a single project
- Mandates that the Corps expeditiously shares project data with non-Federal partners once the non-Federal partner takes over a project, and helps the non-Federal partners obtain needed permits
- Maintains navigation routes for commerce and the movement of goods to keep America competitive in the global marketplace
- Ensures that the Corps maintains the competitiveness of our coastal and inland ports, and maintains the navigability of our inland waterways
- Invests in the maintenance and construction of water and wastewater infrastructure
- Invests in the development of a strong water utility workforce
- Increases water storage and supply for rural America
- Repairs aging irrigation systems to grow agricultural based economies
- Authorizes or reauthorizes important water infrastructure programs and projects that benefit the entire country

IS FISCALLY RESPONSIBLE

- Includes $7.5 billion in new deauthorizations—saving taxpayers' dollars
- Holds the Corps financially accountable for any failures to complete studies and reports called for in the legislation in a timely manner
- Reauthorizes the Water Infrastructure Finance and Innovation Act (WIFIA) and authorizes the Securing Required Funding for Water Infrastructure Now Act (SRF WIN Act) to promote leveraging millions in non-Federal funds for water projects

PROTECTS LIVES, PROPERTY AND THE ENVIRONMENT

- Reduces flooding risks for coastal, inland and rural communities
- Invests in repairing aging drinking water and wastewater infrastructure
- Gives small and rural communities assistance with their drinking water and wastewater systems
- Creates new standards to make water utilities and water storage more affordable for small and rural communities
- Provides technical assistance to states to help them comply with EPA regulatory standards

Corps of Engineers Civil Works Program

The Secretary of the Army, acting through the Corps, implements the civil works program. The Corps studies, designs and constructs projects for, among other purposes, navigation, flood damage reduction, beach erosion, shoreline protection, hydropower, recreation, water supply, and environmental restoration and protection. Navigation, flood damage reduction and coastal storm damage reduction and ecosystem restoration are core missions. In general, water supply, hydropower, and recreation are project purposes adopted only if a project already has a primary project purpose such as navigation, flood control, or ecosystem restoration.

The economic impacts of the civil works program are considerable. Corps projects help to generate $109.83 billion in net annual economic benefits and produce $34.16 billion in revenue to the U.S. Treasury. The United States derives nearly one-third of its Gross Domestic Product from international trade, and 99 percent of that trade passes through the nation's ports. The United States' economy relies on port related activities to handle its imports and exports. The Corps operates or maintains 13,000 miles of commercial deep draft ship channels and 12,000 miles of commercial inland waterways, which serve a combined 41 states and transports much of the cargo moved by waterways.

The U.S. maritime transportation industry supports $2 trillion in commerce through our ports, from and to every corner of America and the world. In addition, $321 billion in Federal, state, and local tax revenue is generated by our ports each year. The maritime transport industry creates employment for over 13 million people, and business revenue related to ports is $4.5 trillion. Port-related jobs total 23.2 million and salaries and wages from those jobs total nearly $1.2 trillion. Nearly $2 billion is spent in contracts to small businesses for dredging related activities. Of the 40 companies that dredge for the Corps, 28 are small businesses (fiscal year 2017).

According to the Corps, there were 311 flood risk management projects under construction in fiscal year 2017. The agency manages 14,700 miles of levees and 715 dams at 556 projects. Nationwide, the benefits-to-cost ratio (BCR) for flood protection projects is over eight to one. Average annual flood damage prevented through the Corps mission is estimated at $87.3 billion between fiscal years 2008 through 2017. Damages approximating $249 billion were prevented in fiscal year 2017 alone. Over the course of the last century, when adjusted for inflation, every dollar invested in flood risk

management by the Corps has translated into $9.96 worth of prevented damages.

The Corps has 136 multipurpose reservoirs with water supply storage in 25 states across the nation. These reservoir projects are authorized to hold 9.8 million acre-feet of municipal and industrial water supply storage and provide approximately $7 billion in economic benefits at a national level. In addition, the projects with hydropower produce 25 percent of the nation's hydropower (3 percent of total U.S. electric capacity). BOR also plays a substantial role in providing water supply for western states that is critical to the livelihoods of both farmers and ranchers. To illustrate, the agency operates 388 reservoirs with a total storage capacity of 140 million acre-feet, and provides one out of five western farmers with irrigation for 10 million farmland acres. That land produces 60 percent of the nation's vegetables and one quarter of its fresh fruit and nut crops.

The committee held several hearings on infrastructure that were instrumental in the development of this bill:

- February 8, 2017, hearing entitled *"Oversight: Modernizing our Nation's Infrastructure"*
- May 3, 2017, hearing entitled *"Infrastructure Project Streamlining and Efficiency: Achieving Faster, Better, and Cheaper Results"*
- May 16, 2017, subcommittee hearing entitled *"Leveraging Federal Funding: Innovative Solutions for Infrastructure"*
- January 10, 2018, hearing entitled *"America's Water Infrastructure Needs and Challenges"*
- January 17, 2018, hearing entitled *"America's Water Infrastructure Needs and Challenges: Federal panel"*
- March 1, 2018, hearing entitled *"The Administration's Framework for Rebuilding Infrastructure in America"*
- May 9, 2018, hearing entitled *"S. 2800, America's Water Infrastructure Act of 2018*"
- May 17, 2018, hearing entitled *"S. 2800, America's Water Infrastructure Act of 2018"*

The Committee heard from water resources infrastructure stakeholders and federal witnesses concerning the need to improve and maintain our nation's water infrastructure, and ways to keep that infrastructure operational. The Committee also heard about the economic benefits the nation derives from water resources infrastructure, as well as the jobs created when the Federal government invests in that infrastructure.

Implementing the Reforms Contained in WRRDA 2014 and WIIN 2016

WRRDA 2014 enacted a new process for authorizing water resources development projects, project modifications, and studies. Under Section 7001 of that legislation, Congress directed the Secretary of the Army to submit an annual report to the Senate Committee on Environment and Public Works and the House Committee on Transportation and Infrastructure recommending potential studies and projects for authorization. To implement this process, AWIA 2018 authorizes nine new feasibility studies and modifications approved by the Secretary for submission to Congress under section 7001 of WRRDA 2014, as well as six new projects

and three project modifications recommended by the Chief of Engineers and Director of Civil Works.

WRRDA 2014 included important reforms to increase flexibility for non-Federal sponsors of Corps projects and accelerate project delivery; however, not all of those reforms have been implemented. In past bills, the Committee has been concerned about the Corps' failure to reach out to interested stakeholders regarding implementation guidance. This concern remains and to address it, AWIA 2018 includes a provision that requires the Corps to provide an opportunity for public comment on the proposed implementation guidance and to consider the comments.

WIIN 2016 was enacted on December 16, 2016. It built on the reforms of WRRDA 2014, providing additional flexibility for non-Federal sponsors of Corps projects, and enhancing such sponsors' ability to leverage Federal investments. WIIN 2016 also authorized assistance for communities facing drinking water emergencies, such as the City of Flint, Michigan. WIIN 2016 addressed significant tribal and natural resource issues, such as the repair, replacement and maintenance of Indian irrigation projects, the repayment of water supply contracts, water rights settlements, and drought relief for California and the western United States.

AWIA 2018 builds on the reforms contained in WRRDA 2014 and WIIN 2016 that were designed to improve the Corps' execution of projects and programs and assure the agency adheres to existing environmental laws and regulations. During the development of S. 2800, the Committee identified multiple provisions of law, dating back to the Water Resources Development Act of 1986, P.L. 99–662 (WRDA 1986), which have yet to be implemented by the Corps. Accordingly, S. 2800 includes provisions that require timely issuance of implementation guidance for these provisions.

The Committee intends that the Corps' issuance of implementation guidance should be more than just "checking a box," rather, it should actually lead to implementation of the provision. Further, the Committee believes that the Corps too frequently cites the lack of specific appropriations or other barriers as excuses for non-implementation, or considers the publishing of implementation guidance to be the final goal. The Committee also believes that the Corps should fully execute the provisions of law enacted by Congress.

Corps of Engineers Civil Works Program Transparency and Predictability

Given the importance of Corps' programs and projects, the Committee places a high priority on enactment of a WRDA bill every two years. A biennial authorization process is also important to the non-Federal stakeholders who rely on the predictability of WRDAs for the timely authorization of Chief's Reports and necessary project modifications. S. 2800 meets that objective. Additionally, this bill reforms the Corps' budgeting process by requiring the development of five-year budget plans within a transparent public process. This further enhances needed visibility and predictability for Corps' stakeholders and partners.

Risk Informed Decision Making

The Committee encourages the Corps to develop and leverage risk-informed decision methodologies for project implementation. However, that risk-informed decision-making should not lengthen the project process, or increase project time or cost. Project decision-making and implementation timelines should be accelerated to the extent practicable without violating existing law.

Finding Solutions to Today's Water Resource Management Challenges

In situations where the Corps is unable to move forward with project implementation in a timely manner due to budget constraints, or if a non-Corps solution is the best way to achieve desired outcomes, the Committee expects the Corps to develop the best solutions with other Federal and non-Federal entities. The best solution could be an innovative delivery model, or it may not be a Corps-driven solution at all.

The Committee expects the Corps to aid its partners, stakeholders and other relevant executive branch agencies in identifying the best solution to a problem. Such a solution should be identified regardless of whether it is a Corps-centric one or a problem better resolved by other Federal, state, local or private interests, or combination thereof.

Water Supply and Storage

Many states, particularly throughout the West, depend on both sufficient and reliable water supplies in order to sustain their livelihoods through farming and ranching. In a May 9, 2018, hearing entitled "*Legislative Hearing on S. 2800, America's Water Infrastructure Act of 2018*," the Committee heard from witnesses about how vital the removal of chronic sediment buildup behind dams and in reservoirs is to increased storage capacity. In fact, the Committee received testimony that some reservoirs are currently 50 percent full of silt. This is not a problem in the West alone. At a May 17, 2018, hearing entitled "*Legislative Hearing on S. 2800, America's Water Infrastructure Act: Federal panel*," the Assistant Secretary of the Army for Civil Works acknowledged that other parts of the country are also afflicted by sedimentation through the resulting loss of valuable flood control capacity, thus helping to demonstrate the national scope of the problem.

AWIA 2018 addresses this problem by increasing water supply in existing reservoirs through the development of programs and sediment management plans for reservoirs, including through partnerships between the Corps and BOR.

Clean Water Act and Safe Drinking Water Act Programs

The CWA establishes a framework for protecting water quality based on a comprehensive state-Federal program to control the discharges of pollutants into waterways. It also provides Federal financial assistance to local drinking and wastewater systems to improve water quality and comply with the Act's requirements. The nation's wastewater infrastructure includes 21,000 publicly owned wastewater treatment plants, an estimated 100,000 major pumping stations, 600,000 miles of sanitary sewers, and 200,000 miles of storm sewers. The CWA aims to bring communities into compliance

with secondary treatment standards for the discharge of sewage. This objective was supported by Federal grants totaling over $60 billion between 1973 and 1987.

In 1987, Congress amended the CWA to shift the mechanism for providing Federal assistance away from grants and created state revolving loan funds. Under these amendments, each state receives a grant each year from Congress to capitalize its own state revolving fund (SRF). The states then use these funds to make low-interest loans to communities to help with CWA compliance. States also may use a portion of the funding to provide additional subsidies for disadvantaged communities (as determined by the state).

Through fiscal year 2017, Congress has provided over $40 billion in capitalization grants for the state Clean Water State Revolving Funds (CW SRFs), including $1.394 billion in fiscal year 2017. States provide an additional 20 percent in matching funds.

SDWA, first enacted in 1974, authorizes EPA to establish maximum contaminant levels for drinking water to protect public health. SDWA standards apply to community water systems that have at least 15 service connections or serve at least 25 people per day for 60 days of the year. There are approximately 70,000 such water systems nationwide.

In 1996, to help communities meet the health-based requirements of the SDWA, that statute was amended to add a state revolving loan fund program, the Drinking Water State Revolving Funds (DW SRFs). Like the CW SRFs, the DW SRFs provide low interest loans to community water systems. States also may use a portion of the funding to provide additional subsidies for disadvantaged communities (as determined by the state).

Through fiscal year 2017, Congress has provided more than $20 billion in capitalization grants for the DW SRFs, including $863 million in fiscal year 2017. States provide an additional 20 percent in matching funds. These SRFs help states meet the growing need for investments in water and wastewater infrastructure. AWIA 2018 encourages robust funding of the SRFs.

EPA published its sixth national assessment, *Drinking Water Infrastructure Needs Survey*, in March 2018. It estimated that the nation's drinking water utilities require $472.6 billion in infrastructure investments and $271 billion in wastewater needs over the next 20 years in order to ensure public health, security and the economic well-being of our cities, towns and communities. According to the EPA Assessment, the national drinking water need includes $74.4 billion for small systems (serving 3,300 or fewer people), $210 billion for medium water systems (serving 3,301 to 100,000) and $174.4 billion for large water systems (serving over 100,000). The needs of water systems serving Indian, Alaskan Native Village, and not-for-profit water systems totals around $8.9 billion.

With respect to sewer infrastructure, many areas face financial challenges when trying to address combined sewer overflows (CSOs) and sanitary sewer overflows (SSOs). Many systems have insufficient capacity to address wet weather conditions, and communities lack sufficient independent financing ability to fund needed capacity upgrades. AWIA 2018 authorizes new sewer overflow control grants in order to assist with these types of urgent needs.

The Committee heard testimony that our nation's ability to provide clean water and safe drinking water is challenged by deteriorating wastewater infrastructure that is in urgent need of repair, replacement, and upgrade. Witnesses recommended the following actions: financial support through grants; state revolving loan funds; innovative financing mechanisms; a different approach to determining the affordability of infrastructure investments; the use of funds for compliance assistance; and the use of integrated planning and green infrastructure to help make infrastructure more affordable. Witnesses also suggested targeted assistance to those most in need, including small, rural communities and tribal lands. As a result, the Committee incorporated these proposals into several provisions of AWIA 2018.

Witnesses also supported innovative financing tools, such as those provided by WIFIA and SRF WIN Act. WIFIA was enacted as part of WRRDA 2014. It allows EPA to make secured loans for drinking water and wastewater infrastructure, desalination, water recycling, and aquifer recharge. The legislation also allows the Corps to make secured loans for flood control, navigation, and ecosystem restoration. It is important to note that the Corps has not yet implemented its own WIFIA program due to a lack of funding. As funded, EPA's WIFIA accelerates investment in our nation's infrastructure by providing long-term, low-cost supplemental loans and has significant leveraging power. The Office of Management and Budget's fiscal year 2019 estimated subsidy rate for WIFIA suggests that every $1 of WIFIA budget authority, on average, enables the EPA to issue $102 in WIFIA loans (1:102 direct loan leverage ratio). SRF WIN utilizes this leveraging power by using WIFIA financing to capitalize the existing SRFs. This will allow states to finance thousands of existing and vetted water and wastewater infrastructure projects expeditiously. AWIA 2018 includes both of these financing tools.

Economic Benefits of Water Infrastructure Investment

Investments in water infrastructure are essential for protecting public health and the environment. They also generate significant economic benefits. The Department of Commerce's Bureau of Economic Analysis estimates that for every dollar in revenue realized by the water and wastewater industry, $2.62 in revenue are realized by all other industries. Adding one job in the water and wastewater industry creates an additional 3.68 jobs in the national economy.

At the request of the Committee, in 2016 the Water Environment Federation and the Water Reuse Association studied the economic benefits of investing in water and sewer infrastructure through state revolving loan funds. The study found that for every Federal dollar of Federal SRF spending, 21.4 percent is returned in the form of tax revenue to the Federal government. The study also evaluated increased employment and labor income, and economic output resulting from Federal investments in SRFs. On average, 16.5 jobs are generated for every million dollars in SRF spending. These are high-paying jobs, estimated to be about $60,000 in annual income. Finally, the report found that every million dollars of SRF spending generates $2.95 million in economic activity for the U.S. economy.

These studies and others demonstrate that investments in drinking water and wastewater infrastructure are not only beneficial to public health and the environment, but also generate significant economic benefits. AWIA 2018 includes authorities and programs to support investment in drinking water and wastewater infrastructure, and to make that investment more affordable for rural, tribal, and other stakeholders.

Innovative Technology

The Committee realizes the need for investment in resilient water infrastructure and the benefits of the development of new technologies. The Committee heard from witnesses, stakeholders, and constituents about the advantages of incorporating innovative materials and technologies, including desalination and water reuse and recycling, into water resources projects. S. 2800 provides for grants focused on the resiliency and adaptability of water systems, as well as investments into the research of new water and wastewater technology.

OBJECTIVES OF THE LEGISLATION

The objectives of S. 2800 are to meet the nation's water infrastructure needs, including navigation, flood risk management, ecosystem restoration, drinking water, and clean water infrastructure, while also expanding water supply and water storage capacity.

SECTION-BY-SECTION ANALYSIS

Sec. 1. Short title; table of contents

Section 1 states that the Act may be cited as "America's Water Infrastructure Act of 2018" and includes a Table of Contents.

Sec. 2. Definition of Secretary

Section 2 defines the "Secretary" for the purposes of the Act as the Secretary of the Army.

TITLE I—GENERAL PROVISIONS

Sec. 1001. Corps budgeting

Section 1001 requires that the Corps headquarters and districts provide Congress with a work plan and four year projected budget on an annual basis. This section will offer an additional opportunity for projects or initiatives of regional, tribal or local significance to receive appropriations. This section amends the project qualification process by allowing the Corps to advance projects in a secondary process. The process also increases public participation, transparency and accountability.

While the Administration's BCR analysis is a valuable tool for evaluating projects, the Committee believes it is a limited tool that too often prevents projects critical to local and regional communities and their economies from moving forward. This section will enable local and state leaders to participate in a local planning process that allows projects to advance and receive appropriations. As part of the required public participation under this section, the Committee expects the Corps to engage cost-share partners, government agencies, and stakeholders in both integrated water re-

source and life-cycle portfolio management. This is designed to address project and system or watershed-level needs by leveraging Federal, state, local and private sector funding and authorities. The Committee expects the Corps to work with local stakeholders and partners to make sure regional and local priorities are built into the project planning process at all levels and that stakeholder voices are reflected in the decisions that the Corps implements. Further, the Committee expects the Corps to be responsive to local stakeholders needs and to act as a partner in this process.

The Committee expects the Corps to collect, analyze, and incorporate information and data on significant non-Corps investments within the system or watershed as part of the development of the "Value to the United States" analysis and the five-year budget and work plans. In some cases, the Corps is unable to move forward with project implementation in a timely manner due to budget constraints, or a non-Corps solution may be the best way to achieve desired outcomes. In these instances, the Committee expects the Corps to help facilitate the development of the best solutions with other Federal and non-Federal entities. The best solution could be an innovative delivery model, or it may not be a Corps-driven solution at all.

Sec. 1002. National Academy studies

Section 1002 requires the National Academy of Sciences to study how to increase transparency in budgetary processes and cooperation with Congress; Federal, state and local units of government; and stakeholders; as well as with other cost-share partners.

Section 1002 also calls for studies to be conducted to determine whether the Congress should use a system-wide authorization process for water resources development projects (as opposed to a project-based process), and whether the present structure and organization of the Corps is the most effective for its continued operation or whether the Corps structure and organization should be modified.

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

Section 1003 requires that the Comptroller General of the United States (the Comptroller General) conduct and submit to Congress a study on the BCR procedures of the Secretary and the Director of the Office of Management and Budget (OMB) within one year after enactment of AWIA 2018. The study should include (1) an examination of the benefits that the Secretary and Director do and do not include in the BCR calculation, as well as (2) an evaluation of navigation benefits included and not included in the calculation for non-commercial harbors for military training purposes.

While the BCR analysis is a useful and valuable tool, the current BCR procedures prevent too many critical projects from moving forward. The Committee expects the study required by this section to include a review of the economic benefits and costs used in the BCR calculations by OMB and the Corps. Specifically, the Committee expects the study to examine all issues associated with improving the BCR calculation and its use. As the Committee has heard from multiple members and as the legislation indicates, the Committee expects this analysis should examine key factors such as missing costs and benefits not considered by the Corps under

current BCR calculations. For example, the Committee recognizes concerns that the current calculation does not consider the many economic and other benefits associated with beach renourishment that can provide an important buffer to coastal storm damage or various flood control projects in rural areas, such as in Cedar Rapids, Iowa.

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

Section 1004 amends the current Corps cost-sharing requirements for feasibility studies and project construction. This section directs Corps districts to maintain a balance sheet to track project funding whenever a local cost-share match is required for a water resources development project. The Corps must provide the balance sheet to the non-Federal sponsor upon request.

If a project comes in under-budget, the relevant share of the funds must be credited back to the non-Federal sponsor in the appropriate cost-share ratio. In other words, the local sponsors are to be credited the full amount of remaining non-Federal cost share funds that they provided to the Corps. Further, the non-Federal interest may use the excess funds as its cost-share for other Corps projects or its cost-share for operation and maintenance of a project for which a non-Federal cost-share is required.

Sec. 1005. Non-Federal sponsor reimbursements

Section 1005 mandates that when a project executed by the Secretary under an existing agreement results in a non-Federal sponsor having unreimbursed funds, on the request of the non-Federal sponsor, the Secretary has two options. The Secretary can either (1) credit the unreimbursed funds to the non-Federal operation and maintenance cost-share for that project, or the non-Federal cost-share requirement of that non-Federal sponsor for another project to be carried out by the Secretary or (2) reimburse the funds to the non-Federal sponsor.

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

Section 1006 amends section 225(c) (33 U.S.C. 2328) of the Water Resources Development Act of 1992 (WRDA 1992). It permits a non-Federal private entity to enter into cooperative agreements with the Secretary to collect user fees for the development of recreation sites and facilities regardless of whether the site and facilities were developed or constructed by the non-Federal entity or Department of the Army.

Under section 1006 a non-Federal, private entity may potentially retain up to 100 percent of the collected fees, as determined by the Secretary, and must use them for the operation, maintenance, and management activities at the recreation site at which the fee is collected.

Section 1006 also states that the non-Federal private entity must adhere to the same regulations and requirements as a non-Federal public entity.

Sec. 1007. Cost estimates

Section 1007 amends section 2008(c) (33 U.S.C. 240(c)) of the Water Resources Development Act of 2007 (WRDA 2007). It prevents the retroactive application of an increased non-Federal cost-share in situations where construction on a Corps project has already begun prior to the increase in non-Federal cost-share.

Sec. 1008. Retroactive changes to cost-sharing agreements

Section 1008 addresses study costs incurred by a non-Federal interest prior to the execution of a feasibility cost-sharing agreement for an aquatic ecosystem restoration project under section 206 (33 U.S.C. 2330) of the Water Resources Development Act of 1996 (WRDA 1996).

Pursuant to section 1008 of AWIA 2018, the entire study cost shall be at Federal expense as long as the study was initiated before October 1, 2006, and the feasibility cost-sharing agreement was not executed before January 1, 2014.

Sec. 1009. Project partnership agreements

Section 1009 directs the Secretary to better define and describe operation and maintenance, repair, replacement, and rehabilitation (OMRR&R) costs in future project partnership agreements so that a non-Federal sponsor understands its obligations.

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

Section 1010 requires the Secretary to report to the Senate Committee on Environment and Public Works and the House Committee on Transportation and Infrastructure within one year of enactment of AWIA 2018. The report will describe how to improve and expedite the waiver process for the non-Federal cost share under section 116 of the Energy and Water Development and Related Agencies Appropriations Act of 2010 (P.L. 111–85; 123 Stat. 2851). Communities with little economic base that cannot afford to raise a non-Federal cost-share use the waiver process.

Sec. 1011. Feasibility studies for mitigation of storm damage

Section 1011 amends section 105(a)(1) of WRDA 1986 (33 U.S.C. 2215(a)(1)) dealing with feasibility studies for projects to mitigate damage to an area affected by weather or other events. This section stipulates that the Federal cost-share for such feasibility studies will be between 50 and 100 percent if (1) the Secretary provided emergency response under section 5 of the Flood Control Act of 1941 (44 Stat. 659, chapter 377; 33 U.S.C. 701n), or the area received disaster assistance under the Stafford Act during the eight-year period preceding the enactment of AWIA 2018, and (2) there is a significant risk for future similar events.

The Committee expects the Corps to use this authority to assist areas affected by weather or other events during the eight years preceding enactment, where there is significant risk of future similar events.

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

Section 1012 amends section 5(a) of the Flood Control Act of 1941 (55 Stat. 650, chapter 377; 33 U.S.C. 701n(a)) to provide dis-

aster operations assistance for Indian tribes and Alaskan native corporations. It authorizes communities to petition the Secretary for assistance beyond the 30-day period of a project under 33 C.F.R. 203.61(b)(8), and requires the Secretary to increase long-term safeguards and protection. It also allows the Secretary to reduce the minimum non-Federal cost-sharing requirement of 45 percent if the financial situation of the non-Federal sponsor of a project warrants a reduction, and stipulates that the Secretary may not impose a non-Federal cost-sharing requirement on a project serving a disadvantaged community (as defined in section 1452(d) of the SDWA).

This section contains a sunset provision ending the authority of the Secretary to provide extended assistance 2 years after enactment of AWIA 2018.

The Committee expects the Corps to use this authority to provide extended disaster assistance to states, tribes or other entities after the initial 30-day period. In providing such assistance, the Committee expects the Corps to consider long-term solutions, costs, and resiliency in developing solutions to create sustainable, resilient communities. The Committee expects that the solutions developed will have considered and incorporated Federal and non-Federal authorities and funding, as appropriate, as well as the long-term needs of the local communities.

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

Section 1013 amends the Act of October 15, 1940 (54 Stat. 1176, chapter 884; 33 U.S.C. 701h–1). It expands the authority of the Secretary to accept funds from a state (as defined, to include a Federally recognized Indian tribe or a tribal organization under 25 U.S.C. 5304) to carry out water resources projects so that the advanced funds are applicable to all project purposes beyond flood risk management and navigation (e.g., aquatic ecosystem restoration, coastal storm damage reduction, etc.).

Sec. 1014. Implementation guidance

Section 1014 directs the Secretary to issue guidance to implement the provisions of WRRDA 2014 and WIIN 2016 within 120 days after the date of enactment of AWIA 2018, unless a lack of appropriated funds prevents the issuance of implementation guidance. This requirement only applies to provisions of WRRDA 2014 and WIIN 2016 for which the Corps has not already issued implementation guidance as of enactment of AWIA 2018.

The Corps continues to lag in fulfilling its obligation to issue implementation guidance for a number of provisions from the prior two water resource development laws. As such, the Committee included this provision directing the Corps to execute its legal responsibility to issue the guidance.

Sec. 1015. Implementation guidance for this Act

Section 1015 requires that any implementation guidance issued to carry out AWIA 2018, or any amendments made by it with respect to a provision of law under the jurisdiction of the Secretary, must be issued within one year of enactment of AWIA 2018. The proposed guidance must also be subject to public comment. The

public comments and a review of their consideration shall be provided to the Committee on Environment and Public Works after issuance of the guidance. This section does not apply to a provision of law for which a lack of appropriated funds prevents the issuance of implementation guidance.

The Corps has an obligation to issue implementation guidance for AWIA 2018. As such, the Committee included this provision directing the Corps to issue the guidance as required in an expeditious manner.

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

Section 1016 amends section 1172 of WIIN 2016 (33 U.S.C. 2354). It requires the Secretary to grant easements across water resources development project land to nonprofit organizations providing electric, telephone, or broadband service facilities that are eligible for financing under 7 U.S.C. 901 et. seq. Any easement granted under this section cannot interfere with the safe functioning of a water resources project. The location and placement of the easement is at the Secretary's discretion.

The Committee encourages the Corps to develop utility corridors and to do other relevant planning in determining the geographic placement of utilities or facilities in order to maximize future use of the land, as well as potentially minimize the need for future utility or facility relocations. Nothing in this section changes existing legal requirements for utility placements.

Sec. 1017. Corps capabilities

Section 1017 states that the Secretary shall conduct the study currently authorized by section 936 of WRDA 1986 (33 U.S.C. 2300) and complete it within one year. The purpose is to study and evaluate the measures necessary to increase the capabilities of the Corps to undertake the planning and construction of water resources projects on an expedited basis. Any proposed measures for expediting a project must also comply with all requirements of law applicable to the Corps' water resources program.

This study was authorized to be conducted by the Corps in WRDA 1986, but was never completed. The Committee directs the Corps to complete this study within one year to better inform future efforts to expedite and improve the efficiency of project delivery that may be needed.

Sec. 1018. Project authorization funding lines

Section 1018 directs the Secretary to ensure that a project follows implementation requirements that apply to the business line under which it was originally authorized, in cases where a project is subsequently budgeted under a different business line.

Once a project has been authorized under one business line, the Committee directs that subsequent changes to the funding account should not impact the policies or considerations for the project. For example, the navigation business line's Federal standard for disposal of dredge material should not be applied to an ecosystem restoration project that is now funded under the navigation business line. Such application could effectively defeat the Congressional intent for the execution of the project.

Sec. 1019. Consolidation of studies; report

Section 1019 requires the Secretary to complete a study and report to Congress within one year of enactment of AWIA 2018 on the effects of section 1002 of WRRDA 2014 (128 Stat. 1198). The goal of the study is to ensure that section 1002 of WRRDA 2014, as well as amendments made by that section, do not limit the Corps' available options to fund work related to feasibility scoping, project management planning, and review plan development.

Section 1002 of WRRDA 2014 repealed requirements that the Corps conduct a reconnaissance study prior to initiating a feasibility study. It also created an accelerated process that allows non-Federal project sponsors and the Corps to proceed directly to the feasibility study. At any point during a feasibility study, the Secretary can terminate the study if the Secretary believes that a project is not in the public interest or is not feasible for technical, legal, or financial reasons.

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

Section 1020 amends section 203(e) of WRDA 1986 (33 U.S.C. 2231(e)) to clarify that if the Federal portion of the cost-share is paid by a non-Federal interest, then the Corps is required to provide the requested technical assistance on any aspect of a feasibility study. Receipt of Corps technical assistance is not to be construed as an approval or endorsement of a feasibility report. It also does not abrogate the Secretary's independent responsibility to review the feasibility study for compliance with Federal laws and regulations and to make recommendations to Congress on the plan or design of the project.

Under current law, section 203 of WRDA 1986 allows a non-Federal project sponsor for a project to undertake work that would normally be conducted by the Corps. However, non-Federal sponsors shared concerns with Committee that the Corps is unable to accept and use non-Federal funds to provide technical assistance for section 203 projects. The Committee directs the Corps to provide the technical assistance for feasibility studies conducted pursuant to this authority.

Sec. 1021. Reports to Congress

In the event the Secretary fails to provide a completed report or study within 180 days after the applicable date required by AWIA 2018, section 1021 requires the Secretary to reprogram $5,000 from the General Expenses account of the civil works program of the Corps, and an additional $5,000 each week the report remains uncompleted thereafter. The total amount reprogrammed per study or report cannot exceed $50,000 in any fiscal year and the total amount reprogrammed for all studies cannot exceed $100,000.

Section 1021 allows the Secretary to avoid the reprogramming of funds for delayed reports or studies if the Secretary certifies to Congress that a major modification has been made to the document's content; funds to carry out the report or study were not appropriated; or additional information is required for the Corps to complete such documents in a timely manner.

Sec. 1022. Disposition studies

Section 1022 requires that the Secretary carry out any disposition study for a Corps project in a transparent manner. This includes offering opportunities for public input during the study, and publishing and making publicly available final disposition studies.

Sec. 1023. Natural infrastructure

Section 1023 sets new requirements for flood risk management or hurricane and storm damage risk reduction projects. In conducting feasibility studies on these projects, the Secretary must consider the use of both traditional and natural infrastructure alternatives, alone or in conjunction with each other, if those alternatives are practicable.

Sec. 1024. Watercraft inspection stations

Section 1024 directs the Secretary to establish, operate, and maintain new or existing watercraft inspection stations intended to prevent the spread of aquatic invasive species. It increases the Corps' authorization for watercraft inspection stations on the Columbia River Basin to $30 million for each fiscal year. It also provides a $30 million authorization for each fiscal year for inspection stations in the Upper Missouri River Basin.

The Committee is very concerned with the threat posed by invasive species. In particular, quagga and zebra mussels are a serious threat to the Columbia River and Upper Missouri River Basins and water bodies located therein. The Committee directs the Corps to take all necessary steps to prevent the spread of invasive species in these basins.

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

Section 1025 extends the $50 million authorization of the non-Federal implementation pilot program for fiscal years 2020 and 2021. This pilot program evaluates the cost-effectiveness and project delivery efficiency of non-Federal interests carrying out feasibility studies and the construction of projects for flood risk management, hurricane and storm damage reduction, ecosystem restoration, and harbors and channels.

Sec. 1026. Project studies subject to independent peer review

Section 1026 extends the statutory obligation of the Secretary to carry out independent peer reviews during the development of feasibility studies until 2024.

The section also requires the Secretary to complete a report within one year of enactment of AWIA 2018. The report should analyze cost and time overruns for projects subject to section 2034 of WRDA 2007 (33 U.S.C. 2343). Specifically, the report will examine the effectiveness of peer review, the extent to which planning problems are identified in the peer review process, and describe whether the Secretary plans to take actions to address problems identified by Independent External Peer Review panels. The Secretary must submit the report required under this section to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

Sec. 1027. Expedited consideration

Section 1027 extends through December 31, 2024, the expedited consideration procedure authorized in section 7004(b)(4) of WRRDA 2014 (128 Stat. 1374). This provision allows Congress to consider authorizing certain water resource development or conservation projects outside of the regular biennial WRDA authorization cycles.

Sec. 1028. WIFIA study

Section 1028 requires the Secretary to conduct a study on impediments to Corps' WIFIA program implementation. The Committee directs the Secretary to study obstacles to the implementation of the program and to identify all projects that the Secretary determines are potentially viable to receive assistance. Further, the study requires the Secretary to describe any amendments to the Act or other legislative or regulatory changes that would improve the Secretary's ability to implement the Corps' WIFIA program. The report must be submitted to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives no later than one year after enactment of AWIA 2018.

Sec. 1029. Enhanced development demonstration program

Section 1029 directs the Secretary to review the master plan and shoreline management plan for any lake described in section 3134 of WRDA 2007 (121 Stat. 1142; 130 Stat. 1671). The purpose is to identify suitable areas for enhanced development, as defined in AWIA 2018. The Secretary is authorized under this section to lease Federal land under the Secretary's jurisdiction using competitive procedures. Authorized leases must: (1) require payment of at least fair market value, up to 50 percent of which may be provided in-kind at the discretion of the Secretary; (2) enter into a partnership agreement with the private sector; (3) consider lease durations of up to 100 years; and (4) consider regional economic impacts.

Section 1029 also requires that the Secretary complete a study and submit a report to Congress within two years of enactment of AWIA 2018. The study should address the application of enhanced use leasing authorities, and other military leasing authorities to the Secretary's civil works program. The report shall include a description of the obstacles that must be removed to implement the authorities.

Sec. 1030. Duplication of efforts

Section 1030 addresses projects where the non-Federal sponsor is working with an institution of higher education or entity on a water resources project. In order to reduce duplicative efforts, the Secretary must consider hiring that institution of higher education or entity, in accordance with any applicable contract law, to provide assistance under section 22 of the Water Resources Development Act of 1974 (P.L. 93–251) with respect to that same project.

The Committee has concerns regarding the amount of time it takes to complete water resources projects, which increases project costs and results in lost economic opportunities. The Committee calls upon the Corps to take any steps permissible under the law to reduce unnecessary or redundant work. The purpose behind this

section is to help ensure that limited resources are used to complete projects.

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

Section 1031 creates a Board of Appeals for certain water storage projects. The Board is made up of five members, to be appointed by the Secretary, of whom two shall be representatives of state water development commissions and agencies with water storage needs, two shall be representatives of the Corps, and one shall be a representative jointly selected by the Secretary and other participating entities. The provision requires the District Engineer to develop and provide to a project applicant a purpose and needs statement that describes whether the Corps concurs with the purpose and need statement of the applicant. The provision also requires that all permit conditions be provided to the applicant in advance of a permit decision. The applicant then has the opportunity to appeal the purpose and need statement in any case in which the District Engineer does not concur.

The Committee heard concerns that the regulatory permitting process for water storage projects is extremely lengthy, in part due to issues associated with identifying and analyzing the purpose and need of the project. In addition, in some cases, unexpected permit conditions are attached to the permit. This section is intended to increase transparency and provide the permittee an opportunity to obtain an appeal board review of a project's purpose and needs statement in addition to applicable remedies available under existing law.

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

Section 1032 states the sense of Congress that financing of project operations, maintenance or capital improvements by local non-Federal interests results in savings to Federal taxpayers.

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

Section 1033 states the sense of Congress that the amendment to section 203 of WRDA 1986 (33 U.S.C. 2231) made by section 1126 of WIIN 2016 (130 Stat. 1648), which concerns study of water resources development projects by non-Federal interests, was intended to supersede any conflicting laws.

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

Section 1034 states the sense of Congress that the Secretary should simplify and expedite the process for including in-kind work in project partnership agreements. Such changes should allow for more flexibility in conducting in-kind work, and to delegate approval for project partnership agreements to the District Engineer where practicable.

Sec. 1035. Sense of Congress relating to encouraging resilient techniques and habitat connectivity in ecosystem restoration

Section 1035 states the sense of Congress that the Secretary should ensure that Corps infrastructure can endure extreme

weather, mitigate flooding and other negative storm impacts on communities, and provide a significant return on investment by encouraging the use of resilient structural or nonstructural construction techniques; and clarifying that nonstructural approaches, techniques, and alternatives include natural and nature-based solutions.

Sec. 1036. Alterations to local flood control projects

Section 1036 provides the District Engineer of each Corps district, or the Secretary if requested by the applicant, with the authority to implement existing authorities to approve alterations to local flood control projects in accordance with 33 C.F.R. 208.10, and all other applicable laws (including regulations) relating to flood control.

The Committee heard concerns that some Corps districts are not implementing existing authorities in law to approve alterations to local flood control projects. The Committee also understands that some districts are taking too long to address these permits. As a result, this legislative language was included to direct the Corps to implement all relevant existing authorities related to flood control.

Sec. 1037. Non-Federal construction

Section 1037 requires the Secretary to provide to the non-Federal interest all relevant data and documentation with respect to a water resources development project carried out under section 204(b) of WRDA 1986 (33 U.S.C. 2232(b)). The transfer must occur within 90 days of receiving such a request. Additionally, the Secretary must also provide technical assistance to the non-Federal interest upon the non-Federal interest's request, so the non-Federal interest has an opportunity to obtain permits in the most expeditious manner possible.

Sec. 1038. Contributed funds for non-Federal reservoir operations

Section 1038 amends section 5 of the Flood Control Act of 1936 (49 Stat. 1589, chapter 688, 33 U.S.C. 701h) to authorize the Secretary to receive contributed funds from an owner of a non-Federal reservoir (in addition to a state or political subdivision thereof, or other non-Federal interest) to formulate, review, or revise operational documents for any non-Federal reservoir for which the Secretary is authorized to prescribe regulations for the use of storage allocated for flood risk management or navigation pursuant to section 7 of the Act of December 22, 1944 (58 Stat. 890, chapter 665; 33 U.S.C. 709).

Sec. 1039. Mitigation bank credit release schedules

Section 1039 requires the Secretary, in coordination with the EPA Administrator, to issue guidance for the development of mitigation bank credit release schedules. The goal is to release such credits as soon as available to help expedite permit evaluations under section 404 of the CWA for proposed projects awaiting the release of credits.

Sec. 1040. Innovative materials report

Section 1040 requires the Secretary to submit to Congress a report within one year of enactment of AWIA 2018 that describes ac-

tivities conducted at all Corps technology, research and development related facilities and organizations relating to the testing, research, development, identification, and recommended uses for innovative materials in water resources projects. The report will provide recommendations regarding the innovative materials that should be used in water resources projects.

Sec. 1041. Updates to benefit-cost analysis

Section 1041 states that the Secretary cannot perform or update a BCR analysis of a project once construction has commenced.

The Committee heard concerns about administrative updates to individual project BCR calculations that are causing unnecessary project delays and cost escalations. The result has been a burden on the taxpayer while necessary infrastructure projects languish.

Sec. 1042. Local government water management plans

Section 1042 requires the Secretary, with the consent of a non-Federal sponsor of a feasibility study, to allow a unit of a local government in a watershed that has adopted a water management plan to participate in the feasibility study. The study will determine if there is an opportunity to include additional elements to the project to help achieve the purposes identified in the local or regional water management plan.

Sec. 1043. Access to real estate data

Section 1043 requires the Secretary to make publically available existing real estate plat, geographic information system, and geospatial data on all Federal real estate assets owned, operated, managed, or regulated by the Corps, or in its custody. This requirement is inapplicable to information the Secretary deems to be confidential, privileged, national security information, or that is otherwise prohibited by law.

Developers constructing various infrastructure, such as municipal utilities, pipelines, roads, sewage and water projects, must determine if their activities will impact Corps-owned real estate, such as flood control projects, levees, and dredge material disposal facilities. However, as this information is not publicly available, developers must conduct title searches or ask the Corps and then wait for a response, potentially resulting in construction schedule delays. The Committee believes that such information should be publically available to help ensure the delivery of non-Federal projects on Corps lands occur in a more expeditious manner.

Sec. 1044. Advanced funds for discrete segments

Section 1044 permits the Secretary to accept and expend funds from a non-Federal interest to carry out a discrete segment of an authorized navigation project if it is technically feasible and environmentally acceptable and it can be operated independently without creating a hazard in advance of completion of the project. These advanced funds can be credited by the Secretary towards the non-Federal share of the project cost.

The Committee heard concerns that the Corps cannot accept advanced funds for discrete project segments. As a result, several projects have been stymied (such as Port Everglades, Florida). This legislative language will allow discrete segments of projects to

move forward if they are feasible, environmentally acceptable, and can function independently without creating hazards in advance of completion of the project.

Sec. 1045. Inclusion of non-Federal interests in project consultations

Section 1045 states that the non-Federal interest for a water resources development study or project must be given the opportunity to participate in all consultations with Federal and state agencies and Indian Tribes required by Federal law. Consultation includes notification to, working with, and addressing the concerns of the non-Federal sponsor.

Sec. 1046. Categorical exclusions

Section 1046 amends section 2045(l) of WRDA 2007 (33 U.S.C. 2348(l)). This section requires the Secretary to survey the Corps' use of categorical exclusions under the National Environmental Policy Act (NEPA) for projects authorized since 2014.

In the case that the Secretary has identified a category of activities that merit establishing a categorical exclusion that did not exist on the day before enactment of AWIA 2018, the Secretary must publish a notice of proposed rulemaking to identify potential categorical exclusions in conformance with the criteria under 4 C.F.R. 1508.4 (as in effect on the date of enactment of AWIA 2018) within one year. The Committee intends the Corps to evaluate the need for, and, if warranted, develop new categorical exclusions for Corps projects and activities using existing authorities and regulatory requirements provided under NEPA as of the date of enactment of AWIA 2018.

Sec. 1047. Geomatic data

Section 1047 requires that a department or agency considering an aspect of an application for Federal authorization that requires the submission of environmental data shall consider any such data submitted through geomatic techniques. The applicable agency may grant conditional approval for Federal authorization contingent on the verification of the geomatic data by subsequent onsite inspection.

Sec. 1048. Flexibility for projects

Section 1048 addresses feasibility studies initiated by the Secretary under section 905(a) of WRDA 1986 (33 U.S.C. 2282(a)), following the enactment of AWIA 2018. It sets the goal of completing a feasibility study within 2 years. In carrying out these specified feasibility studies, the Secretary must exercise all existing flexibilities under, and exceptions to, any requirement administered by the Secretary. In addition, the Secretary must further provide additional flexibilities or use expedited processing to complete the feasibility study within the two-year goal.

Sec. 1049. Credit in lieu of reimbursement

Section 1049 amends section 1022(b) of WRRDA 2014 (33 U.S.C. 2225(b)) in order to enable the transfer of existing credits, both monetary and in-kind, from a non-Federal sponsor of a section 211 project (construction of flood control projects by non-Federal inter-

ests) to another government entity, pending approval by the Secretary.

TITLE II—STUDIES, MODIFICATIONS, AND PROJECT AUTHORIZATIONS

SUBTITLE A—STUDIES

Sec. 2001. Authorization of proposed feasibility studies

Section 2001 authorizes the Secretary to conduct feasibility studies for nine projects for water resources development that were submitted to Congress in an annual Report to Congress on Future Water Resources Development pursuant to section 7001 of WRRDA 2014 (33 U.S.C. 2282d), or otherwise reviewed by Congress:

(1) Lower Mississippi River, Arkansas, Kentucky, Louisiana, Missouri, Mississippi, and Tennessee
(2) Ouachita-Black Rivers Navigation Project
(3) San Diego River 1, 2, and 3 Levee System
(4) Northshore Flood Risk Reduction, Louisiana
(5) St. Louis Riverfront-Meramec River Basin, Missouri
(6) Chautauqua Lake, New York
(7) Trinity River and Tributaries, Texas
(8) Coastal Virginia Water Resources, Virginia
(9) Tangier Island, Virginia

Sec. 2002. Lower Missouri River Bank stabilization and navigation

Section 2002 authorizes the Secretary to conduct a study on the function and reliability of the Lower Missouri River Bank stabilization and navigation project.

SUBTITLE B—DEAUTHORIZATIONS, MODIFICATIONS, AND RELATED PROVISIONS

Sec. 2101. Savannah Harbor expansion project

Section 2101 increases the appropriations authorized for the Savannah Harbor expansion project due to project cost increases documented in a signed section 902 Post Authorization Change Report.

Sec. 2102. Deauthorization of Svensen Island

Section 2102 deauthorizes the project for Svensen Island, Oregon, as of the date of enactment of AWIA 2018.

Sec. 2103. Whittier Narrows study

Section 2103 requires a study by the Secretary regarding the Whittier Narrows Dam Project to evaluate the impacts of removing one percent of the flowage spreading grounds from the flood control easement. The Secretary must both complete the study and submit a report to Congress describing the results within one year of enactment of AWIA 2018.

Sec. 2104. West Tennessee tributaries project, Tennessee

Section 2104 deauthorizes the West Tennessee tributaries project along the Obion and Forked Deer rivers and tributaries, as of the date of enactment of AWIA 2018.

Sec. 2105. Bridgeport Harbor-Pequonnock River navigation project, Connecticut

Section 2105 deauthorizes the Bridgeport Harbor-Pequonnock River navigation project north of Congress Street in the City of Bridgeport, Connecticut, as of the date of enactment of AWIA 2018.

Sec. 2106. Levees L–212 and L–231, Four River Basin, Ocklawaha River, Florida

Section 2106 deauthorizes from the Federal inventory levees L–212 and L–231, which are two components of the Federal Four River Basins Project in Florida, as of the date of enactment of AWIA 2018.

Sec. 2107. Corps of Engineers bridge repair and divestiture program for New England evacuation routes

Section 2107 allows the Secretary to repair or replace bridges in New England owned and operated by the Secretary that are necessary for evacuation routes in extreme weather events, subject to appropriations.

Sec. 2108. Boston Harbor reserved channel deauthorizations

Section 2108 deauthorizes portions of the Boston Harbor, Massachusetts, navigation project authorized by the first section of the Act of October 17, 1940 (54 Stat. 1198, chapter 895), as amended.

Sec. 2109. Project deauthorization and study extensions

Subsection (a) extends the period for deauthorization of projects under section 6003(a) of WRRDA 2014 (33 U.S.C. 579c(a)) from seven to 10 years. The Secretary must not count any period of time during which the project's locally preferred plan under section 1036(a) is being reviewed by the Corps and awaiting a decision by the Secretary.

Subsection (b) extends the period for deauthorization of studies under section 1001(d)(4) of WRRDA 2014 (33 U.S.C. 2282c((d)(4)) from seven to 10 years.

The Committee heard criticisms associated with a lack of conformity between the study and project deauthorization timeframes enacted in WRDA 1986 and WRRDA 2014. In order to reduce any confusion and inequity, this section amends WRRDA to lengthen that statue's seven year timeframes for study and construction deauthorizations to 10 years.

Sec. 2110. Deauthorization of inactive studies

Section 2110's purpose is to identify for deauthorization $7.5 billion dollars in unviable feasibility studies for water resources development projects that lack local support, lack available Federal or non-Federal resources, or have an authorizing purpose that is no longer relevant or feasible. Qualifying studies must not have received Federal funds during the 10-year period preceding enactment of AWIA 2018. Further, the Secretary must solicit comments from the public and the Governor of each applicable state on the interim and proposed final deauthorization lists. After the close of a 90-day comment period on the proposed final deauthorization list, the Secretary shall submit a final deauthorization list within 120 days to the Committee on Environment and Public Works of the

Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

Section 2110 states that a feasibility study on the final deauthorization list will be deauthorized unless Congress passes a joint resolution of disapproval of the final list prior to the end of the 180-day period beginning on the date of submission of the final list. Additionally, a feasibility study shall not be deauthorized if the non-Federal interest for the feasibility study provides adequate funds to complete the feasibility study.

The Committee understands that the Corps is obligated to deauthorize certain feasibility studies pursuant to section 710 of WRDA 1986 (33 U.S.C. 2264). However, despite this requirement, thousands of eligible feasibility studies remain authorized. It is also the Committee's understanding that the Corps has been attempting to identify which feasibility studies remain meritorious and deserving of completion for a prolonged period with no clear deadline for finishing that effort. Therefore, the Committee expects the Corps will take appropriate steps to identify the studies that should be completed in the most expeditious manner possible.

Sec. 2111. Certain disposition studies

Section 2111 requires the Secretary to consider modifications that would improve the overall quality of the environment in the public interest, including removal of the project or a separable element of the project, when carrying out a disposition study under section 216 of the Flood Control Act of 1970 (33 U.S.C. 549a).

Sec. 2112. Locks and dams 1 through 4, Kentucky River, Kentucky

Section 2112 deauthorizes Kentucky River locks and dams 1 through 4 as of enactment of AWIA 2018. It conveys the project in "as is" condition to Kentucky for use and benefit of the Kentucky River Authority. It also requires that any conveyance include that the state holds the United States harmless from any liability resulting from activities on the property.

Sec. 2113. Kissimmee River restoration

Section 2113 authorizes the Secretary to credit work performed or to be performed by the non-Federal sponsor as an in-kind contribution under section 221(a)(4) of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b(a)(4)), in accordance with the report dated April 27, 2018, relating to the project for ecosystem restoration, Kissimmee River, Florida, authorized by section 101(8) of WRDA 1992 (106 Stat. 4802).

Sec. 2114. Norfolk Harbor and channel, Thimble Shoal widening, Virginia

Section 2114 authorizes the Secretary to carry out modifications to the project for navigation, Norfolk Harbor and channel Thimble Shoal widening, Virginia.

SUBTITLE C—WATER RESOURCES INFRASTRUCTURE

Sec. 2201. Project authorizations

Section 2201 authorizes six Chiefs Reports:

Navigation—

(1) Houston-Galveston Navigation Channel Extension
Flood Risk Management—
(1) Ala Wai Canal
(2) Mamaroneck-Sheldrake Rivers
Hurricane and Storm Damage Risk Reduction—
(1) St. Johns County
(2) St. Lucie County
(3) Sabine Pass to Galveston Bay

Sec. 2202. McMicken Dam, Arizona, and Muddy River, Massachusetts

Section 2202 requires the Secretary to complete a study on the status of the projects at McMicken Dam, Arizona, and the project for flood damage reduction and environmental restoration, Muddy River, Brookline and Boston, Massachusetts. The Secretary must submit a report to Congress within 180 days of enactment of AWIA 2018 that includes a description of the reasons of the Secretary for deauthorizing the two projects and, if practicable, a description of conditions needed by the Secretary to reauthorize the two projects.

Sec. 2203. Environmental infrastructure projects

Section 2203 amends section 219(f) of WRDA 1992 (106 Stat. 4835; 113 Stat. 334, 114 Stat. 2763A–219, 121 Stat. 1242, 121 Stat. 1261). It authorizes cost increases to specific projects: it raises the appropriations authorization level to $90 million for the Lake Marion Regional Water Agency/Lake Marion and Moultrie environmental infrastructure project; and it raises the appropriation authorization level to $70 million for the Harbor/South Baywater recycling project. It also it authorizes appropriations in the amount of $16 million for wastewater infrastructure in Charlotte County, Florida.

Section 2203 also amends section 219 of WRDA 1992 by adding a subsection (g) requiring the Secretary to consider and complete an assessment for the Macomb County, Michigan, wastewater project and the Milwaukee and Shorewood, Wisconsin, wastewater project.

Sec. 2204. Conditional reauthorization of environmental projects

Section 2204 prevents the deauthorization of described environmental projects for fiscal years 2019 through 2021, if the Secretary receives from the project sponsor a written request for the extended authorization within 90 days of enactment of AWIA 2018.

Sec. 2205. Sense of Congress relating to West Haven, Connecticut

Section 2205 states the sense of Congress that the Secretary should prioritize the project for storm damage reduction for West Haven, Connecticut, to the maximum extent practicable.

Sec. 2206. Coastal Texas study

Section 2206 states that the Secretary shall expedite the completion of studies for flood damage reduction, hurricane and storm damage reduction, and ecosystem restoration in the coastal areas of Texas. These studies will be identified in the upcoming Corps Tentatively Selected Plan resulting from the Coastal Texas Study due in 2018, notwithstanding any other provision of law.

The Committee heard concerns that the Corps has delayed completing this study due to possible legal barriers to the project's implementation imposed by WRRDA 2014. Section 2206 was written to direct the Corps to complete the study regardless of the WRRDA 2014 requirement, and determine if there is a feasible project before Congress considers the need to modify other applicable laws.

SUBTITLE D—EXPEDITED AND MODIFIED STUDIES AND PROJECTS

Sec. 2301. Rahway River Basin flood risk management project

Section 2301 requires the Secretary to prioritize funding and expedite completion of the feasibility report for the project for flood risk management, Rahway River Basin, New Jersey. If the Secretary determines that the project is justified in the completed report, the Secretary is to proceed directly to project preconstruction, engineering, and design in accordance with section 910 of WRDA 1986 (33 U.S.C. 2287).

Sec. 2302. Hudson-Raritan Estuary Comprehensive Restoration Project

Section 2302 states that the Secretary shall expedite completion of the Hudson-Raritan Estuary Comprehensive Restoration Project in a timely manner, in accordance with section 1322(b)(2)(C) of WIIN 2016 (130 Stat. 1707).

Sec. 2303. Certain projects in Rhode Island

Section 2303 states that the Secretary shall adhere to the proposed schedules and avoid delays to the extent practicable with respect to the project for navigation, Providence River, Rhode Island; the feasibility study for the project for coastal storm risk management, Pawcatuck River, Rhode Island; and the Rhode Island historical structure flood hazard vulnerability assessment.

Sec. 2304. Cedar River, Iowa

Section 2304 states that the Secretary shall expedite the project for flood risk management at Cedar River, Cedar Rapids, Iowa, authorized by section 7002(2) of WRRDA 2014 (128 Stat. 1366).

Sec. 2305. Plymouth Harbor, Massachusetts

Section 2305 states that the Secretary shall expedite and complete the dredging of the Plymouth Harbor in Massachusetts so that ships can get into and out of the Harbor no later than the celebration of the 400th anniversary of the voyage of the Mayflower.

Sec. 2306. Brandon Road study

Section 2306 states that the Secretary shall complete a final feasibility report for the Great Lakes Mississippi River Interbasin Study (GLMRIS) Brandon Road Study by the original deadline of February 2019.

Sec. 2307. Central Everglades Planning Project

Section 2307 states that the Secretary shall expedite construction of a reservoir south of Lake Okeechobee as part of the Central Ev-

erglades Planning Project authorized under section 1401(4) of WIIN 2016 (130 Stat. 1713).

Sec. 2308. Portsmouth Harbor and Piscataqua River

Section 2308 states that the Secretary shall expedite the Portsmouth Harbor and Piscataqua River Navigation Improvement Project.

Sec. 2309. Blain Road footbridge, Thompson, Connecticut

Section 2309 states that that the Secretary shall proceed with reviewing design plans for the Blain Road footbridge over West Thompson Lake, Thompson, Connecticut.

Sec. 2310. Table Rock Lake, Arkansas and Missouri

Section 2310 states that the Secretary shall follow the current law under section 1185 of WIIN 2016 (130 Stat. 1680) with respect to the Table Rock Lake Master Plan and Table Rock Lake Shoreline Management Plan, for Table Rock Lake, located in Arkansas and Missouri.

Section 1185 of WIIN 2016 required that the Secretary lift or suspend the moratorium on the issuance of new, and modifications to existing, shoreline use permits based on the existing master plan and shoreline management plan.

Sec. 2311. McCook Reservoir, Illinois

Section 2311 states that the Secretary shall consider McCook Reservoir project as a priority for implementation under section 1043(b) of WRRDA 2014 (33 U.S.C. 2201 note; P.L. 113–121).

Sec. 2312. Baptiste Collette Bayou study, Louisiana

Section 2312 states that that the Secretary shall expedite the review for the navigation channel deepening study, Baptiste Collette Bayou, Louisiana, under section 203 of WRDA 1986 (33 U.S.C. 2231).

Sec. 2313. Morganza to the Gulf, Louisiana

Section 2313 states that the Secretary shall expedite completion of the project for hurricane and storm damage risk reduction, Morganza to the Gulf, authorized by section 7002(3) of WRRDA 2014 (128 Stat. 1368).

Sec. 2314. Louisiana Coastal Area

Section 2314 states that the Secretary shall expedite completion of the project for environmental restoration, Louisiana Coastal Area, Louisiana, authorized by section 7002(5) of WRRDA 2014 (128 Stat. 1370).

Sec. 2315. Louisiana Coastal Area-Barataria Basin Barrier

Section 2315 states that the Secretary shall expedite completion of the project for environmental restoration, Louisiana Coastal Area Barataria Basin Barrier, Louisiana, authorized by section 7002(5) of WRRDA 2014 (128 Stat. 1370).

Sec. 2316. West Shore Lake Pontchartrain, Louisiana

Section 2316 states that the Secretary shall expedite completion of the project for hurricane and storm damage risk reduction, West Shore Lake Pontchartrain, Louisiana, authorized by section 1401(3) of WIIN 2016 (130 Stat. 1712).

Sec. 2317. Southwest Coastal Louisiana

Section 2317 states that the Secretary shall expedite completion of the project for hurricane and storm damage risk reduction and ecosystem restoration, Southwest Coastal Louisiana, Louisiana, authorized by section 1401(8) of WIIN 2016 (130 Stat. 1715).

Sec. 2318. New York-New Jersey Harbor and Tributaries feasibility study

Section 2318 states that, not later than 90 days after the date of enactment of AWIA 2018, the Secretary shall complete the New York-New Jersey Harbor and Tributaries Focus Area Feasibility Study authorized by the first section of the Act of June 15, 1955 (69 Stat. 132, chapter 140).

Sec. 2319. Lower Brule shoreline stabilization project

Section 2319 states that the Secretary shall carry out a project for shoreline stabilization on the Lower Brule Reservation, South Dakota, pursuant to section 203 (33 U.S.C. 2269) of the Water Resources Development Act of 2000 (WRDA 2000). The Federal share of the cost of each separable element of the project cannot surpass $10 million.

Sec. 2320. Hampton Harbor, New Hampshire, navigation improvement project

Section 2320 states that the Secretary shall use all existing authorities of the Secretary to mitigate severe shoaling in carrying out the project for navigation, Hampton Harbor, New Hampshire.

Sec. 2321. New Jersey and Delaware Back Bays Coastal Storm Risk Management

Section 2321 requires that the final feasibility report for coastal storm management, back bays, New Jersey, should be completed within six years after the date of initiation of the feasibility study for the project.

Sec. 2322. Minnesota locks and dams divestment study

Section 2322 requires that the Secretary expedite completion of the ongoing disposition study regarding the divestiture of locks and dams in Minneapolis, Minnesota, that are part of the Upper St. Anthony Falls Lock and Dam. In completing this study, the Secretary shall include an examination of the possibility of the partial divestiture of the locks and dams, an examination of possible changes in their use, and a plan to expedite divestiture. The Secretary may also produce separate reports for each lock and dam describing the results of the study.

Section 2322 authorizes the Secretary to accept and expend funds to carry out the study that are contributed by a state or a political Subdivision of the State under the Act of October 15, 1940 (54 Stat. 1176, chapter 884, 33 U.S.C. 701–1).

Sec. 2323. Houma Navigation Canal, Louisiana

Section 2323 requires that the Secretary expedite the review for the study for navigation and channel deepening, Houma Navigation Canal, Louisiana.

TITLE III—PRIMARY CORPS OF ENGINEERS ACTIVITIES

SUBTITLE A—CONTINUING AUTHORITIES PROGRAMS

Sec. 3001. Corps of Engineers continuing authorities program

Section 3001 amends specified continuing authorities program (CAP) authorities.

Subsection (a) amends the Storm and Hurricane Restoration and Impact Minimization Program under section 3(c) of the Act of August 13, 1946 (60 Stat. 1056, chapter 960; 33 U.S.C. 426g(c)). Thereunder, $45 million is authorized during any fiscal year to pay the Federal share of the cost of construction of small shore and beach restoration and protection projects or small projects. The total amount expended for a single project cannot be more than $15 million.

Subsection (b) amends Small River and Harbor Improvement Projects under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577). In any fiscal year, the Secretary is authorized $62.5 million for the construction of small river and harbor improvement projects. Not more than $12.5 million can be used for the construction of a project at any single locality.

Subsection (c) amends Shore Damage Prevention or Mitigation under section 111 of the River and Harbor Act of 1968 (33 U.S.C. 426i) by providing that Congress can initiate no such project without specific authorization if the Federal first cost exceeds $15 million. In addition, subject to available appropriations, for projects authorized to be carried out at a cost greater than $10 million the Secretary may provide a project with an increase in funding equal to the lesser of 50 percent of the authorized amount and $5 million. It also authorizes $15 million in overall total authorizations.

Subsection (d) amends Regional Sediment Management under section 204 of WRDA 1992 (33 U.S.C. 2326). The total cost associated with construction of a project at any single locality cannot exceed $12.5 million, and $62.5 million is authorized to carry out the section per fiscal year.

Subsection (e) amends Small Flood Control Projects under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s). Under this section $82.5 million is authorized for the implementation of small structural and nonstructural projects for flood control and related purposes. The project allotment at a single locality shall not be more than $15 million.

Subsection (f) amends Aquatic Ecosystem Restoration under section 206 of WRDA 1996 (33 U.S.C. 2330). It amends the Secretary's general authority by requiring not less than 2 projects be carried out in areas with populations under 80,000 and 2 projects be carried out in areas with populations above 2.5 million. No more than $12.5 million can be used for a project at any single locality and $62.5 million is authorized for each fiscal year.

Subsection (g) amends Project Modifications for Improvement of Environment under section 1135 of the WRDA 1986 (33 U.S.C.

2309a). No more than $15 million in Federal funds may be spent on any single modification or measure under this section, and $60 million is authorized to carry out the section. In carrying out this section in the Upper Missouri River Basin, the Secretary is to prioritize projects that restore degraded ecosystems through modification of existing flood risk management projects.

Subsection (h) amends Emergency Streambank and Shoreline Protection under section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r). Specifically, $7.5 million is the maximum amount authorized to be appropriated in any one fiscal year at any single locality and $25 million is the maximum amount of authorized funds for the construction, repair, restoration, and modification of emergency streambank and shoreline protection works.

Sec. 3002. Sense of Congress relating to continuing authorities program

Section 3002 states that it is the sense of Congress that Continuing Authorities Programs should receive full appropriations each fiscal year.

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

Section 3003 reinforces section 1030 of WRRDA 2014 (33 U.S.C. 400), requiring the Secretary to make both the list of prioritized CAP projects and the annual report required on the status of each CAP program under section 1030, available via the Federal Register and on a publicly available website.

SUBTITLE B—NAVIGATION

PART I—Inland Waterways

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

Section 3101 authorizes the Comptroller General to conduct a study on the Navigation and Ecosystem Sustainability Program, including determining the obstacles that need to be removed to implement this program in an expeditious manner. The study must be completed and submitted to Congress within one year of enactment of AWIA 2018.

Sec. 3102. McClellan-Kerr Arkansas River Navigation System

Section 3102 states that for the purposes of project continuation, prior funding for the McClellan-Kerr Arkansas River Navigation system from appropriations acts enacted prior to 2009 shall be deemed to have come from construction related accounts. Further, nothing in this section may be deemed to alter the existing prioritization for Inland Waterway Trust fund activities.

PART II—Ports and Harbors

Sec. 3111. Beach renourishment and shoreline protection demonstration program

Section 3111 directs the Secretary to establish a demonstration program within 90 days of enactment of AWIA 2018. It will consist of no more than five projects for beach nourishment and shoreline protection along the Mid-Atlantic Coast of the United States.

This section establishes criteria for project selection for the demonstration program, as well as criteria and other considerations for its implementation. Associated cost-sharing requirements will be those applicable to beach renourishment and shoreline protection projects, and an annual report is required that includes findings and recommendations of the Secretary based on the projects completed under the demonstration program.

This section authorizes $75 million to carry out this demonstration program until expended and it terminates the demonstration program after the completion of five projects.

Sec. 3112. Authorization of appropriations for purchase of mat sinking unit

Section 3112 authorizes $125 million in appropriations to fund the Secretary's purchase of a mat sinking unit to maintain the Mississippi River channel and prevent channel migration, support uninterrupted river commerce, prevent threats to levees, and provide for public safety.

The mat sinking unit has been a key component in maintaining the current Mississippi River channel for 70 years. However, it is fast approaching a non-reliable status. The Mississippi Valley Division team initiated a partnership with the Marine Design Center in June 2014 to develop a conceptual design for a new mat sinking unit. The Committee believes authorizing the replacement equipment is essential to commerce along the Mississippi River.

Sec. 3113. Mat sinking unit

Section 3113 states the sense of Congress that the Corps should consider entering into a lease to purchase when considering the least cost alternative for purchasing a mat sinking unit.

Sec. 3114. Sense of Congress relating to Kennebec River Federal navigation channel

Section 3114 states the sense of Congress that periodic maintenance dredging of the Kennebec River Federal Navigation Channel should be prioritized based on a joint plan that is being developed by the Secretary and the Secretary of the Navy.

Sec. 3115. Sense of Congress relating to Wilmington Harbor dredging

Section 3115 states the sense of Congress that the Secretary should prioritize annual dredging for the harbor in Wilmington, Delaware.

Sec. 3116. Port of Arlington

Section 3116 would amend the existing authorization to allow the Secretary to reimburse the Port of Arlington, Gillam County, Oregon, up to $3.2 million for expenses incurred by the Port in the construction of its dock and the ensuing revocation of the associated regulatory permit.

Sec. 3117. Pearl River Basin demonstration program

Section 3117 directs the Secretary to establish a demonstration program to allow a project authorized under section 211 of WRDA 1996 (33 U.S.C. 701b–13) to begin preliminary engineering and de-

sign (PED) after the completion of a feasibility study and an environmental impact statement (EIS) for the project. For each project authorized to begin PED under the demonstration program, the project must conform to the final feasibility study and EIS for the project. The Secretary and the non-Federal sponsor must also jointly agree to the construction design of the project. Repayment by the non-Federal sponsor is required if the project does not receive a favorable Chief's Report. The Secretary's authority to carry out the demonstration program terminates five years after enactment of AWIA 2018.

Sec. 3118. Expedited initiation

Section 3118 directs the Secretary to give priority funding and expedited completion of reports for certain listed projects under section 1322(b)(2) of WIIN 2016 (130 Stat.1707). This provision also allows for the immediate initiation of PED for the projects once the general revaluation report has been submitted to the Major Subordinate Command for approval.

Sec. 3119. Beneficial use of dredged sediment

Section 3119 ensures that an easement for a beach nourishment project that does not require regular nourishment does not exceed the anticipated life-cycle of the project by more than 200 percent.

Sec. 3120. Rule for beach nourishment and shoreline protection projects

Section 3120 states that the Secretary shall proceed with any beach nourishment or shoreline protection project as long as the project benefits are equal to or greater than the costs.

The Committee intends this provision to allow the Corps to budget for and conduct beach nourishment and shoreline protection projects with a BCR of one or greater. This provision will allow beach nourishment and shoreline protection projects to be treated similarly to ecosystem restoration projects when the Corps considers BCR calculations and project budgeting.

PART III—Miscellaneous Provisions

Sec. 3121. Report on debris removal

Section 3121 requires the Secretary to report to Congress within 180 days of enactment of AWIA 2018 the extent to which the Corps has used its authority to remove debris from Federal channels and adjacent waters. The report must also describe the method in which the Secretary has evaluated potential debris removal projects and detail recommendations for a pilot program to implement this authority.

Sec. 3122. Cape Arundel Disposal Site, Maine

Section 3122 authorizes the Cape Arundel Disposal Site for dredge material disposal to remain open until the date on which the Site does not have any remaining disposal capacity, the date upon which the EIS designating an alternative dredge material disposal site for southern Maine has been completed, or through December 31, 2021.

Sec. 3123. Delaware River navigation project

Section 3123 amends section 1131(3) of WRDA 1986 (100 Stat. 4246) by increasing the existing 10 foot height limit authorization to 35 feet for the deposit of dredge material from the Delaware River, Philadelphia navigation project.

Sec. 3124. Sense of Congress relating to erosion on the banks of the Ohio River near Clarksville, Indiana

Section 3124 states the sense of Congress that the Secretary may use authority under section 9 of the Flood Control Act of 1946 (60 Stat. 643, chapter 596) to remedy the erosion issues on the Ohio River near Clarksville, Indiana.

SUBTITLE C—LOCKS, DAMS, LEVEES, AND DIKES

Sec. 3201. Certain levee improvements

Section 3201 states that where Corps-owned levees are tied hydraulically to community-owned levees, the Secretary is encouraged to cooperate with non-Federal sponsors on ways to implement necessary improvements to the Federal project.

Sec. 3202. Rehabilitation of Corps of Engineers constructed dams

Section 3202 raises the per project cost limit under section 1177 of WIIN 2016 (33 U.S.C. 467f–2 note; P.L. 114–322) from $10 million to $40 million for rehabilitation of pre-1940 Corps constructed dams to address aging flood control reservoirs constructed, or contributed to, by the Corps.

Sec. 3203. Non-Federal dams

Section 3203 authorizes the Secretary to accept non-Federal funds from the owners of non-Federal dams for the review and revision of water operations manuals and flood control curves where the Corps regulates the non-Federal facilities for flood control under section 7 of the Flood Control Act of 1944 (58 Stat. 890, chapter 665, 33 U.S.C. 709).

Sec. 3204. Reauthorization of National Dam Safety Program Act

Section 3204 extends the authorization of appropriations for the National Dam Safety Program Act (33 U.S.C. 467j) at $13.9 million for each of fiscal years 2020 and 2021. The Federal Emergency Management Agency's Dam Safety Program includes the development of a dam safety education and awareness initiative to assist the public in preparing and mitigating for, responding to, and recovering from dam incidents.

Sec. 3205. Sense of Congress relating to implementation guidance for dam safety repair projects

Section 3205 states the sense of Congress that the Corps should expeditiously issue implementation guidance for section 1139 of WIIN 2016 (33 U.S.C. 467n note; P.L. 114–322) for dam safety repair projects.

Sec. 3206. Reauthorization of national levee safety program

Section 3206 extends the authorization of appropriations for the national levee safety program for fiscal years 2020 and 2021, for

a total of $158 million. This national levee safety initiative includes the establishment of voluntary levee safety guidelines and technical assistance to states to create local levee safety programs.

Sec. 3207. Reauthorization of lock operations pilot program

Section 3207 extends the authorization of the lock operations pilot program for the acceptance and expenditure of funds contributed by non-Federal interests until June 10, 2024. This authorizes the acceptance and expenditure of funds contributed by non-Federal interests to operate and maintain specific locks located on the nation's inland waterways transportation system.

Sec. 3208. Restricted areas at Corps of Engineers dams

Section 3208 extends the prohibition against the Secretary from installing permanent barriers or restricting public access ("Freedom to Fish") in the vicinity of the 10 dams on the Cumberland River in Kentucky and Tennessee for five years after enactment of AWIA 2018.

Sec. 3209. Certain Bureau of Reclamation dikes

Section 3209 establishes a 100 percent Federal share for the operations and maintenance costs of a dike owned by the BOR on the date of enactment of AWIA 2018, if the construction of the dike was completed by December 31, 1945, and a corrective action study was completed on the project not later than December 31, 2015.

Sec. 3210. Rehabilitation of high hazard potential dams

Section 3210 amends section 8A of the National Dam Safety Program Act (33 U.S.C. 467f–2) to require a non-Federal sponsor to demonstrate, as a condition of receiving assistance, that an emergency action plan is in place to protect life and property in the area potentially affected by a breach of the dam. Emergency action plans must address incident detection, evaluation, and emergency level determination; notification and communication; emergency actions; termination and follow-up; and public education and awareness of the emergency action plan.

Sec. 3211. Maintenance of high risk flood control projects

Section 3211 requires that in any case in which the Secretary has assumed responsibility for the maintenance of a class III project under the Dam Safety Action Classification of the Corps. The Secretary shall continue to be responsible for its maintenance until either the Secretary determines that the project has been modified to reduce the risk and the project is no longer classified as a class III, or 15 years after the enactment of AWIA 2018.

SUBTITLE D—WATER SUPPLY

Sec. 3301. Authority to make entire active capacity of Fontenelle Reservoir available for use

Section 3301 authorizes the Secretary of the Interior, in consultation with the State of Wyoming, to amend the Definite Plan Report for the Seedskadee Project, which was authorized under 43 U.S.C. 620. The project provides water storage and regulation on the Green River and generates power for municipal and industrial use,

as well as wildlife and recreational benefits. The goal is to amend the Definite Plan Report to provide for the study, design, planning and construction activities that will enable the use of all active storage capacity of Fontenelle Dam and Reservoir, including the placement of sufficient riprap to allow the active storage capacity of the reservoir to be used for the authorized purposes of the Seedskadee Project. The Secretary of the Interior may enter into agreements necessary to carry out these activities and the State of Wyoming must provide the Secretary with funds for any such activities providing additional storage at Fontenelle Dam and Reservoir.

Sec. 3302. Pricing of water storage contracts

Section 3302 requires the Secretary to price each water storage contract entered into at fair market value. Such pricing will not exceed 110 percent of the lowest-contracted price at any Corps facility located within 50 miles of the water source covered by the contract, as adjusted for inflation.

Sec. 3303. Report on water supply contract, Wright Patman Lake, Texas

Section 3303 requires the Secretary to submit a report to Congress by June 30, 2019, on the status of implementing Water Supply Contract No. DACW29–68–A-0130 at Wright Patman Lake, Texas.

Sec. 3304. Sense of Congress relating to Wright Patman Lake, Sulphur River Basin, Texas

Section 3304 states the sense of Congress that the Secretary should implement the Department of the Army, Civil Works Contract No. 29–68–A–0130, at Wright Patman Lake, Texas, in an expeditious manner and in accordance with all applicable Federal and state water laws. This includes through the acceptance and expenditure of funds contributed by a non-Federal interest for any study required by law.

Sec. 3305. City reservoir expansion pilot program

Section 3305 requires that the Secretary establish a pilot program to expedite the review of applications for a permit from the Secretary to expand a reservoir for which not less than 80 percent of the water rights are for community drinking water supplies in order to accommodate projected water supply needs of a city with a population of less than 80,000. Further, the application must be from a city in which any portion of the water resources available to the community are polluted by chemicals used at a formerly used defense site and for which mitigation is ongoing. This pilot program authority expires 10 years from enactment of AWIA 2018.

Sec. 3306. Sense of Congress relating to water-related infrastructure in Idaho, Montana, rural Nevada, New Mexico, rural Utah, and Wyoming

Section 3306 states the sense of Congress that the authorization of appropriations under section 595(i) (113 Stat. 384; 128 Stat. 1316; 130 Stat. 1681) of the Water Resources Development Act of 1999 (WRDA 1999), for water, wastewater, environmental restora-

tion and surface water protection projects in certain rural states should be maintained at not less than $75 million.

Sec. 3307. Groundwater and well water testing and treatment program

Section 3307 mandates that the Secretary carry out a program for projects located in disadvantaged communities or with populations under 100,000 where there may be contamination in the drinking water supply and where the local government is requesting assistance in the testing and treatment of water wells. Eligible projects must be in reasonable proximity to an active military base, a formerly used defense site undergoing environmental remediation, or any industrial site. This section authorizes $50 million, to remain available until expended, to carry out this section.

It is the Committee's intent for this provision to be interpreted to include contaminants and pollutants that are hazardous or potentially hazardous to human health, even if those contaminants are not currently regulated. The Committee also intends for this provision to be applied broadly to situations where contamination enters the drinking water supply through various means such as ditches, tunnels, conduits or other means, regardless of the type of industrial site, whether it is military, commercial or agricultural. Finally, it is the Committee's intent that the type of industrial site eligible for assistance under this section to be interpreted broadly to include any commercial activity.

SUBTITLE E—SEDIMENT MANAGEMENT

Sec. 3401. Missouri River reservoir sediment management

Section 3401 amends section 1179(a) of WIIN 2016 (130 Stat. 1675) to require the Secretary of Interior and the Secretary to prioritize funds for multi-state sediment management plans. The language makes clear that the BOR shall participate in this sediment management pilot program.

The Committee recognizes the importance of water storage capacity to rural and western communities. Federal reservoirs have gradually seen a reduction in water storage capacity associated with sediment buildup to the detriment of farmers, ranchers, and rural communities. The Committee directs the Corps to implement these sediment removal provisions in an expeditious manner in order to restore these reservoirs to their intended storage capacity.

Sec. 3402. Reservoir sediment

Section 3402 amends section 215 of WRDA 2000 (33 U.S.C. 2326c). It makes permanent a pilot program that requires the Secretary, within 180 days of enactment of AWIA 2018, to accept services by a non-Federal interest or commercial entity for the removal of sediment captured behind a dam that is owned and operated by the U.S. and under the jurisdiction of the Secretary. The purpose is to restore the authorized storage capacity of the dam.

Section 3402 requires that a report by the Secretary be submitted to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on the results of the program within three years of enactment of AWIA 2018.

Sec. 3403. Regional sediment management

Section 3403 amends section 204 of WRDA 1992 (33 U.S.C. 2326) to address sediment buildup behind an authorized Federal water resources project or a reclamation project, including Federal reservoirs authorized for flood control.

This section requires that the Secretary and the Commissioner of Reclamation develop in consultation with one another regional sediment management plans at full Federal expense (subject to the availability of appropriations). Additionally, the Secretary and the Commissioner must carry out projects at locations identified in the regional sediment management plans, or identified jointly by the non-Federal interest and the Secretary or the Commissioner, as applicable, for the sediment's use in the construction, repair, modification, or rehabilitation of Corps and BOR projects.

SUBTITLE F—FLOOD RISK MANAGEMENT

Sec. 3501. Ice jam prevention and mitigation

Section 3501 amends section 1150(c) of WIIN 2016 (33 U.S.C. 701s note; P.L. 114–322) by making permanent the pilot program for preventing and mitigating flood damages associated with ice jams. In addition to increasing the minimum number of pilot projects to be carried out by the Secretary from 10 to 20, this section requires the selection of at least one project on a reservation that serves more than one Indian tribe. In addition, projects in the Upper Mississippi River Basin are to be given priority under this section.

The Committee is aware of recent ice jam flooding events in the United States that have caused significant damage to both homes and property in cold weather regions such as the western and northeastern United States. This has caused a severe financial burden as a result. Therefore, the Committee directs the Corps to prioritize reducing the impact and threat posed by ice jam flooding across the country.

Sec. 3502. Upper Missouri River Basin flood and drought monitoring

Section 3502 prioritizes funds to section 4003(a) of WRRDA 2014 (128 Stat. 1311, 130 Stat. 1677) for flood and drought monitoring in the Upper Missouri Basin. The WRRDA 2014 provision provides for the Secretary, in coordination with the National Oceanic and Atmospheric Administration, the United States Department of Agriculture's Natural Resources Conservation Service, the U.S. Geological Survey, and BOR, to carry out activities to improve and support management of Corps projects. This includes soil moisture and snowpack monitoring, restoring and maintaining existing snowpack monitoring sites, and operating streamflow gauges.

The Committee understands that section 4003(a) of WRRDA 2014 has not been implemented due to a lack of appropriated funds. However, the Committee emphasizes that the importance of such flood and drought monitoring to communities in the Upper Missouri River Basin necessitates that the Corps prioritize funding for this monitoring in order to protect lives and properties in the region.

Sec. 3503. Policies that impact flood fight management projects within urban areas

Section 3503 mandates that the Secretary complete a study of flooding within urban floodplains within one year of enactment of AWIA 2018. Specifically, the study is to examine current Federal policy constraints on the Corps' ability to address urban flooding. This includes the "800-cfs rule" to distinguish between urban flooding versus local drainage issues.

Sec. 3504. Missouri River and tributaries at Kansas Cities, Missouri and Kansas

Section 3504 states that specified flood control projects in the Kansas City, Missouri and Kansas City, Kansas are to be considered a single project for budgeting purposes. This project is not subject to a new start decision because construction funds have already been provided for both component projects. The costs were authorized in section 1401(2) of WIIN 2016 (130 Stat. 1710).

Sec. 3505. Fargo-Moorhead Metropolitan Area Diversion Project, North Dakota

Section 3505 states that beginning on the date of enactment of AWIA 2018, any property in North Dakota acquired through hazard mitigation assistance (provided under specified statutory authorities) subject to any open space deed restriction shall be exempt from those restrictions to the extent necessary to complete the Fargo-Moorhead Metropolitan Area Diversion Project. This exemption is subject to conditions under this section relating to new or additional structures on the property, as well as any subsequent use of the land on the property that is unrelated to the Project.

SUBTITLE G—RIVER BASINS, WATERSHEDS, AND COASTAL AREAS

Sec. 3601. Long-term flood risk reduction, Upper Missouri River Basin, Snake River Basin, and Red River Basin

Section 3601 amends section 5 of the Flood Control Act of 1941 (55 Stat. 650, chapter 377; 33 U.S.C. 701n) by adding a new subsection regarding long term flood-risk reduction. It requires the Secretary to provide extended emergency assistance (beyond 30 days) to communities with non-Federal levees that are threatened or damaged by floods or storms. Specifically, it requires the Secretary to provide assistance for the operations and maintenance of any project constructed under section 5 of the Flood Control Act of 1941 that becomes permanent due to the extended presence of assistance from the Secretary from the emergency fund for natural disaster response preparedness.

Under the new subsection (f), the Secretary may provide assistance for any period, and a project carried out under the subsection is subject to the cost-sharing provisions that would otherwise apply to such a project. This authority to provide assistance expires 10 years after enactment of AWIA 2018.

Sec. 3602. Sense of Congress relating to provision of resources for emergency infrastructure repairs

Section 3602 expresses the sense of Congress that non-Federal entities may provide resources for emergency repairs under section

1024 of WRRDA 2014 (33 U.S.C. 2325a), regardless of the cause of the emergency.

Sec. 3603. Sense of Congress on emergency management assistance

Section 3603 states the sense of Congress that the Secretary may provide technical assistance and other support to state emergency management agencies to assist in the development of handbooks for floodplain managers. These handbooks should include policies to help manage the risks of coastal and river flooding. In addition, these handbooks should consider coastal protection solutions that promote resilience, such as living shorelines, as well as regional sediment management.

Sec. 3604. Great Lakes Fish and Wildlife Restoration Act of 1990

Section 3604 increases the amount of authorized appropriations under the Great Lakes Fish and Wildlife Restoration Act of 1990 (16 U.S.C. 941g) by 10 percent for each of fiscal years 2019 through 2021.

Sec. 3605. Great Lakes Restoration Initiative

Section 3605 increases the amount of authorized appropriations for the Great Lakes Restoration Initiative by an additional $30 million each fiscal year 2019 through 2021.

Sec. 3606. Great Lakes Coastal Resiliency study

Section 3606 authorizes the Great Lakes Coastal Resiliency study under section 729 of WRDA 1986 (33 U.S.C. 2267a), to coordinate a strategy and recommend actions to manage and protect the Great Lakes coastline from threats such as lake level fluctuations, erosion, flooding, nutrient runoff, and poor performing or aging infrastructure.

Sec. 3607. Special rule for beach nourishment

Section 3607 reauthorizes a non-Federal interest to request a Corps study of hurricane and storm damage reduction projects to determine if there is a Federal interest in carrying out an additional 15 years of work. If the study is favorable, the non-Federal interest may request project specific authorization through the Annual Report process described in WRRDA 2014 section 7001 (33 U.S.C. 2282d).

For those projects that will expire in the next five years, the Corps is reauthorized to continue nourishment work for an additional six years for each project, providing an opportunity for those impacted non-Federal interests to work through the study process and Annual Report requirements.

Sec. 3608. Extension for certain coastal storm damage reduction programs

Section 3608 states that for hurricane and storm damage reduction projects with beach nourishment that will expire within five years of enactment of AWIA 2018, such projects will remain eligible for nourishment for an additional six years.

Sec. 3609. Snake River Basin flood prevention action plan

Section 3609 requires that the Secretary develop a flood prevention action plan for each state or portion of a state within the Snake River Basin as soon as practicable after the enactment of AWIA 2018. The plans should be developed in consultation with the Commissioner of Reclamation. It further requires that following coordination with local stakeholders, a report be submitted within 180 days of AWIA 2018's enactment to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on these developed flood prevention plans.

The Committee recognizes that 2017 was a record year for runoff in the Upper Snake River Basin, causing communities in the region to experience significant flooding. In particular, this included the area around Jackson Lake, Wyoming. This spring, runoff predictions were 136 percent above average for the region, which presents further risk of severe flooding. The Committee recognizes that landowners and stakeholders have serious concerns for how the Corps and the BOR have managed the spring runoff out of Jackson Lake and down the Snake River. The Committee seeks assurances that the Corps will work with the BOR to protect these communities to minimize flooding in the region.

Sec. 3610. Authorization of appropriations for Columbia River Basin restoration

Section 3610 amends section 123(d) of the CWA (33 U.S.C. 1275(d)) by authorizing $5 million for fiscal year 2019 and $30 million for each of fiscal years 2020 and 2021 to carry out Columbia River Basin restoration.

Sec. 3611. Middle Rio Grande peak flow restoration

Section 3611 authorizes the continuation of a temporary deviation in the operation of Cochiti Lake and Jemez Canyon Dam. It requires that within one year of enactment of AWIA 2018 that the Secretary and the Secretary of the Interior conduct and submit to Congress a feasibility study to address limitations on the timing, magnitude, and duration of flows that support Federally-listed species in the Middle Rio Grande. The temporary deviation may only be implemented if approvals are first obtained from the Pueblo de Cochiti, Pueblo of Santa Ana, and the Rio Grande Compact Commission.

Sec. 3612. North Atlantic Division report on hurricane barriers and harbors of refuge in New England

Section 3612 requires the Secretary, in consultation with state and local experts in the North Atlantic Division of the Corps, to submit to Congress a report within one year of enactment of AWIA 2018. It should examine the durability and resilience of existing hurricane barriers and harbors of refuge. Particular consideration is to be given as to how those structures will survive and fully serve their planned levels of protection under current, near, and longer-term future predicted sea levels, storm surge, and storm strength.

Sec. 3613. Study on innovative ports for offshore wind development

Section 3613 requires the Secretary to carry out a study within one year of enactment of AWIA 2018 of ports in the Mid-Atlantic and New England regions. It should identify barriers to offshore wind development, actions needed to facilitate offshore wind development at ports, and recommendations on further research needed to improve ports for this technology. The Secretary shall conduct the study in consultation with the Secretary of Energy and the Secretary of the Interior, in addition to Governors, local governments, and relevant experts, and submit to Congress a report describing the results of the study.

Sec. 3614. Report on Corps of Engineers activities

Section 3614 requires the Corps to submit a report to Congress within one year of enactment of AWIA 2018. It should identify ongoing and recently completed Corps work in coastal states, analyzing how that work relates to state-approved coastal plans, and make recommendations as to how these state-approved plans can be better incorporated into the Corps' work.

SUBTITLE H—ENVIRONMENTAL MANAGEMENT

Sec. 3701. Reauthorization of Rio Grande environmental management program

Section 3701 extends the reauthorization for the Rio Grande environmental management program at $15 million for fiscal years 2020 and 2021, for a total of $30 million. The Rio Grande environmental management program authorizes long-term data collection, analysis, and monitoring, with applied research and adaptive management.

Sec. 3702. Amendments to Long Island Sound programs

Section 3702 would amend the Clean Water Act (33 U.S.C. 1269) by restating that the Administrator of the Environmental Protection Agency (the EPA Administrator) is to establish an office (the Office) near or on the Long Island Sound (Sound) to identify and assess vulnerabilities to the Long Island Sound watershed and develop and implement plans and activities to address them. Activities to identify and assess the impacts of sea-level rise and increase public education about the watershed would also be authorized.

Section 3702 would direct the EPA Administrator to coordinate the actions of all Federal departments and agencies that address water quality in the Long Island Sound and ensure that Federal restoration activities in the watershed are consistent with the Comprehensive Conservation and Management Plan. The section would direct the EPA Administrator to report on the activities of the Office and health of the ecosystem. The President of the United States will provide a budget plan for activities that includes an interagency crosscut budget on all Federal activities related to restoration in the Long Island Sound. The section would authorize "such sums as necessary" through fiscal year 2021 for these activities.

Section 3702 would also reauthorize the Long Island Sound Stewardship Act of 2006, the Long Island Sound Grants, and the Long Island Sound Stewardship Grants through fiscal year 2021.

The section would authorize appropriations of $65 million per year from fiscal years 2019 through 2021 to fund grant programs. The Federal share of costs under these grant programs would increase from 50 percent to 60 percent under the section.

Sec. 3703. Sense of Congress relating to the Caño Martín Peña ecosystem restoration project

Section 3703 states the sense of Congress that the Secretary should advance the project for ecosystem restoration, Caño Martín Peña, Puerto Rico.

SUBTITLE I—TRIBAL PROGRAMS

Sec. 3801. Inflation adjustment of cost-sharing provisions for territories and Indian Tribes

Section 3801 extends the period in which the Secretary must adjust the $200,000 cost-share waiver ceiling for inflation for all studies and project conducted by non-Federal interests in U.S. territories or by any Indian tribe. This inflation adjustment period was last amended by section 1032 of WRRDA 2014 (128 Stat. 1233) to end on June 10, 2014, and this section of AWIA 2018 extends that period to the date of enactment of AWIA 2018.

Sec. 3802. Tribal Partnership Program

Section 3802 increases the authorization of appropriations for the Tribal Partnership Program from $10 million to $15 million per project. It amends section 203(b)(4) of WRDA 2000 (33 U.S.C. 2269(b)(4)) so that the Secretary may carry out the design and construction of a water resources development project that will substantially benefit Indian tribes, located primarily within Indian country, if the Federal cost of the project is under $15 million. Should the Federal share of the cost of a project be more than $15 million, then the Secretary may only carry out the project if Congress enacts a new law.

Sec. 3803. Blackfeet water rights settlement

Section 3803 adjusts the authorization for the Blackfeet Water Rights Settlement. The Blackfeet Water Rights Settlement was enacted as part of WIIN 2016. This section allows the Blackfeet Tribe to receive access to funding in a timely manner so that they may complete a range of water-related infrastructure projects on Tribal lands.

Sec. 3804. Bonneville Dam, Oregon

Section 3804 requires that the Secretary, in consultation with the Secretary of the Interior, to examine and assess the degree to which Tribes have been displaced as a result of the construction of the Bonneville Dam in Oregon. If the Secretary determines that based upon the assessment assistance is required then the Secretary may use all existing authorities to assist Indians displaced because of the construction of the dam.

Sec. 3805. John Day Dam, Oregon

Section 3805 requires that the Secretary, in consultation with the Secretary of the Interior, to examine and assess the degree to

which Tribes have been displaced as a result of the construction of the John Day Dam in Oregon. Should the Secretary determine that based upon the assessment that assistance is required then the Secretary may use all existing authorities to assist Indians displaced because of the construction of the dam.

Sec. 3806. Dalles Dam, Oregon

Section 3806 mandates that the Secretary, in consultation with the Secretary of Interior, complete a village development plan for any tribal village submerged due to the construction of the Dalles Dam in Oregon. The plan will include a cost estimate and tentative schedule for the construction of the replacement village. Section 3806 allows the Secretary to acquire land from willing land owners in order to carry out the village development plan.

Sec. 3807. Indian irrigation fund reauthorization

Section 3807 reauthorizes the Indian Irrigation Fund through September 30, 2028, and continues key provisions related to the funding and expenditures from the Indian Irrigation Fund through fiscal year 2028.

The Committee recognizes the continuing problem of aging infrastructure on Tribal lands and maintains its commitment to repairing and modernizing these aging tribal irrigation systems to ensure the economic viability and sustainability of these communities.

Sec. 3808. Reauthorization of repair, replacement, and maintenance of certain Indian irrigation projects

Section 3808 requires the Secretary of the Interior to continue to use, or transfer from the "Indian Irrigation Fund" to the Bureau of Indian Affairs, funds for maintenance, repair, and replacement activities for Indian irrigation projects each fiscal year through 2028. This section also mandates that the Assistant Secretary for Indian Affairs continue to submit progress reports to Congress about how to address deferred maintenance needs and utilize the same prioritization criteria for Indian irrigation funding through fiscal year 2028.

Sec. 3809. Indian dam safety reauthorization

Section 3809 extends key provisions concerning funding and expenditures from the "High-Hazard Indian Dam Safety Deferred Maintenance Fund" and the "Low-Hazard Indian Dam Safety Deferred Maintenance Fund" through fiscal year 2030. Both funds will terminate on September 30, 2030, under this section of AWIA 2018.

Section 3809 also extends the Flood Plain Management Program established by the Secretary of Interior by an additional seven years to December 16, 2027. It further states that funds shall continue to be made available from the "High-Hazard Indian Dam Safety Deferred Maintenance Fund" and the "Low-Hazard Indian Dam Safety Deferred Maintenance Fund" for each fiscal year through 2026 to carry out the flood plain management pilot program. This program shall provide, at the request of an Indian tribe, guidance to the Indian tribe relating to best practices for the mitigation and prevention of floods.

Sec. 3810. GAO report on Alaska Native village relocation efforts due to flooding and erosion threats

Section 3810 requires the Comptroller General to submit to Congress a report concerning efforts to relocate Alaska Native Villages due to flooding and erosion threats. This is meant to update the prior report of the Comptroller General dated June 2009.

The report must include a summary of flooding and erosion threats to Alaska Native villages, the status of efforts to relocate Alaska Native villages due to flooding and erosion threats, and any other related issues the Comptroller General determines are appropriate.

Sec. 3811. References to Indian tribes

Section 3811 conforms the definitions of Indian tribe with the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304) to allow all recognized tribal entities to participate as a non-Federal sponsor on projects, as well as obtain cost-share waivers that are currently available to tribes. It also substitutes a definition that recognizes all tribes and tribal organizations that work on behalf of tribes.

TITLE IV—SENSE OF CONGRESS RELATING TO CERTAIN PROJECTS

Sec. 4001. Sense of Congress relating to certain projects

Section 4001 states that many projects awaiting Chief's Reports and PACRs are extremely valuable, and thus, the Secretary should expeditiously complete these decision documents.

Section 4001 references the following (17) Chief's Reports: San Joaquin River, California; Pawcatuck River, Rhode Island; Hashamomuck Cove, New York; Delaware River, Delaware, New Jersey, and Pennsylvania; Seattle Harbor, Washington; Three Rivers, Arkansas; San Juan Harbor, Puerto Rico; Resacas at Brownsville, Texas; Anacostia Watershed, Prince George's County, Maryland; Willamette River Basin, Oregon; Norfolk, Virginia; Armourdale and Central Industrial District Levee Units, Missouri River and Tributaries at Kansas City, Kansas; Houma, Louisiana; Souris River Basin, Minot, North Dakota; Delta Islands and Levees, California; and Norfolk Harbor and Channels, Virginia.

Section 4001 also references the following (11) projects awaiting PACRs: Chickamauga Lock, Tennessee; South Florida, Florida; Freeport Harbor, Texas; Soo Locks, Sault Sainte Marie, Michigan; Central Everglades, Florida; Howard A. Hanson Dam, Washington; Green Brook Sub-Basin, Raritan River Basin, New Jersey; Fort Pierce Beach, Florida; McMicken Dam, Arizona; Cave Buttes Dam, Arizona; and Mississippi River to Shreveport (Red River Waterway), Louisiana.

TITLE V—EPA RELATED PROVISIONS

Sec. 5001. Stormwater infrastructure funding task force

Section 5001 requires that the EPA Administrator establish a voluntary stormwater infrastructure funding task force within 180 days of enactment of AWIA 2018. The taskforce will consist of public, private, and Federal participants to study and develop rec-

ommendations to improve the funding and financing of stormwater infrastructure.

Under section 5001, within 18 months after enactment of AWIA 2018, the EPA Administrator will submit a report to Congress describing the results of the study.

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

Section 5002 extends through fiscal year 2021 the current annual $100 million authorization (split evenly between EPA and the Corps) for the Water Infrastructure Finance and Innovation Act of 2014 (33 U.S.C. 3912), totaling $200 million. It further extends the authority of the EPA Administrator or the Secretary of the Army to use up to $2.2 million of the appropriated amounts each fiscal year for administrative costs.

The Committee recognizes the importance of leveraging taxpayer dollars in order to deliver critical water infrastructure projects. This financial tool maximizes the impact of Federal dollars, allowing for the realization of projects that otherwise might not be built.

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

Section 5003 requires that the EPA Administrator carry out a pilot program consisting of 20 pilot projects to improve existing drinking water lines or towers or wastewater lagoons that are insufficient to meet community needs. Ten projects must be both within the Upper Missouri River Basin and on a reservation that serves a federally recognized Indian Tribe and 10 projects must be both within the Upper Rio Grande River Basin and on a reservation that serves a federally recognized Indian Tribe. At least one qualifying pilot project must be selected that serves more than one federally recognized Indian tribe.

Sec. 5004. Technical assistance for treatment works

Section 5004 is the Small and Rural Community and Medium-sized Clean Water Technical Assistance Act. It would authorize appropriations for EPA to provide grants to qualified nonprofit organizations to provide technical assistance to owners and operators of small ($15 million/fiscal year) and medium ($10 million/fiscal year) wastewater systems to assist in achieving CWA compliance or assist in obtaining financing for eligible clean water projects. In total, this section authorizes to be appropriated $25 million for each of fiscal years 2019 through 2021. These grants provide for training and technical assistance to water treatment works that serve communities with populations of not more than 10,000 individuals (small), and not fewer than 10,001 and not more than 75,000 individuals (medium).

Section 5004 would further amend the CWA to authorize states to use an additional 2 percent of their annual CW SRF capitalization grant for qualified nonprofit treatment works to provide technical assistance to these communities.

The Committee recognizes the importance of technical assistance for small, rural, and medium water systems. It is the Committee's view that onsite technical assistance, specifically circuit riders, provides the most effective assistance for these communities that are

struggling to comply with Federal regulations. The use of remote training does not provide these communities with sufficient assistance required for these complicated and system-specific issues. Further, when EPA is deciding what entities should be awarded these technical assistance grants, considerable weight should be given to the preferences of those communities receiving the assistance.

Sec. 5005. Clean, safe, reliable water infrastructure

Section 5005 expands authorized activities under the SDWA SRF provisions to authorize states to use up to 10 percent of their Drinking Water SRF capitalization grant to implement source water protection plans.

Section 5005 also amends the SDWA SRF provisions to provide that, for communities with populations greater than 10,000, the Brooks Act (40 U.S.C. Ch. 11), or equivalent state requirements, applies to the negotiation of contracts to be carried out using SRF funds.

Section 5005 further amends SDWA to establish at EPA the voluntary WaterSense program, which identifies and promotes water efficient products through voluntary labeling. This section amends section 221 of the CWA to authorize to be appropriated for sewer overflow control grants $225 million for fiscal years 2019 and 2020, and to make stormwater management measures eligible for such grants.

Sec. 5006. Water infrastructure flexibility

Section 5006 provides the opportunity for municipalities to develop integrated plans for wastewater and stormwater management, and to assist communities in meeting municipal discharge requirements under the CWA. This section also allows municipal discharge permits to incorporate schedules of compliance to meet water quality standards, and clarifies that compliance actions may include the construction of green infrastructure if implemented as part of an effluent limit.

Section 5006 establishes within EPA an Office of the Municipal Ombudsman that provides related technical assistance to municipalities.

Finally, section 5006 provides new criteria for determining the ability of households to pay utility bills, and removes the existing method that utilizes median household income.

Sec. 5007. Water Resources Research Act amendments

Section 5007 amends the Water Resources Research Act of 1984 (42 U.S.C. 10301). This section authorizes each state and territory to provide funding to one designated research institute, such as a university, to conduct research for water and water resources technology and innovation. In addition, this section includes a Congressional finding that additional research is required relating to several specified topics (nonstructural alternatives, decentralized approaches, energy use efficiency, water use efficiency, and actions to extract energy from wastewater) to increase the effectiveness and efficiency of new and existing treatment works.

Section 5007 would also require the Secretary of the Interior to write a report once every three years regarding the compliance of each grantee receiving funds under 42 U.S.C. 10303(c) for the pre-

ceding fiscal year. Based on an evaluation (also every three years) of the quality and effectiveness of the research of each institute receiving grants, the Secretary may prohibit further funding.

This section authorizes $9 million for each of fiscal years 2019 through 2021.

Sec. 5008. Study on intractable water systems

Section 5008 defines "intractable water system" for use under section 1459c of the SDWA (42 U.S.C. 300j). It also requires that within two years of enactment of this section of AWIA 2018, the EPA Administrator, in consultation with the Secretary of Health and Human Services and the Secretary of Agriculture, must complete a study identifying intractable water systems and describe barriers to delivery of potable water to individuals.

Sec. 5009. National onsite wastewater recycling

Section 5009 states the sense of Congress that providing communities with the knowledge and resources necessary to fully use decentralized wastewater systems can provide affordable wastewater recycling and treatment to millions of people in the United States.

Section 5009 requires that for specified programs that provide technical assistance for wastewater management, that the EPA Administrator update information on cost effective and alternative wastewater recycling and treatment systems, and disseminate that information to local government and nonprofit organizations seeking Federal funds for wastewater systems.

Section 5009 amends the CWA (33 U.S.C. 1251 et seq.). It requires states, when providing assistance from CW SRFs for a wastewater system project serving a population less than or equal to 2,500, to ensure that the entity receiving assistance from the SRF certifies that it has considered an individual or shared onsite, decentralized wastewater system as an alternative waste water system.

Section 5009 also requires the EPA Administrator to submit a report to Congress describing the amount of financial assistance provided by CW SRFs to deploy decentralized wastewater recycling technologies. This report shall also review the barriers affecting greater use of decentralized wastewater recycling technologies, the cost-saving potential to communities and future infrastructure investments from further deployment of decentralized wastewater recycling technology, the environmental benefits to the community and groundwater quality from additional investments in decentralized wastewater recycling, and the actions taken by the EPA Administrator to assist States in identifying eligible projects using decentralized wastewater recycling technology. Such a report must be completed and submitted to Congress within one year after enactment of AWIA 2018, and at least once every three years thereafter.

Sec. 5010. Water infrastructure and workforce investment

Section 5010 expresses that it is the sense of Congress that water and wastewater utilities provide a unique opportunity for access to stable, high-quality careers. This section also establishes a competitive grant program to promote the development of innovative activities relating to workforce development in the water utility sector.

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

Section 5011 states the sense of Congress that Congress should provide robust funding of capitalization grants to States to fund SDWA SRFs established under section 1452 of the SDWA (42 U.S.C. 300j–12) and the CWA SRFs established under title VI of the CWA (33 U.S.C. 1381 et seq.).

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

Section 5012 directs the Comptroller General to both conduct a study and submit a report to Congress within one year of enactment of AWIA 2018, regarding how to create flexibility under WIFIA (33 U.S.C. 3901 et seq.) for small communities, rural communities, disadvantaged communities, and Tribal communities. This should include ways to improve access to assistance under WIFIA, as well as how to lower the burden of applying for assistance for those communities.

Sec. 5013. American iron and steel products

Section 5013 amends section 1452 of the SDWA (42 U.S.C. 300j–12(a)(3)(A)) to prohibit that SRFs to be used for a project for the construction, alteration, or repair of a public water system unless all of the iron and steel products used in the project are produced in the United States. Previously, this restriction was limited by law only to fiscal year 2017.

Sec. 5014. Sense of Congress relating to access to nonpotable water

Section 5014 states the sense of Congress that access to nonpotable water sources for industry can relieve the supply and demand challenges for potable water in water-stressed regions throughout the United States. This section also encourages water users to continue implementing and incentivizing nonpotable water reuse programs that will achieve greater water savings and conservation needs.

Sec. 5015. Innovative financing for State loan funds

Section 5015 establishes the Securing Required Funding for Water Infrastructure Now (SRF WIN) program authorizing financial assistance to those applying with state loan funds for financing to carry out water and wastewater infrastructure projects. It provides specific selection criteria, expedites the evaluation of applications, and authorizes $100 million for each fiscal year 2019 and 2020 to carry out the program. Finally, this provision is authorized for two years.

Sec. 5016. Water infrastructure resiliency and sustainability

Section 5016 requires that the EPA Administrator establish and carry out a "Water Infrastructure Resiliency and Sustainability Program". The purpose will be to award grants in each of fiscal years 2019 and 2020 to increase the resiliency or adaptability of water systems to regional changes in hydrologic conditions. An owner or operator of a water system can only use the grants to assist in the planning, design, construction, implementation, oper-

ation, or maintenance of such a program or project through specified uses.

Section 5016 details the contents of an application for a grant under this section. Further, the public sponsorship of private applicants for a grant established under this section is permissible if the applicant demonstrates that it has consulted with the affected state, local, or Tribal government in which the program or project is located or to be affected, and that government entity supports the program or project.

Section 5016 provides for the prioritization and diversification of grants awarded in each fiscal year, as well as establishes the Federal share of the cost of the program at a maximum of 75 percent of a program or project. A report must be submitted to Congress within three years of enactment of AWIA 2018 regarding not only the progress in carrying out this section, but also information on project applications received and funded annually. Section 5016 authorizes $12.5 million to carry out this section for each of fiscal years 2019 and 2020.

Sec. 5017. Regional liaisons for minority, Tribal, and low-income communities

Section 5017 requires the EPA Administrator to appoint at least one employee in each of the EPA regional offices to serve as a liaison to minority, Tribal, and low-income communities, and to publically identify each regional liaison on specified agency websites.

LEGISLATIVE HISTORY

S. 2800, America's Water Infrastructure Act of 2018, was introduced by Senators Barrasso, Carper, Inhofe, and Cardin on May 8, 2018. The bill was referred to the Committee on Environment and Public Works. The bill was subsequently cosponsored by Senators Boozman, Van Hollen, Capito, Wicker, Whitehouse, and Sullivan. The Committee ordered S. 2800 favorably reported with an amendment in the nature of a substitute on May 22, 2018.

HEARINGS

The Committee held four hearings this Congress on issues addressed in America's Water Infrastructure Act of 2018.

On January 10, 2018, Full Committee Hearing entitled, *"America's Water Infrastructure Needs and Challenges."*

On January 17, 2018, Full Committee Hearing entitled, *"America's Water Infrastructure Needs and Challenges: Federal Panel."*

On May 9, 2018, Full Committee Hearing entitled, *"Legislative Hearing on S. 2800, America's Water Infrastructure Act of 2018."*

On May 17, 2018, Full Committee Hearing entitled, *"Legislative Hearing on S. 2800, America's Water Infrastructure Act of 2018: Federal panel."*

ROLLCALL VOTES

The Committee on Environment and Public Works met to consider S. 2800 on May 22, 2018. The bill, with an amendment in the nature of a substitute, was ordered to be reported favorably by a rollcall vote of 21 to 0.

Amendments approved

The following amendments to the amendment in the nature of a substitute to S. 2800 were approved en bloc by voice vote:

Duckworth #1—An amendment making technical corrections to 33 U.S.C. § 2225 to facilitate the transfer of existing credits from a non-Federal sponsor of a Section 211 flood control project to another government entity, pending the approval of the Secretary (approved by voice vote).

Sullivan #1—An amendment to conform the definitions of Indian tribe with the Indian Self-Determination and Education Assistance Act to allow all recognized tribal entities to participate as non-Federal sponsors on projects, and to be eligible for cost-share waivers currently available to tribes (approved by voice vote).

Markey #1—An amendment to require the EPA to appoint a minimum of one employee in each regional office to serve as a liaison to minority, tribal, and low-income communities, and to publicly identify each liaison on the agency's website (approved by voice vote).

Whitehouse #3—An amendment to require the Corps to submit a report to Congress identifying ongoing and recently completed projects in coastal states, including analyzing how those projects correspond to state-approved coastal plans and making recommendations for how the Corps can better incorporate state-approved coastal plans into its work (approved by voice vote).

Final Committee vote to report

An amendment in the nature of a substitute, as amended by Duckworth #1, Sullivan #1, Markey #1, and Whitehouse #3, was approved, and S. 2800, with the amendment in the nature of a substitute, was ordered to be reported favorably, by a rollcall vote of 21 to 0 (Senators Booker, Boozman, Capito, Cardin, Carper, Duckworth, Ernst, Fischer, Gillibrand, Inhofe, Markey, Merkley, Moran, Rounds, Sanders, Shelby, Sullivan, Van Hollen, Whitehouse, Wicker, and Barrasso voted aye).

REGULATORY IMPACT STATEMENT

In compliance with section 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee finds that S. 2800 does not create any additional regulatory burdens, nor will it cause any adverse impact on the personal privacy of individuals.

MANDATES ASSESSMENT

In compliance with the Unfunded Mandates Reform Act of 1995 (P.L. 104–4), the Committee notes that the Congressional Budget Office found that S. 2800 contains no intergovernmental or private-sector mandates as defined in the UMRA and would impose no costs on state, local, or tribal governments.

COST OF LEGISLATION

Section 403 of the Congressional Budget and Impoundment Control Act requires that a statement of the cost of the reported bill, prepared by the Congressional Budget Office, be included in the report. That statement follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, June 28, 2018.

Hon. JOHN BARRASSO,
Chairman, Committee on Environment and Public Works,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 2800, the America's Water Infrastructure Act of 2018.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Aurora Swanson.

Sincerely,

KEITH HALL,
Director.

Enclosure.

S. 2800—America's Water Infrastructure Act of 2018

Summary: S. 2800 would authorize the U.S. Army Corps of Engineers (Corps) to construct projects to improve navigation and flood management, to mitigate storm and hurricane damages, and to restore aquatic ecosystems. The bill also would authorize the Bureau of Indian Affairs (BIA) to address deferred maintenance of Indian dams and irrigation systems. Other provisions in the bill would authorize the Federal Emergency Management Agency (FEMA) to assist state and local governments with mitigating flood risks from aging dams and levees. Finally, the bill would authorize the Environmental Protection Agency (EPA) to provide grants and loans to state and local governments, public water systems, and other entities to support a wide range of water infrastructure projects and programs to improve water quality. CBO estimates that implementing S. 2800 would cost about $4.5 billion over the next five years and $6.9 billion over the 2019–2028 period, assuming appropriation of authorized and necessary amounts.

In addition, CBO estimates that enacting S. 2800 would increase direct spending by $0.4 billion over the 2019–2028 period. The staff of the Joint Committee on Taxation (JCT) estimate that enacting the bill would reduce revenues by $2.6 billion over the 2019–2028 period. Because enacting the bill would affect direct spending and revenues, pay-as-you-go procedures apply.

CBO estimates that enacting S. 2800 would not increase net direct spending or on-budget deficits by more than $5 billion in any of the four consecutive 10-year periods beginning in 2029.

S. 2800 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA).

Estimated cost to the Federal Government: The estimated budgetary effect of S. 2800 is shown in the following table. The costs of the legislation fall within budget function 300 (natural resources and environment).

Table 1.—ESTIMATED BUDGETARY EFFECTS OF S. 2800, THE AMERICA'S WATER INFRASTRUCTURE ACT OF 2018

	By fiscal year, in millions of dollars—											
	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2019–2023	2019–2028
INCREASES IN SPENDING SUBJECT TO APPROPRIATION												
Estimated Authorization Level	1,051	1,560	1,305	575	573	550	538	467	429	433	5,064	7,481
Estimated Outlays	493	985	1,247	909	816	532	525	494	453	432	4,450	6,886
INCREASES IN DIRECT SPENDING												
Estimated Budget Authority	4	1	1	1	1	114	120	114	39	1	7	394
Estimated Outlays	9	6	6	6	6	119	88	114	39	1	33	394
DECREASES IN REVENUES												
Estimated Revenues	−12	−68	−167	−262	−331	−360	−359	−356	−352	−348	−840	−2,615
NET INCREASE IN DEFICITS FROM CHANGES IN DIRECT SPENDING AND REVENUES												
Estimated Effect on the Deficit	21	74	173	268	337	479	447	470	391	349	873	3,009

Amounts may not sum to totals because of rounding;

The estimate does not include changes in the timing of discretionary spending from implementing section 3803. The provision would make a portion of funds authorized to be appropriated for the Blackfeet Water Rights Settlement available to tribes earlier than under current law. The provision would not affect authorization levels but it would authorize more discretionary spending earlier in the period and less in later years. Those effects on spending would net to zero over 10 years. The direct spending effects of section 3803 are described under the heading "Blackfeet Water Rights Settlement".

Basis of estimate: For this estimate, CBO assumes that S. 2800 will be enacted near the end of 2018 and that the authorized and necessary amounts will be appropriated for each fiscal year. Estimates of amounts necessary to implement the bill are based on information from the Corps, EPA, and other agencies; estimated outlays are based on historical spending patterns for similar projects and programs. Major components of the estimated costs are described below.

Spending Subject to Appropriation

CBO estimates that S. 2800 would authorize appropriations totaling about $7.5 billion over the 2019–2028 period for water infrastructure projects and studies administered by the Corps, FEMA, and BIA. We estimate that implementing those provisions would cost $6.9 billion over the 2018–2028 period, assuming appropriation of the necessary amounts.

Table 2.—ESTIMATED EFFECTS ON SPENDING SUBJECT TO APPROPRIATION OF S. 2800, THE AMERICA'S WATER INFRASTRUCTURE ACT OF 2018

	By fiscal year, in millions of dollars—											
	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2019–2023	2019–2028
INCREASES IN SPENDING SUBJECT TO APPROPRIATION												
EPA Assistance for Water Infrastructure and Conservation Programs:												
Authorization Level	773	928	619	0	0	0	0	0	0	0	2,319	2,319
Estimated Outlays	364	602	711	377	266	0	0	0	0	0	2,319	2,319
Corps—Water Resources Infrastructure:												
Estimated Authorization Level	17	161	194	268	270	260	263	191	183	187	911	1,994
Estimated Outlays	7	70	128	191	234	245	250	221	196	185	630	1,727
Continuing Authorities and Other Programs:												
Authorization Level	163	288	313	198	198	163	153	153	153	153	1,158	1,930
Estimated Outlays	66	194	262	209	197	168	155	150	147	146	928	1,694
Dam and Levee Safety:												
Authorization Level	30	123	123	30	30	30	30	30	0	0	336	426
Estimated Outlays	12	57	89	71	51	39	32	30	17	8	280	405
Indian Irrigation and Dam Safety:												
Estimated Authorization Level	0	0	0	35	36	69	70	70	71	71	71	422
Estimated Outlays	0	0	0	18	27	51	62	69	71	71	45	367
Studies and Other Provisions:												
Estimated Authorization Level	68	61	57	44	39	29	23	23	23	23	269	390
Estimated Outlays	45	62	57	44	40	29	26	24	23	23	248	374
Total Costs:												
Estimated Authorization Level	1,051	1,560	1,305	575	573	550	538	467	429	433	5,064	7,481
Estimated Outlays	493	985	1,247	909	816	532	525	494	453	432	4,450	6,886

Amounts may not sum to totals because of rounding.
EPA = Environmental Protection Agency
Corps = U.S. Army Corps of Engineers

EPA Assistance for Water Infrastructure and Conservation Programs. The bill would authorize the appropriation of $2.3 billion over the 2019–2021 period for EPA to provide assistance for water infrastructure and conservation programs. CBO estimates that implementing title V and certain conservation programs in title III would cost about $2.3 billion over the 2019–2028 period. The authorizations include the following amounts:

- $1.1 billion for EPA to support the Great Lakes Restoration Initiative;

- $450 million for EPA to make grants to help municipalities address the cost of controlling sewer overflows and stormwater discharges;
- $200 million for EPA and the Corps to subsidize loans to eligible entities under the Water Infrastructure Finance and Innovation Act program (WIFIA) for water infrastructure projects;
- $200 million for EPA to subsidize loans to State Revolving Funds for states to support clean water and drinking water projects;
- $195 for EPA to make grants for research, conservation, and management of Long Island Sound;
- $75 million for EPA to provide technical assistance grants to small and medium water treatment works;
- $65 million for EPA to make grants to support conservation and ecological restoration activities in the Columbia River Basin;
- $27 million for the U.S. Geological Survey to support research at state institutes on the nation's water resources;
- $25 million for EPA to make grants to water systems for the purpose of increasing the resiliency and adaptability of those systems to future changes in hydrologic conditions; and
- $2 million for the EPA to make grants to promote workforce development in the water utility sector.

Corps—Water Resources Infrastructure. After accounting for anticipated inflation, CBO estimates that implementing provisions of the bill that would authorize the Corps to construct and modify water infrastructure projects would cost about $1.7 billion over the 2019–2028 period. Those provisions would authorize the Corps to construct six new projects and would modify the existing authorization of six other projects aimed at mitigating hurricane and storm damage, strengthening flood-risk management, improving the nation's navigation system, restoring the environment, and providing assistance for water recycling and water treatment projects. Using information from the Corps, CBO estimates that the total cost to complete those projects would be $4.6 billion. S. 2800 would authorize the appropriation of $3 billion to cover the federal share of those costs and nonfederal entities would be responsible for the remaining estimated cost of $1.6 billion.

The estimated cost of the largest project authorized by S. 2800 totals $3.3 billion; the federal share would total about $2.2 billion. That project aims to address erosion along the coast in Galveston, Texas, and restore ecosystems including wetlands and marshes to enhance protection from storm surge in the area that was damaged by Hurricane Harvey. The estimated cost for the other projects authorized by the bill total $1.3 billion; the federal share of those projects totals about $0.8 billion.

Assuming appropriation of the necessary amounts, CBO estimates that spending on the project to restore the Texas coast in Galveston would total about $940 million over the 2019–2028 period. CBO estimates that spending for the other five projects and six modifications would total about $790 million over the next 10 years.

To estimate the speed that funds appropriated for those projects would be spent, CBO used information from the Corps about when

construction for each project could begin, how long it would take to complete, and what funding would be necessary to complete it over the anticipated construction period. For this estimate, CBO assumed that those projects with greater benefit to cost ratios would be prioritized for funding. Information on cost benefit ratios was provided to CBO by the Corps. CBO also analyzed the historical spending patterns of similar projects. Because of their size and complexity some large Corps projects can take several years to commence and more than 10 years to complete. CBO estimates that the federal share of the projects and project modifications authorized by this title would require the appropriation of about $2 billion over the 2019–2028 period; the remainder of the federal share to complete the projects would be needed after 2028.

Finally, the bill would withdraw the authorization for six projects that were originally authorized more than 60 years ago and are no longer viable. Information from the Corps indicates that no additional construction is planned for those projects; therefore, CBO expects that deauthorizing them would have no budgetary effect.

Continuing Authorities and Other Programs. CBO estimates that implementing the following provisions would cost about $1.7 billion over the 2019–2028 period. The legislation would authorize the appropriation of the following amounts for continuing authorities and other programs. Some of the authorizations are annual amounts while others are a one-time authorization that would spend over several years.

- $40 million a year to establish watercraft inspection stations and to operate and maintain existing stations to prevent the spread of aquatic invasive species;
- $27.5 million a year to carry out small flood control projects, including constructing levees and modifying channels to protect communities;
- $20 million a year to modify existing Corps projects to improve aquatic habitats, estuaries and rivers;
- $200 million, in total, to expand a program for nonfederal sponsors to advance funds to conduct studies and construct federal flood control and water resources projects, and to reauthorize a pilot program to for nonfederal sponsors to carry out feasibility studies and to construct federal water resources projects;
- $15 million a year to mitigate storm and hurricane damage by constructing projects to control shoreline erosion and to restore beaches;
- $12.5 million a year to improve the navigation of small rivers and harbors;
- $12.5 million a year to carry out projects to use regional sediment to protect and restore aquatic habitats, wetlands, and property from storm damage;
- $12.5 million a year to restore aquatic ecosystems to protect fish and wildlife;
- $125 million, in total, for the Corps to purchase and install infrastructure in the Mississippi River channel to protect the riverbank from erosion, to maintain navigation, and to protect the community;
- $80 million, in total, to reauthorize the Rio Grande program for environmental management and for the Corps to

carry out a program for groundwater and well water testing in disadvantaged communities;

- $75 million, in total, for the Corps to establish a demonstration program along the mid-Atlantic Coast to construct beach nourishment and shoreline protection projects; and
- $5 million a year to construct and repair shoreline and streambank structures to protect public infrastructure.

Dam and Levee Safety. Using information provided by the Corps and FEMA, CBO estimates that implementing provisions in S. 2800 addressing dam and levee safety would cost $405 million over the 2019–2028 period.

Indian Irrigation and Dam Safety. CBO estimates that implementing provisions of the bill related to programs that rehabilitate and maintain Indian irrigation projects and dams would cost $367 million over the 2019–2028 period.

S. 2800 would authorize the Treasury to transfer $35 million each year into the Indian Irrigation Fund until 2028. Under current law, the authority to make annual transfers into the fund expires in 2021. Those annual deposits, and interest credited to the unspent balances in the fund would be authorized to be appropriated for maintaining Indian irrigation projects operated by BIA in the western United States. According to the BIA, the agency operates 17 Indian irrigation projects that would be eligible to receive appropriated funds under the bill. According to BIA, the total cost to complete the deferred maintenance for all those projects is about $600 million. Based on historical spending patterns for similar projects, CBO estimates that implementing those provisions would cost $225 million over the 2019–2028 period.

The bill also would authorize the Treasury to transfer $33 million each year into other Treasury funds for dam safety until 2028. Under current law, the authority to make annual transfers into those funds expires in 2023. Those annual deposits, and the interest credited to the unspent balances in those funds would be authorized to be appropriated for repairing, replacing and maintaining Indian Dams. Based on historical spending patterns for similar projects, CBO estimates that implementing those provisions would cost $142 million over the 2019–2028 period.

Studies and Other Provisions. Using information provided by the Corps and EPA, CBO estimates that implementing the provisions described below would cost $374 million over the 2019–2028 period. Those provisions would:

- Authorize the Corps to conduct 18 feasibility studies for projects to reduce risks stemming from floods, to restore ecosystems, and to improve navigation;
- Direct the Corps to assist Indian Communities displaced by federal dams;
- Direct the Corps to prepare an annual work plan and budget for the current year and the next four years for the headquarters and districts;
- Direct the Corps to prepare feasibility reports for implementing a federal cost of 50 percent or higher for projects in areas affected by storm damage that remain at risk from future storms;
- Direct the Corps to assist Indian Communities displaced by federal dams;

- Expand a program to prevent flooding caused by ice jams; and
- Require EPA to promote green infrastructure, to provide technical assistance to municipalities seeking to comply with the Clean Water Act, and require EPA to update financial guidance that municipalities use when measuring the capability of households to pay for future water infrastructure investments.

Direct Spending

Using information provided by the Corps and BIA, CBO estimates that enacting S. 2800 would increase direct spending by $394 million over the 2019–2028 period (see Table 3).

Nonfederal Reimbursements for Constructed Projects. S. 2800 would direct the Corps to either reimburse nonfederal sponsors or credit them for unreimbursed expenses for completed construction projects. Such credits could be used in lieu of cash to make operation and maintenance payments otherwise owed to the federal government or for a nonfederal sponsor's cost-share requirement for another project. Under current law, nonfederal sponsors have undertaken six projects using agreements that allow but do not require the federal government to reimburse the nonfederal sponsor for any portion of the project's costs. Under the bill, the government would be required to reimburse or credit such amounts to the nonfederal sponsor upon request. Nonfederal sponsors that have provided funding to the Corps to construct a federal water project would benefit under the bill. CBO used information from the Corps to identify six nonfederal sponsors that would be eligible to seek reimbursement (in cash or credit) from the government for a total of $755 million.

Table 3.—ESTIMATED EFFECT ON DIRECT SPENDING AND REVENUES OF S. 2800, THE AMERICA'S WATER INFRASTRUCTURE ACT OF 2018

	By fiscal year, in millions of dollars—											
	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2019–2023	2019–2028
INCREASES IN DIRECT SPENDING												
Nonfederal Reimbursements for Constructed Projects:												
Estimated Budget Authority	0	0	0	0	0	113	113	113	38	0	0	378
Estimated Outlays	0	0	0	0	0	113	113	113	38	0	0	378
Blackfeet Water Rights Settlement:												
Estimated Budget Authority	0	0	0	0	0	0	0	0	0	0	0	0
Estimated Outlays	5	5	5	5	5	5	−32	0	0	0	27	0
Credit for the Kissimmee River Restoration:												
Estimated Budget Authority	0	0	0	0	0	0	6	0	0	0	0	6
Estimated Outlays	0	0	0	0	0	0	6	0	0	0	0	6
Other Provisions:												
Estimated Budget Authority	4	1	1	1	1	1	1	1	1	1	7	11
Estimated Outlays	4	1	1	1	1	1	1	1	1	1	7	11
Total Costs:												
Estimated Budget Authority	4	1	1	1	1	114	120	114	39	1	7	394
Estimated Outlays	9	6	6	6	6	119	88	114	39	1	33	394
DECREASES IN REVENUES												
Estimated Revenues	−12	−68	−167	−262	−331	−360	−359	−356	−352	−348	−840	−2,615
NET INCREASE IN DEFICITS FROM CHANGES IN DIRECT SPENDING AND REVENUES												
Estimated Effect on the Deficit	21	74	173	268	337	479	447	470	391	349	873	3,009

Amounts may not sum to totals because of rounding.

Under current law, the amount authorized to be appropriated for reimbursements to nonfederal sponsors is limited to $100 million annually. Competition for those funds makes it unlikely that all six nonfederal sponsors would be fully reimbursed within the next several years. CBO expects that nonfederal sponsors who are not fully reimbursed promptly could sue the government for those amounts after the bill is enacted. CBO expects it could take about three to five years to litigate those claims, and the outcome of such litigation is uncertain. Any award for successful claims would probably be paid from the Judgement Fund (a permanent, indefinite appropriation for claims and judgements against the United States).

CBO has insufficient information to determine which nonfederal sponsors would seek cash reimbursements and when they would receive payments or use credits for payments owed to the federal government. Because of that uncertainty CBO assumes that about half of the costs would be incurred after 2028. CBO estimates that the other half would be paid out under the bill sometime before 2028 and would thus increase direct spending by $378 million over the 2019–2028 period.[1]

Blackfeet Water Rights Settlement. S. 2800 would allow the Blackfeet Tribe to access funds appropriated for the Blackfeet Water Settlement earlier than under current law. So far, $37 million has been appropriated for the settlement and the tribe can only spend $5.3 million of that amount. Under the bill, the tribe would be able to spend the remaining $32 million immediately. Under current law those amounts would be unavailable until 2025. CBO estimates implementing the provision would increase direct spending over the 2019–2023 period and reduce direct spending over the 2024–2028 period. There would be no net budgetary effect over the 2019–2028 period.

Credit for the Kissimmee River Restoration. The construction phase of the Kissimmee River Restoration Project in Florida is nearly complete and the Corps anticipates that the final accounting for the federal and nonfederal shares of the project's cost will occur in about five years. The Corps has previously determined that certain in-kind contributions provided by the local sponsor of the project would not be used as a qualifying credit toward the portion of the local cost share. S. 2800 would reverse that decision and reduce any cash settlement that would be required by the local sponsor to reconcile the nonfederal account. The Corps would be required to credit the nonfederal sponsor for the Kissimmee River Restoration Project for those in-kind contributions, (which total $6 million. CBO expects that those lost receipts which would be accounted for as a reduction in direct spending) would be recognized in 2025.

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[1] Section 1005 would entitle nonfederal sponsors that have built Corps projects to reimbursement of those costs with cash or credits. CBO cannot predict if appropriations will be provided in future years to make those reimbursements. Nor can CBO predict if nonfederal sponsors might pursue claims against the government and prevail. The availability and use of credits from the Corps to nonfederal sponsors is also unknown. CBO endeavors to develop estimates that are in the middle of the distribution of potential budgetary outcomes. In cases where there is no clear information on precedents, CBO has adopted a convention of assuming a 50 percent chance of a particular outcome. In this case, CBO assumes that half of the reimbursement total of $755 million would be incurred in the first 10 years after enactment. CBO takes this approach in uncertain situations for the purpose of informing the Congress about the potential costs of legislation.

Other Provisions. Additional increases in direct spending would arise from provisions that would reduce offsetting receipts by $11 million over the 2019–2028 period. Those provisions would:

- Authorize the Corps to enter into agreements with private entities to manage recreation facilities and to collect and expend funds, that would be deposited into the Treasury under current law, to operate and maintain those sites;
- Reduce the amounts owed to the federal government for a project in Saint Paul, Alaska, from 35 percent of the project's costs to 10 percent; and
- Eliminate the amounts owed to the federal government for certain feasibility studies for aquatic ecosystem restoration.

Revenues

JCT expects that some of the funds authorized to be appropriated in S. 2800 for loans to State Revolving Funds and eligible entities under the WIFIA program would be used by state and local governments to leverage additional funds by issuing tax-exempt bonds. JCT estimates that the issuance of additional tax-exempt bonds would reduce federal revenues by about $2.6 billion over the 2019–2028 period.

Uncertainty: The amount of federal spending on the projects authorized in S. 2800 over the next 10 years is uncertain and depends on when these large and complex projects would be started and how long it would take to complete them. Specifically, factors affecting uncertainty include when funds would be appropriated for each authorized projects and the possibility of unforeseen events such as natural disasters and changing circumstances of the nonfederal sponsors. CBO used historical data as well as information from the agencies to make judgments about when projects would be undertaken, how long they would take to complete, and what the resulting impacts on the federal budget would be. Actual spending could be higher or lower than those estimates.

CBO's estimates of federal spending for S. 2800 are also uncertain because the effect of a provision that would require certain nonfederal project sponsors to be reimbursed is unclear and would depend on future decisions made by those nonfederal sponsors. CBO used a probabilistic approach to estimate the federal costs that would result from enacting those provisions to reflect the uncertain outcome of potential litigation and the possible budget impacts of such outcomes on the federal budget. See page 10 for more information on this provision.

Pay-As-You-Go considerations: The Statutory Pay-As-You-Go Act of 2010 establishes budget-reporting and enforcement procedures for legislation affecting direct spending or revenues. The net changes in outlays and revenues that are subject to those pay-as-you-go procedures are shown in the following table.

CBO ESTIMATE OF PAY-AS-YOU-GO EFFECTS FOR S. 2800 AS ORDERED REPORTED BY THE SENATE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS ON MAY 22, 2018

	By fiscal year, in millions of dollars—												
	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2018–2023	2018–2028
NET INCREASE IN THE DEFICIT													
Statutory Pay-As-You-Go Impact	0	21	74	173	268	337	479	447	470	391	349	873	3,009
Memorandum:													
Change in Outlays	0	9	6	6	6	6	119	88	114	39	1	33	394
Change in Revenues	0	−12	−68	−167	−262	−331	−360	−359	−356	−352	−348	−840	−2,615

Sources: Congressional Budget Office and the staff of the Joint Committee on Taxation.

Increase in long-term direct spending and deficits: CBO estimates that enacting S. 2800 would not increase direct spending or deficits by more than $5 billion in any of the four consecutive 10-year periods beginning in 2029.

Mandates: S. 2800 contains no intergovernmental or private-sector mandates as defined in UMRA.

Previous CBO Estimate: On June 4, 2018, CBO transmitted a cost estimate for H.R. 8 as reported by the House Committee on Transportation and Infrastructure on June 1, 2018. H.R. 8 authorized the Corps to construct many of the same water resources infrastructure projects that also would be authorized in S. 2800. For projects common to both pieces of legislation, CBO's estimated costs are the same.

S. 2800 also would reauthorize loan and grant programs administered by the EPA to support clean drinking water projects and other EPA provisions that were not included in H.R. 8.

Estimate prepared by: Federal costs: Aurora Swanson and Jon Sperl; Mandates: Jon Sperl.

Estimate reviewed by: Kim P. Cawley, Chief, Natural and Physical Resources Cost Estimates Unit; H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis; Theresa Gullo, Assistant Director for Budget Analysis.

CHANGES IN EXISTING LAW

In compliance with section 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill as reported are shown as follows: Existing law proposed to be omitted is enclosed in [black brackets], new matter is printed in *italic*, existing law in which no change is proposed is shown in roman:

* * * * * * *

WATER RESOURCES DEVELOPMENT ACT OF 1976

* * * * * * *

SEC. 156. [42 U.S.C. 1962d–5f]

(a) IN GENERAL.— * * *

* * * * * * *

(e) SPECIAL RULE.—Notwithstanding any other provision of this section, for any existing authorized water resources development project for which the maximum period for nourishment described in subsection (a) will expire within the 5 year-period beginning on [the date of enactment of the Water Resources Reform and Development Act of 2014] *or within the 5-year period beginning on the date of enactment of the America's Water Infrastructure Act of 2018 the date of enactment of the America's Water Infrastructure Act of 2018*, that project shall remain eligible for nourishment for an additional 6 years after the expiration of such period.

* * * * * * *

WATER RESOURCES DEVELOPMENT ACT OF 1986

* * * * * * *

TITLE I—COST SHARING

SEC. 101. HARBORS.

(a) CONSTRUCTON.—

(1) PAYMENTS DURING CONSTRUCTION.— * * *

* * * * * * *

SEC. 105. FEASIBILITY STUDIES; PLANNING, ENGINEERING, AND DESIGN.

(a) FEASIBILITY STUDIES.—

(1) COST SHARING.—

(A) IN GENERAL.—[The Secretary] *Except as provided in subparagraph (F), the Secretary* shall not initiate any feasibility study for a water resources project after November 17, 1986, until appropriate non-Federal interests agree, by contract, to contribute 50 percent of the cost of the study.

(E) IN-KIND CONTRIBUTIONS.— * * *

* * * * * * *

(F) COST-SHARE FOR CERTAIN MITIGATION PROJECTS.—

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

(I) not less than 50 percent; and

(II) not more than 100 percent.

(ii) FEASIBILITY STUDIES DESCRIBED.—*A feasibility study referred to in clause (i) is a feasibility study for a project for mitigation of damage to an area affected by weather or other events for which—*

(I) during the 8-year period ending on the date of enactment of the America's Water Infrastructure Act of 2018—

(aa) the Secretary provided emergency response under section 5 of the Act of August 18, 1941 (commonly known as the 'Flood Control Act of 1941') (55 Stat. 650, chapter 377; 33 U.S.C. 701n); or

(bb) the area received disaster assistance under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.); and

(II) there is a significant risk for future similar events (as determined by the Secretary).

* * * * * * *

TITLE II—HARBOR DEVELOPMENT

SEC. 203. [33 U.S.C. 2231] STUDY OF WATER RESOURCES DEVELOPMENT PROJECTS BY NON-FEDERAL INTERESTS.

(a) SUBMISSION TO SECRETARY.— * * *

* * * * * * *

(e) TECHNICAL ASSISTANCE.—[At the request of a non-Federal interest, the Secretary may provide]

(1) IN GENERAL.—*On the request of a non-Federal interest, the Secretary shall provide* to the non-Federal interest technical assistance relating to any aspect of a feasibility study if

the non-Federal interest contracts with the Secretary to pay all costs of providing such technical assistance.

(2) SAVINGS PROVISION.—*The provision of technical assistance by the Secretary under paragraph (1)—*

(A) shall not be considered to be an approval or endorsement of the feasibility study; and

(B) shall not affect the responsibilities of the Secretary—

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

(ii) to make recommendations to Congress on the plan or design of the project under subsection (c).

* * * * * * *

SEC. 204. [33 U.S.C. 2232] CONSTRUCTION OF WATER RESOURCES DEVELOPMENT PROJECTS BY NON-FEDERAL INTERESTS.

(a) WATER RESOURCES DEVELOPMENT PROJECT DEFINED.— * * *

* * * * * * *

(b) AUTHORITY.—

(1) IN GENERAL.— * * *

* * * * * * *

(3) NON-FEDERAL CONSTRUCTION.—

(A) IN GENERAL.—*If a non-Federal interest of a water resources development project begins to carry out that water resources development project under this section, the non-Federal interest may request that the Secretary transfer all relevant data and documentation within the control of the Secretary with respect to that water resources development project to the non-Federal interest.*

(B) DEADLINE.—*The Secretary shall transfer the data and documentation described in subparagraph (A) not later than the date that is 90 days after the date of the request described in that subparagraph.*

(C) TECHNICAL ASSISTANCE.—*If the Secretary provides the data and documentation described in subparagraph (A), the non-Federal interest may request, and the Secretary shall provide, technical assistance and relevant materials to the non-Federal interest to assist the non-Federal interest in applying for and obtaining the Federal permits described in paragraph (2)(A) to obtain the permits in the most expeditious manner practicable.*

* * * * * * *

TITLE XI—MISCELLANEOUS PROGRAMS AND PROJECTS

SEC. 1131. DELAWARE RIVER With respect to the navigation project for the Delaware River, Philadelphia to the sea, the Secretary-

(1)shall conduct continuous monitoring of the materials being disposed of at the area known as the Penns Grove Disposal Area in Carneys Point, New Jersey;

* * * * * * *

(3)shall not fill such area, or allow such area to be filled, to an elevation in excess of [ten feet] *35 feet*; and

* * * * * * *

SEC. 1135. PROJECT MODIFICATIONS FOR IMPROVEMENT OF ENVIRONMENT.

(a) * * *

* * * * * * *

(d) NON-FEDERAL SHARE; LIMITATION ON MAXIMUM FEDERAL EXPENDITURE.—The non-Federal share of the cost of any modifications or measures carried out or undertaken pursuant to subsection (b) or (c) shall be 25 percent. The non-Federal share may be provided in kind, including a facility, supply, or service that is necessary to carry out the modification or measure. Not more than [$10,000,000] *$15,000,000* in Federal funds may be expended on any single modification or measure carried out or undertaken pursuant to this section.

* * * * * * *

(g) NONPROFIT ENTITIES.— * * *

* * * * * * *

(h) PRIORITIZATION OF CERTAIN PROJECTS.—*In carrying out activities under this section in the Upper Missouri River Basin, the Secretary shall give priority to projects within that area that restore degraded ecosystems through modification of existing flood risk management projects.*

[(h)] *(i)* There is authorized to be appropriated not to exceed [$40,000,000] *$60,000,000* annually to carry out this section.

[(i)] *(j)* DEFINITION.—In this section, the term "water resources project constructed by the Secretary" includes a water resources project constructed or funded jointly by the Secretary and the head of any other Federal agency (including the Natural Resources Conservation Service).

* * * * * * *

SEC. 1156. [33 U.S.C. 2310] COST SHARING PROVISIONS FOR THE TERRITORIES AND INDIAN TRIBES.

(a) IN GENERAL.—The Secretary shall waive local cost-sharing requirements up to $200,000 for all studies and projects—

* * * * * * *

(2) for any Indian tribe [(as defined in section 102 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 5130)).] *or tribal organization (as those terms are defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304)).*

(b) INFLATION ADJUSTMENT.—The Secretary shall adjust the dollar amount specified in subsection (a) for inflation for the period beginning on November 17, 1986, and ending on [the date of enactment of this subsection] *the date of enactment of the America's Water Infrastructure Act of 2018*.

* * * * * * *

WATER RESOURCES DEVELOPMENT ACT OF 1992

* * * * * * *

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Water Resources Development Act of 1992".

* * * * * * *

TITLE II—GENERALLY APPLICABLE PROVISIONS

SEC. 204. REGIONAL SEDIMENT MANAGEMENT.

(a) IN GENERAL.—

[(1) SEDIMENT USE.—

[(A) SEDIMENT FROM FEDERAL WATER RESOURCES PROJECTS.—For sediment obtained through or used in the construction, operation, or maintenance of an authorized Federal water resources project, the Secretary shall develop, at Federal expense, regional sediment management plans and carry out projects at locations identified in plans developed under this section, or identified jointly by the non-Federal interest and the Secretary, for use in the construction, repair, modification, or rehabilitation of projects associated with Federal water resources projects for purposes listed in paragraph (3).

[(B) SEDIMENT FROM OTHER FEDERAL SOURCES AND NON-FEDERAL SOURCES.—For purposes of projects carried out under this section, the Secretary may include sediment from other Federal sources and non-Federal sources, subject to the requirement that any sediment obtained from a non-Federal source shall not be obtained at Federal expense.]

(1) SEDIMENT USE.—*For sediment obtained through the construction, operation, or maintenance of an authorized Federal water resources project or a reclamation project, including Federal reservoirs authorized for flood control, the Secretary (in consultation with the Commissioner of Reclamation (referred to in this section as the 'Commissioner')) and, subject to the availability of appropriations, the Commissioner (in consultation with the Secretary), as applicable, shall develop, at full Federal expense, regional sediment management plans, and carry out projects at locations identified in plans developed under this section, or identified jointly by the non-Federal interest and the Secretary or the Commissioner, as applicable, for use in the construction, repair, modification, or rehabilitation of projects associated with Federal water resources projects and reclamation projects for purposes listed in paragraph (3).*

(2) COOPERATION.—The Secretary *or the Commissioner, as applicable,* shall develop plans under this subsection in cooperation with the appropriate Federal, State, regional, and local agencies.

(3) PURPOSES FOR SEDIMENT USE IN PROJECTS.—The purposes of using sediment for the construction, repair, modification, or rehabilitation of Federal water resources projects *and reclamation projects* are—

* * * * * * *

(4) REDUCING COSTS.—To reduce or avoid Federal costs, the Secretary *or the Commissioner, as applicable,* shall consider the beneficial use of dredged material in a manner that con-

tributes to the maintenance of sediment resources in the nearby coastal system.

(b) [Secretarial] *Agency* Findings.—Subject to subsection (c), projects carried out under subsection (a) may be carried out in any case in which the Secretary *or the Commissioner, as applicable,* finds that—

* * * * * * *

(c) DETERMINATION OF PROJECT COSTS.—

(1) COSTS OF CONSTRUCTION.—

(A) IN GENERAL.—Costs associated with construction of a project under this section or identified in a regional sediment management plan shall be limited solely to construction costs that are in excess of the costs necessary to carry out the dredging for construction, operation, or maintenance of an authorized Federal water resources project *or reclamation project* in the most cost-effective way, consistent with economic, engineering, and environmental criteria.

(B) COST SHARING.—

(i) IN GENERAL.— * * *

* * * * * * *

(ii) SPECIAL RULE.—Construction of a project under this section for one or more of the purposes of protection, restoration, or creation of aquatic and ecologically related habitat, the cost of which does not exceed $750,000 and which is located in a disadvantaged community as determined by the Secretary *or the Commissioner, as applicable,* may be carried out at Federal expense.

* * * * * * *

(C) TOTAL COST.—The total Federal costs associated with construction of a project under this section may not exceed [$10,000,000] *.$12,500,000*

* * * * * * *

(d) SELECTION OF DREDGED MATERIAL DISPOSAL METHOD FOR PURPOSES RELATED TO ENVIRONMENTAL RESTORATION OR STORM DAMAGE AND FLOOD REDUCTION.—

(1) IN GENERAL.—In developing and carrying out a Federal water resources project *or reclamation project* involving the disposal of dredged material, the Secretary *or the Commissioner, as applicable,* may select, with the consent of the non-Federal interest, a disposal method that is not the least cost option if the Secretary *or the Commissioner, as applicable,* determines that the incremental costs of the disposal method are reasonablein relation to—

(A) * * *

* * * * * * *

(3) SPECIAL RULE.— * * *

* * * * * * *

(4) DISPOSAL AT NON-FEDERAL COST.—The Secretary *or the Commissioner, as applicable,* may accept funds from a non-Federal interest to dispose of dredged material as provided

under section 103(d)(1) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(d)(1)).

* * * * * * *

(e) STATE AND REGIONAL PLANS.—The Secretary *or the Commissioner, as applicable,* may—

* * * * * * *

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated *to the Secretary* to carry out this section **[**$50,000,000**]** *$62,500,000* per fiscal year, of which not more than $5,000,000 per fiscal year may be used for the development of regional sediment management plans authorized by subsection (e) and of which not more than $3,000,000 per fiscal year may be used for construction of projects to which subsection (c)(1)(B)(ii) applies. Such funds shall remain available until expended.

* * * * * * *

SEC. 219. ENVIRONMENTAL INFRASTRUCTURE.

(a) IN GENERAL.—

(1) * * *

* * * * * * *

(f) ADDITIONAL ASSISTANCE.—The Secretary may provide assistance under subsection (a) and assistance for construction for the following:

(1) * * *

* * * * * * *

(25) LAKES MARION AND MOULTRIE, SOUTH CAROLINA.—**[**$60,000,000**]** *$90,000,000* for wastewater treatment and water supply treatment and distribution projects in the counties of Calhoun, Clarendon, Colleton, Dorchester, **[**Orangeberg**]** *Orangeburg*, and Sumter, South Carolina.

* * * * * * *

(43) HARBOR/SOUTH BAY, CALIFORNIA.—**[**$35,000,000**]** *$70,000,000* for an industrial water reuse project for the Harbor/South Bay area, California.

* * * * * * *

[(121) CHARLOTTE COUNTY, FLORIDA.—$3,000,000 for water supply infrastructure, Charlotte County, Florida.**]**

(121) CHARLOTTE COUNTY, FLORIDA.—*$16,000,000 for wastewater infrastructure, Charlotte County, Florida.*

* * * * * * *

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

(1) MACOMB COUNTY, MICHIGAN.—*The project for wastewater infrastructure, Macomb County, Michigan.*

(2) MILWAUKEE AND SHOREWOOD, WISCONSIN.—*The project for wastewater infrastructure, Milwaukee and Shorewood, Wisconsin.*

* * * * * * *

SEC. 225

(a) IN GENERAL.— * * *

* * * * * * *

(c) USER FEES.—

(1) COLLECTION OF FEES.—

(A) IN GENERAL.—The Secretary may allow a [non-Federal public entity] *non-Federal public or private entity* that has entered into an agreement pursuant to subsection (b) to collect user fees for the use of developed recreation sites and facilities, whether developed or constructed by that entity or the Department of the Army.

(B) USE OF VISITOR RESERVATION SERVICES.—A [non-Federal public entity] *non-Federal public or private entity* described in subparagraph (A) may use, to manage fee collections and reservations under this section, any visitor reservation service that the Secretary has provided for by contract or interagency agreement, subject to such terms and conditions as the Secretary determines to be appropriate.

(2) USE OF FEES.—A [non-Federal public entity] *non-Federal public or private entity* that collects user fees under paragraph (1)—

(A) * * *

* * * * * * *

(3) TERMS AND CONDITIONS.—The authority of a [non-Federal public entity] *non-Federal public or private entity* under this subsection shall be subject to such terms and conditions as the Secretary determines necessary to protect the interests of the United States.

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

* * * * * * *

WATER RESOURCES DEVELOPMENT ACT OF 1996

* * * * * * *

TITLE II—GENERAL PROVISIONS

SEC. 206. AQUATIC ECOSYSTEM RESTORATION.

(a) GENERAL AUTHORITY.—

(1) IN GENERAL.— * * *

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

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

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

* * * * * * *

(d) COST LIMITATION.—Not more than [$10,000,000] *$12,500,000* in Federal funds may be allotted under this section for a project at any single locality.

(e) FUNDING.—There is authorized to be appropriated to carry out this section [$50,000,000] *$62,500,000* for each fiscal year.

* * * * * * *

WATER RESOURCES DEVELOPMENT ACT OF 2000

TITLE II—GENERAL PROVISIONS

* * * * * * *

SEC. 203. TRIBAL PARTNERSHIP PROGRAM.

(a) * * *

(b) PROGRAM.—

(1) IN GENERAL.— * * *

* * * * * * *

(4) DESIGN AND CONSTRUCTION.—

(A) IN GENERAL.—The Secretary may carry out the design and construction of a water resources development project described in paragraph (1) that the Secretary determines is feasible if the Federal share of the cost of the project is not more than [$10,000,000] *$15,000,000*.

(B) SPECIFIC AUTHORIZATION.—If the Federal share of the cost of a project described in subparagraph (A) is more than [$10,000,000] *$15,000,000*, the Secretary may only carry out the project if Congress enacts a law authorizing the Secretary to carry out the project.

* * * * * * *

SEC. 215. [33 U.S.C. 2326c] RESERVOIR SEDIMENT.

(a) IN GENERAL.—Not later than 180 days after [the date of enactment of the Water Resources Development Act of 2016] *the date of enactment of the America's Water Infrastructure Act of 2018* and after providing public notice, the Secretary [shall establish, using available funds, a pilot program to accept] *shall, using available funds, accept* services provided by a non-Federal interest or commercial entity for removal of sediment captured behind a dam owned or operated by the United States and under the jurisdiction of the Secretary for the purpose of restoring the authorized storage capacity of the project concerned.

(b) REQUIREMENTS.—In carrying out this section, the Secretary shall—

(1) * * *

* * * * * * *

(2) ensure that the non-Federal interest or commercial entity will indemnify the United States for, or has entered into an agreement approved by the Secretary to address, any adverse impact to the dam as a result of such services; *and*

(3) require the non-Federal interest or commercial entity, prior to initiating the services and upon completion of the services, to conduct sediment surveys to determine the pre- and post-services sediment profile and sediment quality[; and] .

[(4) limit the number of dams for which services are accepted to 10.]

* * * * * * *

[(f) REPORT TO CONGRESS.—Upon completion of services at the 10 dams allowed under subsection (b)(4), the Secretary shall make publicly available and submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report documenting the results of the services.]

(f) REPORT TO CONGRESS.—*Not later than 3 years after the date of enactment of the America's Water Infrastructure Act of 2018, the Secretary may submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report describing the results of the program under this section.*

* * * * * * *

WATER RESOURCES DEVELOPMENT ACT OF 2007

* * * * * * *

SEC 1. [33 U.S.C. 2201 note] SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Water Resources Development Act of 2007".

(b) * * *

* * * * * * *

TITLE II—GENERAL PROVISIONS

SEC. 2008. [33 U.S.C. 2340] REVISION OF PROJECT PARTNERSHIP AGREEMENT; COST SHARING.

(a) FEDERAL ALLOCATION.— * * *

* * * * * * *

(c) COST ESTIMATES.—The estimated Federal and non-Federal costs of water resources projects authorized to be carried out by the Secretary [before, on, or after] *on or after* the date of enactment of this Act are for informational purposes only and shall not be interpreted as affecting the cost-sharing responsibilities established by law.

* * * * * * *

SEC. 2034. [33 U.S.C. 2343] INDEPENDENT PEER REVIEW.

(a) PROJECT STUDIES SUBJECT TO INDEPENDENT PEER REVIEW.—

(1) * * *

* * * * * * *

(h) APPLICABILITY.—This section shall apply to—

(1) * * *

* * * * * * *

(2) project studies initiated during the period beginning on such date of enactment and ending [12 years] *17 years* after such date of enactment.

* * * * * * *

(i) REPORTS.—

(1) INITIAL REPORT.— * * *

* * * * * * *

(2) ADDITIONAL REPORT.—

(3) REPORT.—*Not later than 1 year after the date of enactment of the America's Water Infrastructure Act of 2018, the Secretary shall—*

(A) complete an analysis of—

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

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

(iii) whether the Secretary plans to take actions to improve the general planning process to address planning problems identified in multiple reviews by Independent External Peer Review panels; and

(B) submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report describing the results of the analysis under subparagraph (A).

* * * * * * *

SEC. 2045. [33 U.S.C. 2348] PROJECT ACCELERATION.

(a) DEFINITIONS.— * * *

* * * * * * *

(l) CATEGORICAL EXCLUSIONS.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of the [Water Resources Reform and Development Act of 2014] *America's Water Infrastructure Act of 2018*, the Secretary shall—

(A) survey the use by the Corps of Engineers of categorical exclusions in projects since [2005] *2014*;

(B) publish a review of the survey that includes a description of—

(i) the types of actions that were categorically excluded or could be the basis for developing a new categorical exclusion; and

(ii) any requests previously received by the Secretary for new categorical exclusions; and

(C) solicit requests from other Federal agencies and project sponsors for new categorical exclusions.

(2) NEW CATEGORICAL EXCLUSIONS.—Not later than 1 year after the date of enactment of the [Water Resources Reform and Development Act of 2014] *America's Water Infrastructure Act of 2018*, if the Secretary has identified a category of activities that merit establishing a categorical exclusion that did not exist on the day before the date of enactment of the [Water Resources Reform and Development Act of 2014] *America's Water Infrastructure Act of 2018* based on the review under paragraph (1), the Secretary shall publish a notice of proposed rulemaking to propose that new categorical exclusion, to the extent that the categorical exclusion meets the criteria for a categorical exclusion under section 1508.4 of title 40, Code of Federal Regulations [(or successor regulation)] *(as in effect on*

the date of enactment of the America's Water Infrastructure Act of 2018).

* * * * * * *

TITLE V—MISCELLANEOUS

SEC. 5056. RIO GRANDE ENVIRONMENTAL MANAGEMENT PROGRAM, COLORADO, NEW MEXICO, AND TEXAS.

(a) DEFINITIONS.—* * *

* * * * * * *

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $15,000,000 for **[**each of fiscal years 2008 through 2019**]** *each of fiscal years 2008 through 2021.*

* * * * * * *

TITLE IX—NATIONAL LEVEE SAFETY PROGRAM

SEC. 9005. [33 U.S.C. 3303a] LEVEE SAFETY INITIATIVE.

(a) ESTABLISHMENT.— * * *

* * * * * * *

(c) LEVEE SAFETY GUIDELINES.—

(1) ESTABLISHMENT.— * * *

* * * * * * *

(5) PUBLIC COMMENT.— * * *

* * * * * * *

(6) UPDATES.—*Not later than 1 year after the date of enactment of the America's Water Infrastructure Act of 2018, the Secretary shall update the guidelines issued under paragraph (1) in accordance with this subsection.*

* * * * * * *

(g) STATE, REGIONAL, AND TRIBAL LEVEE SAFETY PROGRAM.—

(1) GUIDELINES.—

(A) IN GENERAL.— * * *

* * * * * * *

(D) UPDATE.—*Not later than 1 year after the date of enactment of the America's Water Infrastructure Act of 2018, the Secretary shall update the guidelines issued under subparagraph (A) in accordance with this paragraph.*

(2) ASSISTANCE TO STATES, REGIONAL DISTRICTS, AND INDIAN TRIBES.—

(A) ESTABLISHMENT.— * * *

* * * * * * *

(E) AUTHORIZATION OF APPROPRIATIONS.—

(i) IN GENERAL.—There is authorized to be appropriated to the Administrator to carry out this subsection $25,000,000 **[**for each of fiscal years 2015 through 2019**]** *for each of fiscal years 2015 through 2021.*

* * * * * * *

(h) LEVEE REHABILITATION ASSISTANCE PROGRAM.—

(1) ESTABLISHMENT.— * * *

* * * * * * *

(3) FLOODPLAIN MANAGEMENT PLANS.—

(A) IN GENERAL.— * * *

* * * * * * *

(E) TECHNICAL SUPPORT.—The Secretary may provide technical support for the development and implementation of floodplain management plans prepared under this paragraph.

(F) UPDATE.—*Not later than 1 year after the date of enactment of the America's Water Infrastructure Act of 2018, the Secretary shall update the guidelines issued under subparagraph (D).*

SEC. 9006. [33 U.S.C. 3303b] REPORTS.

(a) STATE OF LEVEES.—

(1) IN GENERAL.— * * *

* * * * * * *

(b) NATIONAL DAM AND LEVEE SAFETY PROGRAM.—Not later than 3 years after the date of enactment of this subsection, *, and not later than 1 year after the date of enactment of the America's Water Infrastructure Act of 2018,* to the maximum extent practicable, the Secretary and the Administrator, in coordination with the committee, shall submit to Congress and make publicly available a report that includes recommendations regarding the advisability and feasibility of, and potential approaches for, establishing a joint national dam and levee safety program.

* * * * * * *

(c) ALIGNMENT OF FEDERAL PROGRAMS RELATING TO LEVEES.—Not later than 2 years after the date of enactment of the Water Resources Development Act of 2016 *, and not later than 1 year after the date of enactment of the America's Water Infrastructure Act of 2018,* the Comptroller General of the United States shall submit to Congress a report on opportunities for alignment of Federal programs to provide incentives to State, regional, tribal, and local governments and individuals and entities—

* * * * * * *

(d) LIABILITY FOR CERTAIN LEVEE ENGINEERING PROJECTS.—Not later than 1 year after the date of enactment of the Water Resources Development Act of 2016*, and not later than 1 year after the date of enactment of the America's Water Infrastructure Act of 2018,* the Secretary shall submit to Congress and make publicly available a report that includes recommendations that identify and address any legal liability associated with levee engineering projects that prevent—

* * * * * * *

SEC. 9008. [33 U.S.C. 3305] AUTHORIZATION OF APPROPRIATIONS.

There **[**is**]** *are* thorized to be appropriated to the Secretary—

(1) to carry out sections 9003, 9005(c), 9005(d), 9005(e), and 9005(f),$4,000,000 **[**for each of fiscal years 2015 through 2019**]** *for each of fiscal years 2015 through 2021*;

(2) to carry out section 9004, $20,000,000 [for each of fiscal years 2015 through 2019] *for each of fiscal years 2015 through 2021*; and

(3) to carry out section 9005(h), $30,000,000 [for each of fiscal years 2015 through 2019] *for each of fiscal years 2015 through 2021*.

* * * * * * *

WATER RESOURCES REFORM AND DEVELOPMENT ACT OF 2014

* * * * * * *

SEC 1. SHORT TITLE; TABLE OF CONTENTS.

* * * * * * *

TITLE V—WATER INFRASTRUCTURE FINANCING

[*SUBTITLE C—INNOVATIVE FINANCING PILOT PROJECTS*]

Subtitle C—Innovative Financing Projects

[*Sec. 5034. Reports on pilot program implementation.*]
Sec. 5034. Reports on program implementation.
Sec. 5036. Innovative financing for State loan funds.

TITLE I—PROGRAM REFORMS AND STREAMLINING

(a) * * *

* * * * * * *

SEC. 1001. [33 U.S.C. 2282c] VERTICAL INTEGRATION AND ACCELERATION OF STUDIES.

(a) IN GENERAL.— * * *

* * * * * * *

(d) EXCEPTION.—

(1) IN GENERAL.— * * *

* * * * * * *

(4) LIMITATION.—The Secretary shall not extend the timeline for a feasibility study for a period of more than [7 years] *10 years*, and any feasibility study that is not completed before that date shall no longer be authorized.

* * * * * * *

SEC. 1017. [33 U.S.C. 2212 note] ACCEPTANCE OF CONTRIBUTED FUNDS TO INCREASE LOCK OPERATIONS.

(a) IN GENERAL.— * * *

* * * * * * *

(f) TERMINATION.—The authority to accept funds under this section shall terminate [5 years] *10 years* after the date of enactment of this Act.

* * * * * * *

SEC. 1022. [33 U.S.C. 2225] CREDIT IN LIEU OF REIMBURSEMENT.

(a) REQUESTS FOR CREDITS.— * * *

* * * * * * *

(b) APPLICATION OF CREDITS.—At the request of the non-Federal interest, the Secretary may apply *all or a portion of* such credit to the non-Federal share of the cost of carrying out other water resources development projects or studies of the non-Federal interest *or of any governmental entity to which such credit is transferred, subject to the condition that the Secretary approves the transfer*.

* * * * * * *

SEC. 1043. [33 U.S.C. 2201 note] NON-FEDERAL IMPLEMENTATION PILOT PROGRAM.

(a) NON-FEDERAL IMPLEMENTATION OF FEASIBILITY STUDIES.—

(1) IN GENERAL.— * * *

* * * * * * *

(5) REPORT.—

(A) IN GENERAL.— * * *

* * * * * * *

(B) UPDATE.—Not later than 5 years after the date of enactment of this Act *and not later than 3 years after the date of enactment of the America's Water Infrastructure Act of 2018*, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives an update of the report described in subparagraph (A).

* * * * * * *

(7) TERMINATION OF AUTHORITY.—The authority to commence a feasibility study under this subsection terminates on the date that is [5 years] *7 years* after the date of enactment of this Act.

(8) AUTHORIZATION OF APPROPRIATIONS.—In addition to any amounts appropriated for a specific project, there is authorized to be appropriated to the Secretary to carry out the pilot program under this subsection, including the costs of administration of the Secretary, 25,000,000 for [each of fiscal years 2015 through 2019] *each of fiscal years 2015 through 2021*.

(b) NON-FEDERAL PROJECT IMPLEMENTATION PILOT PROGRAM.—

(1) IN GENERAL.— * * *

* * * * * * *

(3) ADMINISTRATION.—

(A) IN GENERAL.—In carrying out the pilot program, the Secretary shall—

(i) identify a total of not more than 15 projects for flood risk management, hurricane and storm damage reduction (including levees, floodwalls, flood control channels, and water control structures), coastal harbor and channels, inland navigation, and aquatic ecosystem restoration that have been authorized for construction prior to the [date of enactment of this Act] *date of enactment of the America's Water Infrastructure Act of 2018*, including—

(I) not more than 12 projects that—

(aa)(AA) have received Federal funds prior to the [date of enactment of this Act] *date of*

enactment of the America's Water Infrastructure Act of 2018; or

* * * * * * *

(4) COST SHARE.—Nothing in this subsection affects the cost-sharing requirement ⟦applicable on the day before the date of enactment of this Act⟧ *otherwise applicable* to a project carried out under this subsection.

(5) REPORT.—

(A) IN GENERAL.— * * *

* * * * * * *

(B) UPDATE.—Not later than 5 years after the date of enactment of this Act *and not later than 3 years after the date of enactment of the America's Water Infrastructure Act of 2018*, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives an update of the report described in subparagraph (A).

* * * * * * *

(7) TERMINATION OF AUTHORITY.—The authority to commence a project under this subsection terminates on the date that is ⟦5 years⟧ *7 years* after the date of enactment of this Act.

(8) AUTHORIZATION OF APPROPRIATIONS.—In addition to any amounts appropriated for a specific project, there is authorized to be appropriated to the Secretary to carry out the pilot program under this subsection, including the costs of administration of the Secretary, $25,000,000 for ⟦each of fiscal years 2015 through 2019⟧ *each of fiscal years 2015 through 2021.*

* * * * * * *

TITLE IV—RIVER BASINS AND COASTAL AREAS

SEC. 4003. MISSOURI RIVER.

(a) UPPER MISSOURI BASIN FLOOD AND DROUGHT MONITORING.—

(1) IN GENERAL.— * * *

* * * * * * *

(6) PRIORITIZATION.—*To the maximum extent practicable, in carrying out any projects or programs of the Secretary, the Secretary shall give priority to activities under this subsection.*

* * * * * * *

SEC. 4014. ⟦33 U.S.C. 2803a⟧ OCEAN AND COASTAL RESILIENCY.

(a) IN GENERAL.— * * *

* * * * * * *

(c) DISPOSITION.—

(1) IN GENERAL.—The Secretary may carry out a project identified in the study pursuant to subsection (a) in accordance with the criteria for projects carried out under one of the following authorities:

(A) Section 206(a)-(d) of the Water Resources Development Act of 1996 (33 U.S.C. 2330(a)-(d)).

[(B) Section 1135(a)-(g) and (i) of the Water Resources Development Act of 1986 (33 U.S.C. 2309a(a)-(g) and (i)).]
(B) Section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a).

* * * * * * *

TITLE V—WATER INFRASTRUCTURE FINANCING

[SUBTITLE C—INNOVATIVE FINANCING PILOT PROJECTS]

Subtitle C—Innovative Financing Projects

* * * * * * *

TITLE VI—DEAUTHORIZATION AND BACKLOG PREVENTION

SEC. 6003. [33 U.S.C. 579c] BACKLOG PREVENTION.

(a) PROJECT DEAUTHORIZATION.—

(1) IN GENERAL.—A water resources development project, or separable element of such a project, authorized for construction by this Act shall not be authorized after the last day of the [7-year period] *10-year period* beginning on the date of enactment of this Act unless funds have been obligated for construction of such project during that period.

(2) IDENTIFICATION OF PROJECTS.—Not later than 60 days after the expiration of the [7-year period] *10-year period* referred to in paragraph (1), the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that identifies the projects deauthorized under paragraph (1).

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

(4) EXCEPTION.—*The Secretary shall not deauthorize any project during the period described in paragraph (3).*

* * * * * * *

TITLE VII—WATER RESOURCES INFRASTRUCTURE

SEC. 7002. AUTHORIZATION OF FINAL FEASIBILITY STUDIES.

* * * * * * *

(1) NAVIGATION.—

A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Costs
3. GA	Savannah Harbor Expansion Project	Aug. 17, 2012	Federal: [$492,000,000] $677,613,600 Non-Federal: [$214,000,000] $295,829,400 Total: [$706,000,000] $973,443,000

* * * * * * *

SEC. 7004. EXPEDITED CONSIDERATION IN THE HOUSE AND SENATE.

(a) CONSIDERATION IN THE HOUSE OF REPRESENTATIVES.—

(1) * * *

* * * * * * *

(b) CONSIDERATION IN THE SENATE.—

(1) POLICY.— * * *

* * * * * * *

(4) TERMINATION.—The procedures for expedited consideration under this subsection terminate on [December 31, 2018.] *December 31, 2024*

* * * * * * *

FLOOD CONTROL ACT OF 1936

(33 U.S.C. 701H)

* * * * * * *

SEC. 701h. CONTRIBUTIONS BY STATES, POLITICAL SUBDIVISIONS, AND OTHER NON-FEDERAL INTERESTS

The Secretary of the Army is authorized to receive from States and political subdivisions thereof and other non-Federal interests, such funds as may be contributed by them for work, which includes planning and design, to be expended in connection with funds appropriated by the United States for any authorized water resources development study or project, including a project for navigation on the inland waterways, whenever such work and expenditure may be considered by the Secretary of the Army, on recommendation of the Chief of Engineers, as advantageous in the public interest, and the plans for any reservoir project may, in the discretion of the Secretary of the Army, on recommendation of the Chief of Engineers, be modified to provide additional storage capacity for domestic water supply or other conservation storage, on condition that the cost of such increased storage capacity is contributed by local agencies and that the local agencies agree to utilize such additional storage capacity in a manner consistent with Federal uses and purposes: Provided, That the Secretary is authorized to receive and expend funds from a State or a political subdivision thereof, and

other non-Federal interests or private entities, to operate a hurricane barrier project to support recreational activities at or in the vicinity of the project, at no cost to the Federal Government, if the Secretary determines that operation for such purpose is not inconsistent with the operation and maintenance of the project for the authorized purposes of the project *Provided further, That the Secretary is authorized to receive and expend funds from a State or a political subdivision of a State, another non-Federal interest, or an owner of a non-Federal reservoir to formulate, review, or revise operational documents for any non-Federal reservoir for which the Secretary is authorized to prescribe regulations for the use of storage allocated for flood control or navigation pursuant to section 7 of the Act of December 22, 1944 (58 Stat. 890, chapter 665; 33 U.S.C. 709):*

* * * * * * *

FLOOD CONTROL ACT OF 1941

* * * * * * *

SEC. 5. [33 USC 701n] (a)(1) * * *

* * * * * * *

(2) * * *

* * * * * * *

(3) EXTENDED ASSISTANCE.—

(A) IN GENERAL.—*A State, Tribe, or other entity receiving assistance under the fourth sentence of paragraph (1) on land the State, Tribe, or entity owns, has jurisdiction over, or otherwise controls, may petition the Secretary for extended assistance, to apply after the 30-day period of the project under section 203.61(b)(8) of title 33, Code of Federal Regulations (or successor regulations).*

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

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

(D) EXCEPTION.—*The Secretary—*

(i) may waive or reduce the minimum non-Federal cost-sharing requirement under subparagraph (C), at the discretion of the Secretary, if the Secretary determines that the financial situation of the non-Federal sponsor of the project warrants a reduction; and

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

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

(i) minimize costs of long-term burdens on the non-Federal sponsor of the project;

(ii) increase the resiliency of the project; and

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

(F) SUNSET.—*The authority of the Secretary to provide extended assistance under this paragraph shall terminate on the date that is 2 years after the date of enactment of the America's Water Infrastructure Act of 2018.*

* * * * * * *

[(3)**]** *(4)* * * *

* * * * * * *

(e) NOTICE.— * * *

* * * * * * *

(f) LONG TERM FLOOD-RISK REDUCTION.—

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

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

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

(4) TERMINATION.—*The authority to provide assistance under this subsection terminates on the date that is 10 years after the date of enactment of the America's Water Infrastructure Act of 2018.*

* * * * * * *

FLOOD CONTROL ACT OF 1944

* * * * * * *

SEC. 2. * * *

* * * * * * *

[Sec. 7. **[**33 U.S.C. 709**]** Herefater, it shall be the duty of the Secretary of the Army to**]**

SEC. 7. WATER STORAGE.

(a) PRICING OF CONTRACTS.—

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

(2) FAIR MARKET VALUE REQUIREMENT.—*For purposes of paragraph (1), the fair market value of a water storage contract shall not exceed 110 percent of the lowest-contracted price at any facility of the Corps of Engineers located within 50 miles of the water source covered by the contract, as adjusted for inflation.*

(b) FLOOD CONTROL AND NAVIGATION.—

(1) IN GENERAL.—*Except as provided in paragraph (2), the Secretary of the Army shall*prescribe regulations for the use of

storage allocated for flood control or navigation at all reservoirs constructed wholly or in part with Federal funds provided on the basis of such purposes, and the operation of any such project shall be in accordance with [such regulations: *Provided*, That this section] *those regulations.*

(2) EXCEPTION.—*This subsection* shall not apply to the Tennessee Valley Authority, except that in case of danger from floods on the Lower Ohio and Mississippi Rivers the Tennessee Valley Authority is directed to regulate the release of water from the Tennessee River into the Ohio River in accordance with such instructions as may be issued by the Department of the Army.

* * * * * * *

FLOOD CONTROL ACT OF 1946

(33 U.S.C. 701R)

* * * * * * *

SEC. 701r. PROTECTION OF HIGHWAYS, BRIDGE APPROACHES, PUBLIC WORKS, AND NONPROFIT PUBLIC SERVICES

The Secretary of the Army is authorized to allot from any appropriations heretofore or hereafter made for flood control, not to exceed [$20,000,000] *$25,000,000* per year, for the construction, repair, restoration, and modification of emergency streambank and shoreline protection works to prevent damage to highways, bridge approaches, and public works, churches, hospitals, schools, and other nonprofit public services, when in the opinion of the Chief of Engineers such work is advisable: Provided, That not more than [$5,000,000] *$7,500,000* shall be allotted for this purpose at any single locality from the appropriations for any [one fiscal year.] *1 fiscal year: Provided further, That the Secretary shall give priority to areas that are recovering from significant high water levels or flooding that occurred within the 24-month period ending on the date on which the Secretary makes an allotment under this section.*

* * * * * * *

FLOOD CONTROL ACT OF 1948

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SEC. 205. [33 USC 701s]

That the Secretary of the Army is hereby authorized to allot from any appropriations heretofore or hereafter made for flood control, not to exceed [$55,000,000] *$82,500,000* for any one fiscal year, for the implementation of small structural and nonstructural projects for flood control and related purposes not specifically authorized by Congress, which come within the provisions of section 1 of the Flood Control Act of June 22, 1936, when in the opinion of the Chief of Engineers such work is advisable. The amount allotted for a project shall be sufficient to complete Federal participation in the project. Not more than [$10,000,000] *$15,000,000* shall be allotted under this section for a project at any single locality. The provisions of local cooperation specified in section 3 of the Flood Control Act of June 22, 1936, as amended, shall apply. The work shall be complete in itself and not commit the United States to any addi-

tional improvement to insure its successful operation, except as may result from the normal procedure applying to projects authorized after submission of preliminary examination and survey reports.

* * * * * * *

FLOOD CONTROL ACT OF 1970

* * * * * * *

SEC. 221. [42 U.S.C. 1962d-5b] WRITTEN AGREEMENT REQUIREMENT FOR WATER RESOURCES PROJECTS.

(a) COOPERATION OF NON-FEDERAL INTEREST.— * * *

* * * * * * *

(b) DEFINITION OF NON-FEDERAL INTEREST.—The term "non-Federal interest" means—

(1) a legally constituted public body [(including a federally recognized Indian tribe); or] *(including an Indian tribe and tribal organization (as those terms are defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304)); or*

* * * * * * *

ACT OF OCTOBER 15, 1940

[33 U.S.C. 701H-1]

* * * * * * *

SEC. 701h-1. CONTRIBUTIONS BY STATES AND POLITICAL SUBDIVISIONS FOR IMMEDIATE USE ON AUTHORIZED FLOOD-CONTROL WORK; REPAYMENT.

[Whenever any]

(a) IN GENERAL.—*Whenever any* State or political subdivision thereof shall offer to advance funds for [a flood-control project duly adopted and authorized by law] *an authorized water resources development study or project,* the Secretary of the Army may in his discretion, receive such funds and expend the same in the immediate prosecution of [such work] *such study or project*. [The Secretary of the Army]

(b) REPAYMENT.—*The Secretary of the Army* is authorized and directed to repay without interest, [from appropriations which may be provided by Congress for flood-control work] *if specific appropriations are provided by Congress for such purposek*, the moneys so contributed and expended: Provided, however, That no repayment of funds which may be contributed for the purpose of meeting any conditions of local cooperation imposed by Congress, or under the authority of section 701h of this title, shall be made.

(c) AUTHORIZATION OF APPROPRIATIONS.—*There is authorized to be appropriated to the Secretary to provide repayment under subsection (b) $50,000,000 for each of fiscal years 2020 and 2021.*

(d) DEFINITION OF STATE.—*In this section, the term 'State' means—*

(1) a State;

(2) the District of Columbia;

(3) the Commonwealth of Puerto Rico;

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

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

* * * * * * *

ACT OF AUGUST 13, 1946

* * * * * * *

SEC. 3. [33 U.S.C. 426g] STORM AND HURRICANE RESTORATION AND IMPACT MINIMIZATION PROGRAM.

(a) * * *

* * * * * * *

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary may expend, from any appropriations made available to the Secretary for the purpose of carrying out civil works, not more than **[**$30,000,000**]** *$45,000,000* during any fiscal year to pay the Federal share of the costs of construction of small shore and beach restoration and protection projects or small projects under this section.

(2) LIMITATION.—The total amount expended for a project under this section shall—

(A) be sufficient to pay the cost of Federal participation in the project (including periodic nourishment as provided for under the first section of this Act), as determined by the Secretary; and

(B) be not more than **[**$10,000,000**]** *$15,000,000*.

* * * * * * *

WATER INFRASTRUCTURE IMPROVEMENTS FOR THE NATION ACT

* * * * * * *

TITLE I—WATER RESOURCES DEVELOPMENT

SEC 1. [33 U.S.C. 2201 note] SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.— * * *

* * * * * * *

SEC. 1150. [33 U.S.C. 701s note] ICE JAM PREVENTION AND MITIGATION.

(a) IN GENERAL.— * * *

* * * * * * *

(c) PILOT PROGRAM.—

(1) IN GENERAL.—**[**During fiscal years 2017 through 2022, the Secretary**]** *The Secretary* shall identify and carry out not fewer than **[**10 projects**]** *20 projects* under this section to demonstrate technologies and designs developed in accordance with this section.

(2) PROJECT SELECTION.—The Secretary **[**shall ensure**]** *shall—*

(A) ensure that the projects are selected from all cold regions of the United States, including the Upper Missouri River Basin and the Northeast**[**.**]** *; and*

(B) select not less than 1 project on a reservation (as defined in section 3 of the Indian Financing Act of 1974 (25 U.S.C. 1452)) that serves more than 1 Indian tribe (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304)).

(3) PRIORITIZATION.—*In selecting projects under paragraph (1), the Secretary shall give priority to—*

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

(B) projects in the Northeast.

* * * * * * *

SEC. 1172. [33 U.S.C. 2354] EASEMENTS FOR ELECTRIC, TELEPHONE, OR BROADBAND SERVICE FACILITIES.

(a) * * *

* * * * * * *

(c) CERTAIN EASEMENTS.—

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

(2) PLACEMENT.—*The placement of an easement under paragraph (1) shall be at the discretion of the Secretary.*

[(c)**]** *(d)* ADMINISTRATIVE EXPENSES.— * * *

* * * * * * *

SEC. 1177. [33 U.S.C. 467f-2 note] REHABILITATION OF CORPS OF ENGINEERS CONSTRUCTED DAMS.

(a) IN GENERAL.— * * *

* * * * * * *

(e) COST LIMITATION.—The Secretary shall not expend more than **[**$10,000,000**]** *$40,000,000* for a project at any single dam under this section.

(f) FUNDING.— There is authorized to be appropriated to carry out this section **[**10,000,000**]** *$40,000,000* for each of fiscal years 2017 through 2026.

* * * * * * *

SEC. 1178. COLUMBIA RIVER.

(a) ECOSYSTEM RESTORATION.— * * *

* * * * * * *

(c) TRIBAL ASSISTANCE.—

(1) ASSISTANCE AUTHORIZED.—

(A) IN GENERAL.—**[**Upon the request of the Secretary of the Interior, the Secretary may provide assistance**]** *The Secretary, in consultation with the Secretary of the Interior, may provide assistance* on land transferred by the Department of the Army to the Department of the Interior pursuant to title IV of Public Law 100-581 (102 Stat. 2944; 110 Stat. 766; 110 Stat. 3762; 114 Stat. 2679; 118 Stat. 544) to Indian tribes displaced as a result of the construction of the Bonneville Dam, Oregon.

SEC. 1179. MISSOURI RIVER.

(a) RESERVOIR SEDIMENT MANAGEMENT.—

(1) DEFINITION OF SEDIMENT MANAGEMENT PLAN.— * * *

* * * * * * *

(3) PLAN ELEMENTS.— * * *

* * * * * * *

(4) PRIORITIZATION OF SEDIMENT MANAGEMENT PLANS.—*In carrying out the pilot project under this subsection, the Secretary shall give priority to developing and implementing sediment management plans that affect reservoirs that cross State lines.*

[(4)**]** *(5)* COST SHARE.—The beneficiaries requesting a sediment management plan shall share in the cost of development and implementation of the plan and such cost shall be allocated among the beneficiaries in accordance with the benefits to be received.

[(5)**]** *(6)* CONTRIBUTED FUNDS.—The Secretary may accept funds from non-Federal interests and other Federal agencies to develop and implement a sediment management plan under this subsection.

[(6)**]** *(7)* GUIDANCE.—The Secretary shall use the knowledge gained through the development and implementation of sediment management plans under paragraph (2) to develop guidance for sediment management at other reservoirs.

[(7)**[** *(8)* PARTNERSHIP WITH SECRETARY OF THE INTERIOR.— * * *

[(A) IN GENERAL.—The Secretary shall carry out the pilot program established under this subsection in partnership with the Secretary of the Interior, and the program may apply to reservoirs managed or owned by the Bureau of Reclamation on execution of a memorandum of agreement between the Secretary and the Secretary of the Interior establishing the framework for a partnership and the terms and conditions for sharing expertise and resources.**]**

(A) IN GENERAL.—*The Secretary shall carry out the pilot program established under this subsection in partnership with the Secretary of the Interior, and the program shall apply to reservoirs managed or owned by the Bureau of Reclamation.*

(B) MEMORANDUM OF AGREEMENT.—*For sediment management plans that apply to a reservoir managed or owned by the Bureau of Reclamation under subparagraph (A), the Secretary and the Secretary of the Interior shall execute a memorandum of agreement establishing the framework for a partnership and the terms and conditions for sharing expertise and resources.*

[(B)**]** *(C)* LEAD AGENCY.—

[(8)**]** *(9)* OTHER AUTHORITIES NOT AFFECTED.—Nothing in this subsection affects sediment management or the share of costs paid by Federal and non-Federal interests relating to sediment management under any other provision of law (including regulations).

(10) PRIORITIZATION OF FUNDS.—*To the maximum extent practicable, in carrying out any projects or programs of the Sec-*

retary or the Secretary of the Interior, the Secretary and the Secretary of the Interior, as applicable, shall give priority to activities under this subsection.

* * * * * * *

Subtitle B—Studies

SEC. 1322. EXPEDITED CONSIDERATION.

(a) IN GENERAL.— * * *

* * * * * * *

(b) EXPEDITED CONSIDERATION.—

(1) EXPEDITED COMPLETION OF FLOOD DAMAGE REDUCTION AND FLOOD RISK MANAGEMENT PROJECTS.—

* * * * * * *

(2) EXPEDITED COMPLETION OF FEASIBILITY STUDIES.—The Secretary shall give priority funding and expedite completion of the reports for the following projects, and, [if the Secretary determines that a project is justified in the completed report, proceed directly to project preconstruction, engineering, and design in accordance with section 910 of the Water Resources Development Act of 1986 (33 U.S.C. 2287)] *once the general reevaluation report for the project has been submitted for approval, shall immediately initiate preconstruction engineering and design for the project:*

* * * * * * *

TITLE III—NATURAL RESOURCES

SEC. 3101. [25 U.S.C. 3805] INDIAN DAM SAFETY.

(a) DEFINITIONS.—In this section:

(1) DAM.— * * *

* * * * * * *

(b) INDIAN DAM SAFETY DEFERRED MAINTENANCE FUNDS.—

(1) HIGH-HAZARD FUND.—

(A) ESTABLISHMENT.— * * *

* * * * * * *

(i) IN GENERAL.—For [each of fiscal years 2017 through 2023] *each of fiscal years 2017 through 2030*, the Secretary of the Treasury shall deposit in the Fund $22,750,000 from the general fund of the Treasury.

(ii) AVAILABILITY OF AMOUNTS.—Amounts deposited in the Fund under clause (i) shall be used, subject to appropriation, to carry out this section.

(C) EXPENDITURES FROM FUND.—

(i) IN GENERAL.—Subject to clause (ii), for [each of fiscal years 2017 through 2023] *each of fiscal years 2017 through 2030*, the Secretary may, to the extent provided in advance in appropriations Acts, expend from the Fund, in accordance with this section, not more than the sum of—

* * * * * * *

(F) TERMINATION.—On [September 30, 2023] *September 30, 2030*—

* * * * * * *

(2) LOW-HAZARD FUND.—

(A) ESTABLISHMENT.— * * *

* * * * * * *

(B) DEPOSITS TO FUND.—

(i) IN GENERAL.—For [each of fiscal years 2017 through 2023] *each of fiscal years 2017 through 2030*, the Secretary of the Treasury shall deposit in the Fund $10,000,000 from the general fund of the Treasury.

(ii) AVAILABILITY OF AMOUNTS.—Amounts deposited in the Fund under clause (i) shall be used, subject to appropriation, to carry out this section.

(C) EXPENDITURES FROM FUND.—

(i) IN GENERAL.—Subject to clause (ii), for [each of fiscal years 2017 through 2023] *each of fiscal years 2017 through 2030*, the Secretary may, to the extent provided in advance in appropriations Acts, expend from the Fund, in accordance with this section, not more than the sum of—

* * * * * * *

(F) TERMINATION.—On [September 30, 2023] *September 30, 2030*—

* * * * * * *

(c) REPAIR, REPLACEMENT, AND MAINTENANCE OF CERTAIN INDIAN DAMS.—

(1) PROGRAM ESTABLISHMENT.—

(A) IN GENERAL.— * * *

* * * * * * *

(B) FUNDING.—

(i) HIGH-HAZARD FUND.—Consistent with subsection (b)(1)(B), the Secretary shall use or transfer to the Bureau of Indian Affairs not less than $22,750,000 of amounts in the High-Hazard Indian Dam Safety Deferred Maintenance Fund, plus accrued interest, for [each of fiscal years 2017 through 2023] *each of fiscal years 2017 through 2030* to carry out maintenance, repair, and replacement activities for 1 or more of the Indian dams described in paragraph (2)(A).

(ii) LOW-HAZARD FUND.—Consistent with subsection (b)(2)(B), the Secretary shall use or transfer to the Bureau of Indian Affairs not less than $10,000,000 of amounts in the Low-Hazard Indian Dam Safety Deferred Maintenance Fund, plus accrued interest, for [each of fiscal years 2017 through 2023] *each of fiscal years 2017 through 2030* to carry out maintenance, repair, and replacement activities for 1 or more of the Indian dams described in paragraph (2)(B).

(C) COMPLIANCE WITH DAM SAFETY POLICIES.— * * *

* * * * * * *

(5) ALLOCATION AMONG DAMS.—

(A) IN GENERAL.—Subject to subparagraph (B), to the maximum extent practicable, the Secretary shall ensure that, for [each of fiscal years 2017 through 2023] *each of fiscal years 2017 through 2030*, each Indian dam eligible for funding under paragraph (2) that has critical maintenance needs receives part of the funding under paragraph (1) to address critical maintenance needs.

* * * * * * *

(f) FLOOD PLAIN MANAGEMENT PILOT PROGRAM.—

(1) ESTABLISHMENT.— * * *

* * * * * * *

(2) TERMINATION.—The program shall terminate on the date that is [4 years] *11 years* after the date of enactment of this Act.

(3) FUNDING.—Of the amounts authorized to be expended from either Fund, $250,000 shall be made available from either Fund during [each of fiscal years 2017, 2018, and 2019] *each of fiscal years 2017 through 2026* to carry out this subsection, to remain available until expended.

* * * * * * *

SEC. 3212. DEPOSITS TO FUND.

(a) IN GENERAL.—For [each of fiscal years 2017 through 2021] *each of fiscal years 2017 through 2028*, the Secretary of the Treasury shall deposit in the Fund $35,000,000 from the general fund of the Treasury.

* * * * * * *

SEC. 3213. EXPENDITURES FROM FUND.

(a) IN GENERAL.—Subject to subsection (b), for [each of fiscal years 2017 through 2021] *each of fiscal years 2017 through 2028*, the Secretary may, to the extent provided in advance in appropriations Acts, expend from the Fund, in accordance with this subtitle, not more than the sum of—

* * * * * * *

SEC. 3216. TERMINATION.

On [September 30, 2021] *September 30, 2028*—

* * * * * * *

SEC. 3221. REPAIR, REPLACEMENT, AND MAINTENANCE OF CERTAIN INDIAN IRRIGATION PROJECTS.

(a) IN GENERAL.— * * *

* * * * * * *

(b) FUNDING.—Consistent with section 3213, the Secretary shall use or transfer to the Bureau of Indian Affairs not less than $35,000,000 of amounts in the Fund, plus accrued interest, for [each of fiscal years 2017 through 2021] *each of fiscal years 2017 through 2028* to carry out maintenance, repair, and replacement activities for 1 or more of the Indian irrigation projects described in section 3222 (including any structures, facilities, equipment, personnel, or vehicles used in connection with the operation of those

projects), subject to the condition that the funds expended under this part shall not be—

* * * * * * *

SEC. 3224. STUDY OF INDIAN IRRIGATION PROGRAM AND PROJECT MANAGEMENT.

(a) TRIBAL CONSULTATION AND USER INPUT.— * * *

* * * * * * *

(d) STATUS REPORT.—Not later than 2 years after the date of enactment of this Act, and not less frequently than every 2 years thereafter (until the end of [fiscal year 2021] *fiscal year 2028*), the Secretary, acting through the Assistant Secretary for Indian Affairs, shall submit to the Committee on Indian Affairs of the Senate and the Committee on Natural Resources of the House of Representatives a report that includes a description of—

* * * * * * *

SEC. 3226. ALLOCATION AMONG PROJECTS.

(a) IN GENERAL.—Subject to subsection (b), to the maximum extent practicable, the Secretary shall ensure that, for [each of fiscal years 2017 through 2021] *each of fiscal years 2017 through 2028*, each Indian irrigation project eligible for funding under section 3222 that has critical maintenance needs receives part of the funding under section 3221 to address critical maintenance needs.

(b) PRIORITY.—In allocating amounts under section 3221(b), in addition to considering the funding priorities described in section 3223, the Secretary shall give priority to eligible Indian irrigation projects serving more than 1 Indian tribe within an Indian reservation and to projects for which funding has not been made available during the 10-year period ending on [the day before the date of enactment of this Act] *the day before the date of enactment of the America's Water Infrastructure Act of 2018* under any other Act of Congress that expressly identifies the Indian irrigation project or the Indian reservation of the project to address the deferred maintenance, repair, or replacement needs of the Indian irrigation project.

* * * * * * *

Subtitle G—Blackfeet Water Rights Settlement

SEC. 3718. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.— * * *

* * * * * * *

(c) BLACKFEET WATER RIGHTS SETTLEMENT.—*Notwithstanding sections 3716(e) and 3717(e), to the extent funds have been appropriated, 50 percent of the amounts appropriated to the Blackfeet Settlement Trust Fund and 50 percent of the amounts appropriated to the Blackfeet Water Settlement Implementation Fund under this section shall be available to the Tribe and the Secretary in a manner consistent with this title on the execution of the waivers and releases under section 3720(a).*

* * * * * * *

SEC. 3720. WAIVERS AND RELEASES OF CLAIMS.

(a) IN GENERAL.—

(1) * * *

* * * * * * *

(3) * * *

* * * * * * *

(B) reserved in subsections (b) through (d) of [section 3706] *section 6* of the settlement for the case styled Blackfeet Tribe v. United States, No. 02-127L (Fed. Cl. 2012); and

* * * * * * *

(h) EXPIRATION.—If all appropriations authorized by this subtitle have not been made available to the Secretary by [January 21, 2026] *January 21, 2025*, or such alternative later date as is agreed to by the Tribe and the Secretary, the waivers and releases described in this section shall—

* * * * * * *

RIVER AND HARBOR ACT OF 1958

* * * * * * *

TITLE I—RIVERS AND HARBORS

SEC. 104. [33 U.S.C. 610] (a)

(1) IN GENERAL.— * * *

* * * * * * *

[(b) There are authorized to be appropriated such amounts, not excess of $40,000,000, of which $20,000,000 shall be made available to implement subsection (d), annually, as may be necessary to carry out the provisions of this section. Any such funds employed for control operations shall be allocated by the Chief of Engneers on a priority basis, based upon the urgency and need of each area, and the availability of local funds.]

(b) AUTHORIZATION OF APPROPRIATIONS.—

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

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

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

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

* * * * * * *

(d) WATERCRAFT INSPECTION STATIONS.—

[(1) IN GENERAL.—In carrying out this section, the Secretary may establish watercraft inspection stations in the Columbia River Basin to be located in the States of Idaho, Montana, Oregon, and Washington at locations, as determined by the Secretary, with the highest likelihood of preventing the spread of

aquatic invasive species at reservoirs operated and maintained by the Secretary.]

(1) IN GENERAL.—

(A) WATERCRAFT INSPECTION STATIONS.—*In carrying out this section, the Secretary shall establish, operate, and maintain new or existing watercraft inspection stations—*

(i) to protect the Columbia River Basin; and

(ii) to protect the Upper Missouri River Basin.

(B) LOCATIONS.—*The Secretary shall place watercraft inspection stations under subparagraph (A) at locations, as determined by the Secretary in consultation with States within the areas described in subparagraph (A), with the highest likelihood of preventing the spread of aquatic invasive species at reservoirs operated and maintained by the Secretary.*

(C) RAPID RESPONSE.—*The Secretary shall assist the States within the areas described in subparagraph (A) with rapid response to any aquatic invasive species, including quagga or zebra mussel, infestation.*

* * * * * * *

(3) COORDINATION.—In carrying out this subsection, the Secretary shall consult and coordinate with—

[(A) the States described in paragraph (1)]

(A) the Governors of the States within the areas described in clause (i) or (ii) of paragraph (1)(A), as applicable,

* * * * * * *

THE RIVER AND HARBOR ACT OF 1960

* * * * * * *

SEC. 107. [33 USC 577] (a) That the Secretary of the Army is authorized to allot from any appropriations hereafter made for rivers and harbors not to exceed [$50,000,000] *$62,500,000* for any one fiscal year for the construction of small river and harbor improvement projects not specifically authorized by Congress which will result in substantial benefits to navigation and which can be operated consistently with appropriate and economic use of the waters of the Nation for other purposes, when in the opinion of the Chief of Engineers such work is advisable, if benefits are in excess of the cost.

(b) Not more than [$10,000,000] *$12,500,000* shall be allotted for the construction of a project under this section at any single locality and the amount allotted shall be sufficient to complete the Federal participation in the project under this section.

* * * * * * *

RIVER AND HARBOR ACT OF 1968

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SEC. 111. [33 USC 426i] (a) IN GENERAL.— * * *

* * * * * * *

(c) REQUIREMENT FOR SPECIFIC AUTHORIZATION.—No such project shall be initiated without specific authorization by Congress if the Federal first cost exceeds [$10,000,000] *$15,000,000*.

* * * * * * *

(e) REIMBURSEMENT FOR FEASIBILITY STUDIES.— * * *

* * * * * * *

(f) CERTAIN PROJECTS.—*Subject to the availability of appropriations, in the case of a project under this section that, on the date of enactment of the America's Water Infrastructure Act of 2018, is authorized to be carried out at a cost greater than $10,000,000, the Secretary may provide to the project an increase in funding equal to the lesser of—*

(1) 50 percent of the authorized amount; and

(2) $5,000,000.

* * * * * * *

ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES APPROPRIATIONS ACT, 2014

CONSOLIDATED APPROPRIATIONS ACT, 2014

* * * * * * *

SEC 1. SHORT TITLE.

This Act may be cited as the "Consolidated Appropriations Act, 2014".

* * * * * * *

DIVISION D—ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES APPROPRIATIONS ACT, 2014

SEC. 113.

The Cape Arundel Disposal Site in the State of Maine selected by the Department of the Army as an alternative dredged material disposal site under section 103(b) of the Marine Protection Research and Sanctuaries Act of 1972, shall remain open [for 5 years after enactment of this Act] *until December 31, 2021*, until the remaining disposal capacity of the site has been utilized, or until completion of an Environmental Impact Statement to support final designation of an Ocean Dredged Material Disposal Site for southern Maine under section 102(c) of the Marine Protection Research and Sanctuaries Act of 1972, whichever first occurs, provided that the site conditions remain suitable for such purpose and that the site may not be used for disposal of more than 80,000 cubic yards from any single dredging project.

* * * * * * *

NATIONAL DAM SAFETY PROGRAM ACT

* * * * * * *

SEC. 3. INSPECTION OF DAMS.

(a) IN GENERAL.— * * *

* * * * * * *

SEC. 8A. REHABILITATION OF HIGH HAZARD POTENTIAL DAMS.

(a) ESTABLISHMENT OF PROGRAM.— * * *

* * * * * * *

[(e) FLOODPLAIN MANAGEMENT PLANS.—

[(1) IN GENERAL.—As a condition of receipt of assistance under this section, the non-Federal sponsor shall demonstrate that a floodplain management plan to reduce the impacts of future flood events in the area protected by the project—

[(A) is in place; or

[(B) will be—

[(i) developed not later than 1 year after the date of execution of a project agreement for assistance under this section; and

[(ii) implemented not later than 1 year after the date of completion of construction of the project.

[(2) INCLUSIONS.—A plan under paragraph (1) shall address—

[(A) potential measures, practices, and policies to reduce loss of life, injuries, damage to property and facilities, public expenditures, and other adverse impacts of flooding in the area protected by the project;

[(B) plans for flood fighting and evacuation; and

[(C) public education and awareness of flood risks.

[(3) TECHNICAL SUPPORT.—The Administrator may provide technical support for the development and implementation of floodplain management plans prepared under this subsection.]

(e) EMERGENCY ACTION PLANS.—

(1) IN GENERAL.—*As a condition of receipt of assistance under this section, the non-Federal sponsor shall demonstrate that an emergency action plan is in place to protect the safety of persons and property in the area potentially affected by a breach of the dam.*

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

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

(B) notification and communication;

(C) emergency actions;

(D) termination and follow-up; and

(E) public education and awareness of the emergency action plan.

* * * * * * *

SEC. 14. AUTHORIZATION OF APPROPRIATIONS.

(a) NATIONAL DAM SAFETY PROGRAM.—

(1) ANNUAL AMOUNTS.—There are authorized to be appropriated to FEMA to carry out sections 7, 8, and 12 (in addition to any amounts made available for similar purposes included in any other Act and amounts made available under subsections (b) through (e)), $9,200,000 [for each of fiscal years 2015 through 2019], *for each of fiscal years 2015 through 2021* to remain available until expended.

(b) NATIONAL DAM INVENTORY.—There is authorized to be appropriated to carry out section 6 $500,000 [for each of fiscal years 2015 through 2019] *for each of fiscal years 2015 through 2021.*

(c) PUBLIC AWARENESS.—There is authorized to be appropriated to carry out section 11 $1,000,000 [for each of fiscal years 2015 through 2019] *for each of fiscal years 2015 through 2021.*

(d) RESEARCH.—There is authorized to be appropriated to carry out section 9 $1,450,000 [for each of fiscal years 2015 through 2019] *for each of fiscal years 2015 through 2021*, to remain until expended.

(e) DAM SAFETY TRAINING.—There is authorized to be appropriated to carry out section 10 $750,000 [for each of fiscal years 2015 through 2019] *for each of fiscal years 2015 through 2021.*

(f) STAFF.—There is authorized to be appropriated to FEMA for the employment of such additional staff personnel as are necessary to carry out sections 8 through 10 $1,000,000 [for each of fiscal years 2015 through 2019] *for each of fiscal years 2015 through 2021.*

* * * * * * *

FREEDOM TO FISH ACT

* * * * * * *

SEC 1. SHORT TITLE.

* * * * * * *

SEC. 2. RESTRICTED AREAS AT CORPS OF ENGINEERS DAMS.

(a) DEFINITIONS.—In this Act:

(1) RESTRICTED AREA.— * * *

* * * * * * *

(b) EXISTING RESTRICTED AREA.— * * *

* * * * * * *

(1) cease implementing and enforcing the restricted area until the date that is [4 years after the date of enactment of the Water Resources Reform and Development Act of 2014] *5 years after the date of enactment of the America's Water Infrastructure Act of 2018*; and

(2) * * *

* * * * * * *

(c) ESTABLISHING NEW OR MODIFIED RESTRICTED AREA * * *

* * * * * * *

(1) * * *

* * * * * * *

(3) not implement or enforce the restricted area until the date that is [4 years after the date of enactment of the Water Resources Reform and Development Act of 2014] *5 years after the date of enactment of the America's Water Infrastructure Act of 2018*; and

* * * * * * *

GREAT LAKES FISH AND WILDLIFE RESTORATION ACT OF 1990

* * * * * * *

TITLE I—GREAT LAKES FISH AND WILDLIFE RESTORATION

SEC. 1002. [16 U.S.C. 941] FINDINGS.

* * * * * * *

SEC. 1009. [16 U.S.C. 941g] AUTHORIZATION OF APPROPRIATIONS.

[(a) AUTHORIZATION.—There are authorized to be appropriated to the Director for each of fiscal years 2016 through 2021-

[(1) $6,000,000 to implement fish and wildlife restoration proposals as selected by the Director under section 941c(e) of this title, of which-

[(A) not more than the lesser of 33 1/3 percent or $2,000,000 may be allocated to implement regional projects by the United States Fish and Wildlife Service, as selected by the Director under section 941c(e) of this title; and

[(B) the lesser of 5 percent or $300,000 shall be allocated to the United States Fish and Wildlife Service to cover costs incurred in administering the proposals by any entity; and

[(2) 2,000,000, which shall be allocated for the activities of the Upper Great Lakes Fish and Wildlife Conservation Offices and the Lower Great Lakes Fish and Wildlife Conservation Office under section 941e of this title.]

(a) IN GENERAL.—There are authorized to be appropriated to the Director—

(1) for fiscal year 2019—

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

(i) not more than the lesser of 33 1/3 percent and $2,000,000 may be allocated to implement regional projects; and

(ii) the lesser of 5 percent and $300,000 shall be allocated to the United States Fish and Wildlife Service to cover costs incurred in administering the proposals by any entity; and

(B) $2,200,000, which shall be allocated for the activities of the Upper Great Lakes Fish and Wildlife Conservation Offices and the Lower Great Lakes Fish and Wildlife Conservation Office under section 1007;

(2) for fiscal year 2020—

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

(i) not more than the lesser of 33 1/3 percent and $2,000,000 may be allocated to implement regional projects; and

(ii) the lesser of 5 percent and $300,000 shall be allocated to the United States Fish and Wildlife Service to cover costs incurred in administering the proposals by any entity; and

(B) $2,400,000, which shall be allocated for the activities of the Upper Great Lakes Fish and Wildlife Conservation Offices and the Lower Great Lakes Fish and Wildlife Conservation Office under section 1007; and

(3) for fiscal year 2021—

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

(i) not more than the lesser of 33 1/3 percent and $2,000,000 may be allocated to implement regional projects; and

(ii) the lesser of 5 percent and $300,000 shall be allocated to the United States Fish and Wildlife Service to cover costs incurred in administering the proposals by any entity; and

(B) $2,600,000, which shall be allocated for the activities of the Upper Great Lakes Fish and Wildlife Conservation Offices and the Lower Great Lakes Fish and Wildlife Conservation Office under section 1007.

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FEDERAL WATER POLLUTION CONTROL ACT

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TITLE I—RESEARCH AND RELATED PROGRAMS

SEC. 101. (a) * * *

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SEC. 118. GREAT LAKES.

(a) FINDINGS, PURPOSE, AND DEFINITIONS.— * * *

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(c) GREAT LAKES MANAGEMENT.—

(1) FUNCTIONS.— * * *

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(7) GREAT LAKES RESTORATION INITIATIVE.—

(A) ESTABLISHMENT.— * * *

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(J) FUNDING.—

[(i) IN GENERAL.— There is authorized to be appropriated to carry out this paragraph $300,000,000 for each of fiscal years 2017 through 2021.**]**

(i) IN GENERAL.*—There are authorized to be appropriated to carry out this paragraph—*

(I) $330,000,000 for fiscal year 2019;

(II) $360,000,000 for fiscal year 2020; and

(III) $390,000,000 for fiscal year 2021.

* * * * * * *

SEC. 119. LONG ISLAND SOUND.—(a) * * *

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[(b) ADMINISTRATION AND STAFFING OF OFFICE.—The Office shall**]**

(b) OFFICE.—

(1) ESTABLISHMENT.*—The Administrator shall—*

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

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

(2) ADMINISTRATION AND STAFFING.—*The Office shall* be headed by a Director, who shall be detailed by the Administrator, following consultation with the Administrators of EPA regions I and II, from among the employees of the Agency who are in civil service. The Administrator shall delegate to the Director such authority and detail such additional staff as may be necessary to carry out the duties of the Director under this section.

(c) DUTIES OF THE OFFICE.—The Office shall assist the **[**Management Conference of the Long Island Sound Study**]** *conference study* in carrying out its goals. Specifically, the Office shall—

* * * * * * *

(2) * * *

* * * * * * *

(A) population growth and the adequacy of wastewater treatment facilities**[**,**]** *;*

(B) the use of biological methods for nutrient removal in sewage treatment plants**[**,**]** *;*

(C) contaminated sediments, and dredging activities**[**,**]** *;*

(D) nonpoint source pollution abatement and land use activities in the Long Island Sound watershed,

(E) wetland protection and restoration**[**,**]** *;*

(F) atmospheric deposition of acidic and other pollutants into Long Island Sound**[**,**]** *;*

(G) water quality requirements to sustain fish, shellfish, and wildlife populations, and the use of indicator species to assess environmental quality**[**,**]** *;***]**

(H) State water quality programs, for their adequacy pursuant to implementation of the Comprehensive Conservation and Management Plan**[**, and**]** *;*

(I) options for long-term financing of wastewater treatment projects and water pollution control programs**[**.**]** *;*

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

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

(ii) the development and implementation of adaptation strategies to reduce those vulnerabilities; and

(iii) the identification and assessment of the impacts of sea level rise on water quality, habitat, and infrastructure; and

(K) planning initiatives for Long Island Sound that identify the areas that are most suitable for various types or classes of activities in order to reduce conflicts among uses, reduce adverse environmental impacts, facilitate compatible uses, or preserve critical ecosystem services to meet economic, environmental, security, or social objectives;

* * * * * * *

[(4) coordinate activities and implementation responsibilities with other Federal agencies which have jurisdiction over Long Island Sound and with national and regional marine moni-

toring and research programs established pursuant to the Marine Protection, Research, and Sanctuaries Act;]

(4) develop and implement strategies to increase public education and awareness with respect to the ecological health and water quality conditions of Long Island Sound;

(5) provide administrative and technical support to the conference *study*;

(6) collect and make available to the public *(including on the Internet)* publications, and other forms of information the conference *study* determines to be appropriate, relating to the environmental quality of Long Island Sound;

[(7) not more than two years after the date of the issuance of the final Comprehensive Conservation and Management Plan for Long Island Sound under section 320 of this Act, and biennially thereafter, issue a report to the Congress which—]

(7) monitor the progress made toward meeting the identified goals, actions, and schedules of the Comprehensive Conservation and Management Plan, including through the implementation and support of a monitoring system for the ecological health and water quality conditions of Long Island Sound; and

* * * * * * *

(d) GRANTS.— * * *

* * * * * * *

(3) Citizen involvement and citizen education grants under this subsection shall not exceed 95 per centum of the costs of such work. All other grants under this subsection shall not exceed [50 per centum] *60 percent* of the research, studies, or work. All grants shall be made on the condition that the non-Federal share of such costs are provided from non-Federal sources.

* * * * * * *

(e) ASSISTANCE TO DISTRESSED COMMUNITIES.— * * *

* * * * * * *

(f) REPORT.—

(1) IN GENERAL.—*Not later than 2 years after the date of enactment of the America's Water Infrastructure Act of 2018, and biennially thereafter, the Director of the Office, in consultation with the Governor of each Long Island Sound State, shall submit to Congress a report that—*

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

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

(C) describes any substantive modifications to the Long Island Sound Comprehensive Conservation and Management Plan made during the 2-year period preceding the date of submission of the report;

(D) provides specific recommendations to improve progress in restoring and protecting the Long Island Sound

watershed, including, as appropriate, proposed modifications to the Long Island Sound Comprehensive Conservation and Management Plan;

(E) identifies priority actions for implementation of the Long Island Sound Comprehensive Conservation and Management Plan for the 2-year period following the date of submission of the report; and

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

(2) PUBLIC AVAILABILITY.—*The Administrator shall make the report described in paragraph (1) available to the public, including on the Internet.*

(g) ANNUAL BUDGET PLAN.—*The President shall submit, together with the annual budget of the United States Government submitted under section 1105(a) of title 31, United States Code, information regarding each Federal department and agency involved in the protection and restoration of the Long Island Sound watershed, including—*

(1) an interagency crosscut budget that displays for each department and agency—

(A) the amount obligated during the preceding fiscal year for protection and restoration projects and studies relating to the watershed;

(B) the estimated budget for the current fiscal year for protection and restoration projects and studies relating to the watershed; and

(C) the proposed budget for succeeding fiscal years for protection and restoration projects and studies relating to the watershed; and

(2) a summary of any proposed modifications to the Long Island Sound Comprehensive Conservation and Management Plan for the following fiscal year.

(h) FEDERAL ENTITIES.—

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

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

(A) enter into interagency agreements; and

(B) make intergovernmental personnel appointments.

(3) FEDERAL PARTICIPATION IN WATERSHED PLANNING.—*A Federal department or agency that owns or occupies real property, or carries out activities, within the Long Island Sound watershed shall participate in regional and subwatershed planning, protection, and restoration activities with respect to the watershed.*

(4) CONSISTENCY WITH COMPREHENSIVE CONSERVATION AND MANAGEMENT PLAN.—*To the maximum extent practicable, the head of each Federal department and agency that owns or occupies real property, or carries out activities, within the Long Island Sound watershed shall ensure that the property and all activities carried out by the department or agency are consistent*

with the Long Island Sound Comprehensive Conservation and Management Plan (including any related subsequent agreements and plans).

[(f)] *(i)* AUTHORIZATIONS.—(1) There is authorized to be appropriated to the Administrator for the implementation of this section, other than subsection (d), such sums as may be necessary for each of the fiscal years 2001 through 2010.

(2) There is authorized to be appropriated to the Administrator for the implementation of subsection (d) not to exceed $40,000,000 for each of fiscal years 2001 through 2010.

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SEC. 123. COLUMBIA RIVER BASIN RESTORATION

(a) DEFINITIONS.—

(d) GRANTS.— * * *

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(1) IN GENERAL.— * * *

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(6) AUTHORIZATION OF APPROPRIATIONS.*—There are authorized to be appropriated to carry out this subsection—*

(A) $5,000,000 for fiscal year 2019; and

(B) $30,000,000 for each of fiscal years 2020 and 2021.

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TITLE II—GRANTS FOR CONSTRUCTION OF TREATMENT WORKS

SEC. 201. (a) * * *

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SEC. 221. SEWER OVERFLOW CONTROL GRANTS.

[(a) IN GENERAL.—In any fiscal year in which the Administrator has available for obligation at least $1,350,000,000 for the purposes of section 601—

[(1) the Administrator may make grants to States for the purpose of providing grants to a municipality or municipal entity for planning, design, and construction of treatment works to intercept, transport, control, or treat municipal combined sewer overflows and sanitary sewer overflows; and

[(2) subject to subsection (g), the Administrator may]

(a) AUTHORITY.*—The Administrator may—*

(1) make grants to States for the purpose of providing grants to a municipality or municipal entity for planning, designing, and constructing—

(A) treatment works to intercept, transport, control, or treat municipal combined sewer overflows and sanitary sewer overflows; and

(B) measures to manage, reduce, treat, or recapture stormwater or subsurface drainage water; and

*(2) subject to subsection (g),*make a direct grant to a municipality or municipal entity for the purposes described in paragraph (1).

(b) PRIORITIZATION.—In selecting from among municipalities applying for grants under subsection (a), a State or the Administrator shall give priority to an applicant that—

(1) is a municipality that is a financially distressed community under subsection (c)[;] *;or*

[(2) has implemented or is complying with an implementation schedule for the nine minimum controls specified in the CSO control policy referred to in section 402(q)(1) and has begun implementing a long-term municipal combined sewer overflow control plan or a separate sanitary sewer overflow control plan;

[(3) is requesting a grant for a project that is on a State's intended use plan pursuant to section 606(c); or]

[(4)] *(2)* is an Alaska Native Village.

* * * * * * *

(d) COST-SHARING.—The Federal share of the cost of activities carried out using amounts from a grant made under subsection (a) shall be not less than 55 percent of the cost. The non-Federal share of the cost may include, in any amount, public and private funds and in-kind services, and may include, notwithstanding section [603(h)] *603(i)*, financial assistance, including loans, from a State water pollution control revolving fund.

[(e) ADMINISTRATIVE REPORTING REQUIREMENTS.—If a project receives grant assistance under subsection (a) and loan assistance from a State water pollution control revolving fund and the loan assistance is for 15 percent or more of the cost of the project, the project may be administered in accordance with State water pollution control revolving fund administrative reporting requirements for the purposes of streamlining such requirements.

[(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $750,000,000 for each of fiscal years 2002 and 2003. Such sums shall remain available until expended.

[(g) ALLOCATION OF FUNDS.—

[(1) FISCAL YEAR 2002.—Subject to subsection (h), the Administrator shall use the amounts appropriated to carry out this section for fiscal year 2002 for making grants to municipalities and municipal entities under subsection (a)(2), in accordance with the criteria set forth in subsection (b).

[(2) FISCAL YEAR 2003.—Subject to subsection (h), the Administrator shall use the amounts appropriated to carry out this section for fiscal year 2003 as follows:

[(A) Not to exceed $250,000,000 for making grants to municipalities and municipal entities under subsection (a)(2), in accordance with the criteria set forth in subsection (b).

(B) All remaining amounts for making grants to States under subsection (a)(1), in accordance with a formula to be established by the Administrator, after providing notice and an opportunity for public comment, that allocates to each State a proportional share of such amounts based on the total needs of the State for municipal combined sewer overflow controls and sanitary sewer overflow controls identified in the most recent survey conducted pursuant to section 516(b)(1).]

(e) ADMINISTRATIVE REQUIREMENTS.—

(1) IN GENERAL.—*Subject to paragraph (2), a project that receives grant assistance under subsection (a) shall be carried out subject to the same requirements as a project that receives assistance from a State water pollution control revolving fund established pursuant to title VI.*

(2) DETERMINATION OF GOVERNOR.—*The requirement described in paragraph (1) shall not apply to a project that receives grant assistance under subsection (a) to the extent that the Governor of the State in which the project is located determines that a requirement described in title VI is inconsistent with the purposes of this section.*

(f) AUTHORIZATION OF APPROPRIATIONS.—*There is authorized to be appropriated to carry out this section $225,000,000 for each of fiscal years 2019 and 2020, to remain available until expended.*

(g) ALLOCATION OF FUNDS.—*For each of fiscal years 2019 and 2020, subject to subsection (h), the Administrator shall use the amounts made available to carry out this section to provide grants to municipalities and municipal entities under subsection (a)(2)—*

(1) in accordance with the priority criteria described in subsection (b); and

(2) with additional priority given to proposed projects that involve the use of—

(A) nonstructural, low-impact development;

(B) water conservation, efficiency, or reuse; or

(C) other decentralized stormwater or wastewater approaches to minimize flows into the sewer systems.

* * * * * * *

[(i) REPORTS.—Not later than December 31, 2003, and periodically thereafter, the Administrator shall transmit to Congress a report containing recommended funding levels for grants under this section. The recommended funding levels shall be sufficient to ensure the continued expeditious implementation of municipal combined sewer overflow and sanitary sewer overflow controls nationwide.]

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SEC. 222. TECHNICAL ASSISTANCE FOR SMALL TREATMENT WORKS.

(a) DEFINITIONS.—*In this section:*

(1) QUALIFIED NONPROFIT SMALL TREATMENT WORKS TECHNICAL ASSISTANCE PROVIDER.—The term 'qualified nonprofit small treatment works technical assistance provider' means a nonprofit organization that, as determined by the Administrator—

(A) is qualified and experienced in providing training and technical assistance to small treatment works; and

(B) the small treatment works in the State finds to be the most beneficial and effective.

(2) SMALL TREATMENT WORKS.—*The term 'small treatment works' means a publicly owned treatment works serving not more than 10,000 individuals.*

(b) TECHNICAL ASSISTANCE.—*The Administrator may use amounts made available to carry out this section to provide grants or cooperative agreements to qualified nonprofit small treatment works technical assistance providers to provide to owners and oper-*

ators of small treatment works onsite technical assistance, circuit rider technical assistance programs, multi-State, regional technical assistance programs, and onsite and regional training, to assist the small treatment works in achieving compliance with this Act or obtaining financing under this Act for eligible projects.

(c) AUTHORIZATION OF APPROPRIATIONS.—*There are authorized to be appropriated to carry out this section for grants for small treatment works technical assistance, $15,000,000 for each of fiscal years 2019 through 2021.*

SEC. 223. TECHNICAL ASSISTANCE FOR MEDIUM TREATMENT WORKS.

(a) DEFINITIONS.—*In this section:*

(1) MEDIUM TREATMENT WORKS.—*The term 'medium treatment works' means a publicly owned treatment works serving not fewer than 10,001, and not more than 75,000, individuals.*

(2) QUALIFIED NONPROFIT MEDIUM TREATMENT WORKS TECHNICAL ASSISTANCE PROVIDER.—*The term 'qualified nonprofit medium treatment works technical assistance provider' means a qualified nonprofit technical assistance provider of water and wastewater services to medium-sized communities that provides technical assistance (including circuit rider technical assistance programs, multi-State, regional assistance programs, and training and preliminary engineering evaluations) to owners and operators of medium treatment works, which may include a State agency.*

(b) TECHNICAL ASSISTANCE.—*The Administrator may use amounts made available to carry out this section to provide grants or cooperative agreements to qualified nonprofit medium treatment works technical assistance providers to provide to owners and operators of medium treatment works onsite technical assistance, circuit-rider technical assistance programs, multi-State, regional technical assistance programs, and onsite and regional training to assist medium treatment works that are facing difficulty in achieving compliance with this Act or obtaining financing under this Act for eligible projects.*

(c) AUTHORIZATION OF APPROPRIATIONS.—*There is authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 2019 through 2021.*

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TITLE III—STANDARDS AND ENFORCEMENT

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SEC. 309. (a)(1) * * *

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(h) IMPLEMENTATION OF INTEGRATED PLANS THROUGH ENFORCEMENT TOOLS.—

(1) IN GENERAL.—*In conjunction with an enforcement action under subsection (a) or (b) relating to municipal discharges, the Administrator shall inform a municipality of the opportunity to develop an integrated plan (as defined in section 402(s)).*

(2) MODIFICATION.—*Any municipality under an administrative order under subsection (a) or settlement agreement (including a judicial consent decree) under subsection (b) that has developed an integrated plan consistent with section 402(s) may*

request a modification of the administrative order or settlement agreement based on that integrated plan.

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TITLE IV—PERMITS AND LICENSES

SEC. 402. (a)(1) * * *

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(r) DISCHARGES INCIDENTAL TO THE NORMAL OPERATION OF RECREATIONAL VESSELS.— * * *

* * * * * * *

(s) INTEGRATED PLAN PERMITS.—

(1) DEFINITIONS.—*In this subsection:*

(A) GREEN INFRASTRUCTURE.—*The term 'green infrastructure' means the range of measures that use plant or soil systems, permeable pavement or other permeable surfaces or substrates, stormwater harvest and reuse, or landscaping to store, infiltrate, or evapotranspirate stormwater and reduce flows to sewer systems or to surface waters.*

(B) INTEGRATED PLAN.—*The term 'integrated plan' has the meaning given in Part III of the Integrated Municipal Stormwater and Wastewater Planning Approach Framework, issued by the Environmental Protection Agency and dated June 5, 2012.*

(C) MUNICIPAL DISCHARGE.—

(i) IN GENERAL.—*The term 'municipal discharge' means a discharge from a treatment works (as defined in section 212) or a discharge from a municipal storm sewer under subsection (p).*

(ii) INCLUSION.—*The term 'municipal discharge' includes a discharge of wastewater or storm water collected from multiple municipalities if the discharge is covered by the same permit issued under this section.*

(2) INTEGRATED PLAN.—

(A) IN GENERAL.—*The Administrator (or a State, in the case of a permit program approved under subsection (b)) shall inform a municipal permittee or multiple municipal permittees of the opportunity to develop an integrated plan.*

(B) SCOPE OF PERMIT INCORPORATING INTEGRATED PLAN.—*A permit issued under this subsection that incorporates an integrated plan may integrate all requirements under this Act addressed in the integrated plan, including requirements relating to—*

(i) a combined sewer overflow;

(ii) a capacity, management, operation, and maintenance program for sanitary sewer collection systems;

(iii) a municipal stormwater discharge;

(iv) a municipal wastewater discharge; and

(v) a water quality-based effluent limitation to implement an applicable wasteload allocation in a total maximum daily load.

(3) COMPLIANCE SCHEDULES.—

(A) IN GENERAL.—*A permit for a municipal discharge by a municipality that incorporates an integrated plan may*

include a schedule of compliance, under which actions taken to meet any applicable water quality-based effluent limitation may be implemented over more than 1 permit term if the compliance schedules are authorized by State water quality standards.

(B) INCLUSION.—*Actions subject to a compliance schedule under subparagraph (A) may include green infrastructure if implemented as part of a water quality-based effluent limitation.*

(C) REVIEW.—*A schedule of compliance may be reviewed each time the permit is renewed.*

(4) EXISTING AUTHORITIES RETAINED.—

(A) APPLICABLE STANDARDS.—*Nothing in this subsection modifies any obligation to comply with applicable technology and water quality-based effluent limitations under this Act.*

(B) FLEXIBILITY.—*Nothing in this subsection reduces or eliminates any flexibility available under this Act, including the authority of—*

(i) a State to revise a water quality standard after a use attainability analysis under section 131.10(g) of title 40, Code of Federal Regulations (or a successor regulation), subject to the approval of the Administrator under section 303(c); and

(ii) the Administrator or a State to authorize a schedule of compliance that extends beyond the date of expiration of a permit term if the schedule of compliance meets the requirements of section 122.47 of title 40, Code of Federal Regulations (as in effect on the date of enactment of this subsection).

(5) CLARIFICATION OF STATE AUTHORITY.—

(A) IN GENERAL.—*Nothing in section 301(b)(1)(C) precludes a State from authorizing in the water quality standards of the State the issuance of a schedule of compliance to meet water quality-based effluent limitations in permits that incorporate provisions of an integrated plan.*

(B) TRANSITION RULE.—*In any case in which a discharge is subject to a judicial order or consent decree as of the date of enactment of the America's Water Infrastructure Act of 2018 resolving an enforcement action under this Act, any schedule of compliance issued pursuant to an authorization in a State water quality standard shall not revise a schedule of compliance in that order or decree unless the order or decree is modified by agreement of the parties and the court.*

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TITLE V—GENERAL PROVISIONS

SEC. 501. (a) * * *

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SEC. 518. INDIAN TRIBES.

(a) POLICY.— * * *

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SEC. 519. ENVIRONMENTAL PROTECTION AGENCY GREEN INFRASTRUCTURE PROMOTION.

(a) IN GENERAL.—*The Administrator shall ensure that the Office of Water, the Office of Enforcement and Compliance Assurance, the Office of Research and Development, and the Office of Policy of the Environmental Protection Agency promote the use of green infrastructure in and coordinate the integration of green infrastructure into, permitting programs, planning efforts, research, technical assistance, and funding guidance.*

(b) DUTIES.—*The Administrator shall ensure that the Office of Water—*

(1) promotes the use of green infrastructure in the programs of the Environmental Protection Agency; and

(2) coordinates efforts to increase the use of green infrastructure with—

(A) other Federal departments and agencies;

(B) State, tribal, and local governments; and

(C) the private sector.

(c) REGIONAL GREEN INFRASTRUCTURE PROMOTION.—*The Administrator shall direct each regional office of the Environmental Protection Agency, as appropriate based on local factors, and consistent with the requirements of this Act, to promote and integrate the use of green infrastructure within the region that includes—*

(1) outreach and training regarding green infrastructure implementation for State, tribal, and local governments, tribal communities, and the private sector; and

(2) the incorporation of green infrastructure into permitting and other regulatory programs, codes, and ordinance development, including the requirements under consent decrees and settlement agreements in enforcement actions.

(d) GREEN INFRASTRUCTURE INFORMATION SHARING.—*The Administrator shall promote green infrastructure information sharing, including through an Internet website, to share information with, and provide technical assistance to, State, tribal, and local governments, tribal communities, the private sector, and the public regarding green infrastructure approaches for—*

(1) reducing water pollution;

(2) protecting water resources;

(3) complying with regulatory requirements; and

(4) achieving other environmental, public health, and community goals.

SEC. ⟦519⟧ *520*. This Act may be cited as the "Federal Water Pollution Control Act" (commonly referred to as the Clean Water Act).

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TITLE VI—STATE WATER POLLUTION CONTROL REVOLVING FUNDS

SEC. 603. WATER POLLUTION CONTROL REVOLVING LOAN FUNDS.

(a) * * *

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(d) TYPES OF ASSISTANCE.—Except as otherwise limited by State law *and as provided in subsection (e)*, a water pollution control revolving fund of a State under this section may be used only-

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(e) ADDITIONAL USE OF FUNDS.—*A State may use an additional 2 percent of the funds annually allotted to the State under this section for qualified nonprofit small treatment works technical assistance providers (as the term is defined in section 222) and qualified nonprofit medium treatment works technical assistance providers (as the term in defined in section 223) to provide technical assistance to small treatment works (as the term is defined in section 222) and medium treatment works (as the term is defined in section 223) in the State.*

[(e)**]***(f)* LIMITATION TO PREVENT DOUBLE BENEFITS.— * * *

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[(f)**]***(g)* CONSISTENCY WITH PLANNING REQUIREMENTS.— * * *

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[(g)**]***(h)* PRIORITY LIST REQUIREMENT.— * * *

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[(h)**]***(i)* ELIGIBILITY OF NON-FEDERAL SHARE OF CONSTRUCTION GRANT PROJECTS.— * * *

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[(i)**[***(j)* ADDITIONAL SUBSIDIZATION.— * * *

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(k) ALTERNATIVE WASTEWATER SYSTEM CERTIFICATION.—*In providing assistance from the water pollution control revolving fund of the State established in accordance with this title for a project for a wastewater system serving a population of not more than 2,500, the State shall ensure that an entity receiving assistance from the water pollution control revolving fund of the State certifies that the entity has considered an individual or shared onsite, decentralized wastewater system as an alternative wastewater system.*

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LONG ISLAND SOUND STEWARDSHIP ACT OF 2006

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[33 U.S.C. 1269; PUBLIC LAW 109–359]

SEC 1. SHORT TITLE. * * *

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SEC. 8. LONG ISLAND SOUND STEWARDSHIP ADVISORY COMMITTEE.

(a) * * *

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(g) Termination of Advisory Committee.-The Advisory Committee shall terminate on December 31, **[**2011**]** *2021.*

(h) NONAPPLICABILITY OF FACA.—*The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to—*

(1) the Advisory Committee; or

(2) any board, committee, or other group established under this Act.

SEC. 9. REPORTS.

(a) Administrator.-The Administrator shall publish and make available to the public on the Internet and in paper form-

* * * * * * *

(b) Advisory Committee.- * * *

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(1) Report.-For each of [fiscal years 2007 through 2011] *fiscal years 2019 through 2021*, the Advisory Committee shall submit to the Administrator and the decisionmaking body of the Long Island Sound Study Management Conference established under section 320 of the Federal Water Pollution Control Act (33 U.S.C. 1330), an annual report that contains-

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SEC. 11. AUTHORIZATION OF APPROPRIATIONS.

[(a) In General.-There is authorized to be appropriated to the Administrator $25,000,000 for each of fiscal years 2007 through 2011 to carry out this Act, including for-

[(1) acquisition of land and interests in land;

[(2) development and implementation of site management plans;

[(3) site enhancements to reduce threats or promote stewardship; and

[(4) administrative expenses of the Advisory Committee and the Administrator.]

[(b)] *(a)* Use of Funds.-Amounts made available to the Administrator [under this section each] *to carry out this Act for a* fiscal year shall be used by the Administrator after reviewing the recommendations included in the annual reports of the Advisory Committee under section 9.

[(c)] *(b)* Authorization of Gifts, Devises, and Bequests for System.-In furtherance of the purpose of this Act, the Administrator may accept and use any gift, devise, or bequest of real or personal property, proceeds therefrom, or interests therein, to carry out this Act. Such acceptance may be subject to the terms of any restrictive or affirmative covenant, or condition of servitude, if such terms are considered by the Administrator to be in accordance with law and compatible with the purpose for which acceptance is sought.

[(d)] *(c)* Limitation on Administrative Costs.-Of the amount available each fiscal year to carry out this Act, not more than 8 percent may be used for administrative costs.

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WATER INFRASTRUCTURE FINANCE AND INNOVATION ACT OF 2014

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TITLE V—WATER INFRASTRUCTURE FINANCING

Subtitle C—Innovative Financing Pilot Projects

SEC. 5021. [33 U.S.C. 3901 note] SHORT TITLE.

This subtitle may be cited as the "Water Infrastructure Finance and Innovation Act of 2014".

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SEC. 5023. [33 U.S.C. 3902] AUTHORITY TO PROVIDE ASSISTANCE.

(a) IN GENERAL.—The Secretary and the Administrator may provide financial assistance under this subtitle to carry out [pilot] projects, which shall be selected to ensure a diversity of project types and geographical locations.

(b) RESPONSIBILITY.—

(1) SECRETARY.—The Secretary shall carry out all [pilot] projects under this subtitle that are eligible projects under section 5026(1).

(2) ADMINISTRATOR.—The Administrator shall provide financial assistance to carry out all [pilot] projects under this subtitle that are eligible projects under paragraphs (2), (3), (4), (5), (6), (7), and (9) of section 5026.

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SEC. 5028. [33 U.S.C. 3907] DETERMINATION OF ELIGIBILITY AND PROJECT SELECTION.

(a) * * *

* * * * * * *

(1) Creditworthiness

(A) * * *

* * * * * * *

(6) Operation and maintenance plan

(A) In general * * *

* * * * * * *

(7) ALTERNATIVE WASTEWATER SYSTEM CERTIFICATION.—*In the case of a project carried out by the Administrator, the Administrator shall ensure that, for a project for a wastewater system serving a population of not more than 2,500, the eligible entity receiving financial assistance certifies that the eligible entity has considered an individual or shared onsite, decentralized wastewater system as an alternative wastewater system.*

* * * * * * *

SEC. 5033. [33 U.S.C. 3912] FUNDING.

(a) In general

(a) IN GENERAL.—There is authorized to be appropriated to each of the Secretary and the Administrator to carry out this subtitle *(other than section 5036)*, to remain available until expended—

(1) * * *

* * * * * * *

(5) $50,000,000 [for fiscal year 2019] *for each of fiscal years 2019 through 2021.*

(b) ADMINISTRATIVE COSTS.—Of the funds made available to carry out this subtitle *(other than section 5036)*, the Secretary or

the Administrator, as applicable, may use for the administration of this subtitle *(other than section 5036)*, including for the provision of technical assistance to aid project sponsors in obtaining the necessary approvals for the project, not more than $2,200,000 **[**for each of fiscal years 2015 through 2019**]** *for each of fiscal years 2015 through 2021.*

* * * * * * *

[SEC. 5034. [33 U.S.C. 3913] REPORTS ON PILOT PROGRAM IMPLEMENTATION.]

SEC. 5034. REPORTS ON PROGRAM IMPLEMENTATION.

* * * * * * *

SEC. 5035. [33 U.S.C. 3914] REQUIREMENTS.

(a) IN GENERAL.— * * *

* * * * * * *

SEC. 5036. INNOVATIVE FINANCING FOR STATE LOAN FUNDS.

(a) DEFINITION OF STATE LOAN FUNDS.—*In this section, the term 'State loan funds' means—*

(1) State drinking water treatment revolving loan funds established under section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j–12); and

(2) State water pollution control revolving funds established under title VI of the Federal Water Pollution Control Act (33 U.S.C. 1381 et seq.).

(b) FINANCIAL ASSISTANCE TO STATE LOAN FUNDS.—*The Administrator may provide financial assistance under this section to State infrastructure financing authorities for State loan funds to carry out water and wastewater infrastructure projects in accordance with this section.*

(c) ELIGIBLE ACTIVITIES.—

(1) IN GENERAL.—*The following activities may be carried out by a State infrastructure financing authority with financial assistance made available under this section:*

(A) One or more activities that are included in the intended use plan under section 606(c) of the Federal Water Pollution Control Act (33 U.S.C. 1386(c)).

(B) One or more activities that are included in the project priority list of the intended use plan under section 1452(b) of the Safe Drinking Water Act (42 U.S.C. 300j–12(b)).

(2) ADMINISTRATIVE COSTS.—*Financial assistance provided under this section may be used to pay the reasonable costs of administration related to that financial assistance.*

(3) APPLICATION FEES.—*Section 5029(b)(7) shall not apply to financial assistance made available under this section.*

(4) TREATMENT OF PROJECTS.—*In determining whether to provide financial assistance under this section, the Administrator shall consider a project to be all of the activities included in an intended use plan described in subparagraph (A) or (B) of paragraph (1).*

(5) STATE AND LOCAL DECISIONMAKING.—A State infrastructure financing authority that receives financial assistance under this section may use the assistance for any activity in-

cluded in an intended use plan described in subparagraph (A) or (B) of paragraph (1).

(d) REQUIREMENTS.—

(1) IN GENERAL.—*Except as otherwise provided in this section, the requirements and procedures under this subtitle shall apply to a project under this section.*

(2) INTEREST RATE.—

(A) IN GENERAL.—*Except as provided in subparagraph (B), the interest rate on a secured loan provided under this section shall be equal to the yield on United States Treasury securities of a similar maturity to the maturity of the secured loan on the date of execution of the loan agreement.*

(B) CERTAIN STATES.—

(i) IN GENERAL.—*In the case of a State described in clause (ii)—*

(I) the interest rate on a secured loan provided under this section shall be 80 percent of the interest rate under subparagraph (A); but

(II) if there is not sufficient demand for loans under this subparagraph (as determined by the Administrator), the Administrator may provide a secured loan at an interest rate that is not less than 50 percent and not more than 80 percent of the interest rate under subparagraph (A), as determined by the Administrator with respect to each loan.

(ii) STATES DESCRIBED.—*A State referred to in clause (i) is a State—*

(I) that received less than 2 percent of the total amount of funds made available to States for the State loan funds for the most recent fiscal year for which data is available; or

(II) for which the President has declared a major disaster in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) during the period beginning on January 1, 2017, and ending on the date of enactment of this section, if the secured loan is for a project related to wastewater or drinking water infrastructure damaged by the major disaster.

(C) DISTRIBUTION OF LOANS.—

(i) IN GENERAL.—*Except as provided in clause (ii), of the total amount of funds made available to provide secured loans under this section—*

(I) 50 percent shall be provided for secured loans at the interest rate described in subparagraph (A); and

(II) 50 percent shall be provided for secured loans at the interest rate described in subparagraph (B)(i) to States described in subparagraph (B)(ii).

(ii) REALLOCATION.—*For any fiscal year, if amounts for loans described in either of subclause (I) or (II) of clause (i) remain available, the Administrator may re-*

allocate the amounts to be used for loans described in either of subclause (I) or (II) of that clause, as applicable, to meet applicant demand.

(3) CERTAIN STATE REVIEWS.—

(A) IN GENERAL.—*A project under this section shall comply with any applicable State environmental or engineering review requirements pursuant to, as applicable—*

(i) title VI of the Federal Water Pollution Control Act (33 U.S.C. 1381 et seq.);

(ii) section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j–12);

(iii) section 35.3140 of title 40, Code of Federal Regulations (or successor regulations); and

(iv) section 35.3580 of title 40, Code of Federal Regulations (or successor regulations).

(B) NO NEW REVIEWS REQUIRED.—*Nothing in this section requires any additional or new environmental or engineering review for a project under this section other than any requirement otherwise applicable to the project.*

(4) FEDERAL SHARE.—*Notwithstanding section 5029(b)(9), financial assistance for a project under this section may be used to pay up to 100 percent of the costs of the project.*

(5) LIMITATION ON LOANS UNDER MULTIPLE PROGRAMS.—

(A) IN GENERAL.—*A State infrastructure financing authority—*

(i) may apply for financial assistance under both this section and under this subtitle (other than this section); but

(ii) may accept financial assistance from only 1 program described in clause (i).

(B) WITHDRAWAL; TIMING.—

(i) WITHDRAWAL.—*On a decision to accept financial assistance under this section or under this subtitle (other than this section), a State infrastructure financing authority shall withdraw the application of the State infrastructure financing authority from the program that the State infrastructure financing authority does not select.*

(ii) TIMING.—*A State infrastructure financing authority shall not be required to withdraw under clause (i) before decisions on the applications of the State infrastructure financing authority under this section and under this subtitle (other than this section) have been made.*

(e) EXPEDITED REVIEW OF APPLICATIONS.—*Not later than 180 days after the date on which the Administrator receives a complete application for a project under this section, the Administrator shall, through a written notice to the State infrastructure financing authority—*

(1) approve the application; or

(2) provide detailed guidance and an explanation of any changes to the application necessary for approval of the application.

(f) FUNDING.—

(1) AUTHORIZATION OF APPROPRIATIONS.—

(A) IN GENERAL.—There is authorized to be appropriated to the Administrator to carry out this section $100,000,000 for each of fiscal years 2019 and 2020, to remain available until expended.

(B) SENSE OF CONGRESS.—*It is the sense of Congress that the amounts authorized to be appropriated to carry out this section will support, for each fiscal year—*

(i) $5,000,000,000 in secured loans at the interest rate described in subsection (d)(2)(A); and

(ii) $425,000,000 in secured loans at the interest rate described in subsection (d)(2)(B)(i).

(2) ADMINISTRATIVE COSTS.—

(A) IN GENERAL.—*Of the funds made available to carry out this section, the Administrator may use for the administration of this section, including for the provision of technical assistance to aid State infrastructure financing authorities in obtaining the necessary approvals for eligible activities, not more than $5,000,000 for each of fiscal years 2019 and 2020.*

(B) FEE WAIVERS.—

(i) IN GENERAL.—*Of the funds made available to carry out this section, the Administrator may use for costs related to processing and reviewing applications, including underwriting, such amounts as are necessary for each of fiscal years 2019 and 2020, to remain available until expended.*

(ii) OTHER FEES.—*The funds under clause (i) shall be used in lieu of fees collected under section 5030(b).*

(3) NO IMPACT ON OTHER FEDERAL FUNDING.—*No funds shall be made available to carry out this section if—*

(A) the total amount made available for a fiscal year for the State loan funds is less than the total amount made available for those funds for fiscal year 2018; and

(B) the amount made available for a fiscal year for assistance under this subtitle (other than this section) is less than the amount made available for that assistance for fiscal year 2018.

(4) SUPPLEMENT, NOT SUPPLANT.—*Amounts made available to carry out this section shall be used to supplement, and not supplant—*

(A) funds made available to carry out this subtitle (other than this section);

(B) funds made available to carry out section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j–12); and

(C) funds made available to carry out title VI of the Federal Water Pollution Control Act (33 U.S.C. 1381 et seq.).

(g) DISTRIBUTION AND ALLOTMENT OF FUNDS.—

(1) DISTRIBUTION OF FUNDS.—*In determining the distribution of amounts between the State loan funds, the Administrator shall—*

(A) provide financial assistance based on need; and

(B) give equal consideration to drinking water projects and wastewater projects.

(2) ALLOTMENT.—*Notwithstanding section 5028(b), in providing financial assistance under this section, the Administrator shall—*

(A) for each fiscal year, ensure that each State infrastructure financing authority that submits an application under this section for a project described in subparagraph (A) or (B) of subsection (c)(1) receives financial assistance under this section; but

(B) provide financial assistance under subparagraph (A) in amounts based on need, as determined by the Administrator.

(h) TRANSPARENCY.—

(1) IN GENERAL.—*For each fiscal year, the Administrator shall make available on the website of the Administrator—*

(A) a list of each application received under this section;

(B) a list of each application approved under this section;

(C) the criteria and methods used for selection of projects under this section; and

(D) the terms of the financial assistance provided for each project under this section.

(2) REPORT.—*Not later than 180 days after the date on which the Administrator first provides financial assistance for a project under this section and each year thereafter, the Administrator shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a detailed report that includes—*

(A) the information described in subparagraphs (A) through (D) of paragraph (1); and

(B) a detailed explanation of why each project was approved.

(i) SUNSET.—*The authority to provide assistance under this section shall terminate on September 30, 2020.*

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SAFE DRINKING WATER ACT-(TITLE XIV OF PUBLIC HEALTH SERVICE ACT)

* * * * * * *

TITLE XIV—SAFETY OF PUBLIC WATER SYSTEMS

SEC. 1400. This title may be cited as the "Safe Drinking Water Act".

PART A—DEFINITIONS * * *

* * * * * * *

PART E—GENERAL PROVISIONS

SEC. 1452. (a) GENERAL AUTHORITY.— * * *

* * * * * * *

(1) GRANTS TO STATES TO ESTABLISH STATE LOAN FUNDS.—

(A) IN GENERAL.— * * *

* * * * * * *

(4) AMERICAN IRON AND STEEL PRODUCTS.—

(A) IN GENERAL.—[During fiscal year 2017, funds] *Funds* made available from a State loan fund established pursuant to this section may not be used for a project for the construction, alteration, or repair of a public water system unless all of the iron and steel products used in the project are produced in the United States.

* * * * * * *

(k) OTHER AUTHORIZED ACTIVITIES.—

(1) IN GENERAL.—Notwithstanding subsection (a)(2), a State may take each of the following actions:

(A) * * *

* * * * * * *

(D) Make expenditures from the fund for the establishment and implementation of wellhead protection programs under section 1428 *and the implementation of plans to protect source water identified in a source water assessment under section 1453*.

* * * * * * *

(2) * * *

* * * * * * *

(A) * * *

* * * * * * *

(E) To make expenditures to establish and implement wellhead protection programs *and implement plans to protect source water identified in a source water assessment under section 1453* pursuant to paragraph (1)(D).

(r) EVALUATION.— * * *

* * * * * * *

(s) NEGOTIATION OF CONTRACTS.—*For communities with populations of more than 10,000 individuals, a contract to be carried out using funds directly made available by a capitalization grant under this section for program management, construction management, feasibility studies, preliminary engineering, design, engineering, surveying, mapping, or architectural or related services shall be negotiated in the same manner as—*

(1) a contract for architectural and engineering services is negotiated under chapter 11 of title 40, United States Code; or

(2) an equivalent State qualifications-based requirement (as determined by the Governor of the State).

* * * * * * *

SEC. 1459B. REDUCING LEAD IN DRINKING WATER.

(a) DEFINITIONS.— * * *

* * * * * * *

SEC. 1459C. STUDY ON INTRACTABLE WATER SYSTEMS.

(a) DEFINITION OF INTRACTABLE WATER SYSTEM.—*In this section, the term 'intractable water system' means a community water system or a noncommunity water system—*

(1) that serves fewer than 1,000 individuals; and

(2) the owner or operator of which—

(A) is unable or unwilling to provide safe and adequate service to those individuals;

(B) has abandoned or effectively abandoned the community water system or noncommunity water system, as applicable;

(C) has defaulted on a financial obligation relating to the community water system or noncommunity water system, as applicable;

(D) fails to maintain the facilities of the community water system or noncommunity water system, as applicable, in a manner so as to prevent a potential public health hazard; or

(E) is in significant noncompliance with this Act or any regulation promulgated pursuant to this Act.

(b) STUDY REQUIRED.—

(1) IN GENERAL.—*Not later than 2 years after the date of enactment of this section, the Administrator, in consultation with the Secretary of Agriculture and the Secretary of Health and Human Services, shall complete a study that—*

(A) identifies intractable water systems; and

(B) describes barriers to delivery of potable water to individuals served by an intractable water system.

(2) REPORT TO CONGRESS.—*Not later than 2 years after the date of enactment of this section, the Administrator shall submit to Congress a report describing findings and recommendations based on the study under this subsection.*

(c) COMPLIANCE INCENTIVE.—*Section 1414(h)(2) shall apply to any person carrying out a plan to address an intractable water system that is approved by—*

(1) in the case of a State with primary enforcement responsibility under section 1413, the State; or

(2) in the case of a State that does not have primary enforcement responsibility, the Administrator.

PART F—ADDITIONAL REQUIREMENTS TO REGULATE THE SAFETY OF DRINKING WATER

SEC. 1461. As used in this part—

(1) DRINKING WATER COOLER.— * * *

* * * * * * *

PART G—ADDITIONAL PROVISIONS

SEC. 1471. WATERSENSE PROGRAM.

(a) ESTABLISHMENT OF WATERSENSE PROGRAM.—

(1) IN GENERAL.—*There is established within the Agency a voluntary WaterSense program to identify and promote water-efficient products, buildings, landscapes, facilities, processes, and services that, through voluntary labeling of, or other forms of communications regarding, products, buildings, landscapes, facilities, processes, and services while meeting strict performance criteria, sensibly—*

(A) reduce water use;

(B) reduce the strain on public and community water systems and wastewater and stormwater infrastructure;

(C) conserve energy used to pump, heat, transport, and treat water; and

(D) preserve water resources for future generations.

(2) INCLUSIONS.*—The Administrator shall, consistent with this section, identify water-efficient products, buildings, landscapes, facilities, processes, and services, including categories such as—*

(A) irrigation technologies and services;

(B) point-of-use water treatment devices;

(C) plumbing products;

(D) reuse and recycling technologies;

(E) landscaping and gardening products, including moisture control or water enhancing technologies;

(F) xeriscaping and other landscape conversions that reduce water use;

(G) whole house humidifiers; and

(H) water-efficient buildings or facilities.

(b) DUTIES.*—The Administrator, coordinating as appropriate with the Secretary of Energy, shall—*

(1) establish—

(A) a WaterSense label to be used for items meeting the certification criteria established in accordance with this section; and

(B) the procedure, including the methods and means, and criteria by which an item may be certified to display the WaterSense label;

(2) enhance public awareness regarding the WaterSense label through outreach, education, and other means;

(3) preserve the integrity of the WaterSense label by—

(A) establishing and maintaining feasible performance criteria so that products, buildings, landscapes, facilities, processes, and services labeled with the WaterSense label perform as well or better than less water-efficient counterparts;

(B) overseeing WaterSense certifications made by third parties, which shall be independent third-party product certification bodies accredited by an accreditation entity domiciled in the United States, such as the American National Standards Institute, as achieving—

(i) the requirements described in the document of the International Organization for Standardization and the International Electrotechnical Commission entitled 'ISO/IEC 17065 Conformity assessment—Requirements for bodies certifying products, processes and services' and dated September 2012; and

(ii) the applicable WaterSense requirements;

(C) as determined appropriate by the Administrator, using testing protocols, from the appropriate, applicable, and relevant consensus standards, for the purpose of determining standards compliance; and

(D) auditing the use of the WaterSense label in the marketplace and preventing cases of misuse;

(4) not more frequently than every 6 years after adoption or major revision of any WaterSense specification, review and, if

appropriate, revise the specification to achieve additional water savings;

(5) in revising a WaterSense specification—

(A) provide reasonable notice to interested parties and the public of any changes, including effective dates, and an explanation of the changes;

(B) solicit comments from interested parties and the public prior to any changes;

(C) as appropriate, respond to comments submitted by interested parties and the public; and

(D) provide an appropriate transition time prior to the applicable effective date of any changes, taking into account the timing necessary for the manufacture, marketing, training, and distribution of the specific water-efficient product, building, landscape, process, or service category being addressed; and

(6) not later than December 31, 2019, consider for review and revision any WaterSense specification adopted before January 1, 2012.

(c) TRANSPARENCY.—*The Administrator shall, to the maximum extent practicable and not less than annually, regularly estimate and make available to the public savings of water, energy, and capital costs of water, wastewater, and stormwater attributable to the use of WaterSense-labeled products, buildings, landscapes, facilities, processes, and services.*

(d) DISTINCTION OF AUTHORITIES.—*In setting or maintaining specifications for Energy Star pursuant to section 324A of the Energy Policy and Conservation Act (42 U.S.C. 6294a), and WaterSense under this section, the Secretary of Energy and the Administrator shall coordinate to prevent duplicative or conflicting requirements among the respective programs.*

(e) NO WARRANTY.—*A WaterSense label shall not create an express or implied warranty.*

* * * * * * *

THE WATER RESOURCES RESEARCH ACT OF 1984

* * * * * * *

SEC. 102. CONGRESSIONAL FINDINGS AND DECLARATIONS

The Congress finds and declares that-

(1) * * *

* * * * * * *

(6) * * *

* * * * * * *

(7) additional research is required into increasing the effectiveness and efficiency of new and existing treatment works through alternative approaches, including—

(A) nonstructural alternatives;

(B) decentralized approaches;

(C) energy use efficiency;

(D) water use efficiency; and

(E) actions to extract energy from wastewater;

[(7)**]** *(8)* the Nation must provide programs to strengthen research and associated graduate education because the pool of

scientists, engineers, and technicians trained in fields related to water resources constitutes an invaluable natural resource which should be increased, fully utilized, and regularly replenished; [and]

[(8)] *(9)* long-term planning and policy development are essential to ensure the availability of an abundant supply of high quality water for domestic and other uses; and

[(9)] *(10)* the States must have the research and problem-solving capacity necessary to effectively manage their water resources.

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SEC. 104. WATER RESOURCES RESEARCH AND TECHNOLOGY INSTITUTES

(a) * * *

* * * * * * *

(b) * * *

* * * * * * *

(1) * * *

* * * * * * *

(B) * * *

* * * * * * *

(ii) expand understanding of water and [water-related phenomena] *water resources*;

* * * * * * *

(D) the dissemination of research results to water managers and the public[.] *; and*

* * * * * * *

[(c) Grants; matching funds.—From the]

(c) GRANTS.—

(1) IN GENERAL.—*From the* sums appropriated pursuant to subsection (f) of this section, the Secretary shall make grants to each institute to be matched on a basis of no less than 2 non-Federal dollars for every 1 Federal dollar, such sums to be used only for the reimbursement of the direct cost expenditures incurred for the conduct of the water resources research program.

(2) REPORT.—*Not later than December 31 of each fiscal year, the Secretary shall submit to the Committee on Environment and Public Works of the Senate, the Committee on the Budget of the Senate, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on the Budget of the House of Representatives a report regarding the compliance of each funding recipient with this subsection for the immediately preceding fiscal year.*

(d) SUBMISSION AND APPROVAL OF WATER RESEARCH PROGRAM; REQUISITE ASSURANCES.— * * *

* * * * * * *

[(e) EVALUATION OF WATER RESOURCES RESEARCH PROGRAM.—The Secretary shall conduct a careful and detailed evaluation of each institute at least once every 3 years to determine that the

quality and relevance of its water resources research and its effectiveness at producing measured results and applied water supply research as an institution for planning, conducting, and arranging for research warrants its continued support under this section. If, as a result of any such evaluation, the Secretary determines that an institute does not qualify for further support under this section, then no further grants to the institute may be made until the institute's qualifications are reestablished to the satisfaction of the Secretary.]

(e) EVALUATION OF WATER RESOURCES RESEARCH PROGRAM.—

(1) IN GENERAL.—*The Secretary shall conduct a careful and detailed evaluation of each institute at least once every 3 years to determine—*

(A) the quality and relevance of the water resources research of the institute;

(B) the effectiveness of the institute at producing measured results and applied water supply research; and

(C) whether the effectiveness of the institute as an institution for planning, conducting, and arranging for research warrants continued support under this section.

(2) PROHIBITION ON FURTHER SUPPORT.—*If, as a result of an evaluation under paragraph (1), the Secretary determines that an institute does not qualify for further support under this section, no further grants to the institute may be provided until the qualifications of the institute are reestablished to the satisfaction of the Secretary.*

(f) AUTHORIZATION OF APPROPRIATIONS IN GENERAL.—

(1) There is authorized to be appropriated to carry out this section, to remain available until expended, [$12,000,000 for each of fiscal years 2007 through 2011] *$7,500,000 for each of fiscal years 2019 through 2021.*

* * * * * * *

(g) ADDITIONAL APPROPRIATIONS WHERE RESEARCH FOCUSED ON WATER PROBLEMS OF INTERSTATE NATURE.—

(1) There is further authorized to be appropriated to the Secretary of the Interior the sum of [$6,000,000 for each of fiscal years 2007 through 2011] *$1,500,000 for each of fiscal years 2019 through 2021.* only for reimbursement of the direct cost expenses of additional research or synthesis of the results of research by institutes which focuses on water problems and issues of a regional or interstate nature beyond those of concern only to a single State and which relate to specific program priorities identified jointly by the Secretary and the institutes. Such funds when appropriated shall be matched on a not less than dollar-for-dollar basis by funds made available to institutes or groups of institutes, by States or other non-Federal sources. Funds made available under this subsection shall remain available until expended.

* * * * * * *

CONSOLIDATED FARM AND RURAL DEVELOPMENT ACT

* * * * * * *

SEC. 102. [7 U.S.C. 1911] (a) * * *

* * * * * * *

SEC. 306. [7 U.S.C. 1926] (a)(1) * * *

* * * * * * *

(26) ESSENTIAL COMMUNITY FACILITIES TECHNICAL ASSISTANCE AND TRAINING.—

(A) IN GENERAL.— * * *

* * * * * * *

(27) ALTERNATIVE WASTEWATER SYSTEM CERTIFICATION.—*The Secretary shall ensure that, for a wastewater project serving a population of not more than 2,500, the recipient of the financial assistance certifies that the recipient has considered an individual or shared onsite, decentralized wastewater system as an alternative wastewater system.*

* * * * * * *

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