

**Suspend the Rules and Pass the Bill, S. 3021, With Amendments**

**(The amendments strike all after the enacting clause and insert a new text and an amendment to the title)**

115<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# **S. 3021**

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IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 5, 2018

Referred to the Committee on Transportation and Infrastructure

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## **AN ACT**

To designate the United States courthouse located at 300 South Fourth Street in Minneapolis, Minnesota, as the “Diana E. Murphy United States Courthouse”.

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

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

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

4 (b) **TABLE OF CONTENTS.**—The table of contents for  
5 this Act is as follows:

Sec. 1. Short title; table of contents.

**TITLE I—WATER RESOURCES DEVELOPMENT**

Sec. 101. Short title.

Sec. 102. Secretary defined.

**Subtitle A—General Provisions**

Sec. 1101. Sense of Congress regarding water resources development bills.

Sec. 1102. Study of the future of the United States Army Corps of Engineers.

Sec. 1103. Study on economic and budgetary analyses.

Sec. 1104. Dissemination of information.

Sec. 1105. Non-Federal engagement and review.

Sec. 1106. Lake Okeechobee regulation schedule review.

Sec. 1107. Access to real estate data.

Sec. 1108. Aquatic invasive species research.

Sec. 1109. Harmful algal bloom technology demonstration.

Sec. 1110. Bubbly Creek, Chicago ecosystem restoration.

Sec. 1111. Dredge pilot program.

Sec. 1112. Hurricane and storm damage protection program.

Sec. 1113. Operation and maintenance of existing infrastructure.

Sec. 1114. Assistance relating to water supply.

Sec. 1115. Property acquisition.

Sec. 1116. Dredged material management plans.

Sec. 1117. Inclusion of project or facility in Corps of Engineers workplan.

Sec. 1118. Geomatic data.

Sec. 1119. Local government reservoir permit review.

Sec. 1120. Transparency and accountability in cost sharing for water resources  
development projects.

Sec. 1121. Upper Missouri Mainstem Reservoir water withdrawal intake ease-  
ment review.

Sec. 1122. Limitation on contract execution.

Sec. 1123. Certain levee improvements.

Sec. 1124. Cost-share payment for certain projects.

Sec. 1125. Locks on Allegheny River.

Sec. 1126. Purpose and need.

Sec. 1127. Prior project authorization.

Sec. 1128. Mississippi River and Tributaries Project.

Sec. 1129. Inclusion of Tribal interests in project consultations.

Sec. 1130. Beneficial use of dredged material.

Sec. 1131. Ice jam prevention and mitigation.

Sec. 1132. Rehabilitation of Corps of Engineers constructed dams.

Sec. 1133. Columbia River.

Sec. 1134. Missouri River Reservoir sediment management.

- Sec. 1135. Reauthorization of lock operations pilot program.
- Sec. 1136. Credit or reimbursement.
- Sec. 1137. Non-Federal implementation pilot program.
- Sec. 1138. Surplus water contracts and water storage agreements.
- Sec. 1139. Post-disaster watershed assessments in territories of the United States.
- Sec. 1140. Expedited consideration.
- Sec. 1141. Project studies subject to independent peer review.
- Sec. 1142. Feasibility of Chicago Sanitary and Ship Canal Dispersal Barriers Project, Illinois.
- Sec. 1143. Acknowledgment of credit.
- Sec. 1144. Levee safety initiative reauthorization.
- Sec. 1145. Funding to process permits.
- Sec. 1146. Reservoir sediment.
- Sec. 1147. Clarification for integral determination.
- Sec. 1148. Beneficial use of dredged sediment.
- Sec. 1149. Inclusion of alternative measures for aquatic ecosystem restoration.
- Sec. 1150. Regional sediment management.
- Sec. 1151. Operation and maintenance of navigation and hydroelectric facilities.
- Sec. 1152. Study of water resources development projects by non-Federal interests.
- Sec. 1153. Construction of water resources development projects by non-Federal interests.
- Sec. 1154. Corps budgeting; project deauthorizations; comprehensive backlog report.
- Sec. 1155. Indian Tribes.
- Sec. 1156. Inflation adjustment of cost-sharing provisions for territories and Indian Tribes.
- Sec. 1157. Corps of Engineers continuing authorities program.
- Sec. 1158. Hurricane and storm damage reduction.
- Sec. 1159. Regional coalitions and higher education.
- Sec. 1160. Emergency response to natural disasters.
- Sec. 1161. Cost and benefit feasibility assessment.
- Sec. 1162. Extended community assistance by the Corps of Engineers.
- Sec. 1163. Dam safety.
- Sec. 1164. Local government water management plans.
- Sec. 1165. Structures and facilities constructed by Secretary.
- Sec. 1166. Advanced funds for water resources development studies and projects.
- Sec. 1167. Costs in excess of Federal participation limit.
- Sec. 1168. Disposition of projects.
- Sec. 1169. Contributed funds for non-Federal reservoir operations.
- Sec. 1170. Watercraft inspection stations.
- Sec. 1171. Restricted areas at Corps of Engineers dams.
- Sec. 1172. Coastal erosion.
- Sec. 1173. Prohibition on surplus water fees, Lake Cumberland Watershed, Kentucky and Tennessee.
- Sec. 1174. Middle Rio Grande peak flow restoration.
- Sec. 1175. Prohibition of administrative fees in implementing Rough River Lake Flowage Easement Encroachment Resolution Plan.
- Sec. 1176. Preconstruction engineering design demonstration program.

#### Subtitle B—Studies and Reports

- Sec. 1201. Authorization of proposed feasibility studies.

- Sec. 1202. Additional studies.
- Sec. 1203. Expedited completion.
- Sec. 1204. GAO study on benefit-cost analysis reforms.
- Sec. 1205. Harbor Maintenance Trust Fund report.
- Sec. 1206. Identification of nonpowered dams for hydropower development.
- Sec. 1207. Study on innovative ports for offshore wind development.
- Sec. 1208. Innovative materials and advanced technologies report.
- Sec. 1209. Study and report on expediting certain waiver processes.
- Sec. 1210. Report on debris removal.
- Sec. 1211. Corps flood policy within urban areas.
- Sec. 1212. Feasibility studies for mitigation of damage.
- Sec. 1213. Applications of military leasing authorities.
- Sec. 1214. Community engagement.
- Sec. 1215. Transparency in administrative expenses.
- Sec. 1216. Assessment of harbors and inland harbors.
- Sec. 1217. Maintenance of high-risk flood control projects.
- Sec. 1218. North Atlantic Division report on hurricane barriers and harbors of refuge.
- Sec. 1219. Great Lakes coastal resiliency study.
- Sec. 1220. McMicken Dam, Arizona, and Muddy River, Massachusetts.
- Sec. 1221. Table Rock Lake, Arkansas and Missouri.
- Sec. 1222. Forecast-informed reservoir operations.
- Sec. 1223. Cedar River, Iowa.
- Sec. 1224. Old River control structure, Louisiana.
- Sec. 1225. Upper Mississippi River protection.
- Sec. 1226. Missouri River.
- Sec. 1227. Lower Missouri River bank stabilization and navigation.
- Sec. 1228. Coastal Texas study.
- Sec. 1229. Report on water supply contract, Wright Patman Lake, Texas.

Subtitle C—Deauthorizations, Modifications, and Related Provisions

- Sec. 1301. Deauthorization of inactive projects.
- Sec. 1302. Backlog prevention.
- Sec. 1303. Project modifications.
- Sec. 1304. Lytle and Cajon Creeks, California.
- Sec. 1305. Yuba River Basin, California.
- Sec. 1306. Bridgeport Harbor, Connecticut.
- Sec. 1307. Delaware River navigation project.
- Sec. 1308. Comprehensive Everglades restoration plan, Central and Southern Florida, Everglades Agricultural Area, Florida.
- Sec. 1309. Kissimmee River restoration, Florida.
- Sec. 1310. Levee L-212, Four River Basin, Ocklawaha River, Florida.
- Sec. 1311. Green River and Barren River Locks and Dams, Kentucky.
- Sec. 1312. Cape Arundel Disposal Site, Maine.
- Sec. 1313. Penobscot River, Maine.
- Sec. 1314. Boston harbor reserved channel deauthorizations.
- Sec. 1315. Corps of Engineers bridge repair program for New England evacuation routes.
- Sec. 1316. Plymouth Harbor, Massachusetts.
- Sec. 1317. Portsmouth Harbor and Piscataqua River.
- Sec. 1318. Missouri River and tributaries at Kansas Cities, Missouri and Kansas.
- Sec. 1319. Hampton Harbor, New Hampshire, navigation improvement project.
- Sec. 1320. Passaic River Federal Navigation Channel, New Jersey.

- Sec. 1321. Fargo-Moorhead Metropolitan Area Diversion Project, North Dakota.
- Sec. 1322. Clatsop County, Oregon.
- Sec. 1323. Svensen Island, Oregon.
- Sec. 1324. West Tennessee Tributaries project, Tennessee.
- Sec. 1325. Puget Sound nearshore ecosystem restoration.
- Sec. 1326. Milwaukee Harbor, Milwaukee, Wisconsin.
- Sec. 1327. Project completion for disaster areas.
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- Sec. 1332. Report on future water resources development.

#### Subtitle D—Water Resources Infrastructure

- Sec. 1401. Project authorizations.
- Sec. 1402. Special rules.
- Sec. 1403. Norfolk Harbor and Channels, Virginia.

#### TITLE II—DRINKING WATER SYSTEM IMPROVEMENT

- Sec. 2001. Indian reservation drinking water program.
- Sec. 2002. Clean, safe, reliable water infrastructure.
- Sec. 2003. Study on intractable water systems.
- Sec. 2004. Sense of Congress relating to access to nonpotable water.
- Sec. 2005. Drinking water infrastructure resilience and sustainability.
- Sec. 2006. Voluntary school and child care program lead testing grant program enhancement.
- Sec. 2007. Innovative water technology grant program.
- Sec. 2008. Improved consumer confidence reports.
- Sec. 2009. Contractual agreements.
- Sec. 2010. Additional considerations for compliance.
- Sec. 2011. Improved accuracy and availability of compliance monitoring data.
- Sec. 2012. Asset management.
- Sec. 2013. Community water system risk and resilience.
- Sec. 2014. Authorization for grants for State programs.
- Sec. 2015. State revolving loan funds.
- Sec. 2016. Authorization for source water petition programs.
- Sec. 2017. Review of technologies.
- Sec. 2018. Source water.
- Sec. 2019. Report on Federal cross-cutting requirements.
- Sec. 2020. Assistance for areas affected by natural disasters.
- Sec. 2021. Monitoring for unregulated contaminants.
- Sec. 2022. American iron and steel products.
- Sec. 2023. Authorization for capitalization grants to States for State drinking water treatment revolving loan funds.

#### TITLE III—ENERGY

- Sec. 3001. Modernizing authorizations for necessary hydropower approvals.
- Sec. 3002. Qualifying conduit hydropower facilities.
- Sec. 3003. Promoting hydropower development at existing nonpowered dams.
- Sec. 3004. Closed-loop pumped storage projects.
- Sec. 3005. Considerations for relicensing terms.

- Sec. 3006. Fair ratepayer accountability, transparency, and efficiency standards.
- Sec. 3007. J. Bennett Johnston Waterway hydropower extension.
- Sec. 3008. Stay and Reinstatement of FERC License No. 11393 for the Mahoney Lake Hydroelectric Project.
- Sec. 3009. Strategic Petroleum Reserve drawdown.

TITLE IV—OTHER MATTERS

Subtitle A—Clean Water

- Sec. 4101. Stormwater infrastructure funding task force.
- Sec. 4102. Wastewater technology clearinghouse.
- Sec. 4103. Technical assistance for treatment works.
- Sec. 4104. Amendments to Long Island Sound programs.
- Sec. 4105. Authorization of appropriations for Columbia river basin restoration.
- Sec. 4106. Sewer overflow control grants.
- Sec. 4107. Assistance for individual household decentralized wastewater systems of individuals with low or moderate income.

Subtitle B—WIFIA Reauthorization and Innovative Financing for State Loan Funds

- Sec. 4201. WIFIA reauthorization and innovative financing for State loan funds.

Subtitle C—Miscellaneous

- Sec. 4301. Agreement with Commissioner of Reclamation.
- Sec. 4302. Snake River Basin flood prevention action plan.
- Sec. 4303. GAO audit of contracts and Tainter gate repairs of Harlan County Dam.
- Sec. 4304. Water infrastructure and workforce investment.
- Sec. 4305. Regional liaisons for minority, Tribal, and low-income communities.
- Sec. 4306. WaterSense.
- Sec. 4307. Predatory and other wild animals.
- Sec. 4308. Klamath project water and power.
- Sec. 4309. Certain Bureau of Reclamation dikes.
- Sec. 4310. Authority to make entire active capacity of Fontenelle Reservoir available for use.
- Sec. 4311. Blackfeet water rights settlement.
- Sec. 4312. Indian irrigation fund reauthorization.
- Sec. 4313. Reauthorization of repair, replacement, and maintenance of certain Indian irrigation projects.
- Sec. 4314. Indian dam safety reauthorization.
- Sec. 4315. Diana E. Murphy United States Courthouse.

1       **TITLE I—WATER RESOURCES**  
 2                               **DEVELOPMENT**

3       **SEC. 101. SHORT TITLE.**

4               This title may be cited as the “Water Resources De-  
 5   velopment Act of 2018”.

1 **SEC. 102. SECRETARY DEFINED.**

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

4 **Subtitle A—General Provisions**

5 **SEC. 1101. SENSE OF CONGRESS REGARDING WATER RE-**  
6 **SOURCES DEVELOPMENT BILLS.**

7 It is the sense of Congress that, because the missions  
8 of the Corps of Engineers for navigation, flood control,  
9 beach erosion control and shoreline protection, hydro-  
10 electric power, recreation, water supply, environmental  
11 protection, restoration, and enhancement, and fish and  
12 wildlife mitigation benefit all Americans, and because  
13 water resources development projects are critical to main-  
14 taining the country’s economic prosperity, national secu-  
15 rity, and environmental protection, Congress should con-  
16 sider a water resources development bill not less often  
17 than once every Congress.

18 **SEC. 1102. STUDY OF THE FUTURE OF THE UNITED STATES**  
19 **ARMY CORPS OF ENGINEERS.**

20 (a) IN GENERAL.—The Secretary shall enter into an  
21 agreement with the National Academy of Sciences to con-  
22 vene a committee of experts to carry out a comprehensive  
23 study on—

24 (1) the ability of the Corps of Engineers to  
25 carry out its statutory missions and responsibilities,  
26 and the potential effects of transferring the func-

1 tions (including regulatory obligations), personnel,  
2 assets, and civilian staff responsibilities of the Sec-  
3 retary relating to civil works from the Department  
4 of Defense to a new or existing agency or subagency  
5 of the Federal Government, including how such a  
6 transfer might affect the Federal Government's abil-  
7 ity to meet the current statutory missions and re-  
8 sponsibilities of the Corps of Engineers; and

9 (2) improving the Corps of Engineers' project  
10 delivery processes, including recommendations for  
11 such improvements, taking into account factors in-  
12 cluding—

13 (A) the effect of the annual appropriations  
14 process on the ability of the Corps of Engineers  
15 to efficiently secure and carry out contracts for  
16 water resources development projects and per-  
17 form regulatory obligations;

18 (B) the effect that the current Corps of  
19 Engineers leadership and geographic structure  
20 at the division and district levels has on its abil-  
21 ity to carry out its missions in a cost-effective  
22 manner; and

23 (C) the effect of the frequency of rotations  
24 of senior leaders of the Corps of Engineers and



1           how such frequency affects the function of the  
2           district.

3           (b) CONSIDERATIONS.—The study carried out under  
4 subsection (a) shall include consideration of—

5           (1) effects on the national security of the  
6           United States;

7           (2) the ability of the Corps of Engineers to  
8           maintain sufficient engineering capability and capac-  
9           ity to assist ongoing and future operations of the  
10          United States armed services;

11          (3) emergency and natural disaster response  
12          obligations of the Federal Government that are car-  
13          ried out by the Corps of Engineers; and

14          (4) the ability of the Corps of Engineers to in-  
15          crease efficiency, coordination, transparency, and  
16          cost savings of the project delivery process.

17          (c) SUBMISSION TO CONGRESS.—The Secretary shall  
18          submit the final report of the National Academy con-  
19          taining the findings of the study carried out under sub-  
20          section (a) to the Committee on Transportation and Infra-  
21          structure of the House of Representatives and the Com-  
22          mittee on Environment and Public Works of the Senate  
23          not later than 2 years after the date of enactment of this  
24          Act.

1 (d) CONGRESSIONAL APPROVAL.—The Secretary  
2 may not implement the findings of the study carried out  
3 under subsection (a) unless expressly authorized by Con-  
4 gress.

5 **SEC. 1103. STUDY ON ECONOMIC AND BUDGETARY ANAL-**  
6 **YSES.**

7 (a) IN GENERAL.—Not later than 180 days after the  
8 date of enactment of this Act, the Secretary shall enter  
9 into an agreement with the National Academy of Sciences  
10 to—

11 (1) carry out a study on the economic principles  
12 and analytical methodologies currently used by or  
13 applied to the Corps of Engineers to formulate,  
14 evaluate, and budget for water resources develop-  
15 ment projects; and

16 (2) make recommendations to Congress on po-  
17 tential changes to such principles and methodologies  
18 to improve transparency, return on Federal invest-  
19 ment, cost savings, and prioritization, in the formu-  
20 lation, evaluation, and budgeting of such projects.

21 (b) CONSIDERATIONS.—The study under subsection  
22 (a) shall include—

23 (1) an analysis of the current economic prin-  
24 ciples and analytical methodologies used by or ap-  
25 plied to the Corps of Engineers in determining the

1 total benefits and total costs during the formulation  
2 of, and plan selection for, a water resources develop-  
3 ment project;

4 (2) an analysis of improvements or alternatives  
5 to how the Corps of Engineers utilizes the National  
6 Economic Development, Regional Economic Develop-  
7 ment, Environmental Quality, and Other Social Ef-  
8 fects accounts developed by the Institute for Water  
9 Resources of the Corps of Engineers in the formula-  
10 tion of, and plan selection for, such projects;

11 (3) an analysis of whether such principles and  
12 methodologies fully account for all of the potential  
13 benefits of project alternatives, including any reason-  
14 ably associated benefits of such alternatives that are  
15 not contrary to law, Federal policy, or sound water  
16 resources management;

17 (4) an analysis of whether such principles and  
18 methodologies fully account for all of the costs of  
19 project alternatives, including potential societal  
20 costs, such as lost ecosystem services, and full  
21 lifecycle costs for such alternatives;

22 (5) an analysis of the methodologies utilized by  
23 the Federal Government in setting and applying dis-  
24 count rates for benefit-cost analyses used in the for-

1           mulation, evaluation, and budgeting of Corps of En-  
2           gineers water resources development projects;

3           (6) an analysis of whether or not the Corps of  
4           Engineers—

5                   (A) considers cumulative benefits of locally  
6                   developed projects, including Master Plans ap-  
7                   proved by the Corps; and

8                   (B) uses the benefits referred to in sub-  
9                   paragraph (A) for purposes of benefit-cost anal-  
10                  ysis for project justification for potential  
11                  projects within such Master Plans; and

12           (7) consideration of the report submitted under  
13           section 1204, if that report is submitted prior to  
14           completion of the study under this section.

15           (c) PUBLICATION.—The agreement entered into  
16           under subsection (a) shall require the National Academy  
17           of Sciences to, not later than 30 days after the completion  
18           of the study—

19                   (1) submit a report containing the results of  
20                   the study and the recommendations to the Com-  
21                   mittee on Environment and Public Works of the  
22                   Senate and the Committee on Transportation and  
23                   Infrastructure of the House of Representatives; and

24                   (2) make a copy of such report available on a  
25                   publicly accessible website.

1 **SEC. 1104. DISSEMINATION OF INFORMATION.**

2 (a) FINDINGS.—Congress finds the following:

3 (1) Congress plays a central role in identifying,  
4 prioritizing, and authorizing vital water resources in-  
5 frastructure activities throughout the United States.

6 (2) The Water Resources Reform and Develop-  
7 ment Act of 2014 (Public Law 113–121) established  
8 a new and transparent process to review and  
9 prioritize the water resources development activities  
10 of the Corps of Engineers with strong congressional  
11 oversight.

12 (3) Section 7001 of the Water Resources Re-  
13 form and Development Act of 2014 (33 U.S.C.  
14 2282d) requires the Secretary to develop and submit  
15 to Congress each year a Report to Congress on Fu-  
16 ture Water Resources Development and, as part of  
17 the annual report process, to—

18 (A) publish a notice in the Federal Reg-  
19 ister that requests from non-Federal interests  
20 proposed feasibility studies and proposed modi-  
21 fications to authorized water resources develop-  
22 ment projects and feasibility studies for inclu-  
23 sion in the report; and

24 (B) review the proposals submitted and in-  
25 clude in the report those proposed feasibility  
26 studies and proposed modifications that meet

1 the criteria for inclusion established under such  
2 section 7001.

3 (4) Congress will use the information provided  
4 in the annual Report to Congress on Future Water  
5 Resources Development to determine authorization  
6 needs and priorities for purposes of water resources  
7 development legislation.

8 (5) To ensure that Congress can gain a thor-  
9 ough understanding of the water resources develop-  
10 ment needs and priorities of the United States, it is  
11 important that the Secretary take sufficient steps to  
12 ensure that non-Federal interests are made aware of  
13 the new annual report process, including the need  
14 for non-Federal interests to submit proposals during  
15 the Secretary's annual request for proposals in order  
16 for such proposals to be eligible for consideration by  
17 Congress.

18 (b) DISSEMINATION OF PROCESS INFORMATION.—  
19 The Secretary shall develop, support, and implement edu-  
20 cation and awareness efforts for non-Federal interests  
21 with respect to the annual Report to Congress on Future  
22 Water Resources Development required under section  
23 7001 of the Water Resources Reform and Development  
24 Act of 2014 (33 U.S.C. 2282d), including efforts to—

1           (1) develop and disseminate technical assistance  
2 materials, seminars, and guidance on the annual  
3 process as it relates to non-Federal interests;

4           (2) provide written notice to local elected offi-  
5 cials and previous and potential non-Federal inter-  
6 ests on the annual process and on opportunities to  
7 address local water resources challenges through the  
8 missions and authorities of the Corps of Engineers;

9           (3) issue guidance for non-Federal interests to  
10 assist such interests in developing proposals for  
11 water resources development projects that satisfy the  
12 requirements of such section 7001; and

13           (4) provide, at the request of a non-Federal in-  
14 terest, assistance with researching and identifying  
15 existing project authorizations and Corps of Engi-  
16 neers decision documents.

17 **SEC. 1105. NON-FEDERAL ENGAGEMENT AND REVIEW.**

18           (a) **ISSUANCE.**—The Secretary shall expeditiously  
19 issue guidance to implement each covered provision of law  
20 in accordance with this section.

21           (b) **PUBLIC NOTICE.**—

22           (1) **IN GENERAL.**—Prior to developing and  
23 issuing any new or revised implementation guidance  
24 for a covered water resources development law, the  
25 Secretary shall issue a public notice that—

1 (A) informs potentially interested non-Fed-  
2 eral stakeholders of the Secretary's intent to  
3 develop and issue such guidance; and

4 (B) provides an opportunity for interested  
5 non-Federal stakeholders to engage with, and  
6 provide input and recommendations to, the Sec-  
7 retary on the development and issuance of such  
8 guidance.

9 (2) ISSUANCE OF NOTICE.—The Secretary shall  
10 issue the notice under paragraph (1) through a post-  
11 ing on a publicly accessible website dedicated to pro-  
12 viding notice on the development and issuance of im-  
13 plementation guidance for a covered water resources  
14 development law.

15 (c) STAKEHOLDER ENGAGEMENT.—

16 (1) INPUT.—The Secretary shall allow a min-  
17 imum of 60 days after issuance of the public notice  
18 under subsection (b) for non-Federal stakeholders to  
19 provide input and recommendations to the Secretary,  
20 prior to finalizing implementation guidance for a  
21 covered water resources development law.

22 (2) OUTREACH.—The Secretary may, as appro-  
23 priate (as determined by the Secretary), reach out to  
24 non-Federal stakeholders and circulate drafts of im-  
25 plementation guidance for a covered water resources



1 development law for informal input and rec-  
2 ommendations.

3 (d) SUBMISSION.—The Secretary shall submit to the  
4 Committee on Transportation and Infrastructure of the  
5 House of Representatives and the Committee on Environ-  
6 ment and Public Works of the Senate a copy of all input  
7 and recommendations received pursuant to subsection (c)  
8 and a description of any consideration of such input and  
9 recommendations.

10 (e) DEVELOPMENT OF GUIDANCE.—When developing  
11 implementation guidance for a covered water resources de-  
12 velopment law, the Secretary shall take into consideration  
13 the input and recommendations received from non-Federal  
14 stakeholders, and make the final guidance available to the  
15 public on the publicly accessible website described in sub-  
16 section (b)(2).

17 (f) DEFINITIONS.—In this section:

18 (1) COVERED PROVISION OF LAW.—The term  
19 “covered provision of law” means a provision of law  
20 under the jurisdiction of the Secretary contained in,  
21 or amended by, a covered water resources develop-  
22 ment law, with respect to which—

23 (A) the Secretary determines guidance is  
24 necessary in order to implement the provision;  
25 and

1 (B) no such guidance has been issued as of  
2 the date of enactment of this Act.

3 (2) COVERED WATER RESOURCES DEVELOP-  
4 MENT LAW.—The term “covered water resources de-  
5 velopment law” means—

6 (A) the Water Resources Reform and De-  
7 velopment Act of 2014;

8 (B) the Water Resources Development Act  
9 of 2016;

10 (C) this Act; and

11 (D) any Federal water resources develop-  
12 ment law enacted after the date of enactment  
13 of this Act.

14 **SEC. 1106. LAKE OKEECHOBEE REGULATION SCHEDULE**  
15 **REVIEW.**

16 The Secretary shall expedite completion of the Lake  
17 Okeechobee regulation schedule to coincide with the com-  
18 pletion of the Herbert Hoover Dike project, and may con-  
19 sider all relevant aspects of the Comprehensive Everglades  
20 Restoration Plan described in section 601 of the Water  
21 Resources Development Act of 2000 (114 Stat. 2680).

22 **SEC. 1107. ACCESS TO REAL ESTATE DATA.**

23 (a) IN GENERAL.—Using available funds, the Sec-  
24 retary shall make publicly available, including on a pub-  
25 licly accessible website, information on all Federal real es-

1   tate assets in the United States that are owned, operated,  
2   or managed by, or in the custody of, the Corps of Engi-  
3   neers.

4       (b) REQUIREMENTS.—

5           (1) IN GENERAL.—The real estate information  
6       made available under subsection (a) shall include—

7           (A) existing standardized real estate plat  
8       descriptions of assets described in subsection  
9       (a); and

10          (B) existing geographic information sys-  
11       tems and geospatial information associated with  
12       such assets.

13          (2) COLLABORATION.—In making information  
14       available under subsection (a), the Secretary shall  
15       consult with the Administrator of General Services.  
16       Such information may be made available, in whole or  
17       in part, in the Federal real property database pub-  
18       lished under section 21 of the Federal Assets Sale  
19       and Transfer Act of 2016 (Public Law 114–287), as  
20       determined appropriate by the Administrator of  
21       General Services. Nothing in this paragraph shall be  
22       construed as requiring the Administrator of General  
23       Services to add additional data elements or features  
24       to such Federal real property database if such addi-

1        tions are impractical or would add additional costs  
2        to such database.

3        (c) **LIMITATION.**—Nothing in this section shall com-  
4        pel or authorize the disclosure of data or other information  
5        determined by the Secretary to be confidential, privileged,  
6        national security information, personal information, or in-  
7        formation the disclosure of which is otherwise prohibited  
8        by law.

9        (d) **TIMING.**—The Secretary shall ensure that the im-  
10        plementation of subsection (a) occurs as soon as prac-  
11        ticable.

12        (e) **EFFECT ON OTHER LAWS.**—Nothing in this sec-  
13        tion shall be construed as modifying, or exempting the  
14        Corps of Engineers from, the requirements of the Federal  
15        real property database published under section 21 of the  
16        Federal Assets Sale and Transfer Act of 2016 (Public  
17        Law 114–287).

18        **SEC. 1108. AQUATIC INVASIVE SPECIES RESEARCH.**

19        (a) **IN GENERAL.**—As part of the ongoing activities  
20        of the Engineer Research and Development Center to ad-  
21        dress the spread and impacts of aquatic invasive species,  
22        the Secretary shall undertake research on the manage-  
23        ment and eradication of aquatic invasive species, including  
24        Asian carp and zebra mussels.

1 (b) LOCATIONS.—In carrying out subsection (a), the  
2 Secretary shall work with Corps of Engineers district of-  
3 fices representing diverse geographical regions of the con-  
4 tinental United States that are impacted by aquatic  
5 invasive species, such as the Atlantic, Pacific, and Gulf  
6 coasts and the Great Lakes.

7 (c) REPORT.—Not later than 180 days after the date  
8 of enactment of this section, the Secretary shall submit  
9 to the Committee on Transportation and Infrastructure  
10 of the House of Representatives and the Committee on  
11 Environment and Public Works of the Senate a report rec-  
12 ommending a plan to address the spread and impacts of  
13 aquatic invasive species.

14 **SEC. 1109. HARMFUL ALGAL BLOOM TECHNOLOGY DEM-**  
15 **ONSTRATION.**

16 (a) IN GENERAL.—The Secretary, acting through the  
17 Engineer Research and Development Center, shall imple-  
18 ment a 5-year harmful algal bloom technology develop-  
19 ment demonstration program under the Aquatic Nuisance  
20 Research Program. To the extent practicable, the Sec-  
21 retary shall support research that will identify and develop  
22 improved strategies for early detection, prevention, and  
23 management techniques and procedures to reduce the oc-  
24 currence and effects of harmful algal blooms in the Na-  
25 tion's water resources.

1 (b) SCALABILITY REQUIREMENT.—The Secretary  
2 shall ensure that technologies identified, tested, and de-  
3 ployed under the harmful algal bloom technology develop-  
4 ment demonstration program have the ability to scale up  
5 to meet the needs of harmful-algal-bloom-related events.

6 **SEC. 1110. BUBBLY CREEK, CHICAGO ECOSYSTEM RES-**  
7 **TORATION.**

8 The Secretary shall enter into a memorandum of un-  
9 derstanding with the Administrator of the Environmental  
10 Protection Agency to facilitate ecosystem restoration ac-  
11 tivities at the South Fork of the South Branch of the Chi-  
12 cago River (commonly known as Bubbly Creek).

13 **SEC. 1111. DREDGE PILOT PROGRAM.**

14 (a) IN GENERAL.—The Secretary is authorized to  
15 carry out a pilot program to award contracts with a dura-  
16 tion of up to five years for the operation and maintenance  
17 of harbors and inland harbors referred to in section  
18 210(a)(2) of the Water Resources Development Act of  
19 1986 (33 U.S.C. 2238(a)(2)).

20 (b) SCOPE.—In carrying out the pilot program under  
21 subsection (a), the Secretary may award a contract de-  
22 scribed in such subsection, which may address one or more  
23 harbors or inland harbors in a geographical region, if the  
24 Secretary determines that the contract provides cost sav-

1 ings compared to the awarding of such work on an annual  
2 basis or on a project-by-project basis.

3 (c) REPORT TO CONGRESS.—Not later than one year  
4 after the date on which the first contract is awarded pur-  
5 suant to the pilot program carried out under subsection  
6 (a), the Secretary shall submit to Congress a report evalu-  
7 ating, with respect to the pilot program and any contracts  
8 awarded under the pilot program—

9 (1) cost effectiveness;

10 (2) reliability and performance;

11 (3) cost savings attributable to mobilization and  
12 demobilization of dredge equipment; and

13 (4) response times to address navigational im-  
14 pediments.

15 (d) SUNSET.—The authority of the Secretary to enter  
16 into contracts pursuant to the pilot program carried out  
17 under subsection (a), shall expire on the date that is 10  
18 years after the date of enactment of this Act.

19 **SEC. 1112. HURRICANE AND STORM DAMAGE PROTECTION**  
20 **PROGRAM.**

21 (a) IN GENERAL.—The Secretary is authorized to  
22 carry out a pilot program to award single contracts for  
23 more than one authorized hurricane and storm damage  
24 reduction project in a geographical region, including  
25 projects across more than one Corps of Engineers district,

1 if the Secretary determines that the contract provides cost  
2 savings compared to the awarding of such work on a  
3 project-by-project basis.

4 (b) PROJECT SELECTION.—In carrying out the pilot  
5 program under subsection (a), the Secretary shall consult  
6 with relevant State agencies in selecting projects.

7 (c) CRITERIA.—In carrying out the pilot program  
8 under subsection (a), the Secretary shall establish criteria  
9 and other considerations that—

10 (1) foster Federal, State, and local collabora-  
11 tion;

12 (2) evaluate the performance of projects being  
13 carried out under a single contract with respect to  
14 whether such projects yield any regional or multi-  
15 district benefits; and

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

18 (d) REPORT.—Not later than 1 year after the date  
19 of enactment of this Act, and annually thereafter, the Sec-  
20 retary shall submit to the Committee on Environment and  
21 Public Works of the Senate and the Committee on Trans-  
22 portation and Infrastructure of the House of Representa-  
23 tives a report that includes findings and recommendations  
24 of the Secretary with respect to the projects completed  
25 under the pilot program carried out under subsection (a).



1 (e) AUTHORIZATION OF APPROPRIATIONS.—There is  
2 authorized to be appropriated to carry out this section  
3 \$75,000,000.

4 (f) TERMINATION.—The authority of the Secretary to  
5 enter into contracts pursuant to the pilot program carried  
6 out under subsection (a) shall expire on the date that is  
7 10 years after the date of enactment of this Act.

8 **SEC. 1113. OPERATION AND MAINTENANCE OF EXISTING IN-**  
9 **FRAStructure.**

10 The Secretary shall improve the reliability, and oper-  
11 ation and maintenance of, existing infrastructure of the  
12 Corps of Engineers, and, as necessary, improve its resil-  
13 ience to cyber-related threats.

14 **SEC. 1114. ASSISTANCE RELATING TO WATER SUPPLY.**

15 The Secretary may provide assistance to municipali-  
16 ties the water supply of which is adversely affected by con-  
17 struction carried out by the Corps of Engineers.

18 **SEC. 1115. PROPERTY ACQUISITION.**

19 (a) IN GENERAL.—In acquiring an interest in land,  
20 or requiring a non-Federal interest to acquire an interest  
21 in land, the Secretary shall, in accordance with the Uni-  
22 form Relocation Assistance and Real Property Acquisition  
23 Policies Act of 1970, first consider the minimum interest  
24 in real property necessary to support the water resources  
25 development project for which such interest is acquired.

1 (b) DETERMINATION.—In determining an interest in  
2 land under subsection (a), the Secretary shall first con-  
3 sider a temporary easement or other interest designed to  
4 reduce the overall cost of the water resources development  
5 project for which such interest is acquired, reduce the time  
6 to complete such project, and minimize conflict with prop-  
7 erty owners related to such project.

8 (c) PROCEDURES USED IN STATE.—In carrying out  
9 subsection (a), the Secretary shall consider, with respect  
10 to a State, the procedures that the State uses to acquire,  
11 or require the acquisition of, interests in land, to the ex-  
12 tent that such procedures are generally consistent with the  
13 goals of a project or action.

14 **SEC. 1116. DREDGED MATERIAL MANAGEMENT PLANS.**

15 (a) IN GENERAL.—For purposes of dredged material  
16 management plans initiated after the date of enactment  
17 of this Act, the Secretary shall expedite the dredged mate-  
18 rial management plan process in order that such plans  
19 make maximum use of existing information, studies, and  
20 innovative dredged material management practices, and  
21 avoid any redundant information collection and studies.

22 (b) REPORT.—Not later than 60 days after the date  
23 of enactment of this Act, the Secretary shall submit to  
24 Congress a report on how the Corps of Engineers intends  
25 to meet the requirements of subsection (a).

1 **SEC. 1117. INCLUSION OF PROJECT OR FACILITY IN CORPS**  
2 **OF ENGINEERS WORKPLAN.**

3 (a) IN GENERAL.—The Secretary shall, to the max-  
4 imum extent practicable, include in the future workplan  
5 of the Corps any authorized project or facility of the Corps  
6 of Engineers—

7 (1) that the Secretary has studied for dispo-  
8 sition under an existing authority, including by car-  
9 rying out a disposition study under section 216 of  
10 the Flood Control Act of 1970 (33 U.S.C. 549a);  
11 and

12 (2) for which a final report by the Director of  
13 Civil Works has been completed.

14 (b) NOTIFICATION TO COMMITTEES.—Upon comple-  
15 tion of a final report referred to in subsection (a), the Sec-  
16 retary shall transmit a copy of the report to the Com-  
17 mittee on Transportation and Infrastructure of the House  
18 of Representatives and the Committee on Environment  
19 and Public Works of the Senate.

20 **SEC. 1118. GEOMATIC DATA.**

21 (a) IN GENERAL.—The Secretary shall develop guid-  
22 ance for the acceptance and use of information obtained  
23 from a non-Federal interest through geomatic techniques,  
24 including remote sensing and land surveying, cartography,  
25 geographic information systems, global navigation satellite

1 systems, photogrammetry, or other remote means, in car-  
2 rying out any authority of the Secretary.

3 (b) CONSIDERATIONS.—In carrying out this section,  
4 the Secretary shall ensure that use of information de-  
5 scribed in subsection (a) meets the data quality and oper-  
6 ational requirements of the Secretary.

7 (c) SAVINGS CLAUSE.—Nothing in this section—

8 (1) requires the Secretary to accept information  
9 that the Secretary determines does not meet the  
10 guidance developed under this section; or

11 (2) changes the current statutory or regulatory  
12 requirements of the Corps of Engineers.

13 **SEC. 1119. LOCAL GOVERNMENT RESERVOIR PERMIT RE-**  
14 **VIEW.**

15 (a) IN GENERAL.—During the 10-year period after  
16 the date of enactment of this section, the Secretary shall  
17 expedite review of applications for covered permits, if the  
18 permit applicant is a local governmental entity with juris-  
19 diction over an area for which—

20 (1) any portion of the water resources available  
21 to the area served by the local governmental entity  
22 is polluted by chemicals used at a formerly used de-  
23 fense site under the jurisdiction of the Department  
24 of Defense that is undergoing (or is scheduled to un-

1       dergo) environmental restoration under chapter 160  
2       of title 10, United States Code; and

3           (2) mitigation of the pollution described in  
4       paragraph (1) is ongoing.

5       (b) COVERED PERMIT DEFINED.—In this section,  
6       the term “covered permit” means a permit to be issued  
7       by the Secretary to modify a reservoir owned or operated  
8       by the Secretary, with respect to which not less than 80  
9       percent of the water rights are held for drinking water  
10      supplies, in order to accommodate projected water supply  
11      needs of an area with a population of less than 80,000.

12      (c) LIMITATIONS.—Nothing in this section affects  
13      any obligation to comply with the provisions of any Fed-  
14      eral law, including—

15           (1) the National Environmental Policy Act of  
16      1969 (42 U.S.C. 4321 et seq.); and

17           (2) the Federal Water Pollution Control Act  
18      (33 U.S.C. 1251 et seq.).

19      **SEC. 1120. TRANSPARENCY AND ACCOUNTABILITY IN COST**  
20                           **SHARING FOR WATER RESOURCES DEVELOP-**  
21                           **MENT PROJECTS.**

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

1 (1) the funds provided by each Federal and  
2 non-Federal interest for a water resources develop-  
3 ment project; and

4 (2) the status of those funds.

5 (b) ESTABLISHMENT OF BALANCE SHEET.—Each  
6 district of the Corps of Engineers shall, using the author-  
7 ity of the Secretary under section 10 of the Water Re-  
8 sources Development Act of 1988 (33 U.S.C. 2315)—

9 (1) maintain a balance sheet for each water re-  
10 sources development project carried out by the Sec-  
11 retary for which a non-Federal cost share is re-  
12 quired; and

13 (2) on request of a non-Federal interest that  
14 provided funds for the project, provide to the non-  
15 Federal interest a copy of the balance sheet.

16 (c) UNDER-BUDGET PROJECTS.—In the case of a  
17 water resources development project carried out by the  
18 Secretary that is completed at a cost less than the esti-  
19 mated cost, the Secretary shall transfer any excess non-  
20 Federal funds to the non-Federal interest in accordance  
21 with the cost-share requirement applicable to the project.

22 **SEC. 1121. UPPER MISSOURI MAINSTEM RESERVOIR WATER**  
23 **WITHDRAWAL INTAKE EASEMENT REVIEW.**

24 (a) IN GENERAL.—During the 10-year period begin-  
25 ning on the date of enactment of this Act, the Secretary

1 shall, to the maximum extent practicable, expedite the re-  
2 view of applications for a covered easement.

3 (b) PROCESS.—In carrying out this section, the Sec-  
4 retary shall develop an application to obtain a covered  
5 easement that requires an applicant for a covered ease-  
6 ment to submit information that includes—

7 (1) all permissible locations for the proposed  
8 easement;

9 (2) the corresponding dimensions of the pro-  
10 posed easement;

11 (3) the methods of installation of the water  
12 withdrawal intakes; and

13 (4) any other information that the Secretary  
14 may require to complete the review.

15 (c) RESPONSE.—Not later than 30 days after the  
16 date on which the Secretary receives an application under  
17 subsection (b), the Secretary shall seek to provide to the  
18 applicant a written notification that states—

19 (1) whether the application is complete; and

20 (2) if the application is not complete, what in-  
21 formation is needed for the application to be com-  
22 plete.

23 (d) DETERMINATION.—To the maximum extent prac-  
24 ticable, not later than 120 days after the date on which  
25 the Secretary receives a complete application for a covered

1 easement, the Secretary shall approve or deny the applica-  
2 tion for the covered easement.

3 (e) COVERED EASEMENT DEFINED.—In this section,  
4 the term “covered easement” means an easement nec-  
5 essary to access Federal land under the control of the Sec-  
6 retary for the placement of water withdrawal intakes in  
7 the Upper Missouri Mainstem Reservoirs that does not  
8 otherwise involve the alteration or modification of any  
9 structures or facilities located on that Federal land, other  
10 than those owned by the non-Federal interest.

11 (f) LIMITATIONS.—Nothing in this section affects  
12 any obligation to comply with the provisions of any Fed-  
13 eral law, including—

14 (1) the National Environmental Policy Act of  
15 1969 (42 U.S.C. 4321 et seq.); and

16 (2) the Federal Water Pollution Control Act  
17 (33 U.S.C. 1251 et seq.).

18 **SEC. 1122. LIMITATION ON CONTRACT EXECUTION.**

19 (a) LIMITATION.—For any new covered contract en-  
20 tered into during the period beginning on the date of en-  
21 actment of this Act and ending on December 31, 2020,  
22 any local governmental entity that is a party to a covered  
23 contract entered into before such period shall be required  
24 to pay not more than 110 percent of the contractual rate



1 per acre-foot in effect under the most recent such covered  
2 contract.

3 (b) COVERED CONTRACT.—In this section, the term  
4 “covered contract” means a contract between a local gov-  
5 ernmental entity and the Secretary for water supply stor-  
6 age in a nonhydropower lake within the Verdigris River  
7 Basin.

8 **SEC. 1123. CERTAIN LEVEE IMPROVEMENTS.**

9 (a) IN GENERAL.—Notwithstanding section 211 of  
10 the Water Resources Development Act of 2000 (31 U.S.C.  
11 6505 note), the Secretary, at the request of a local govern-  
12 ment, is authorized to provide technical services, on a re-  
13 imburseable basis, to the local government to assess the  
14 reasons a federally constructed levee owned or operated  
15 by the local government is not accredited by the Federal  
16 Emergency Management Agency.

17 (b) FEDERAL LEVEES.—In carrying out this section,  
18 in a case in which a levee owned and operated by the Sec-  
19 retary is hydraulically tied to a levee described in sub-  
20 section (a), the Secretary is encouraged to cooperate, to  
21 the maximum extent practicable, with the relevant local  
22 governmental entities in assessing the reasons the levee  
23 described in subsection (a) is not accredited.

24 (c) LIMITATION.—Nothing in this section—

1           (1) affects the responsibilities of a local govern-  
2           ment to operate and maintain its flood control infra-  
3           structure; or

4           (2) obligates the Secretary to expend additional  
5           Federal resources on levees owned and operated by  
6           the Secretary.

7 **SEC. 1124. COST-SHARE PAYMENT FOR CERTAIN PROJECTS.**

8           The Secretary shall, subject to the availability of ap-  
9           propriations, pay the outstanding balance of the Federal  
10          cost share for any project carried out under section 593  
11          of the Water Resources Development Act of 1999 (113  
12          Stat. 380).

13 **SEC. 1125. LOCKS ON ALLEGHENY RIVER.**

14          The Corps of Engineers may consider, in making  
15          funding determinations with respect to the operation and  
16          maintenance of locks on the Allegheny River—

17                 (1) recreational boat traffic levels; and

18                 (2) related economic benefits.

19 **SEC. 1126. PURPOSE AND NEED.**

20          (a) PURPOSE AND NEED STATEMENTS.—

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

1 (A) whether the District Engineer concurs  
2 with the assessment of the purpose of and need  
3 for the water storage project proposed by the  
4 applicant; and

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

9 (2) EFFECT ON ENVIRONMENTAL IMPACT  
10 STATEMENTS.—No environmental impact statement  
11 or environmental assessment required under the Na-  
12 tional Environmental Policy Act of 1969 (42 U.S.C.  
13 4321 et seq.) shall substantially commence with re-  
14 spect to a water storage project until the date on  
15 which the District Engineer provides to the appli-  
16 cant a purpose and need statement as required  
17 under paragraph (1).

18 (b) APPEALS REQUEST.—A non-Federal interest may  
19 use the administrative appeals process described in part  
20 331 of title 33, Code of Federal Regulations (or any suc-  
21 ceeding regulation), in relation to a decision of the Sec-  
22 retary related to an application for a water storage  
23 project.

1 **SEC. 1127. PRIOR PROJECT AUTHORIZATION.**

2 In any case in which a project under the jurisdiction  
3 of the Secretary is budgeted under a different business  
4 line than the business line under which the project was  
5 originally authorized, the Secretary shall ensure that the  
6 project is carried out in accordance with any requirements  
7 that apply to the business line under which the project  
8 was originally authorized.

9 **SEC. 1128. MISSISSIPPI RIVER AND TRIBUTARIES PROJECT.**

10 (a) IN GENERAL.—After any flood event requiring  
11 operation or activation of any floodway or backwater fea-  
12 ture within the Mississippi River and Tributaries Project  
13 through natural overtopping of a Federal levee or artificial  
14 crevassing of a Federal levee to relieve pressure on the  
15 levees elsewhere in the system, the Secretary shall expedi-  
16 tiously reset and restore the damaged floodway’s levees.

17 (b) CONSULTATION.—In carrying out subsection (a),  
18 the Secretary shall provide an opportunity for consultation  
19 with affected communities.

20 (c) MISSISSIPPI RIVER AND TRIBUTARIES  
21 PROJECT.—The term “Mississippi River and Tributaries  
22 Project” means the Mississippi River and Tributaries  
23 project authorized by the Act of May 15, 1928 (Chap.  
24 569; 45 Stat. 534).

1 **SEC. 1129. INCLUSION OF TRIBAL INTERESTS IN PROJECT**  
2 **CONSULTATIONS.**

3 (a) REPORT REQUIRED.—As soon as practicable fol-  
4 lowing the date of enactment of this Act, the Secretary  
5 shall submit the report required under section 1120(a)(3)  
6 of the Water Resources Development Act of 2016 (130  
7 Stat. 1643).

8 (b) CONSULTATION.—The Secretary shall ensure  
9 that all existing Tribal consultation policies, regulations,  
10 and guidance continue to be implemented, and that con-  
11 sultations with Federal and State agencies and Indian  
12 Tribes required for a water resources development project  
13 are carried out.

14 **SEC. 1130. BENEFICIAL USE OF DREDGED MATERIAL.**

15 Section 1122 of the Water Resources Development  
16 Act of 2016 (33 U.S.C. 2326 note) is amended—

17 (1) in subsection (b)(1), by striking “10” and  
18 inserting “20”; and

19 (2) in subsection (g), by striking “10” and in-  
20 sserting “20”.

21 **SEC. 1131. ICE JAM PREVENTION AND MITIGATION.**

22 Section 1150(c) of the Water Resources Development  
23 Act of 2016 (33 U.S.C. 701s note) is amended—

24 (1) in paragraph (1)—

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

4 (B) by striking “10 projects” and inserting  
5 “20 projects”; and  
6 (2) in paragraph (2)—

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

9 “(A) ensure”;

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

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

13 “(B) select not fewer than 1 project to be  
14 carried out on a reservation (as defined in sec-  
15 tion 3 of the Indian Financing Act of 1974)  
16 that serves more than 1 Indian tribe (as defined  
17 in section 4 of the Indian Self-Determination  
18 and Education Assistance Act).”.

19 **SEC. 1132. REHABILITATION OF CORPS OF ENGINEERS**  
20 **CONSTRUCTED DAMS.**

21 Section 1177 of the Water Resources Development  
22 Act of 2016 (33 U.S.C. 467f–2 note) is amended—

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

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

3 **SEC. 1133. COLUMBIA RIVER.**

4           (a) BONNEVILLE DAM, OREGON.—

5           (1) IN GENERAL.—The Secretary, in consulta-  
6           tion with the Secretary of the Interior, shall examine  
7           and assess the extent to which Indians (as defined  
8           in section 4 of the Indian Self-Determination and  
9           Education Assistance Act (25 U.S.C. 5304)) have  
10          been displaced as a result of the construction of the  
11          Bonneville Dam, Oregon, as authorized by the first  
12          section of the Act of August 30, 1935 (49 Stat.  
13          1032) and the first section and section 2(a) of the  
14          Act of August 20, 1937 (16 U.S.C. 832, 832a(a)).

15          (2) INCLUSION.—The examination and assess-  
16          ment under paragraph (1) may include assessments  
17          relating to housing and related facilities.

18          (3) ASSISTANCE.—If the Secretary determines,  
19          based on the examination and assessment under  
20          paragraph (1), that assistance is required or needed,  
21          the Secretary may use all existing authorities of the  
22          Secretary, including under this Act, to provide as-  
23          sistance to Indians who have been displaced as a re-  
24          sult of the construction of the Bonneville Dam, Or-  
25          egon.

1           (4)           TRIBAL           ASSISTANCE.—Section  
2           1178(c)(1)(A) of the Water Resources Development  
3           Act of 2016 (130 Stat. 1675) is amended by strik-  
4           ing “Upon the request of the Secretary of the Inte-  
5           rior, the Secretary may provide assistance” and in-  
6           serting “The Secretary, in consultation with the Sec-  
7           retary of the Interior, may provide assistance”.

8           (b) JOHN DAY DAM, WASHINGTON AND OREGON.—

9           (1) IN GENERAL.—The Secretary, in consulta-  
10          tion with the Secretary of the Interior, shall examine  
11          and assess the extent to which Indians (as defined  
12          in section 4 of the Indian Self-Determination and  
13          Education Assistance Act (25 U.S.C. 5304)) have  
14          been displaced as a result of the construction of the  
15          John Day Dam, Oregon, as authorized by section  
16          204 of the Flood Control Act of 1950 (64 Stat.  
17          179).

18          (2) INCLUSION.—The examination and assess-  
19          ment under paragraph (1) may include—

20                 (A) assessments relating to housing and  
21                 related facilities; and

22                 (B) the study required by section  
23                 1178(c)(2) of the Water Resources Develop-  
24                 ment Act of 2016 (130 Stat. 1675).



1           (3) ASSISTANCE.—If the Secretary determines,  
2           based on the examination and assessment under  
3           paragraph (1), that assistance is required or needed,  
4           the Secretary may use all existing authorities of the  
5           Secretary, including under this Act, to provide as-  
6           sistance to Indians who have been displaced as a re-  
7           sult of the construction of the John Day Dam, Or-  
8           egon.

9           (c) DALLES DAM, WASHINGTON AND OREGON.—

10           (1) IN GENERAL.—The Secretary, in consulta-  
11           tion with the Secretary of the Interior, shall com-  
12           plete and carry out a village development plan for  
13           any Indian village submerged as a result of the con-  
14           struction of the Dalles Dam, Columbia River, Wash-  
15           ington and Oregon, as authorized by section 204 of  
16           the Flood Control Act of 1950 (64 Stat. 179).

17           (2) ASSISTANCE.—The Secretary may acquire  
18           land from willing land owners in carrying out a vil-  
19           lage development plan under paragraph (1).

20           (3) REQUIREMENTS.—A village development  
21           plan completed under paragraph (1) shall include, at  
22           a minimum, an estimated cost and tentative sched-  
23           ule for the construction of a replacement village.

1 **SEC. 1134. MISSOURI RIVER RESERVOIR SEDIMENT MAN-**  
2 **AGEMENT.**

3 Section 1179(a) of the Water Resources Development  
4 Act of 2016 (130 Stat. 1675) is amended—

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

7 (2) by inserting after paragraph (3) the fol-  
8 lowing:

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

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

16 (A) by redesignating subparagraph (B) as  
17 subparagraph (D); and

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

20 “(A) **IN GENERAL.**—The Secretary shall  
21 carry out the pilot program established under  
22 this subsection in partnership with the Sec-  
23 retary of the Interior, and the program shall  
24 apply to reservoirs managed or owned by the  
25 Bureau of Reclamation.

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

10           “(C) PAYMENTS.—The Secretary is au-  
11           thorized to accept and expend funds from the  
12           Secretary of the Interior to complete any work  
13           under this paragraph at a reservoir managed or  
14           owned by the Bureau of Reclamation.”.

15 **SEC. 1135. REAUTHORIZATION OF LOCK OPERATIONS**  
16 **PILOT PROGRAM.**

17           Section 1017(f) of the Water Resources Reform and  
18           Development Act of 2014 (33 U.S.C. 2212 note) is  
19           amended by striking “5 years” and inserting “10 years”.

20 **SEC. 1136. CREDIT OR REIMBURSEMENT.**

21           (a) IN GENERAL.—Section 1022 of the Water Re-  
22           sources Reform and Development Act of 2014 (33 U.S.C.  
23           2225) is amended to read as follows:

1 **“SEC. 1022. CREDIT OR REIMBURSEMENT.**

2       “(a) REQUESTS FOR CREDITS.—With respect to an  
3 authorized flood damage reduction project, or separable  
4 element thereof, that has been constructed by a non-Fed-  
5 eral interest under section 211 of the Water Resources  
6 Development Act of 1996 (33 U.S.C. 701b–13), or an au-  
7 thorized coastal navigation project that has been con-  
8 structed by the Corps of Engineers pursuant to section  
9 11 of the Act of March 3, 1925, before the date of enact-  
10 ment of the Water Resources Development Act of 2018,  
11 the Secretary may provide to the non-Federal interest, at  
12 the request of the non-Federal interest, a credit in an  
13 amount equal to the estimated Federal share of the cost  
14 of the project or separable element, in lieu of providing  
15 to the non-Federal interest a reimbursement in that  
16 amount or reimbursement of funds of an equivalent  
17 amount, subject to the availability of appropriations.

18       “(b) APPLICATION OF CREDITS.—At the request of  
19 the non-Federal interest, the Secretary may apply all or  
20 a portion of such credit to the share of the cost of the  
21 non-Federal interest of carrying out other flood damage  
22 reduction and coastal navigation projects or studies.

23       “(c) APPLICATION OF REIMBURSEMENT.—At the re-  
24 quest of the non-Federal interest, the Secretary may apply  
25 such funds, subject to the availability of appropriations,  
26 equal to the share of the cost of the non-Federal interest

1 of carrying out other flood damage reduction and coastal  
2 navigation projects or studies.”.

3 (b) CLERICAL AMENDMENT.—The table of contents  
4 contained in section 1(b) of the Water Resources Reform  
5 and Development Act of 2014 (128 Stat. 1193) is amend-  
6 ed by striking the item relating to section 1022 and insert-  
7 ing the following:

“Sec. 1022. Credit or reimbursement.”.

8 **SEC. 1137. NON-FEDERAL IMPLEMENTATION PILOT PRO-**  
9 **GRAM.**

10 Section 1043(b) of the Water Resources Reform and  
11 Development Act of 2014 (33 U.S.C. 2201 note) is  
12 amended—

13 (1) in paragraph (3)(A)(i)—

14 (A) in the matter preceding subclause

15 (I)—

16 (i) by striking “15” and inserting  
17 “20”; and

18 (ii) by striking “prior to the date of  
19 enactment of this Act”;

20 (B) in subclause (I)—

21 (i) in the matter preceding item (aa),  
22 by inserting “that have been authorized for  
23 construction prior to the date of enactment  
24 of this Act and” after “not more than 12  
25 projects”; and

1 (ii) in item (bb), by striking “; and”  
2 and inserting a semicolon;

3 (C) in subclause (II)—

4 (i) by inserting “that have been au-  
5 thorized for construction prior to the date  
6 of enactment of this Act and” after “not  
7 more than 3 projects”; and

8 (ii) by striking the semicolon and in-  
9 serting “; and”; and

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

11 “(III) not more than 5 projects  
12 that have been authorized for con-  
13 struction, but did not receive the au-  
14 thorization prior to the date of enact-  
15 ment of this Act;”; and

16 (2) in paragraph (8), by striking “2015  
17 through 2019” and inserting “2019 through 2023”.

18 **SEC. 1138. SURPLUS WATER CONTRACTS AND WATER STOR-**

19 **AGE AGREEMENTS.**

20 Section 1046(c) of the Water Resources Reform and  
21 Development Act of 2014 (128 Stat. 1254) is amended—

22 (1) in paragraph (1)—

23 (A) by striking “shall not charge a fee”  
24 and inserting the following: “shall not—

25 “(A) charge a fee”;

1 (B) by striking “Reservoirs.” and inserting  
2 “Reservoirs; or”; and

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

4 “(B) assess a water storage fee with re-  
5 spect to any water storage in the Upper Mis-  
6 souri Mainstem Reservoirs.”; and

7 (2) in paragraph (3), by striking “10” and in-  
8 serting “12”.

9 **SEC. 1139. POST-DISASTER WATERSHED ASSESSMENTS IN**  
10 **TERRITORIES OF THE UNITED STATES.**

11 Section 3025 of the Water Resources Reform and De-  
12 velopment Act of 2014 (33 U.S.C. 2267b) is amended by  
13 adding at the end the following:

14 “(e) ASSESSMENTS IN TERRITORIES OF THE UNITED  
15 STATES.—

16 “(1) IN GENERAL.—For any major disaster de-  
17 clared in a territory of the United States before the  
18 date of enactment of this subsection, all activities in  
19 the territory carried out or undertaken pursuant to  
20 the authorities described in this section shall be con-  
21 ducted at full Federal expense unless the President  
22 determines that the territory has the ability to pay  
23 the cost share for an assessment under this section  
24 without the use of loans.

1           “(2) TERRITORY DEFINED.—In this subsection,  
2           the term ‘territory of the United States’ means an  
3           insular area specified in section 1156(a)(1) of the  
4           Water Resources Development Act of 1986 (33  
5           U.S.C. 2310(a)(1)).”.

6   **SEC. 1140. EXPEDITED CONSIDERATION.**

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

11   **SEC. 1141. PROJECT STUDIES SUBJECT TO INDEPENDENT**  
12                           **PEER REVIEW.**

13          Section 2034(h)(2) of the Water Resources Develop-  
14          ment Act of 2007 (33 U.S.C. 2343(h)(2)) is amended by  
15          striking “12 years” and inserting “17 years”.

16   **SEC. 1142. FEASIBILITY OF CHICAGO SANITARY AND SHIP**  
17                           **CANAL DISPERSAL BARRIERS PROJECT, ILLI-**  
18                           **NOIS.**

19          Section 3061(d) of the Water Resources Development  
20          Act of 2007 (Public Law 110–114; 121 Stat. 1121) is  
21          amended—

22                   (1) by striking “The Secretary” and inserting  
23                   the following:

24                   “(1) IN GENERAL.—The Secretary”; and

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



1           “(2) OPERATION AND MAINTENANCE.—Oper-  
2           ation and maintenance of any project authorized to  
3           be carried out pursuant to the feasibility study iden-  
4           tified in paragraph (1) shall be carried out at 80  
5           percent Federal expense and 20 percent non-Federal  
6           expense.

7           “(3) CONSULTATION.—After construction of  
8           any project authorized to be carried out pursuant to  
9           the feasibility study identified in paragraph (1), the  
10          Secretary shall consult with the Governor of the  
11          State in which the project is constructed.”.

12 **SEC. 1143. ACKNOWLEDGMENT OF CREDIT.**

13          Section 7007(a) of the Water Resources Development  
14          Act of 2007 (121 Stat. 1277; 128 Stat. 1226) is amended  
15          by adding at the end the following: “Notwithstanding sec-  
16          tion 221(a)(4)(C)(i) of the Flood Control Act of 1970 (42  
17          U.S.C. 1962d–5b(a)(4)(C)(i)), the Secretary may provide  
18          credit for work carried out during the period beginning  
19          on November 8, 2007, and ending on the date of enact-  
20          ment of the Water Resources Development Act of 2018  
21          by the non-Federal interest for a project under this title  
22          if the Secretary determines that the work is integral to  
23          the project and was carried out in accordance with the  
24          requirements of subchapter 4 of chapter 31, and chapter  
25          37, of title 40, United States Code.”.

1 **SEC. 1144. LEVEE SAFETY INITIATIVE REAUTHORIZATION.**

2 Title IX of the Water Resources Development Act of  
3 2007 (33 U.S.C. 3301 et seq.) is amended—

4 (1) in section 9005(g)(2)(E)(i), by striking  
5 “2015 through 2019” and inserting “2019 through  
6 2023”; and

7 (2) in section 9008, by striking “2015 through  
8 2019” each place it appears and inserting “2019  
9 through 2023”.

10 **SEC. 1145. FUNDING TO PROCESS PERMITS.**

11 Section 214(a) of the Water Resources Development  
12 Act of 2000 (33 U.S.C. 2352(a)) is amended—

13 (1) by striking paragraph (3) and redesignating  
14 paragraphs (4) and (5) as paragraphs (3) and (4),  
15 respectively; and

16 (2) in paragraph (4), as so redesignated—

17 (A) by striking “4 years after the date of  
18 enactment of this paragraph” and inserting  
19 “December 31, 2022”; and

20 (B) by striking “carry out a study” and in-  
21 serting “carry out a followup study”.

22 **SEC. 1146. RESERVOIR SEDIMENT.**

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

25 (1) in subsection (a)—

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

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

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

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

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

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

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

1 **SEC. 1147. CLARIFICATION FOR INTEGRAL DETERMINA-**  
2 **TION.**

3 Section 601(e)(5) of the Water Resources Develop-  
4 ment Act of 2000 (Public Law 106–541) is amended—

5 (1) in subparagraph (B)(i)—

6 (A) in subclause (II), by striking “; or”  
7 and inserting a semicolon; and

8 (B) by inserting after subclause (III) the  
9 following:

10 “(IV) the credit is provided for work  
11 carried out by the non-Federal sponsor in  
12 the implementation of an authorized  
13 project implementation report, and such  
14 work was defined in an agreement between  
15 the Secretary and the non-Federal sponsor  
16 prior to the execution of such work; or

17 “(V) the credit is provided for any  
18 work carried out by the non-Federal spon-  
19 sor, as agreed to by the District Com-  
20 mander and non-Federal sponsor in a writ-  
21 ten agreement (which may include an elec-  
22 tronic agreement) prior to such work being  
23 carried out by the non-Federal sponsor;”;

24 (2) in subparagraph (B), by amending clause  
25 (iii) to read as follows:

1                   “(iii) the Secretary determines that  
2                   the work performed by the non-Federal  
3                   sponsor—

4                                 “(I) is integral to the project;  
5                   and

6                                 “(II) was carried out in accord-  
7                   ance with the requirements of sub-  
8                   chapter 4 of chapter 31, and chapter  
9                   37, of title 40, United States Code.”;

10                   (3) by redesignating subparagraphs (C) through  
11                   (E) as subparagraphs (D) through (F), respectively;  
12                   and

13                   (4) by inserting after subparagraph (B) the fol-  
14                   lowing:

15                                 “(C) **TIMING.**—In any case in which the  
16                   Secretary approves credit under subparagraph  
17                   (B), in a written agreement (which may include  
18                   an electronic agreement) with the non-Federal  
19                   sponsor, the Secretary shall provide such credit  
20                   for work completed under an agreement that  
21                   prescribes the terms and conditions for the in-  
22                   kind contributions.”.

23 **SEC. 1148. BENEFICIAL USE OF DREDGED SEDIMENT.**

24                   (a) **IN GENERAL.**—In carrying out a project for the  
25                   beneficial reuse of sediment to reduce storm damage to

1 property under section 204 of the Water Resources Devel-  
2 opment Act of 1992 (33 U.S.C. 2326) that involves only  
3 a single application of sediment, the Secretary may grant  
4 a temporary easement necessary to facilitate the place-  
5 ment of sediment, if the Secretary determines that grant-  
6 ing a temporary easement is in the interest of the United  
7 States.

8 (b) LIMITATION.—If the Secretary grants a tem-  
9 porary easement under subsection (a) with respect to a  
10 project, that project shall no longer be eligible for future  
11 placement of sediment under section 204 of the Water Re-  
12 sources Development Act of 1992 (33 U.S.C. 2326).

13 **SEC. 1149. INCLUSION OF ALTERNATIVE MEASURES FOR**  
14 **AQUATIC ECOSYSTEM RESTORATION.**

15 (a) INCLUSION OF ALTERATIVE MEASURES FOR  
16 AQUATIC ECOSYSTEM RESTORATION.—Section 206 of the  
17 Water Resources Development Act of 1996 (33 U.S.C.  
18 2230) is amended—

19 (1) by redesignating subsection (e) as sub-  
20 section (f); and

21 (2) by inserting after subsection (d) the fol-  
22 lowing:

23 “(e) USE OF NATURAL AND NATURE-BASED FEA-  
24 TURES.—In carrying out a project to restore and protect  
25 an aquatic ecosystem or estuary under subsection (a), the

1 Secretary shall consider, and may include, with the con-  
2 sent of the non-Federal interest, a natural feature or na-  
3 ture-based feature, as such terms are defined in section  
4 1184 of the Water Resources Development Act of 2016,  
5 if the Secretary determines that inclusion of such features  
6 is consistent with the requirements of subsection (a).”.

7 (b) AMENDMENT TO DEFINITION.—Section  
8 1184(a)(2) of the Water Resources Development Act of  
9 2016 (33 U.S.C. 2289a(a)(2)) is amended by striking “in  
10 coastal areas”.

11 **SEC. 1150. REGIONAL SEDIMENT MANAGEMENT.**

12 Section 204(a)(1)(A) of the Water Resources Devel-  
13 opment Act of 1992 (33 U.S.C. 2326(a)(1)(A)) is amend-  
14 ed by inserting “including a project authorized for flood  
15 control,” after “an authorized Federal water resources  
16 project,”.

17 **SEC. 1151. OPERATION AND MAINTENANCE OF NAVIGATION**  
18 **AND HYDROELECTRIC FACILITIES.**

19 (a) IN GENERAL.—Section 314 of the Water Re-  
20 sources Development Act of 1990 (33 U.S.C. 2321) is  
21 amended—

22 (1) in the heading by inserting “**NAVIGATION**  
23 **AND**” before “**HYDROELECTRIC FACILITIES**”;

24 (2) in the first sentence, by striking “Activities  
25 currently performed” and inserting the following:

1 “(a) IN GENERAL.—Activities currently performed”;

2 (3) in subsection (a) (as designated by para-  
3 graph (2)), by inserting “navigation or” before “hy-  
4 droelectric”;

5 (4) in the second sentence, by striking “This  
6 section” and inserting the following:

7 “(b) MAJOR MAINTENANCE CONTRACTS AL-  
8 LOWED.—This section”; and

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

10 “(c) EXCLUSION.—This section does not—

11 “(1) apply to a navigation facility that was  
12 under contract on or before the date of enactment  
13 of this subsection with a non-Federal interest to per-  
14 form operations or maintenance; and

15 “(2) prohibit the Secretary from contracting  
16 out commercial activities after the date of enactment  
17 of this subsection at a navigation facility.”.

18 (b) CLERICAL AMENDMENT.—The table of contents  
19 contained in section 1(b) of the Water Resources Develop-  
20 ment Act of 1990 (104 Stat. 4604) is amended by striking  
21 the item relating to section 314 and inserting the fol-  
22 lowing:

“Sec. 314. Operation and maintenance of navigation and hydroelectric facili-  
ties.”.



1 **SEC. 1152. STUDY OF WATER RESOURCES DEVELOPMENT**  
2 **PROJECTS BY NON-FEDERAL INTERESTS.**

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

5 (1) in subsection (a)(1), by inserting “federally  
6 authorized” before “feasibility study”;

7 (2) by amending subsection (c) to read as fol-  
8 lows:

9 “(c) SUBMISSION TO CONGRESS.—

10 “(1) REVIEW AND SUBMISSION OF STUDIES TO  
11 CONGRESS.—Not later than 180 days after the date  
12 of receipt of a feasibility study of a project under  
13 subsection (a)(1), the Secretary shall submit to the  
14 Committee on Environment and Public Works of the  
15 Senate and the Committee on Transportation and  
16 Infrastructure of the House of Representatives a re-  
17 port that describes—

18 “(A) the results of the Secretary’s review  
19 of the study under subsection (b), including a  
20 determination of whether the project is feasible;

21 “(B) any recommendations the Secretary  
22 may have concerning the plan or design of the  
23 project; and

24 “(C) any conditions the Secretary may re-  
25 quire for construction of the project.

1           “(2) LIMITATION.—The completion of the re-  
2 view by the Secretary of a feasibility study that has  
3 been submitted under subsection (a)(1) may not be  
4 delayed as a result of consideration being given to  
5 changes in policy or priority with respect to project  
6 consideration.”; and

7           (3) by amending subsection (e) to read as fol-  
8 lows:

9           “(e) REVIEW AND TECHNICAL ASSISTANCE.—

10           “(1) REVIEW.—The Secretary may accept and  
11 expend funds provided by non-Federal interests to  
12 undertake reviews, inspections, certifications, and  
13 other activities that are the responsibility of the Sec-  
14 retary in carrying out this section.

15           “(2) TECHNICAL ASSISTANCE.—At the request  
16 of a non-Federal interest, the Secretary shall provide  
17 to the non-Federal interest technical assistance re-  
18 lating to any aspect of a feasibility study if the non-  
19 Federal interest contracts with the Secretary to pay  
20 all costs of providing such technical assistance.

21           “(3) LIMITATION.—Funds provided by non-  
22 Federal interests under this subsection shall not be  
23 eligible for credit under subsection (d) or reimburse-  
24 ment.

1           “(4) IMPARTIAL DECISIONMAKING.—In carrying  
2 out this section, the Secretary shall ensure that the  
3 use of funds accepted from a non-Federal interest  
4 will not affect the impartial decisionmaking of the  
5 Secretary, either substantively or procedurally.

6           “(5) SAVINGS PROVISION.—The provision of  
7 technical assistance by the Secretary under para-  
8 graph (2)—

9           “(A) shall not be considered to be an ap-  
10 proval or endorsement of the feasibility study;  
11 and

12           “(B) shall not affect the responsibilities of  
13 the Secretary under subsections (b) and (c).”.

14 **SEC. 1153. CONSTRUCTION OF WATER RESOURCES DEVEL-**  
15 **OPMENT PROJECTS BY NON-FEDERAL INTER-**  
16 **ESTS.**

17           Section 204 of the Water Resources Development Act  
18 of 1986 (33 U.S.C. 2232) is amended—

19           (1) in subsection (b)—

20           (A) in paragraph (1), in the matter pre-  
21 ceding subparagraph (A), by inserting “feder-  
22 ally authorized” before “water resources devel-  
23 opment project”;

1 (B) in paragraph (2)(A), by inserting “,  
2 except as provided in paragraph (3)” before the  
3 semicolon; and

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

5 “(3) PERMIT EXCEPTION.—

6 “(A) IN GENERAL.—For a project de-  
7 scribed in subsection (a)(1) or subsection  
8 (a)(3), or a separable element thereof, with re-  
9 spect to which a written agreement described in  
10 subparagraph (B) has been entered into, a non-  
11 Federal interest that carries out a project under  
12 this section shall not be required to obtain any  
13 Federal permits or approvals that would not be  
14 required if the Secretary carried out the project  
15 or separable element unless significant new cir-  
16 cumstances or information relevant to environ-  
17 mental concerns or compliance have arisen since  
18 development of the project recommendation.

19 “(B) WRITTEN AGREEMENT.—For pur-  
20 poses of this paragraph, a written agreement  
21 shall provide that the non-Federal interest shall  
22 comply with the same legal and technical re-  
23 quirements that would apply if the project or  
24 separable element were carried out by the Sec-  
25 retary, including all mitigation required to off-

1 set environmental impacts of the project or sep-  
2 arable element as determined by the Secretary.

3 “(C) CERTIFICATIONS.—Notwithstanding  
4 subparagraph (A), if a non-Federal interest car-  
5 rying out a project under this section would, in  
6 the absence of a written agreement entered into  
7 under this paragraph, be required to obtain a  
8 certification from a State under Federal law to  
9 carry out the project, such certification shall  
10 still be required if a written agreement is en-  
11 tered into with respect to the project under this  
12 paragraph.

13 “(4) DATA SHARING.—

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

23 “(B) DEADLINE.—Except as provided in  
24 subparagraph (C), the Secretary shall transfer  
25 the data and documentation requested by a

1 non-Federal interest under subparagraph (A)  
2 not later than the date that is 90 days after the  
3 date on which the non-Federal interest so re-  
4 quests such data and documentation.

5 “(C) LIMITATION.—Nothing in this para-  
6 graph obligates the Secretary to share any data  
7 or documentation that the Secretary considers  
8 to be proprietary information.”;

9 (2) by amending subsection (c) to read as fol-  
10 lows:

11 “(c) STUDIES AND ENGINEERING.—

12 “(1) IN GENERAL.—When requested by an ap-  
13 propriate non-Federal interest, the Secretary shall  
14 undertake all necessary studies, engineering, and  
15 technical assistance on construction for any project  
16 to be undertaken under subsection (b), and provide  
17 technical assistance in obtaining all necessary per-  
18 mits for the construction, if the non-Federal interest  
19 contracts with the Secretary to furnish the United  
20 States funds for the studies, engineering, or tech-  
21 nical assistance on construction in the period during  
22 which the studies, engineering, or technical assist-  
23 ance on construction are being conducted.

1           “(2) NO WAIVER.—Nothing in this section may  
2           be construed to waive any requirement of section  
3           3142 of title 40, United States Code.

4           “(3) LIMITATION.—Funds provided by non-  
5           Federal interests under this subsection shall not be  
6           eligible for credit or reimbursement under subsection  
7           (d).

8           “(4) IMPARTIAL DECISIONMAKING.—In carrying  
9           out this section, the Secretary shall ensure that the  
10          use of funds accepted from a non-Federal interest  
11          will not affect the impartial decisionmaking of the  
12          Secretary, either substantively or procedurally.”; and

13          (3) in subsection (d)—

14                 (A) in paragraph (3)—

15                         (i) in subparagraph (A), by striking “;  
16                         and” and inserting a semicolon;

17                         (ii) in subparagraph (B)(ii), by strik-  
18                         ing the period at the end and inserting “;  
19                         and”; and

20                         (iii) by adding at the end the fol-  
21                         lowing:

22                                 “(C) in the case of reimbursement, appro-  
23                                 priations are provided by Congress for such  
24                                 purpose.”; and

25                 (B) in paragraph (5)—

1 (i) by striking “flood damage reduc-  
 2 tion” each place it appears and inserting  
 3 “water resources development”;

4 (ii) in subparagraph (A), by striking  
 5 “for a discrete segment of a” and inserting  
 6 “for carrying out a discrete segment of a  
 7 federally authorized”; and

8 (iii) in subparagraph (D), in the mat-  
 9 ter preceding clause (i), by inserting “to be  
 10 carried out” after “project”.

11 **SEC. 1154. CORPS BUDGETING; PROJECT**  
 12 **DEAUTHORIZATIONS; COMPREHENSIVE**  
 13 **BACKLOG REPORT.**

14 (a) IN GENERAL.—Section 1001 of the Water Re-  
 15 sources Development Act of 1986 (33 U.S.C. 579a) is  
 16 amended—

17 (1) by striking the section designator and all  
 18 that follows through “Any project” and inserting the  
 19 following:

20 **“SEC. 1001. CORPS BUDGETING; PROJECT**  
 21 **DEAUTHORIZATIONS; COMPREHENSIVE**  
 22 **BACKLOG REPORT.**

23 “(a) Any project”; and

24 (2) in subsection (b), by striking paragraphs

25 (3) and (4) and inserting the following:



1           “(3) COMPREHENSIVE CONSTRUCTION BACKLOG  
2           AND OPERATION AND MAINTENANCE REPORT.—

3           “(A) IN GENERAL.—The Secretary, once  
4           every 2 years, shall compile and publish—

5                   “(i) a complete list of all projects and  
6                   separable elements of projects of the Corps  
7                   of Engineers that are authorized for con-  
8                   struction but have not been completed;

9                   “(ii) a complete list of all feasibility  
10                  studies of the Corps of Engineers that  
11                  Congress has authorized the Secretary to  
12                  carry out for which a Report of the Chief  
13                  of Engineers has not been issued;

14                  “(iii) a complete list of all environ-  
15                  mental infrastructure projects authorized  
16                  by Congress under section 219 of the  
17                  Water Resources Development Act of 1992  
18                  (106 Stat. 4835); and

19                  “(iv) a list of major Federal operation  
20                  and maintenance needs of projects and  
21                  properties under the control of the Corps  
22                  of Engineers.

23           “(B) REQUIRED INFORMATION.—The Sec-  
24           retary shall include on each list developed under  
25           clause (i), (ii), or (iii) of subparagraph (A) for

1 each feasibility study, project, and separable  
2 element on that list—

3 “(i) the date of authorization of the  
4 feasibility study, project, or separable ele-  
5 ment, including any subsequent modifica-  
6 tions to the original authorization;

7 “(ii) the original budget authority for  
8 the feasibility study, project, or separable  
9 element;

10 “(iii) a brief description of the feasi-  
11 bility study, project, or separable element;

12 “(iv) the estimated date of completion  
13 of the feasibility study, project, or sepa-  
14 rable element, assuming all capability is  
15 fully funded;

16 “(v) the estimated total cost of com-  
17 pletion of the feasibility study, project, or  
18 separable element;

19 “(vi) the amount of funds spent on  
20 the feasibility study, project, or separable  
21 element, including Federal and non-Fed-  
22 eral funds;

23 “(vii) the amount of appropriations  
24 estimated to be required in each fiscal year  
25 during the period of construction to com-

1           plete the project or separable element by  
2           the date specified under clause (iv);

3           “(viii) the location of the feasibility  
4           study, project, or separable element;

5           “(ix) a statement from the non-Fed-  
6           eral interest for the project or separable  
7           element indicating the non-Federal inter-  
8           est’s capability to provide the required  
9           local cooperation estimated to be required  
10          for the project or separable element in  
11          each fiscal year during the period of con-  
12          struction;

13          “(x) the benefit-cost ratio of the  
14          project or separable element, calculated  
15          using the discount rate specified by the Of-  
16          fice of Management and Budget for pur-  
17          poses of preparing the President’s budget  
18          pursuant to chapter 11 of title 31, United  
19          States Code;

20          “(xi) the benefit-cost ratio of the  
21          project or separable element, calculated  
22          using the discount rate utilized by the  
23          Corps of Engineers for water resources de-  
24          velopment project planning pursuant to  
25          section 80 of the Water Resources Devel-

1                   opment Act of 1974 (42 U.S.C. 1962d–  
2                   17); and

3                   “(xii) the last fiscal year in which the  
4                   project or separable element incurred obli-  
5                   gations.

6                   “(C) REQUIRED OPERATION AND MAINTEN-  
7                   NANCE INFORMATION.—The Secretary shall in-  
8                   clude on the list developed under subparagraph  
9                   (A)(iv), for each project and property under the  
10                  control of the Corps of Engineers on that list—

11                  “(i) the authority under which the  
12                  project was authorized or the property was  
13                  acquired by the Corps of Engineers;

14                  “(ii) a brief description of the project  
15                  or property;

16                  “(iii) an estimate of the Federal costs  
17                  to meet the major operation and mainte-  
18                  nance needs at the project or property; and

19                  “(iv) an estimate of unmet or deferred  
20                  operation and maintenance needs at the  
21                  project or property.

22                  “(D) PUBLICATION.—

23                  “(i) IN GENERAL.—For fiscal year  
24                  2020, and once every 2 years thereafter, in  
25                  conjunction with the President’s annual

1 budget submission to Congress under sec-  
2 tion 1105(a) of title 31, United States  
3 Code, the Secretary shall submit a copy of  
4 the lists developed under subparagraph (A)  
5 to—

6 “(I) the Committee on Environ-  
7 ment and Public Works and the Com-  
8 mittee on Appropriations of the Sen-  
9 ate and the Committee on Transpor-  
10 tation and Infrastructure and the  
11 Committee on Appropriations of the  
12 House of Representatives; and

13 “(II) the Director of the Office of  
14 Management and Budget.

15 “(ii) PUBLIC AVAILABILITY.—The  
16 Secretary shall make a copy of the lists  
17 available on a publicly accessible website  
18 site in a manner that is downloadable,  
19 searchable, and sortable.”.

20 (b) BUDGETARY EVALUATION METRICS AND TRANS-  
21 PARENCY.—Beginning in fiscal year 2020, in the formula-  
22 tion of the annual budget request for the U.S. Army Corps  
23 of Engineers (Civil Works) pursuant to section 1105(a)  
24 of title 31, United States Code, the President shall ensure  
25 that such budget request—

1           (1) aligns the assessment of the potential ben-  
2           efit-cost ratio for budgeting water resources develop-  
3           ment projects with that used by the Corps of Engi-  
4           neers during project plan formulation and evaluation  
5           pursuant to section 80 of the Water Resources De-  
6           velopment Act of 1974 (42 U.S.C. 1962d–17); and

7           (2) demonstrates the transparent criteria and  
8           metrics utilized by the President in the evaluation  
9           and selection of water resources development  
10          projects included in such budget request.

11          (c) PUBLIC PARTICIPATION.—In the development of,  
12          or any proposed major substantive modification to, a pro-  
13          posed budget for water resources development projects,  
14          the Secretary, through each District shall, not less fre-  
15          quently than annually—

16                (1) provide to non-Federal interests and other  
17                interested stakeholders information on the proposed  
18                budget for projects or substantive modifications to  
19                project budgets within each District’s jurisdiction;

20                (2) hold multiple public meetings to discuss the  
21                budget for projects within each District’s jurisdic-  
22                tion; and

23                (3) provide to non-Federal interests the oppor-  
24                tunity to collaborate with District personnel for  
25                projects within each District’s jurisdiction—

1 (A) to support information sharing; and

2 (B) to the maximum extent practicable, to  
3 share in concept development and decision-  
4 making to achieve complementary or integrated  
5 solutions to problems.

6 **SEC. 1155. INDIAN TRIBES.**

7 (a) COST SHARING PROVISIONS FOR TERRITORIES  
8 AND INDIAN TRIBES.—Section 1156(a)(2) of the Water  
9 Resources Development Act of 1986 (33 U.S.C.  
10 2310(a)(2)) is amended by striking “(as defined” and all  
11 that follows through the period at the end and inserting  
12 “or tribal organization (as those terms are defined in sec-  
13 tion 4 of the Indian Self-Determination and Education As-  
14 sistance Act (25 U.S.C. 5304)).”.

15 (b) WRITTEN AGREEMENT REQUIREMENT FOR  
16 WATER RESOURCES PROJECTS.—Section 221(b)(1) of the  
17 Flood Control Act of 1970 (42 U.S.C. 1962d–5b(b)(1))  
18 is amended by striking “(including a” and all that follows  
19 through “; or” at the end and inserting “(including an  
20 Indian tribe and a tribal organization (as those terms are  
21 defined in section 4 of the Indian Self-Determination and  
22 Education Assistance Act (25 U.S.C. 5304)); or”.

1 **SEC. 1156. INFLATION ADJUSTMENT OF COST-SHARING**  
2 **PROVISIONS FOR TERRITORIES AND INDIAN**  
3 **TRIBES.**

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

9 **SEC. 1157. CORPS OF ENGINEERS CONTINUING AUTHORI-**  
10 **TIES PROGRAM.**

11 (a) **STORM AND HURRICANE RESTORATION AND IM-**  
12 **PACT MINIMIZATION PROGRAM.**—Section 3(c)(1) of the  
13 Act of August 13, 1946 (33 U.S.C. 426g(e)(1)) is amend-  
14 ed by striking “\$30,000,000” and inserting  
15 “\$37,500,000”.

16 (b) **SMALL RIVER AND HARBOR IMPROVEMENT**  
17 **PROJECTS.**—Section 107(a) of the River and Harbor Act  
18 of 1960 (33 U.S.C. 577(a)) is amended by striking  
19 “\$50,000,000” and inserting “\$62,500,000”.

20 (c) **SHORE DAMAGE PREVENTION OR MITIGATION.**—  
21 Section 111(c) of the River and Harbor Act of 1968 (33  
22 U.S.C. 426i(c)) is amended by striking “\$10,000,000”  
23 and inserting “\$12,500,000”.

24 (d) **REGIONAL SEDIMENT MANAGEMENT.**—Section  
25 204(g) of the Water Resources Development Act of 1992



1 (33 U.S.C. 2326(g)) is amended in the first sentence by  
2 striking “\$50,000,000” and inserting “\$62,500,000”.

3 (e) SMALL FLOOD CONTROL PROJECTS.—Section  
4 205 of the Flood Control Act of 1948 (33 U.S.C. 701s)  
5 is amended in the first sentence by striking  
6 “\$55,000,000” and inserting “\$68,750,000”.

7 (f) AQUATIC ECOSYSTEM RESTORATION.—Section  
8 206(f) of the Water Resources Development Act of 1996  
9 (as redesignated by section 1149) is amended by striking  
10 “\$50,000,000” and inserting “\$62,500,000”.

11 (g) PROJECT MODIFICATIONS FOR IMPROVEMENT OF  
12 ENVIRONMENT.—Section 1135(h) of the Water Resources  
13 Development Act of 1986 (33 U.S.C. 2309a(h)) is amend-  
14 ed by striking “\$40,000,000” and inserting  
15 “\$50,000,000”.

16 (h) EMERGENCY STREAMBANK AND SHORELINE  
17 PROTECTION.—Section 14 of the Flood Control Act of  
18 1946 (33 U.S.C. 701r) is amended by striking  
19 “\$20,000,000” and inserting “\$25,000,000”.

20 (i) TRIBAL PARTNERSHIP PROGRAM.—Section  
21 203(b)(4) of the Water Resources Development Act of  
22 2000 (33 U.S.C. 2269) is amended to read as follows:

23 “(4) DESIGN AND CONSTRUCTION.—

24 “(A) IN GENERAL.—The Secretary may  
25 carry out the design and construction of a

1 water resources development project, or sepa-  
2 rable element of a project, described in para-  
3 graph (1) that the Secretary determines is fea-  
4 sible if the Federal share of the cost of the  
5 project or separable element is not more than  
6 \$12,500,000.

7 “(B) SPECIFIC AUTHORIZATION.—If the  
8 Federal share of the cost of the project or sepa-  
9 rable element described in subparagraph (A) is  
10 more than \$12,500,000, the Secretary may only  
11 carry out the project or separable element if  
12 Congress enacts a law authorizing the Secretary  
13 to carry out the project or separable element.”.

14 **SEC. 1158. HURRICANE AND STORM DAMAGE REDUCTION.**

15 Section 156 of the Water Resources Development Act  
16 of 1976 (42 U.S.C. 1962d–5f) is amended—

17 (1) in subsection (b)—

18 (A) by striking “Notwithstanding” and in-  
19 serting the following:

20 “(1) IN GENERAL.—Notwithstanding”; and

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

22 “(2) TIMING.—The 15 additional years pro-  
23 vided under paragraph (1) shall begin on the date  
24 of initiation of construction of congressionally au-  
25 thorized nourishment.”; and

1           (2) in subsection (e), by striking “5 year-pe-  
2           riod” and inserting “10-year period”.

3 **SEC. 1159. REGIONAL COALITIONS AND HIGHER EDU-  
4           CATION.**

5           Section 22(a) of the Water Resources Development  
6 Act of 1974 (42 U.S.C. 1962d-16(a)) is amended—

7           (1) by amending paragraph (1) to read as fol-  
8           lows:

9           “(1) COMPREHENSIVE PLANS.—The Secretary  
10          of the Army, acting through the Chief of Engineers,  
11          is authorized to cooperate with any State, group of  
12          States, non-Federal interest working with a State or  
13          group of States, or regional coalition of govern-  
14          mental entities in the preparation of comprehensive  
15          plans for the development, utilization, and conserva-  
16          tion of the water and related resources of drainage  
17          basins, watersheds, or ecosystems located within the  
18          boundaries of such State, interest, or entity, includ-  
19          ing plans to comprehensively address water re-  
20          sources challenges, and to submit to Congress re-  
21          ports and recommendations with respect to appro-  
22          priate Federal participation in carrying out such  
23          plans.”; and

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

1           “(3) INSTITUTION OF HIGHER EDUCATION.—  
2       Notwithstanding section 236 of title 10, United  
3       States Code, in carrying out this subsection, the  
4       Secretary may work with an institution of higher  
5       education, as determined appropriate by the Sec-  
6       retary.”.

7   **SEC. 1160. EMERGENCY RESPONSE TO NATURAL DISAS-**  
8           **TERS.**

9       Section 5(a)(1) of the Act of August 18, 1941 (33  
10   U.S.C. 701n(a)(1)) is amended in the first sentence—

11           (1) by striking “strengthening, raising, extend-  
12       ing, or other modification thereof” and inserting  
13       “strengthening, raising, extending, realigning, or  
14       other modification thereof”; and

15           (2) by striking “structure or project damaged  
16       or destroyed by wind, wave, or water action of other  
17       than an ordinary nature to the design level of pro-  
18       tection when, in the discretion of the Chief of Engi-  
19       neers,” and inserting “structure or project damaged  
20       or destroyed by wind, wave, or water action of other  
21       than an ordinary nature to either the pre-storm level  
22       or the design level of protection, whichever provides  
23       greater protection, when, in the discretion of the  
24       Chief of Engineers,”.

1 **SEC. 1161. COST AND BENEFIT FEASIBILITY ASSESSMENT.**

2 (a) COST BENEFIT AND SPECIAL CONDITIONS.—Sec-  
3 tion 5(a) of the Act of August 18, 1941 (33 U.S.C.  
4 701n(a)), as amended by this Act, is further amended by  
5 striking paragraph (2) and inserting the following:

6 “(2) COST AND BENEFIT FEASIBILITY ASSESS-  
7 MENT.—

8 “(A) CONSIDERATION OF BENEFITS.—In  
9 preparing a cost and benefit feasibility assess-  
10 ment for any emergency project described in  
11 paragraph (1), the Chief of Engineers shall con-  
12 sider the benefits to be gained by such project  
13 for the protection of—

14 “(i) residential establishments;

15 “(ii) commercial establishments, in-  
16 cluding the protection of inventory; and

17 “(iii) agricultural establishments, in-  
18 cluding the protection of crops.

19 “(B) SPECIAL CONDITIONS.—

20 “(i) AUTHORITY TO CARRY OUT  
21 WORK.—The Chief of Engineers may carry  
22 out repair or restoration work described in  
23 paragraph (1) that does not produce bene-  
24 fits greater than the cost if—

25 “(I) the non-Federal sponsor  
26 agrees to pay an amount sufficient to

1 make the remaining costs of the  
2 project equal to the estimated value of  
3 the benefits of the repair or restora-  
4 tion work; and

5 “(II) the Secretary determines  
6 that—

7 “(aa) the damage to the  
8 structure was not a result of neg-  
9 ligent operation or maintenance;  
10 and

11 “(bb) repair of the project  
12 could benefit another Corps  
13 project.

14 “(ii) TREATMENT OF PAYMENTS.—  
15 Non-Federal payments pursuant to clause  
16 (i) shall be in addition to any non-Federal  
17 payments required by the Chief of Engi-  
18 neers that are applicable to the remaining  
19 costs of the repair or restoration work.”.

20 (b) CONTINUED ELIGIBILITY.—Notwithstanding a  
21 non-Federal flood control work’s status in the Rehabilita-  
22 tion and Inspection Program carried out pursuant to sec-  
23 tion 5 of the Act of August 18, 1941 (33 U.S.C. 701n),  
24 any unconstructed emergency project for the non-Federal  
25 flood control work that was formulated during the three

1 fiscal years preceding the fiscal year in which this Act was  
2 enacted but that was determined to not produce benefits  
3 greater than costs shall remain eligible for assistance  
4 under such section 5 until the last day of the third fiscal  
5 year following the fiscal year in which this Act was enacted  
6 if—

7 (1) the non-Federal sponsor agrees, in accord-  
8 ance with such section 5, as amended by this Act,  
9 to pay an amount sufficient to make the remaining  
10 costs of the project equal to the estimated value of  
11 the benefits of the repair or restoration work; and

12 (2) the Secretary determines that—

13 (A) the damage to the structure was not as  
14 a result of negligent operation or maintenance;  
15 and

16 (B) repair of the project could benefit an-  
17 other Corps project.

18 **SEC. 1162. EXTENDED COMMUNITY ASSISTANCE BY THE**  
19 **CORPS OF ENGINEERS.**

20 Section 5(a) of the Act of August 18, 1941 (33  
21 U.S.C. 701n(a)), as amended by this Act, is further  
22 amended—

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

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

3 “(3) **EXTENDED ASSISTANCE.**—Upon request  
4 by a locality receiving assistance under the fourth  
5 sentence of paragraph (1), the Secretary shall, sub-  
6 ject to the availability of appropriations, enter into  
7 an agreement with the locality to provide such as-  
8 sistance beyond the time period otherwise provided  
9 for by the Secretary under such sentence.”.

10 **SEC. 1163. DAM SAFETY.**

11 Section 14 of the National Dam Safety Program Act  
12 (33 U.S.C. 467j) is amended by striking “2015 through  
13 2019” each place it appears and inserting “2019 through  
14 2023”.

15 **SEC. 1164. LOCAL GOVERNMENT WATER MANAGEMENT**  
16 **PLANS.**

17 With the consent of the non-Federal interest for a  
18 feasibility study for a water resources development project,  
19 the Secretary may enter into a written agreement under  
20 section 221(a) of the Flood Control Act of 1970, with a  
21 unit of local government in the watershed that has adopt-  
22 ed a local or regional water management plan, to allow  
23 the unit of local government to participate in the feasi-  
24 bility study to determine if there is an opportunity to in-  
25 clude additional feasible elements in the project in order



1 to help achieve the purposes identified in the local or re-  
2 gional water management plan.

3 **SEC. 1165. STRUCTURES AND FACILITIES CONSTRUCTED**  
4 **BY SECRETARY.**

5 Section 14 of the Act of March 3, 1899 (33 U.S.C.  
6 408) is amended by adding at the end the following:

7 “(d) WORK DEFINED.—For the purposes of this sec-  
8 tion, the term ‘work’ shall not include unimproved real es-  
9 tate owned or operated by the Secretary as part of a water  
10 resources development project if the Secretary determines  
11 that modification of such real estate would not affect the  
12 function and usefulness of the project.”.

13 **SEC. 1166. ADVANCED FUNDS FOR WATER RESOURCES DE-**  
14 **VELOPMENT STUDIES AND PROJECTS.**

15 (a) CONTRIBUTIONS BY STATES AND POLITICAL  
16 SUBDIVISIONS FOR IMMEDIATE USE ON AUTHORIZED  
17 FLOOD-CONTROL WORK; REPAYMENT.—The Act of Octo-  
18 ber 15, 1940 (33 U.S.C. 701h–1) is amended—

19 (1) by striking “a flood-control project duly  
20 adopted and authorized by law” and inserting “a  
21 federally authorized water resources development  
22 project,”;

23 (2) by striking “such work” and inserting  
24 “such project”;

1           (3) by striking “from appropriations which may  
2           be provided by Congress for flood-control work” and  
3           inserting “if appropriations are provided by Con-  
4           gress for such purpose”; and

5           (4) by adding at the end the following: “For  
6           purposes of this Act, the term ‘State’ means the sev-  
7           eral States, the District of Columbia, the common-  
8           wealths, territories, and possessions of the United  
9           States, and Indian tribes (as defined in section 4(e)  
10          of the Indian Self-Determination and Education As-  
11          sistance Act (25 U.S.C. 5304(e)).”.

12          (b) NO ADVERSE EFFECT ON PROCESSES.—In im-  
13          plementing any provision of law that authorizes a non-  
14          Federal interest to provide, advance, or contribute funds  
15          to the Secretary for the development or implementation  
16          of a water resources development project (including sec-  
17          tions 203 and 204 of the Water Resources Development  
18          Act of 1986 (33 U.S.C. 2231, 2232), section 5 of the Act  
19          of June 22, 1936 (33 U.S.C. 701h), and the Act of Octo-  
20          ber 15, 1940 (33 U.S.C. 701h–1)), the Secretary shall en-  
21          sure, to the maximum extent practicable, that the use by  
22          a non-Federal interest of such authorities does not ad-  
23          versely affect—

24                 (1) the process or timeline for development and  
25                 implementation of other water resources develop-

1       ment projects by other non-Federal entities that do  
2       not use such authorities; or

3           (2) the process for including such projects in  
4       the President's annual budget submission to Con-  
5       gress under section 1105(a) of title 31, United  
6       States Code.

7       (c) **ADVANCES BY PRIVATE PARTIES; REPAYMENT.**—  
8       Section 11 of the Act of March 3, 1925 (Chapter 467;  
9       33 U.S.C. 561) is repealed.

10   **SEC. 1167. COSTS IN EXCESS OF FEDERAL PARTICIPATION**  
11                           **LIMIT.**

12       Section 14 of the Flood Control Act of 1946 (33  
13       U.S.C. 701r), as amended by this Act, is further amended  
14       by inserting “, and if such amount is not sufficient to  
15       cover the costs included in the Federal cost share for a  
16       project, as determined by the Secretary, the non-Federal  
17       interest shall be responsible for any such costs that exceed  
18       such amount” before the period at the end.

19   **SEC. 1168. DISPOSITION OF PROJECTS.**

20       (a) **IN GENERAL.**—In carrying out a disposition  
21       study for a project of the Corps of Engineers, or a sepa-  
22       rable element of such a project, including a disposition  
23       study under section 216 of the Flood Control Act of 1970  
24       (33 U.S.C. 549a), the Secretary shall consider modifica-  
25       tions that would improve the overall quality of the environ-

1 ment in the public interest, including removal of the  
2 project or separable element of a project.

3 (b) DISPOSITION STUDY TRANSPARENCY.—The Sec-  
4 retary shall carry out disposition studies described in sub-  
5 section (a) in a transparent manner, including by—

6 (1) providing opportunities for public input; and

7 (2) publishing the final disposition studies.

8 (c) REMOVAL OF INFRASTRUCTURE.—For disposition  
9 studies described in subsection (a) in which the Secretary  
10 determines that a Federal interest no longer exists, and  
11 makes a recommendation of removal of the project or sep-  
12 arable element of a project, the Secretary is authorized,  
13 using existing authorities, to pursue removal of the project  
14 or separable element of a project in partnership with other  
15 Federal agencies and non-Federal entities with appro-  
16 priate capabilities to undertake infrastructure removal.

17 **SEC. 1169. CONTRIBUTED FUNDS FOR NON-FEDERAL RES-**  
18 **ERVOIR OPERATIONS.**

19 Section 5 of the Act of June 22, 1936 (33 U.S.C.  
20 701h), is amended by inserting after “authorized purposes  
21 of the project:” the following: “*Provided further*, That the  
22 Secretary is authorized to receive and expend funds from  
23 an owner of a non-Federal reservoir to formulate, review,  
24 or revise operational documents for any non-Federal res-  
25 ervoir for which the Secretary is authorized to prescribe

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

4 **SEC. 1170. WATERCRAFT INSPECTION STATIONS.**

5 Section 104 of the River and Harbor Act of 1958  
6 (33 U.S.C. 610) is amended—

7 (1) by amending subsection (b) to read as fol-  
8 lows:

9 “(b) AUTHORIZATION OF APPROPRIATIONS.—

10 “(1) IN GENERAL.—There is authorized to be  
11 appropriated to carry out this section \$110,000,000  
12 for each fiscal year, of which—

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

15 “(B) \$30,000,000 shall be made available  
16 to carry out subsection (d)(1)(A)(ii); and

17 “(C) \$30,000,000 shall be made available  
18 to carry out subsection (d)(1)(A)(iii).

19 “(2) CONTROL OPERATIONS.—Any funds made  
20 available under paragraph (1) to be used for control  
21 operations shall be allocated by the Chief of Engi-  
22 neers on a priority basis, based on the urgency and  
23 need of each area and the availability of local  
24 funds.”; and

25 (2) in subsection (d)—

1 (A) by amending paragraph (1) to read as  
2 follows:

3 “(1) IN GENERAL.—

4 “(A) WATERCRAFT INSPECTION STA-  
5 TIONS.—In carrying out this section, the Sec-  
6 retary shall establish (as applicable), operate,  
7 and maintain new or existing watercraft inspec-  
8 tion stations—

9 “(i) to protect the Columbia River  
10 Basin;

11 “(ii) to protect the Upper Missouri  
12 River Basin; and

13 “(iii) to protect the Upper Colorado  
14 River Basin and the South Platte and Ari-  
15 zona River Basins.

16 “(B) LOCATIONS.—The Secretary shall es-  
17 tablish watercraft inspection stations under  
18 subparagraph (A) at locations with the highest  
19 likelihood of preventing the spread of aquatic  
20 invasive species at reservoirs operated and  
21 maintained by the Secretary, as determined by  
22 the Secretary in consultation with States within  
23 the areas described in subparagraph (A).

24 “(C) RAPID RESPONSE.—The Secretary  
25 shall assist States within the areas described in

1           subparagraph (A) with rapid response to any  
2           aquatic invasive species, including quagga or  
3           zebra mussel, infestation.”; and

4                   (B) by amending paragraph (3)(A) to read  
5           as follows:

6                   “(A) the Governors of the States within  
7           the areas described in each of clauses (i)  
8           through (iii) of paragraph (1)(A), as applica-  
9           ble;”.

10 **SEC. 1171. RESTRICTED AREAS AT CORPS OF ENGINEERS**

11                   **DAMS.**

12           Section 2 of the Freedom to Fish Act (Public Law  
13 113–13; 127 Stat. 449, 128 Stat. 1271) is amended by  
14 striking “4 years after the date of enactment of the Water  
15 Resources Reform and Development Act of 2014” each  
16 place it appears and inserting “5 years after the date of  
17 enactment of the Water Resources Development Act of  
18 2018”.

19 **SEC. 1172. COASTAL EROSION.**

20           (a) **IN GENERAL.**—Pursuant to section 111 of the  
21 River and Harbor Act of 1968 (33 U.S.C. 426i), the Sec-  
22 retary shall, to the maximum extent practicable, complete  
23 operation and maintenance renourishment to mitigate  
24 coastal erosion attributed to Federal project structures in  
25 the upper northeast United States.

1 (b) PROJECT SELECTION.—In carrying out the work  
2 under subsection (a), the Secretary shall—

3 (1) identify and carry out not more than 5  
4 projects—

5 (A) located in any of the States of Maine,  
6 New Hampshire, Massachusetts, Connecticut,  
7 Rhode Island, or New York; and

8 (B) for which a feasibility study has been  
9 completed by December 31, 2019, that includes  
10 findings that a Federal project structure is in-  
11 terrupting the natural flow of sediment and  
12 causing coastal erosion; and

13 (2) consult with relevant State agencies in se-  
14 lecting projects.

15 **SEC. 1173. PROHIBITION ON SURPLUS WATER FEES, LAKE**  
16 **CUMBERLAND WATERSHED, KENTUCKY AND**  
17 **TENNESSEE.**

18 (a) IN GENERAL.—The Secretary shall not charge a  
19 fee for surplus water under a contract entered into pursu-  
20 ant to section 6 of the Act of December 22, 1944 (33  
21 U.S.C. 708), if the contract is for surplus water stored  
22 in the Lake Cumberland Watershed, Kentucky and Ten-  
23 nessee.



1 (b) TERMINATION.—The limitation under subsection  
2 (a) shall expire on the date that is 2 years after the date  
3 of enactment of this Act.

4 (c) APPLICABILITY.—Nothing in this section—

5 (1) affects the authority of the Secretary under  
6 section 2695 of title 10, United States Code, to ac-  
7 cept funds or to cover the administrative expenses  
8 relating to certain real property transactions;

9 (2) affects the application of section 6 of the  
10 Act of December 22, 1944 (33 U.S.C. 708) or sec-  
11 tion 301 of the Water Supply Act of 1958 (43  
12 U.S.C. 390b) to surplus water stored outside of the  
13 Lake Cumberland Watershed, Kentucky and Ten-  
14 nessee; or

15 (3) affects the authority of the Secretary to ac-  
16 cept funds under section 216(e) of the Water Re-  
17 sources Development Act of 1996 (33 U.S.C.  
18 2321a(e)).

19 **SEC. 1174. MIDDLE RIO GRANDE PEAK FLOW RESTORA-**  
20 **TION.**

21 (a) RESTARTING OF TEMPORARY DEVIATION.—Sub-  
22 ject to subsection (b), the Secretary shall restart the tem-  
23 porary deviation in the operation of Cochiti Lake and  
24 Jemez Canyon Dam, that was initiated in 2009 and termi-

1 nated in 2013, to continue to evaluate the effects of the  
2 deviation.

3 (b) APPROVAL AND CONSULTATION.—Before restart-  
4 ing the temporary deviation under subsection (a), the Sec-  
5 retary shall, as required under the applicable water control  
6 manuals—

7 (1) first obtain approval from—

8 (A) Pueblo de Cochiti;

9 (B) Pueblo of Santa Ana; and

10 (C) the Rio Grande Compact Commission  
11 established by the compact approved by Con-  
12 gress under the Act of May 31, 1939 (53 Stat.  
13 785, chapter 155); and

14 (2) to the maximum extent practicable, consult  
15 with the existing Cochiti Lake Environmental Re-  
16 sources Team, which includes other Federal agencies  
17 and landowners in the region.

18 (c) SUNSET.—The authority to conduct the tem-  
19 porary deviation described in subsection (a) shall termi-  
20 nate on the date that is 5 years after the date on which  
21 the Secretary restarts the temporary deviation under such  
22 subsection.

1 **SEC. 1175. PROHIBITION OF ADMINISTRATIVE FEES IN IM-**  
2 **PLEMENTING ROUGH RIVER LAKE FLOWAGE**  
3 **EASEMENT ENCROACHMENT RESOLUTION**  
4 **PLAN.**

5 (a) DEFINITIONS.—In this section:

6 (1) ELIGIBLE PROPERTY OWNER.—The term  
7 “eligible property owner” means the owner of a  
8 property—

9 (A)(i) described in Scenario A, B, C, or D  
10 in the Plan; or

11 (ii) that consists of vacant land located  
12 above 534 feet mean sea level that is encum-  
13 bered by a Rough River Lake flowage easement;  
14 and

15 (B) for which the Rough River Lake flow-  
16 age easement is not required to address back-  
17 water effects.

18 (2) PLAN.—The term “Plan” means the Rough  
19 River Lake Flowage Easement Encroachment Reso-  
20 lution Plan of the Corps of Engineers, dated Janu-  
21 ary 2017.

22 (b) PROHIBITION ON ASSESSING ADMINISTRATIVE  
23 FEES.—Notwithstanding any other provision of law, in  
24 carrying out the Plan, the Secretary may not impose on  
25 or collect from any eligible property owner any administra-  
26 tive fee, including—

1 (1) a fee to pay the costs to the Corps of Engi-  
2 neers of processing requests to resolve encroach-  
3 ments under the Plan;

4 (2) fees for deed drafting and surveying; and

5 (3) any other administrative cost incurred by  
6 the Corps of Engineers in implementing the Plan.

7 (c) REFUND OF ADMINISTRATIVE FEES.—In the case  
8 of an eligible property owner who has paid any administra-  
9 tive fees described in paragraphs (1) through (3) of sub-  
10 section (b) to the Corps of Engineers, the Corps of Engi-  
11 neers shall refund those fees on request of the eligible  
12 property owner.

13 (d) SAVINGS PROVISION.—Nothing in this section af-  
14 fects the responsibility or authority of the Secretary to  
15 continue carrying out the Plan, including any work nec-  
16 essary to extinguish the flowage easement of the United  
17 States with respect to the property of any eligible property  
18 owner.

19 **SEC. 1176. PRECONSTRUCTION ENGINEERING DESIGN DEM-**  
20 **ONSTRATION PROGRAM.**

21 (a) DEFINITION OF ENVIRONMENTAL IMPACT  
22 STATEMENT.—In this section, the term “environmental  
23 impact statement” means the detailed written statement  
24 required under section 102(2)(C) of the National Environ-  
25 mental Policy Act of 1969 (42 U.S.C. 4332(2)(C)).

1           (b) DEMONSTRATION PROGRAM.—The Secretary  
2 shall establish a demonstration program to allow a project  
3 authorized to execute pursuant to section 211 of the  
4 Water Resources Development Act of 1996 (33 U.S.C.  
5 701b–13) (as in effect on the day before the date of enact-  
6 ment of the Water Resources Reform and Development  
7 Act of 2014 (128 Stat. 1193)) to begin preconstruction  
8 engineering and design on a determination by the Sec-  
9 retary that the project is technically feasible, economically  
10 justified, and environmentally acceptable.

11           (c) REQUIREMENTS.—For each project authorized to  
12 begin preconstruction engineering and design under sub-  
13 section (b)—

14                 (1) the project shall conform to the feasibility  
15 study and the environmental impact statement ap-  
16 proved by the Secretary; and

17                 (2) the Secretary and the non-Federal sponsor  
18 shall jointly agree to the construction design of the  
19 project.

20           (d) SECRETARY REVIEW OF POTENTIAL ADVERSE  
21 IMPACTS.—When reviewing the feasibility study and the  
22 environmental impact statement for a project under sub-  
23 section (b), the Secretary shall follow current USACE Pol-  
24 icy, Regulations, and Guidance, to assess potential adverse  
25 downstream impacts to the Pearl River Basin. Upon com-

1 pletion of the Secretary’s determination under subsection  
2 (b), the non-Federal sponsor shall design the project in  
3 a manner that addresses any potential adverse impacts or  
4 that provides mitigation in accordance with section 906  
5 of the Water Resources Development Act of 1986 (33  
6 U.S.C. 2283).

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

11 (f) SAVINGS PROVISION.—Nothing in this section su-  
12 persedes, precludes, or affects any applicable requirements  
13 for a project under subsection (b) under—

14 (1) section 906 of the Water Resources Devel-  
15 opment Act of 1986 (33 U.S.C. 2283); or

16 (2) the Comprehensive Environmental Re-  
17 sponse, Compensation, and Liability Act of 1980 (42  
18 U.S.C. 9601 et seq.).

## 19 **Subtitle B—Studies and Reports**

### 20 **SEC. 1201. AUTHORIZATION OF PROPOSED FEASIBILITY** 21 **STUDIES.**

22 The Secretary is authorized to conduct a feasibility  
23 study for the following projects for water resources devel-  
24 opment and conservation and other purposes, as identified  
25 in the reports titled “Report to Congress on Future Water

1 Resources Development” submitted to Congress on March  
2 17, 2017, and February 5, 2018, respectively, pursuant  
3 to section 7001 of the Water Resources Reform and Devel-  
4 opment Act of 2014 (33 U.S.C. 2282d) or otherwise re-  
5 viewed by Congress:

6 (1) CAVE BUTTES DAM, ARIZONA.—Project for  
7 flood risk management, Phoenix, Arizona.

8 (2) SAN DIEGO RIVER, CALIFORNIA.—Project  
9 for flood risk management, navigation, and eco-  
10 system restoration, San Diego, California.

11 (3) J. BENNETT JOHNSTON WATERWAY, LOU-  
12 ISIANA.—Project for navigation, J. Bennett John-  
13 ston Waterway, Louisiana.

14 (4) NORTHSORE, LOUISIANA.—Project for  
15 flood risk management, St. Tammany Parish, Lou-  
16 isiana.

17 (5) OUACHITA-BLACK RIVERS, LOUISIANA.—  
18 Project for navigation, Little River, Louisiana.

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

22 (7) TRINITY RIVER AND TRIBUTARIES,  
23 TEXAS.—Project for navigation, Liberty, Texas.

24 (8) WEST CELL LEVEE, TEXAS.—Project for  
25 flood risk management, Irving, Texas.

1           (9) COASTAL VIRGINIA, VIRGINIA.—Project for  
2 flood risk management, ecosystem restoration, and  
3 navigation, Coastal Virginia.

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

7 **SEC. 1202. ADDITIONAL STUDIES.**

8           (a) LOWER MISSISSIPPI RIVER; MISSOURI, KEN-  
9 TUCKY, TENNESSEE, ARKANSAS, MISSISSIPPI, AND LOU-  
10 ISIANA.—

11           (1) IN GENERAL.—The Secretary is authorized  
12 to carry out studies to determine the feasibility of  
13 habitat restoration for each of the eight reaches  
14 identified as priorities in the report prepared by the  
15 Secretary pursuant to section 402 of the Water Re-  
16 sources Development Act of 2000, titled “Lower  
17 Mississippi River Resource Assessment; Final As-  
18 sessment In Response to Section 402 of WRDA  
19 2000” and dated July 2015.

20           (2) CONSULTATION.—The Secretary shall con-  
21 sult with the Lower Mississippi River Conservation  
22 Committee during each feasibility study carried out  
23 under paragraph (1).

24           (b) ST. LOUIS RIVERFRONT, MERAMEC RIVER  
25 BASIN, MISSOURI AND ILLINOIS.—



1           (1) IN GENERAL.—The Secretary is authorized  
2           to carry out studies to determine the feasibility of a  
3           project for ecosystem restoration and flood risk man-  
4           agement in Madison, St. Clair, and Monroe Coun-  
5           ties, Illinois, St. Louis City, and St. Louis, Jeffer-  
6           son, Franklin, Gasconade, Maries, Phelps, Crawford,  
7           Dent, Washington, Iron, St. Francois, St. Genevieve,  
8           Osage, Reynolds, and Texas Counties, Missouri.

9           (2) CONTINUATION OF EXISTING STUDY.—Any  
10          study carried out under paragraph (1) shall be con-  
11          sidered a continuation of the study being carried out  
12          under Committee Resolution 2642 of the Committee  
13          on Transportation and Infrastructure of the House  
14          of Representatives, adopted June 21, 2000.

15 **SEC. 1203. EXPEDITED COMPLETION.**

16          (a) FEASIBILITY REPORTS.—The Secretary shall ex-  
17          pedite the completion of a feasibility study for each of the  
18          following projects, and if the Secretary determines that  
19          the project is justified in a completed report, may proceed  
20          directly to preconstruction planning, engineering, and de-  
21          sign of the project:

22                (1) Project for riverbank stabilization, Selma,  
23                Alabama.

24                (2) Project for ecosystem restoration, Three  
25                Mile Creek, Alabama.

- 1           (3) Project for navigation, Nome, Alaska.
- 2           (4) Project for flood diversion, Seward, Alaska.
- 3           (5) Project for flood control, water conserva-  
4           tion, and related purposes, Coyote Valley Dam, Cali-  
5           fornia.
- 6           (6) Project for flood risk management, Lower  
7           Cache Creek, California.
- 8           (7) Project for flood risk management, Lower  
9           San Joaquin River, California, as described in sec-  
10          tion 1322(b)(2)(F) of the Water Resources Develop-  
11          ment Act of 2016 (130 Stat. 1707) (second phase  
12          of feasibility study).
- 13          (8) Project for flood risk management, South  
14          San Francisco, California.
- 15          (9) Project for flood risk management and eco-  
16          system restoration, Tijuana River, California.
- 17          (10) Project for flood damage reduction, West-  
18          minster-East Garden Grove, California.
- 19          (11) Project for flood risk management in East  
20          Hartford, Connecticut.
- 21          (12) Project for flood risk management in  
22          Hartford, Connecticut.
- 23          (13) Projects under the Comprehensive Flood  
24          Mitigation Study for the Delaware River Basin.

1           (14) Project for ecosystem restoration, Lake  
2 Apopka, Florida.

3           (15) Project for ecosystem restoration, Kansas  
4 River Weir, Kansas.

5           (16) Project for navigation and channel deep-  
6 ening, Baptiste Collette Bayou, Louisiana, under  
7 section 203 of the Water Resources Development  
8 Act of 1986 (33 U.S.C. 2231).

9           (17) Project for navigation and channel deep-  
10 ening, Houma Navigation Canal, Louisiana, under  
11 section 203 of the Water Resources Development  
12 Act of 1986 (33 U.S.C. 2231).

13           (18) Project for navigation and channel deep-  
14 ening, Bayou Lafourche, Louisiana, under section  
15 203 of the Water Resources Development Act of  
16 1986 (33 U.S.C. 2231).

17           (19) Project for flood damage reduction and  
18 ecosystem restoration, St. Tammany Parish, Lou-  
19 isiana.

20           (20) Project for ecosystem restoration, Warren  
21 Glen Dam Removal, Musconetcong River, New Jer-  
22 sey.

23           (21) Project for flood risk management, Rah-  
24 way River Basin, New Jersey.

1           (22) The Hudson-Raritan Estuary Comprehen-  
2           sive Restoration Project, New Jersey and New York.

3           (23) Project for flood control and water supply,  
4           Abiquiu Dam, New Mexico.

5           (24) Project for reformulation, East Rockaway  
6           Inlet to Rockaway Inlet and Jamaica Bay, Queens,  
7           New York.

8           (25) Project for navigation, New York-New Jer-  
9           sey Harbor and Tributaries Focus Area.

10          (26) Project for water resource improvements,  
11          Willamette River Basin, Fern Ridge, Oregon.

12          (27) Project for coastal storm risk manage-  
13          ment, Pawcatuck River, Rhode Island.

14          (28) Project for the Rhode Island historical  
15          structure flood hazard vulnerability assessment.

16          (29) Project for coastal storm risk manage-  
17          ment, Norfolk, Virginia.

18          (30) Project for navigation, Tacoma Harbor,  
19          Washington.

20          (b) LOWER SAN JOAQUIN RIVER, CALIFORNIA.—In  
21          expediting completion of the second phase of the Lower  
22          San Joaquin River feasibility study under subsection  
23          (a)(7), the Secretary shall review and give priority to any  
24          plans and designs requested by non-Federal interests and  
25          incorporate such plans and designs into the Federal study

1 if the Secretary determines that such plans and designs  
2 are consistent with Federal standards.

3 (c) HUDSON-RARITAN ESTUARY COMPREHENSIVE  
4 RESTORATION PROJECT, NEW JERSEY AND NEW  
5 YORK.—In the case of a recommendation for restoration  
6 activities within the Jamaica Bay Unit of the Hudson-  
7 Raritan Estuary Comprehensive Restoration Project, New  
8 Jersey and New York, under subsection (a)(22), which are  
9 to protect property under the jurisdiction of the National  
10 Park Service, the Secretary may recommend to Congress  
11 that the Secretary accept and expend funds from the Na-  
12 tional Park Service to carry out such activities.

13 (d) POST-AUTHORIZATION CHANGE REPORT.—The  
14 Secretary shall expedite completion of a post-authorization  
15 change report for the project for flood risk management,  
16 San Luis Rey River Flood Control Protection Project,  
17 California.

18 (e) HUNTINGDON COUNTY, PENNSYLVANIA.—

19 (1) IN GENERAL.—The Secretary shall expedite  
20 the updating of the master plan for the Juniata  
21 River and tributaries project, Huntingdon County,  
22 Pennsylvania, authorized by section 203 of the  
23 Flood Control Act of 1962 (Public Law 87–874; 76  
24 Stat. 1182).

1           (2) PROCESS.—In carrying out subsection (a),  
2           the Secretary shall update the master plan in ac-  
3           cordance with section 1309(a)(2) of the Water Re-  
4           sources Development Act of 2016 (Public Law 114–  
5           322; 130 Stat. 1693).

6           (f) UPPER MISSOURI RIVER BASIN FLOOD AND  
7 DROUGHT MONITORING.—The Secretary shall expedite  
8 activities authorized under section 4003(a) of the Water  
9 Resources Reform and Development Act of 2014 (128  
10 Stat. 1311, 130 Stat. 1677).

11          (g) PROJECT MODIFICATIONS FOR IMPROVEMENT OF  
12 ENVIRONMENT.—For fiscal years 2019 and 2020, the  
13 Secretary shall give priority to projects that restore de-  
14 graded ecosystems through modification of existing flood  
15 risk management projects for projects—

16           (1) authorized under section 1135 of the Water  
17 Resources Development Act of 1986 (33 U.S.C.  
18 2309a); and

19           (2) located within the Upper Missouri River  
20 Basin.

21          (h) EXPEDITED COMPLETION OF CERTAIN  
22 PROJECTS.—It is the sense of Congress that the Secretary  
23 should provide funding for, and expedite the completion  
24 of, the following projects:

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

6 (2) Providence River, Rhode Island, as author-  
7 ized by the first section of the Act of August 26,  
8 1937 (50 Stat. 845, chapter 832) and section 301  
9 of the River and Harbor Act of 1965 (79 Stat.  
10 1089).

11 (3) Morganza to the Gulf, Louisiana, as author-  
12 ized by section 7002(3) of the Water Resources Re-  
13 form and Development Act of 2014 (128 Stat.  
14 1368).

15 (4) Louisiana Coastal Area, Louisiana, as au-  
16 thORIZED by section 7002(5) of the Water Resources  
17 Reform and Development Act of 2014 (128 Stat.  
18 1369).

19 (5) Louisiana Coastal Area–Barataria Basin  
20 Barrier, Louisiana, as authorized by section 7002(5)  
21 of the Water Resources Reform and Development  
22 Act of 2014 (128 Stat. 1370).

23 (6) West Shore Lake Pontchartrain, Louisiana,  
24 as authorized by section 1401(3) of the Water Re-  
25 sources Development Act of 2016 (130 Stat. 1712).

1 (7) Southwest Coastal Louisiana, Louisiana, as  
2 authorized by section 1401(8) of the Water Re-  
3 sources Development Act of 2016 (130 Stat. 1715).

4 (8) West Thompson Lake, Connecticut, as au-  
5 thORIZED by section 203 of the Flood Control Act of  
6 1960 (74 Stat. 489).

7 **SEC. 1204. GAO STUDY ON BENEFIT-COST ANALYSIS RE-**  
8 **FORMS.**

9 Not later than 1 year after the date of enactment  
10 of this Act, the Comptroller General of the United States  
11 shall—

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

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

21 (B) a review of the calculation, if any, of  
22 navigation benefits used in a benefit-cost cal-  
23 culation for a non-commercial harbor that is  
24 used by a State maritime academy (as defined



1 in section 51102 of title 46, United States  
2 Code) for military training purposes; and

3 (2) submit to Congress a report that—

4 (A) describes the results of the study  
5 under paragraph (1); and

6 (B) includes recommendations for legisla-  
7 tive or regulatory changes to improve the ben-  
8 efit-cost analysis procedures of the Secretary  
9 and the Director.

10 **SEC. 1205. HARBOR MAINTENANCE TRUST FUND REPORT.**

11 (a) DEADLINE.—Not later than 180 days after enact-  
12 ment of this Act, the Secretary shall submit reports under  
13 section 210(e)(3) of the Water Resources Development  
14 Act of 1986 (33 U.S.C. 2238(e)(3)) and section 330 of  
15 the Water Resources Development Act of 1992 (26 U.S.C.  
16 9505 note; Public Law 102–580) to the Committee on  
17 Transportation and Infrastructure of the House of Rep-  
18 resentatives and to the Committee on Environment and  
19 Public Works of the Senate.

20 (b) ADDITIONAL INFORMATION.—For each report de-  
21 scribed in subsection (a) that is submitted after the date  
22 of enactment of this Act, the Secretary shall include, on  
23 a project-by-project basis, additional information identi-  
24 fying—

1           (1) the most recent fiscal year for which oper-  
2           ations and maintenance activities have been carried  
3           out and the cost of those activities; and

4           (2) the operations and maintenance activities  
5           that were performed through either a recommenda-  
6           tion from Congress or unspecified funds made avail-  
7           able for ongoing work.

8           (c) **AVAILABILITY.**—The Secretary shall make pub-  
9           licly available all reports described in subsection (a) sub-  
10          mitted before, on, or after the date of enactment of this  
11          Act.

12          **SEC. 1206. IDENTIFICATION OF NONPOWERED DAMS FOR**  
13                                 **HYDROPOWER DEVELOPMENT.**

14          (a) **IN GENERAL.**—Not later than 18 months after  
15          the date of enactment of this section, the Secretary shall  
16          develop a list of existing nonpowered dams owned and op-  
17          erated by the Corps of Engineers that have the greatest  
18          potential for hydropower development.

19          (b) **CONSIDERATIONS.**—In developing the list under  
20          subsection (a), the Secretary may consider the following:

21                 (1) The compatibility of hydropower generation  
22                 with existing purposes of the dam.

23                 (2) The proximity of the dam to existing trans-  
24                 mission resources.

1           (3) The existence of studies to characterize en-  
2           vironmental, cultural, and historic resources relating  
3           to the dam.

4           (4) Whether hydropower is an authorized pur-  
5           pose of the dam.

6           (c) AVAILABILITY.—The Secretary shall provide the  
7 list developed under subsection (a) to the Committee on  
8 Transportation and Infrastructure of the House of Rep-  
9 resentatives and the Committee on Environment and Pub-  
10 lic Works of the Senate, and make such list available to  
11 the public.

12 **SEC. 1207. STUDY ON INNOVATIVE PORTS FOR OFFSHORE**  
13 **WIND DEVELOPMENT.**

14           (a) DEFINITION OF INNOVATIVE PORT FOR OFF-  
15 SHORE WIND DEVELOPMENT.—In this section, the term  
16 “innovative port for offshore wind development” includes  
17 any federally authorized port or harbor that can accommo-  
18 date (including through retrofitting)—

19           (1) the upright assembly of the majority of an  
20 offshore wind facility, including the foundation,  
21 tower, turbine, blade, and electrical components;

22           (2) an assembly area, ground-bearing pressure,  
23 and overhead clearance for the assembly of offshore  
24 wind facility turbines, which each have a capacity of  
25 up to 20 megawatts;

1           (3) a heavy-lift quay and not less than 25 acres  
2 of port storage;

3           (4) innovative offshore wind facility and vessel  
4 technologies that allow for the rapid installation of  
5 an offshore wind facility; and

6           (5) any other innovative offshore wind facility  
7 technology, as determined by the Secretary.

8 (b) STUDY AND REPORT.—

9           (1) IN GENERAL.—Not later than 1 year after  
10 the date of enactment of this Act, the Secretary  
11 shall—

12           (A) in consultation with the all appropriate  
13 Federal agencies, carry out a study of all feder-  
14 ally authorized ports and harbors, including in  
15 the Mid-Atlantic, Gulf Coast, West Coast,  
16 Great Lakes, and New England regions of the  
17 United States, to identify—

18           (i) not less than 3 suitable federally  
19 authorized ports and harbors in those re-  
20 gions that could become innovative ports  
21 for offshore wind development;

22           (ii) barriers to the development of in-  
23 novative ports for offshore wind develop-  
24 ment;

1 (iii) the Federal and State actions, in-  
2 cluding dredging and construction of sup-  
3 porting infrastructure, needed to facilitate  
4 the development of the federally authorized  
5 ports and harbors identified under clause  
6 (i) to become innovative ports for offshore  
7 wind development; and

8 (iv) recommendations on any further  
9 research needed to improve federally au-  
10 thorized ports and harbors in the United  
11 States for offshore wind facility develop-  
12 ment and deployment; and

13 (B) submit to Congress a report describing  
14 the results of the study under subparagraph  
15 (A).

16 (2) CONSULTATION.—In carrying out the study  
17 under paragraph (1), the Secretary shall consult  
18 with, at a minimum—

19 (A) the Governor of each State in which a  
20 port or harbor was identified;

21 (B) affected port authorities;

22 (C) units of local government; and

23 (D) relevant experts in engineering, envi-  
24 ronment, and industry considerations.

1 **SEC. 1208. INNOVATIVE MATERIALS AND ADVANCED TECH-**  
2 **NOLOGIES REPORT.**

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

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

15 (2) provides recommendations for types of  
16 water resources development projects in which inno-  
17 vative materials and advanced technologies should be  
18 used.

19 **SEC. 1209. STUDY AND REPORT ON EXPEDITING CERTAIN**  
20 **WAIVER PROCESSES.**

21 Not later than 1 year after the date of enactment  
22 of this Act, the Secretary shall complete and submit to  
23 the Committee on Environment and Public Works of the  
24 Senate and the Committee on Transportation and Infra-  
25 structure of the House of Representatives a report based  
26 on the results of a study on the best options available to

1 the Secretary to implement the waiver process for the non-  
2 Federal cost share under section 116 of the Energy and  
3 Water Development and Related Agencies Appropriations  
4 Act, 2010 (Public Law 111–85; 123 Stat. 2851).

5 **SEC. 1210. REPORT ON DEBRIS REMOVAL.**

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

9 (1) the extent to which the Secretary has car-  
10 ried out section 3 of the Act of March 2, 1945 (33  
11 U.S.C. 603a); and

12 (2) how the Secretary has evaluated potential  
13 work to be carried out under that section.

14 **SEC. 1211. CORPS FLOOD POLICY WITHIN URBAN AREAS.**

15 Not later than 1 year after the date of enactment  
16 of this Act, the Secretary shall report to the Committee  
17 on Transportation and Infrastructure of the House of  
18 Representatives and the Committee on Environment and  
19 Public Works of the Senate on—

20 (1) flooding within urban floodplains; and

21 (2) the Federal policy constraints on the ability  
22 of the Secretary to address urban flooding, including  
23 the regulations under part 238 of title 33, Code of  
24 Federal Regulations (as in effect on the date of en-  
25 actment of this Act) (including the limitation under

1 section 238.7(a)(1) of that title that allows the Sec-  
2 retary to provide assistance only where the flood dis-  
3 charge of a stream or waterway within an urban  
4 area is greater than 800 cubic feet per second for  
5 the 10-percent flood).

6 **SEC. 1212. FEASIBILITY STUDIES FOR MITIGATION OF DAM-**  
7 **AGE.**

8 Not later than one year after the date of enactment  
9 of this Act, the Secretary shall submit to the Committee  
10 on Transportation and Infrastructure of the House of  
11 Representatives and the Committee on Environment and  
12 Public Works of the Senate a report that identifies—

13 (1) feasibility studies that are incomplete as of  
14 the date of enactment of this Act for a project for  
15 mitigation of damage to an area affected by weather  
16 or other events for which—

17 (A) during the 8-year period ending on the  
18 date of enactment of this Act—

19 (i) the Secretary provided emergency  
20 response under section 5 of the Act of Au-  
21 gust 18, 1941 (33 U.S.C. 701n); or

22 (ii) the area received assistance under  
23 the Robert T. Stafford Disaster Relief and  
24 Emergency Assistance Act (42 U.S.C.  
25 5121 et seq.); and



1 (B) there is significant risk for future  
2 similar events (as determined by the Secretary);  
3 and

4 (2) for each feasibility study identified under  
5 paragraph (1), impediments to completing the study.

6 **SEC. 1213. APPLICATIONS OF MILITARY LEASING AUTHORI-**  
7 **TIES.**

8 Not later than 2 years after the date of enactment  
9 of this Act, the Secretary shall—

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

15 (2) submit to Congress a report on the results  
16 of the study under paragraph (1), including a de-  
17 scription of the obstacles that must be removed so  
18 that the Assistant Secretary of the Army for Civil  
19 Works may implement the authorities.

20 **SEC. 1214. COMMUNITY ENGAGEMENT.**

21 (a) REPORT.—Not later than two years after the date  
22 of enactment of this section, the Secretary shall submit  
23 to the Committee on Transportation and Infrastructure  
24 of the House of Representatives and the Committee on  
25 Environment and Public Works of the Senate a report on

1 any potential disproportionate and adverse health or envi-  
2 ronmental effects of programs, policies, and activities of  
3 the Corps of Engineers related to water resources develop-  
4 ment projects on minority communities, low-income com-  
5 munities, rural communities, and Indian Tribes.

6 (b) CONSULTATION.—In preparing the report under  
7 subsection (a), the Secretary shall provide public and pri-  
8 vate meetings with representatives of minority commu-  
9 nities, low-income communities, rural communities, and  
10 Indian Tribes, as well as representatives of State and local  
11 governments, and shall ensure that sufficient meetings are  
12 held in different geographic regions of the United States  
13 to ensure that a diversity of views are obtained.

14 (c) RECOMMENDATIONS.—The report submitted  
15 under subsection (a) shall include—

16 (1) the identification of any disproportionate  
17 and adverse health or environmental effects to the  
18 communities and Tribes; and

19 (2) any recommendations of the Secretary for  
20 addressing such effects, including recommended  
21 changes to the statutory or regulatory authorities of  
22 the Corps of Engineers, or changes to the policies or  
23 guidance of the Corps of Engineers.

1 **SEC. 1215. TRANSPARENCY IN ADMINISTRATIVE EXPENSES.**

2 Section 1012(b)(1) of the Water Resources Reform  
3 and Development Act of 2014 (33 U.S.C. 2315a(b)(1))  
4 is amended by striking “The Secretary” and inserting  
5 “Not later than 1 year after the date of enactment of the  
6 Water Resources Development Act of 2018, the Sec-  
7 retary”.

8 **SEC. 1216. ASSESSMENT OF HARBORS AND INLAND HAR-**  
9 **BORS.**

10 Section 210(e) of the Water Resources Development  
11 Act of 1986 (33 U.S.C. 2238) is amended—

12 (1) in paragraph (1), by striking “shall assess  
13 the” and inserting “shall assess, and issue a report  
14 to Congress on, the”; and

15 (2) in paragraph (2), by adding at the end the  
16 following:

17 “(C) OPPORTUNITIES FOR BENEFICIAL  
18 USE OF DREDGED MATERIALS.—In carrying out  
19 paragraph (1), the Secretary shall identify po-  
20 tential opportunities for the beneficial use of  
21 dredged materials obtained from harbors and  
22 inland harbors referred to in subsection (a)(2),  
23 including projects eligible under section 1122 of  
24 the Water Resources Development Act of 2016  
25 (130 Stat. 1645; 33 U.S.C. 2326 note).”.

1 **SEC. 1217. MAINTENANCE OF HIGH-RISK FLOOD CONTROL**  
2 **PROJECTS.**

3 (a) ASSESSMENT.—With respect to each project clas-  
4 sified as class III under the Dam Safety Action Classifica-  
5 tion of the Corps of Engineers for which the Secretary  
6 has assumed responsibility for maintenance as of the date  
7 of enactment of this Act, the Secretary shall assess—

8 (1) the anticipated effects of the Secretary con-  
9 tinuing to be responsible for the maintenance of the  
10 project during the period that ends 15 years after  
11 the date of enactment of this Act, including the ben-  
12 efits to the State and local community; and

13 (2) the anticipated effects of the Secretary not  
14 continuing to be responsible for the maintenance of  
15 the project during such 15-year period, including the  
16 costs to the State and local community.

17 (b) REPORT.—Not later than 90 days after comple-  
18 tion of the assessment under subsection (a), the Secretary  
19 shall submit to the Committee on Transportation and In-  
20 frastructure of the House of Representatives and the Com-  
21 mittee on Environment and Public Works of the Senate  
22 a report summarizing the results of the assessment.

23 **SEC. 1218. NORTH ATLANTIC DIVISION REPORT ON HURRI-**  
24 **CANE BARRIERS AND HARBORS OF REFUGE.**

25 Not later than 1 year after the date of enactment  
26 of this Act, the Secretary, in consultation with State and

1 local experts in the North Atlantic Division of the Corps  
2 of Engineers, shall submit to Committee on Transpor-  
3 tation and Infrastructure of the House of Representatives  
4 and the Committee on Environment and Public Works of  
5 the Senate a report on the durability and resiliency of ex-  
6 isting hurricane barriers and harbors of refuge in the  
7 North Atlantic Division, giving particular consideration as  
8 to how such barriers and harbors will survive and fully  
9 serve their planned levels of protection under current,  
10 near, and longer term future predicted sea levels, storm  
11 surges, and storm strengths.

12 **SEC. 1219. GREAT LAKES COASTAL RESILIENCY STUDY.**

13 (a) IN GENERAL.—The Secretary shall carry out a  
14 comprehensive assessment of the water resources needs of  
15 the Great Lakes System under section 729 of the Water  
16 Resources Development Act of 1986 (33 U.S.C. 2267a).

17 (b) COOPERATION.—In carrying out the assessment  
18 pursuant to subsection (a), the Secretary shall cooperate  
19 with stakeholders and coordinate with all ongoing pro-  
20 grams and projects of the Great Lakes Restoration Initia-  
21 tive under section 118(c)(7) of the Federal Water Pollu-  
22 tion Control Act (33 U.S.C. 1268).

23 (c) DEFINITIONS.—The term “Great Lakes System”  
24 has the meaning given such term in section 118(a) of the  
25 Federal Water Pollution Control Act (33 U.S.C. 1268(a)).

1 **SEC. 1220. MCMICKEN DAM, ARIZONA, AND MUDDY RIVER,**  
2 **MASSACHUSETTS.**

3 (a) REPORT.—The Secretary shall submit a report to  
4 the Committee on Transportation and Infrastructure of  
5 the House of Representatives and the Committee on Envi-  
6 ronment on Public Works of the Senate on the status of—

7 (1) the project at McMicken Dam, Arizona, au-  
8 thorized by section 304 of the Act of August 7, 1953  
9 (67 Stat. 450); and

10 (2) the project for flood damage reduction and  
11 environmental restoration, Muddy River, Brookline  
12 and Boston, Massachusetts, authorized by section  
13 522 of the Water Resources Development Act of  
14 2000 (114 Stat. 2656).

15 (b) REQUIREMENTS.—The report under subsection  
16 (a) shall include a description of the reasons of the Sec-  
17 retary for deauthorizing the projects described in sub-  
18 section (a).

19 **SEC. 1221. TABLE ROCK LAKE, ARKANSAS AND MISSOURI.**

20 Not later than 120 days after the date of enactment  
21 of this Act, the Secretary shall submit to the Committee  
22 on Transportation and Infrastructure of the House of  
23 Representatives and the Committee on Environment and  
24 Public Works of the Senate a report on the implementa-  
25 tion of section 1185(c) of the Water Resources Develop-  
26 ment Act of 2016 (130 Stat. 1680).

1 **SEC. 1222. FORECAST-INFORMED RESERVOIR OPERATIONS.**

2 (a) REPORT ON FORECAST-INFORMED RESERVOIR  
3 OPERATIONS.—Not later than one year after the date of  
4 completion of the forecast-informed reservoir operations  
5 research study pilot program at Coyote Valley Dam, Rus-  
6 sian River Basin, California (authorized by the River and  
7 Harbor Act of 1950 (64 Stat. 177)), the Secretary shall  
8 issue a report to the Committee on Transportation and  
9 Infrastructure of the House of Representatives and the  
10 Committee on Environment and Public Works of the Sen-  
11 ate on the results of the study pilot program.

12 (b) CONTENTS OF REPORT.—The Secretary shall in-  
13 clude in the report issued under subsection (a)—

14 (1) an analysis of the use of forecast-informed  
15 reservoir operations at Coyote Valley Dam, Cali-  
16 fornia;

17 (2) an assessment of the viability of using fore-  
18 cast-informed reservoir operations at other dams  
19 owned or operated by the Secretary;

20 (3) an identification of other dams owned or op-  
21 erated by the Secretary where forecast-informed res-  
22 ervoir operations may assist the Secretary in the op-  
23 timization of future reservoir operations; and

24 (4) any additional areas for future study of  
25 forecast-informed reservoir operations.

1 **SEC. 1223. CEDAR RIVER, IOWA.**

2 Not later than 90 days after the date of enactment  
3 of this Act, the Secretary shall complete and submit to  
4 the Committee on Environment and Public Works of the  
5 Senate and the Committee on Transportation and Infra-  
6 structure of the House of Representatives a report sum-  
7 marizing the path forward and timeline to implement the  
8 project for flood risk management at Cedar River, Cedar  
9 Rapids, Iowa, authorized by section 7002(2) of the Water  
10 Resources Reform and Development Act of 2014 (128  
11 Stat. 1366).

12 **SEC. 1224. OLD RIVER CONTROL STRUCTURE, LOUISIANA.**

13 (a) IN GENERAL.—Not later than 180 days after the  
14 date of enactment of this Act, the Secretary shall submit  
15 to the Committee on Transportation and Infrastructure  
16 of the House of Representatives and the Committee on  
17 Environment and Public Works of the Senate a report on  
18 the structure and operations plan for the Old River control  
19 structure authorized by the Flood Control Act of 1954 (68  
20 Stat. 1258), based on the best available science, improved  
21 monitoring capabilities, and other factors as determined  
22 by the Secretary, including consideration of—

- 23 (1) flood control;
- 24 (2) navigational conditions;
- 25 (3) water supply;



1           (4) ecosystem restoration and ecological produc-  
2           tivity; and

3           (5) hydroelectric production.

4           (b) PUBLIC PARTICIPATION.—In developing the re-  
5           port required by subsection (a), the Secretary shall provide  
6           opportunity for public input and stakeholder engagement,  
7           including public meetings.

8           **SEC. 1225. UPPER MISSISSIPPI RIVER PROTECTION.**

9           Section 2010 of the Water Resources Reform and De-  
10          velopment Act of 2014 (128 Stat. 1270) is amended by  
11          adding at the end the following:

12          “(d) CONSIDERATIONS.—In carrying out a disposi-  
13          tion study with respect to the Upper St. Anthony Falls  
14          Lock and Dam, including a disposition study under sec-  
15          tion 216 of the Flood Control Act of 1970 (33 U.S.C.  
16          549a), the Secretary shall expedite completion of such  
17          study and shall produce a report on the Upper St. An-  
18          thony Falls Lock and Dam that is separate from any re-  
19          port on any other lock or dam included in such study that  
20          includes plans for—

21                  “(1) carrying out modifications to the Upper  
22          St. Anthony Falls Lock and Dam to—

23                          “(A) preserve and enhance recreational op-  
24                          portunities and the health of the ecosystem; and

1           “(B) maintain the benefits to the natural  
2           ecosystem and human environment;

3           “(2) a partial disposition of the Upper St. An-  
4           thony Falls Lock and Dam facility and surrounding  
5           real property that preserves any portion of the  
6           Upper St. Anthony Falls Lock and Dam necessary  
7           to maintain flood control; and

8           “(3) expediting the disposition described in this  
9           subsection.

10          “(e) CONTRIBUTED FUNDS.—The Secretary shall ac-  
11          cept and expend funds to carry out the study described  
12          in subsection (d) that are contributed by a State or a polit-  
13          ical subdivision of a State under the Act of October 15,  
14          1940 (33 U.S.C. 701h–1).”.

15          **SEC. 1226. MISSOURI RIVER.**

16          (a) IRC REPORT.—Not later than 18 months after  
17          the date of enactment of this Act, the Secretary shall sub-  
18          mit to the Committee on Transportation and Infrastruc-  
19          ture of the House of Representatives and the Committee  
20          on Environment and Public Works of the Senate a report  
21          regarding the impacts of interception-rearing complex con-  
22          struction on the navigation, flood control, and other au-  
23          thorized purposes set forth in the Missouri River Master  
24          Manual, and on the population recovery of the pallid stur-  
25          geon.

1 (b) NO ADDITIONAL IRC CONSTRUCTION.—Until the  
2 report under subsection (a) is submitted, no additional  
3 interception-rearing complex construction is authorized.

4 **SEC. 1227. LOWER MISSOURI RIVER BANK STABILIZATION**  
5 **AND NAVIGATION.**

6 (a) IN GENERAL.—Not later than 180 days after the  
7 date of enactment of this Act, the Secretary shall submit  
8 to the Committee on Transportation and Infrastructure  
9 of the House of Representatives and the Committee on  
10 Environment and Public Works of the Senate a report on  
11 the function and reliability of the Lower Missouri River  
12 bank stabilization and navigation project, authorized by  
13 the first section of the Act of July 25, 1912 (37 Stat.  
14 219, chapter 253).

15 (b) CONSIDERATIONS AND COORDINATION.—In de-  
16 veloping the report required under subsection (a), the Sec-  
17 retary shall—

18 (1) consider recommended improvements to the  
19 project described in such subsection and current and  
20 future flood risks; and

21 (2) coordinate with State and local governments  
22 and affected stakeholders.

23 **SEC. 1228. COASTAL TEXAS STUDY.**

24 The Secretary shall expedite the completion of studies  
25 for flood damage reduction, hurricane and storm damage

1 reduction, and ecosystem restoration in the coastal areas  
2 of Texas that are identified in the interim report due to  
3 be published in 2018 that describes the tentatively selected  
4 plan developed in accordance with section 4091 of the  
5 Water Resources Development Act of 2007 (121 Stat.  
6 1187).

7 **SEC. 1229. REPORT ON WATER SUPPLY CONTRACT, WRIGHT**  
8 **PATMAN LAKE, TEXAS.**

9 Not later than June 30, 2019, the Secretary shall  
10 submit to the Committee on Transportation and Infra-  
11 structure of the House of Representatives and the Com-  
12 mittee on Environment and Public Works of the Senate  
13 a report on the status of the implementation of the water  
14 supply contract, Department of the Army, Civil Works  
15 Contract No. 29-68-A-0130, at Wright Patman Lake,  
16 Texas, that—

17 (1) describes the implementation of that con-  
18 tract at Wright Patman Lake; and

19 (2) identifies—

20 (A) the activities that the Secretary ex-  
21 pects to be necessary to complete the execution  
22 of the contract;

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

1 (C) the expected date of completion of the  
2 execution of the contract.

3 **Subtitle C—Deauthorizations,**  
4 **Modifications, and Related Pro-**  
5 **visions**

6 **SEC. 1301. DEAUTHORIZATION OF INACTIVE PROJECTS.**

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

8 (1) to identify \$4,000,000,000 in water re-  
9 sources development projects authorized by Congress  
10 that are no longer viable for construction due to—

11 (A) a lack of local support;

12 (B) a lack of available Federal or non-Fed-  
13 eral resources; or

14 (C) an authorizing purpose that is no  
15 longer relevant or feasible;

16 (2) to create an expedited and definitive process  
17 for Congress to deauthorize water resources develop-  
18 ment projects that are no longer viable for construc-  
19 tion; and

20 (3) to allow the continued authorization of  
21 water resources development projects that are viable  
22 for construction.

23 (b) INTERIM DEAUTHORIZATION LIST.—

24 (1) IN GENERAL.—The Secretary shall develop  
25 an interim deauthorization list that identifies—

1 (A) each water resources development  
2 project, or separable element of a project, au-  
3 thorized for construction before November 8,  
4 2007, for which—

5 (i) planning, design, or construction  
6 was not initiated before the date of enact-  
7 ment of this Act; or

8 (ii) planning, design, or construction  
9 was initiated before the date of enactment  
10 of this Act, but for which no funds, Fed-  
11 eral or non-Federal, were obligated for  
12 planning, design, or construction of the  
13 project or separable element of the project  
14 during the current fiscal year or any of the  
15 6 preceding fiscal years;

16 (B) each project or separable element of a  
17 project identified and included on a list to Con-  
18 gress for deauthorization pursuant to section  
19 1001(b)(2) of the Water Resources Develop-  
20 ment Act of 1986 (33 U.S.C. 579a(b)(2)); and

21 (C) any project or separable element of a  
22 project for which the non-Federal sponsor of  
23 such project or separable element submits a re-  
24 quest for inclusion on the list.

25 (2) PUBLIC COMMENT AND CONSULTATION.—

1 (A) IN GENERAL.—The Secretary shall so-  
2 licit comments from the public and the Gov-  
3 ernors of each applicable State on the interim  
4 deauthorization list developed under paragraph  
5 (1).

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

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

12 (A) submit a revised interim deauthoriza-  
13 tion list to the Committee on Environment and  
14 Public Works of the Senate and the Committee  
15 on Transportation and Infrastructure of the  
16 House of Representatives; and

17 (B) publish the revised interim deauthor-  
18 ization list in the Federal Register.

19 (c) FINAL DEAUTHORIZATION LIST.—

20 (1) IN GENERAL.—The Secretary shall develop  
21 a final deauthorization list of water resources devel-  
22 opment projects, or separable elements of projects,  
23 from the revised interim deauthorization list de-  
24 scribed in subsection (b)(3).

25 (2) DEAUTHORIZATION AMOUNT.—

1 (A) PROPOSED FINAL LIST.—The Sec-  
2 retary shall prepare a proposed final deauthor-  
3 ization list of projects and separable elements of  
4 projects that have, in the aggregate, an esti-  
5 mated Federal cost to complete that is at least  
6 \$4,000,000,000.

7 (B) DETERMINATION OF FEDERAL COST  
8 TO COMPLETE.—For purposes of subparagraph  
9 (A), the Federal cost to complete shall take into  
10 account any allowances authorized by section  
11 902 of the Water Resources Development Act  
12 of 1986 (33 U.S.C. 2280), as applied to the  
13 most recent project schedule and cost estimate.

14 (3) IDENTIFICATION OF PROJECTS.—

15 (A) SEQUENCING OF PROJECTS.—

16 (i) IN GENERAL.—The Secretary shall  
17 identify projects and separable elements of  
18 projects for inclusion on the proposed final  
19 deauthorization list according to the order  
20 in which the projects and separable ele-  
21 ments of the projects were authorized, be-  
22 ginning with the earliest authorized  
23 projects and separable elements of projects  
24 and ending with the latest project or sepa-  
25 rable element of a project necessary to



1 meet the aggregate amount under para-  
2 graph (2)(A).

3 (ii) FACTORS TO CONSIDER.—The  
4 Secretary may identify projects and sepa-  
5 rable elements of projects in an order other  
6 than that established by clause (i) if the  
7 Secretary determines, on a case-by-case  
8 basis, that a project or separable element  
9 of a project is critical for interests of the  
10 United States, based on the possible im-  
11 pact of the project or separable element of  
12 the project on public health and safety, the  
13 national economy, or the environment.

14 (iii) CONSIDERATION OF PUBLIC COM-  
15 MENTS.—In making determinations under  
16 clause (ii), the Secretary shall consider any  
17 comments received under subsection (b)(2).

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

21 (i) identifies each project or separable  
22 element of a project on the interim de-  
23 authorization list developed under sub-  
24 section (b) that is not included on the pro-  
25 posed final deauthorization list; and

1 (ii) describes the reasons why the  
2 project or separable element is not in-  
3 cluded on the proposed final list.

4 (4) PUBLIC COMMENT AND CONSULTATION.—

5 (A) IN GENERAL.—The Secretary shall so-  
6 licit comments from the public and the Gov-  
7 ernor of each applicable State on the proposed  
8 final deauthorization list and appendix devel-  
9 oped under paragraphs (2) and (3).

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

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

16 (A) submit a final deauthorization list and  
17 an appendix to the final deauthorization list in  
18 a report to the Committee on Environment and  
19 Public Works of the Senate and the Committee  
20 on Transportation and Infrastructure of the  
21 House of Representatives; and

22 (B) publish the final deauthorization list  
23 and the appendix to the final deauthorization  
24 list in the Federal Register.

25 (d) DEAUTHORIZATION; CONGRESSIONAL REVIEW.—

1           (1) IN GENERAL.—After the expiration of the  
2           180-day period beginning on the date of submission  
3           of the final deauthorization list and appendix under  
4           subsection (c), a project or separable element of a  
5           project identified in the final deauthorization list is  
6           hereby deauthorized, unless Congress passes a joint  
7           resolution disapproving the final deauthorization list  
8           prior to the end of such period.

9           (2) NON-FEDERAL CONTRIBUTIONS.—

10           (A) IN GENERAL.—A project or separable  
11           element of a project identified in the final de-  
12           authorization list under subsection (c) shall not  
13           be deauthorized under this subsection if, before  
14           the expiration of the 180-day period referred to  
15           in paragraph (1), the non-Federal interest for  
16           the project or separable element of the project  
17           provides sufficient funds to complete the project  
18           or separable element of the project.

19           (B) TREATMENT OF PROJECTS.—Notwith-  
20           standing subparagraph (A), each project and  
21           separable element of a project identified in the  
22           final deauthorization list shall be treated as de-  
23           authorized for purposes of the aggregate de-  
24           authorization amount specified in subsection  
25           (c)(2)(A).

1           (3) PROJECTS IDENTIFIED IN APPENDIX.—A  
2           project or separable element of a project identified  
3           in the appendix to the final deauthorization list shall  
4           remain subject to future deauthorization by Con-  
5           gress.

6           (e) SPECIAL RULE FOR PROJECTS RECEIVING  
7           FUNDS FOR POST-AUTHORIZATION STUDY.—A project or  
8           separable element of a project may not be identified on  
9           the interim deauthorization list developed under sub-  
10          section (b), or the final deauthorization list developed  
11          under subsection (c), if the project or separable element  
12          received funding for a post-authorization study during the  
13          current fiscal year or any of the 6 preceding fiscal years.

14          (f) GENERAL PROVISIONS.—

15               (1) DEFINITIONS.—In this section, the fol-  
16               lowing definitions apply:

17                       (A) POST-AUTHORIZATION STUDY.—The  
18                       term “post-authorization study” means—

19                               (i) a feasibility report developed under  
20                               section 905 of the Water Resources Devel-  
21                               opment Act of 1986 (33 U.S.C. 2282);

22                               (ii) a feasibility study, as defined in  
23                               section 105(d) of the Water Resources De-  
24                               velopment Act of 1986 (33 U.S.C.  
25                               2215(d)); or

1 (iii) a review conducted under section  
2 216 of the Flood Control Act of 1970 (33  
3 U.S.C. 549a), including an initial appraisal  
4 that—

5 (I) demonstrates a Federal inter-  
6 est; and

7 (II) requires additional analysis  
8 for the project or separable element.

9 (B) WATER RESOURCES DEVELOPMENT  
10 PROJECT.—The term “water resources develop-  
11 ment project” includes an environmental infra-  
12 structure assistance project or program of the  
13 Corps of Engineers.

14 (2) TREATMENT OF PROJECT MODIFICA-  
15 TIONS.—For purposes of this section, if an author-  
16 ized water resources development project or sepa-  
17 rable element of the project has been modified by an  
18 Act of Congress, the date of the authorization of the  
19 project or separable element shall be deemed to be  
20 the date of the most recent modification.

21 **SEC. 1302. BACKLOG PREVENTION.**

22 (a) PROJECT DEAUTHORIZATION.—

23 (1) IN GENERAL.—A water resources develop-  
24 ment project authorized for construction by this Act  
25 shall not be authorized after the last day of the 10-

1 year period beginning on the date of enactment of  
2 this Act unless—

3 (A) funds have been obligated for construc-  
4 tion of, or a post-authorization study for, such  
5 project or such separable element during such  
6 period; or

7 (B) a subsequent Act of Congress modifies  
8 the authorization contained in this Act.

9 (2) IDENTIFICATION OF PROJECTS.—Not later  
10 than 60 days after the expiration of the 10-year pe-  
11 riod described in paragraph (1), the Secretary shall  
12 submit to the Committee on Environment and Pub-  
13 lic Works of the Senate and the Committee on  
14 Transportation and Infrastructure of the House of  
15 Representatives a report that identifies the projects  
16 deauthorized under paragraph (1).

17 (b) REPORT TO CONGRESS.—Not later than 60 days  
18 after the expiration of the 12-year period beginning on the  
19 date of enactment of this Act, the Secretary shall submit  
20 to the Committee on Environment and Public Works of  
21 the Senate and the Committee on Transportation and In-  
22 frastructure of the House of Representatives, and make  
23 available to the public, a report that contains—

1 (1) a list of any water resources development  
2 projects authorized by this Act for which construc-  
3 tion has not been completed;

4 (2) a description of the reasons each project  
5 was not completed;

6 (3) a schedule for the completion of the projects  
7 based on expected levels of appropriations;

8 (4) a 5-year and 10-year projection of construc-  
9 tion backlog; and

10 (5) any recommendations to Congress regarding  
11 how to mitigate the backlog.

12 **SEC. 1303. PROJECT MODIFICATIONS.**

13 (a) **CONSISTENCY WITH REPORTS.**—Congress finds  
14 that the project modifications described in this section are  
15 in accordance with the reports submitted to Congress by  
16 the Secretary under section 7001 of the Water Resources  
17 Reform and Development Act of 2014 (33 U.S.C. 2282d),  
18 titled “Report to Congress on Future Water Resources  
19 Development”, or have otherwise been reviewed by Con-  
20 gress.

21 (b) **MODIFICATIONS.**—

22 (1) **HARBOR/SOUTH BAY, CALIFORNIA.**—Sec-  
23 tion 219(f)(43) of the Water Resources Development  
24 Act of 1992 (113 Stat. 337; 114 Stat. 2763A–220)

1 is amended by striking “\$35,000,000” and inserting  
2 “\$70,000,000”.

3 (2) LAKES MARION AND MOULTRIE, SOUTH  
4 CAROLINA.—Section 219(f)(25) of the Water Re-  
5 sources Development Act of 1992 (113 Stat. 336;  
6 114 Stat. 2763A–220; 117 Stat. 1838; 130 Stat.  
7 1677) is amended by striking “\$60,000,000” and in-  
8 serting “\$89,550,000”.

9 **SEC. 1304. LYTLE AND CAJON CREEKS, CALIFORNIA.**

10 That portion of the channel improvement project,  
11 Lytle and Cajon Creeks, California, authorized to be car-  
12 ried out as a part of the project for the Santa Ana River  
13 Basin, California, by the Act of December 22, 1944  
14 (Chapter 665; 58 Stat. 900) that consists of five earth-  
15 filled groins commonly referred to as “the Riverside Ave-  
16 nue groins” is no longer authorized as a Federal project  
17 beginning on the date of enactment of this Act.

18 **SEC. 1305. YUBA RIVER BASIN, CALIFORNIA.**

19 (a) IN GENERAL.—The project for flood damage re-  
20 duction, Yuba River Basin, California, authorized by sec-  
21 tion 101(a)(10) of the Water Resources Development Act  
22 of 1999 (113 Stat. 275) is modified to allow a non-Federal  
23 interest to construct a new levee to connect the existing  
24 levee with high ground.



1 (b) PROJECT DESCRIPTION.—The levee to be con-  
2 structed shall tie into the existing levee at a point  
3 N2186189.2438, E6703908.8657, thence running east  
4 and south along a path to be determined to a point  
5 N2187849.4328, E6719262.0164.

6 (c) COOPERATION AGREEMENT.—The Secretary shall  
7 execute a conforming amendment to the Memorandum of  
8 Understanding Respecting the Sacramento River Flood  
9 Control Project with the State of California dated Novem-  
10 ber 30, 1953, that is limited to changing the description  
11 of the project to reflect the modification.

12 (d) NO FEDERAL COST.—

13 (1) REVIEW COSTS.—Before construction of the  
14 levee described in subsection (b), the Secretary may  
15 accept and expend funds received from a non-Fed-  
16 eral interest to review the planning, engineering, and  
17 design of the levee described in subsection (b) to en-  
18 sure that such planning, engineering, and design  
19 complies with Federal standards.

20 (2) NON-FEDERAL SHARE.—The non-Federal  
21 share of the cost of constructing the levee shall be  
22 100 percent.

23 **SEC. 1306. BRIDGEPORT HARBOR, CONNECTICUT.**

24 That portion of the project for navigation, Bridgeport  
25 Harbor, Connecticut, authorized by the Act of June 18,

1 1878 (20 Stat. 158), and modified by the Act of August  
2 11, 1888 (25 Stat. 401), the Act of March 3, 1899 (30  
3 Stat. 1122), the Act of June 25, 1910 (36 Stat. 633),  
4 and the Act of July 3, 1930 (46 Stat. 919), and lying  
5 upstream of a line commencing at point N627942.09,  
6 E879709.18 thence running southwesterly about 125 feet  
7 to a point N627832.03, E879649.91 is no longer author-  
8 ized beginning on the date of enactment of this Act.

9 **SEC. 1307. DELAWARE RIVER NAVIGATION PROJECT.**

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

13 **SEC. 1308. COMPREHENSIVE EVERGLADES RESTORATION**  
14 **PLAN, CENTRAL AND SOUTHERN FLORIDA,**  
15 **EVERGLADES AGRICULTURAL AREA, FLOR-**  
16 **IDA.**

17 (a) AUTHORIZATION.—Subject to subsection (b), the  
18 Secretary is authorized to carry out the project for eco-  
19 system restoration, Central and Southern Florida, Ever-  
20 glades Agricultural Area, Florida, in accordance with sec-  
21 tion 601 of the Water Resources Development Act of 2000  
22 (114 Stat. 2680), as recommended in the addendum to  
23 the Central Everglades Planning Project Post Authoriza-  
24 tion Change Report, Feasibility Study and Draft Environ-  
25 mental Impact Statement prepared by the South Florida

1 Water Management District and dated May 2018, with  
2 such modifications as the Secretary considers appropriate.

3 (b) REQUIREMENT.—

4 (1) IN GENERAL.—The project authorized by  
5 subsection (a) may be constructed only after the  
6 Secretary prepares a report that addresses the con-  
7 cerns, recommendations, and conditions identified by  
8 the Secretary in the review assessment titled “Re-  
9 view Assessment of South Florida Water Manage-  
10 ment District’s Central Everglades Planning Project,  
11 Section 203 Post Authorization Change Report, In-  
12 tegrated Feasibility Study and DRAFT Environ-  
13 mental Impact Statement (March 2018, Amended  
14 May 2018)” and dated May 2018.

15 (2) EXPEDITED COMPLETION.—The Secretary  
16 shall expedite the completion of the report under  
17 paragraph (1) and shall complete such report not  
18 later than 90 days after the date of enactment of  
19 this section.

20 (c) CONSULTATION.—In reviewing the report identi-  
21 fied in subsection (a), and completing the report identified  
22 in subsection (b), the Secretary shall consult with the  
23 South Florida Water Management District on any project  
24 modifications.

1 (d) CONSIDERATION.—Nothing in this section shall  
2 be construed to delay the design, construction, and imple-  
3 mentation of components and features of the project for  
4 ecosystem restoration, Central Everglades, authorized by  
5 section 1401(4) of the Water Resources Development Act  
6 of 2016 (130 Stat. 1713), that are not directly affected  
7 by the project authorized by subsection (a).

8 **SEC. 1309. KISSIMMEE RIVER RESTORATION, FLORIDA.**

9 The Secretary may credit work performed or to be  
10 performed by the non-Federal sponsor of the project for  
11 ecosystem restoration, Kissimmee River, Florida, author-  
12 ized by section 101(8) of the Water Resources Develop-  
13 ment Act of 1992 (106 Stat. 4802), as an in-kind con-  
14 tribution under section 221(a)(4) of the Flood Control Act  
15 of 1970 (42 U.S.C. 1962d–5b(a)(4)), in accordance with  
16 the report of the Director of Civil Works relating to the  
17 Central and Southern Florida Project, Kissimmee River  
18 Restoration Project, dated April 27, 2018, subject to the  
19 availability of appropriations for any payments due, if the  
20 Secretary determines that the work was carried out in ac-  
21 cordance with the requirements of subchapter 4 of chapter  
22 31, and chapter 37, of title 40, United States Code.

1 **SEC. 1310. LEVEE L-212, FOUR RIVER BASIN, OCKLAWAHA**  
2 **RIVER, FLORIDA.**

3 The portions of the project for flood control and other  
4 purposes, Four River Basins, Florida, authorized by sec-  
5 tion 203 of the Flood Control Act of 1962 (76 Stat. 1183),  
6 consisting of levee L-212 along the Ocklawaha River,  
7 Florida, are no longer authorized beginning on the date  
8 of enactment of this Act.

9 **SEC. 1311. GREEN RIVER AND BARREN RIVER LOCKS AND**  
10 **DAMS, KENTUCKY.**

11 Section 1315 of the Water Resources Development  
12 Act of 2016 (130 Stat. 1698) is amended—

13 (1) in subsection (b)—

14 (A) in paragraph (3)—

15 (i) by redesignating subparagraphs  
16 (A) and (B) as clauses (i) and (ii), respec-  
17 tively, and adjusting the margins accord-  
18 ingly;

19 (ii) in the matter preceding clause (i)  
20 (as so redesignated), by striking “The Sec-  
21 retary” and inserting the following:

22 “(A) IN GENERAL.—The Secretary”; and

23 (iii) by adding at the end the fol-  
24 lowing:

25 “(B) USE OF FUNDS.—If the Secretary de-  
26 termines that removal of Lock and Dam 5 or

1 a portion of Lock and Dam 5 is necessary be-  
2 fore the conveyance under subparagraph (A),  
3 the Secretary—

4 “(i) shall proceed with that removal;

5 and

6 “(ii) to carry out that removal—

7 “(I) may use appropriated funds  
8 or accept and use funds contributed  
9 by entities described in that subpara-  
10 graph; and

11 “(II) may work with entities de-  
12 scribed in that subparagraph.”; and

13 (B) in paragraph (5)—

14 (i) by redesignating subparagraphs  
15 (A) and (B) as clauses (i) and (ii), respec-  
16 tively, and adjusting the margins accord-  
17 ingly;

18 (ii) in the matter preceding clause (i)  
19 (as so redesignated), by striking “The Sec-  
20 retary” and inserting the following:

21 “(A) IN GENERAL.—The Secretary”; and

22 (iii) by adding at the end the fol-  
23 lowing:

24 “(B) USE OF FUNDS.—If the Secretary de-  
25 termines that removal of Lock and Dam 1 or

1 a portion of Lock and Dam 1 is necessary be-  
2 fore the conveyance under subparagraph (A),  
3 the Secretary—

4 “(i) shall proceed with that removal;

5 and

6 “(ii) to carry out that removal—

7 “(I) may use appropriated funds  
8 or accept and use funds contributed  
9 by entities described in that subpara-  
10 graph; and

11 “(II) may work with entities de-  
12 scribed in that subparagraph.”; and

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

15 “(5) REMOVAL COSTS.—In carrying out this  
16 section, if the Secretary determines that removal of  
17 a Lock and Dam (or a portion of a Lock and Dam)  
18 described in this section is necessary, any Federal  
19 costs of that removal shall be subject to the avail-  
20 ability of appropriations.”.

21 **SEC. 1312. CAPE ARUNDEL DISPOSAL SITE, MAINE.**

22 The Cape Arundel Disposal Site selected by the De-  
23 partment of the Army as an alternative dredged material  
24 disposal site under section 103(b) of the Marine Protec-  
25 tion, Research, and Sanctuaries Act of 1972 (33 U.S.C.

1 1413(b)) shall remain available for use until December 31,  
2 2021.

3 **SEC. 1313. PENOBSCOT RIVER, MAINE.**

4 Beginning on the date of enactment of this Act, the  
5 project for navigation, Penobscot River, Maine, authorized  
6 by the River and Harbor Appropriations Acts of July 5,  
7 1884 (23 Stat. 133), August 11, 1888 (25 Stat. 408),  
8 July 31, 1892 (27 Stat. 96), and March 2, 1907 (Public  
9 Law 59–168; 34 Stat. 1074), is modified as follows:

10 (1) The portion of the 14-foot deep channel lo-  
11 cated between Bangor and Brewer, Maine, approxi-  
12 mately 135,784 square feet in area, starting at a  
13 point with coordinates N410451.89, E913370.08,  
14 thence running N34°05'52.6"E about 815.4 feet to  
15 a point with coordinates N411127.11, E913827.20,  
16 thence running N52°41'55.33"E about 143.06 feet  
17 to a point with coordinates N411213.81,  
18 E913941.00, thence running N27°04'01"E about  
19 1068.73 feet to a point with coordinates  
20 N412165.48, E914427.30, thence running  
21 S62°55'59.79"E about 450 feet to a point with co-  
22 ordinates N411960.72, E914828.01, thence running  
23 S27°04'01"W about 246.99 feet to a point with co-  
24 ordinates N411740.78, E914715.62, thence running  
25 N43°45'41.8"W about 444.66 feet to a point with



1 coordinates N412061.92, E914408.07, thence run-  
2 ning S27°04'01''W about 946.62 feet to a point with  
3 coordinates N411218.97, E913977.33, thence run-  
4 ning S38°21'58.9''W about 978.35 feet to the point  
5 of origin, is no longer authorized.

6 (2) The portion of the 14-foot deep channel, ap-  
7 proximately 121,875 square feet in area, starting at  
8 a point with coordinates N410670.99, E914168.96,  
9 thence running N62°55'59''W about 100 feet to a  
10 point with coordinates N410716.49, E914079.92,  
11 thence running N27°04'01''E about 1236.13 feet to  
12 a point with coordinates N411817.24, E914642.40,  
13 thence running S43°45'41.8''E about 105.87 feet to  
14 a point with coordinates N411740.78, E914715.62,  
15 thence running S27°04'01''W about 1201.37 feet to  
16 the point of origin, is redesignated as a 100-foot  
17 wide and 14-foot deep anchorage area.

18 (3) The portion of the 14-foot deep channel, ap-  
19 proximately 304,058 square feet in area, starting at  
20 a point with coordinates N410761.99, E913990.87,  
21 thence running N62°55'59''W about 300.08 feet to  
22 a point with coordinates N410898.54, E913723.66,  
23 thence running N38°21'58.9''E about 408.69 feet to  
24 a point with coordinates N411218.97, E913977.33,  
25 thence running N27°04'01''E about 946.62 feet to

1 a point with coordinates N412061.92, E914408.07,  
2 thence running S43°45'41.8''E about 232.92 feet to  
3 a point with coordinates N411893.70, E914569.17,  
4 thence running S27°04'01''W about 1270.9 feet to  
5 the point of origin, is redesignated as a 14-foot deep  
6 anchorage area of a width varying from 220 to  
7 300.08 feet.

8 **SEC. 1314. BOSTON HARBOR RESERVED CHANNEL**  
9 **DEAUTHORIZATIONS.**

10 (a) 40-FOOT RESERVED CHANNEL.—

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

23 (2) AREAS DESCRIBED.—

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

1 (i) beginning at a point N2950154.45,  
2 E785995.64;

3 (ii) running southwesterly about  
4 1451.63 feet to a point N2950113.83,  
5 E784544.58;

6 (iii) running southeasterly about  
7 54.00 feet to a point N2950059.85,  
8 E784546.09;

9 (iv) running southwesterly about  
10 1335.82 feet to a point N2950022.48,  
11 E783210.79;

12 (v) running northwesterly about 83.00  
13 feet to a point N2950105.44, E783208.47;

14 (vi) running northeasterly about  
15 2787.45 feet to a point N2950183.44,  
16 E785994.83; and

17 (vii) running southeasterly about  
18 29.00 feet to the point described in clause

19 (i).

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

22 (i) beginning at a point N2950502.86,  
23 E785540.84;

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

1 (iii) running southwesterly about  
2 25.67 feet to a point N2950480.84,  
3 E785576.18;

4 (iv) running southwesterly to a point  
5 N2950414.32, E783199.83;

6 (v) running northwesterly about 8.00  
7 feet to a point N2950422.32, E783199.60;

8 (vi) running northeasterly about  
9 2342.58 feet to a point N2950487.87,  
10 E785541.26; and

11 (vii) running northwesterly about  
12 15.00 feet to the point described in clause  
13 (i).

14 (b) 35-FOOT RESERVED CHANNEL.—

15 (1) IN GENERAL.—The portions of the project  
16 for navigation, Boston Harbor, Massachusetts, au-  
17 thorized by the first section of the Act of October  
18 17, 1940 (54 Stat. 1198, chapter 895), and modi-  
19 fied by section 101 of the River and Harbor Act of  
20 1958 (72 Stat. 297), described in paragraph (2) are  
21 no longer authorized beginning on the date of enact-  
22 ment of this Act.

23 (2) AREAS DESCRIBED.—

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

1 (i) beginning at a point N2950143.44,  
2 E787532.14;

3 (ii) running southeasterly about 22.21  
4 feet to a point N2950128.91, E787548.93;

5 (iii) running southwesterly about  
6 4,339.42 feet to a point N2950007.48,  
7 E783211.21;

8 (iv) running northwesterly about  
9 15.00 feet to a point N2950022.48,  
10 E783210.79; and

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

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

16 (i) beginning at a point N2950502.86,  
17 E785540.84;

18 (ii) running southeasterly about 15.00  
19 feet to a point N2950487.87, E785541.26;

20 (iii) running southwesterly about  
21 2342.58 feet to a point N2950422.32,  
22 E783199.60;

23 (iv) running southeasterly about 8.00  
24 feet to a point N2950414.32, E783199.83;

1 (v) running southwesterly about  
2 1339.12 feet to a point N2950376.85,  
3 E781861.23;

4 (vi) running northwesterly about  
5 23.00 feet to a point N2950399.84,  
6 E781860.59; and

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

10 **SEC. 1315. CORPS OF ENGINEERS BRIDGE REPAIR PRO-**  
11 **GRAM FOR NEW ENGLAND EVACUATION**  
12 **ROUTES.**

13 Subject to the availability of appropriations, the Sec-  
14 retary may repair or replace, as necessary, any bridge  
15 owned and operated by the Secretary that is—

16 (1) located in any of the States of Connecticut,  
17 Maine, Massachusetts, New Hampshire, Rhode Is-  
18 land, or Vermont; and

19 (2) necessary for evacuation during an extreme  
20 weather event, as determined by the Secretary.

21 **SEC. 1316. PLYMOUTH HARBOR, MASSACHUSETTS.**

22 The Secretary shall expedite and complete the dredg-  
23 ing of Plymouth Harbor, Massachusetts, as authorized by  
24 the Act of March 4, 1913 (37 Stat. 802, chapter 144)

1 and the Act of September 22, 1922 (42 Stat. 1038, chap-  
2 ter 427).

3 **SEC. 1317. PORTSMOUTH HARBOR AND PISCATAQUA RIVER.**

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

8 **SEC. 1318. MISSOURI RIVER AND TRIBUTARIES AT KANSAS**  
9 **CITIES, MISSOURI AND KANSAS.**

10 The Secretary shall align the schedules of, and maxi-  
11 mize complimentary efforts, minimize duplicative prac-  
12 tices, and ensure coordination and information sharing  
13 with respect to—

14 (1) the project for flood damage reduction, Ar-  
15 gentine, East Bottoms, Fairfax-Jersey Creek, and  
16 North Kansas Levees Units, Missouri River and  
17 tributaries at Kansas Cities, Missouri and Kansas,  
18 authorized by section 1001(28) of the Water Re-  
19 sources Development Act of 2007 (121 Stat. 1054);  
20 and

21 (2) the project for flood risk management,  
22 Armourdale and Central Industrial District Levee  
23 Units, Missouri River and Tributaries at Kansas  
24 Citys, Missouri and Kansas, authorized by section

1 1401(2) of the Water Resources Development Act of  
2 2016 (130 Stat. 1710).

3 **SEC. 1319. HAMPTON HARBOR, NEW HAMPSHIRE, NAVIGA-**  
4 **TION IMPROVEMENT PROJECT.**

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

10 **SEC. 1320. PASSAIC RIVER FEDERAL NAVIGATION CHAN-**  
11 **NEL, NEW JERSEY.**

12 (a) DEFINITION OF PASSAIC RIVER NAVIGATION  
13 PROJECT.—In this section, the term “Passaic River navi-  
14 gation project” means the project for the Passaic River  
15 Federal navigation channel, New Jersey, described in the  
16 document of the New York District of the Corps of Engi-  
17 neers numbered 207075, entitled “Lower Passaic River  
18 Commercial Navigation Analysis”, and dated March 2007,  
19 as revised in December 2008 and July 2010.

20 (b) DEAUTHORIZATION.—

21 (1) IN GENERAL.—The portion of the Passaic  
22 River navigation project described in paragraph (2)  
23 is deauthorized.

24 (2) DESCRIPTION OF PORTION.—The portion of  
25 the Passaic River navigation project referred to in



1 paragraph (1) is the portion from river mile 1.7 to  
2 river mile 15.4, as bounded by—

3 (A) the coordinates of—

4 (i) West Longitude 074 10.33047" W;

5 (ii) North Latitude 40 51.99988" N;

6 (iii) East Longitude 074 06.05923"

7 W; and

8 (iv) South Latitude 40 43.2217" N;

9 and

10 (B) the New Jersey State Plane (US Sur-  
11 vey Feet, NAD-83), as follows: Upper Left  
12 x731 592941.27 y731 739665.34; Upper Right  
13 x731 602477.94 y731 740791.62; Lower Left  
14 x731 582974.17 y731 692561.62; Lower Right  
15 x731 598345.10 y731 691219.09.

16 (c) MODIFICATION.—

17 (1) IN GENERAL.—The depth of the portion of  
18 the Passaic River navigation project described in  
19 paragraph (2) is modified from 30 feet to 20 feet  
20 (using the Mean Lower Low Water datum).

21 (2) DESCRIPTION OF PORTION.—The portion of  
22 the Passaic River navigation project referred to in  
23 paragraph (1) is the portion from river mile 0.6 to  
24 river mile 1.7, as bounded by—

25 (A) the coordinates of—

1 (i) West Longitude 074 07.43471" W;

2 (ii) North Latitude 40 44.32682" N;

3 (iii) East Longitude 074 06.61586"

4 W; and

5 (iv) South Latitude 40 42.39342" N;

6 and

7 (B) the New Jersey State Plane (US Sur-  
8 vey Feet, NAD-83), as follows: Upper Left  
9 x731 597440.36 y731 691333.92; Upper Right  
10 x731 598345.10 y731 691219.09; Lower Left  
11 x731 596416.01 y731 685597.99; Lower Right  
12 x731 597351.18 y731 685596.08.

13 **SEC. 1321. FARGO-MOORHEAD METROPOLITAN AREA DI-**  
14 **VERSION PROJECT, NORTH DAKOTA.**

15 (a) EXEMPTION.—Subject to subsections (b) and (c),  
16 notwithstanding section 404(b)(2)(B)(ii) of the Robert T.  
17 Stafford Disaster Relief and Emergency Assistance Act  
18 (42 U.S.C. 5170c(b)(2)(B)(ii)), and any regulations pro-  
19 mulgated to carry out that section, beginning on the date  
20 of enactment of this Act, any property in the State of  
21 North Dakota that was acquired through hazard mitiga-  
22 tion assistance provided under section 203 of that Act (42  
23 U.S.C. 5133), section 404 of that Act (42 U.S.C. 5170c),  
24 or section 1366 of the National Flood Insurance Act of  
25 1968 (42 U.S.C. 4104c), that was subject to any open

1 space deed restriction is exempt from those restrictions to  
2 the extent necessary to complete the Fargo-Moorhead  
3 Metropolitan Area Diversion Project authorized by section  
4 7002(2) of the Water Resources Reform and Development  
5 Act of 2014 (128 Stat. 1366).

6 (b) CONDITIONS.—As a condition of the exemption  
7 under subsection (a)—

8 (1) no new or additional structure unrelated to  
9 the Project may be erected on the property unless  
10 the new or additional structure is in compliance with  
11 section 404(b)(2)(B)(ii) of the Robert T. Stafford  
12 Disaster Relief and Emergency Assistance Act (42  
13 U.S.C. 5170c(b)(2)(B)(ii)); and

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

17 (c) DISASTER ASSISTANCE PROHIBITED.—After the  
18 date of enactment of this Act, no disaster assistance from  
19 any Federal source may be provided with respect to any  
20 improvements made on the property referred to in sub-  
21 section (a).

22 (d) SAVINGS PROVISION.—Nothing in this section af-  
23 fects the responsibility of any entity to comply with all  
24 other applicable laws (including regulations) with respect  
25 to the properties described in subsection (a).

1 **SEC. 1322. CLATSOP COUNTY, OREGON.**

2 The portions of the project for raising and improving  
3 existing levees of Clatsop County Diking District No. 13,  
4 in Clatsop County, Oregon, authorized by section 5 of the  
5 Act of June 22, 1936 (49 Stat. 1590), that are referred  
6 to as Christensen No. 1 Dike No. 42 and Christensen No.  
7 2 Levee No. 43 are no longer authorized beginning on the  
8 date of enactment of this Act.

9 **SEC. 1323. SVENSEN ISLAND, OREGON.**

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

14 **SEC. 1324. WEST TENNESSEE TRIBUTARIES PROJECT, TEN-**  
15 **NESSEE.**

16 The unconstructed portions of the West Tennessee  
17 tributaries project along the Obion and Forked Deer Riv-  
18 ers, Tennessee, authorized by section 203 of the Flood  
19 Control Act of 1948 (62 Stat. 1178), and modified by sec-  
20 tion 207 of the Flood Control Act of 1966 (80 Stat. 1423),  
21 section 3(a) of the Water Resources Development Act of  
22 1974 (88 Stat. 14), and section 183 of the Water Re-  
23 sources Development Act of 1976 (90 Stat. 2940), are no  
24 longer authorized beginning on the date of enactment of  
25 this Act.

1 **SEC. 1325. PUGET SOUND NEARSHORE ECOSYSTEM RES-**  
2 **TORATION.**

3 Section 544(f) of the Water Resources Development  
4 Act of 2000 (Public Law 106–541; 114 Stat. 2675) is  
5 amended—

6 (1) by striking “\$40,000,000” and inserting  
7 “\$60,000,000”; and

8 (2) by striking “\$5,000,000” and inserting  
9 “\$10,000,000”.

10 **SEC. 1326. MILWAUKEE HARBOR, MILWAUKEE, WISCONSIN.**

11 The portion of the project for navigation, Milwaukee  
12 Harbor, Milwaukee, Wisconsin, authorized by the first sec-  
13 tion of the Act of March 3, 1843 (5 Stat. 619; chapter  
14 85), consisting of the navigation channel within the  
15 Menomonee River that extends from the 16th Street  
16 Bridge upstream to the upper limit of the authorized navi-  
17 gation channel and described as follows is no longer au-  
18 thorized beginning on the date of enactment of this Act:

19 (1) Beginning at a point in the channel just  
20 downstream of the 16th Street Bridge,  
21 N383219.703, E2521152.527.

22 (2) Thence running westerly along the channel  
23 about 2,530.2 feet to a point, N383161.314,  
24 E2518620.712.

25 (3) Thence running westerly by southwesterly  
26 along the channel about 591.7 feet to a point at the

1 upstream limit of the existing project, N383080.126,  
2 E2518036.371.

3 (4) Thence running northerly along the up-  
4 stream limit of the existing project about 80.5 feet  
5 to a point, N383159.359, E2518025.363.

6 (5) Thence running easterly by northeasterly  
7 along the channel about 551.2 feet to a point,  
8 N383235.185, E2518571.108.

9 (6) Thence running easterly along the channel  
10 about 2,578.9 feet to a point, N383294.677,  
11 E2521150.798.

12 (7) Thence running southerly across the chan-  
13 nel about 74.3 feet to the point of origin.

14 **SEC. 1327. PROJECT COMPLETION FOR DISASTER AREAS.**

15 The Secretary shall expeditiously carry out any  
16 project for flood risk management or hurricane and storm  
17 damage risk reduction authorized as of the date of enact-  
18 ment of this Act to be carried out by the Secretary in  
19 Texas, Florida, Georgia, Louisiana, South Carolina, the  
20 Commonwealth of Puerto Rico, or the United States Vir-  
21 gin Islands.

22 **SEC. 1328. FEDERAL ASSISTANCE.**

23 (a) IN GENERAL.—In accordance with the require-  
24 ments of subsection (b), the Secretary is authorized to  
25 provide assistance for the operation and maintenance of

1 a flood risk reduction project in the Red River Basin of  
2 the North that was constructed, prior to the date of enact-  
3 ment of this Act, under section 5(a) of the Act of August  
4 18, 1941 (33 U.S.C. 701n(a)).

5 (b) **CONDITION.**—The Secretary may provide the as-  
6 sistance authorized by subsection (a) for a project that,  
7 as determined by the Secretary, becomes permanent due  
8 to the extended presence of assistance from the Secretary  
9 under section 5(a) of the Act of August 18, 1941 (33  
10 U.S.C. 701n(a)).

11 (c) **TERMINATION.**—The authority to provide assist-  
12 ance under this section terminates on the date that is four  
13 years after the date of enactment of this section.

14 **SEC. 1329. EXPEDITED INITIATION.**

15 Section 1322(b)(2) of the Water Resources Develop-  
16 ment Act of 2016 (130 Stat. 1707) is amended, in the  
17 matter preceding subparagraph (A), by inserting “or, in  
18 a case in which a general reevaluation report for the  
19 project is required, if such report has been submitted for  
20 approval,” after “completed report,”.

21 **SEC. 1330. PROJECT DEAUTHORIZATION AND STUDY EX-**  
22 **TENSIONS.**

23 (a) **PROJECT DEAUTHORIZATIONS.**—Section 6003(a)  
24 of the Water Resources Reform and Development Act of  
25 2014 (33 U.S.C. 579c(a)) is amended—

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

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

4 “(3) CALCULATION.—In calculating the time  
5 period under paragraph (1), the Secretary shall not  
6 include any period of time during which the project  
7 is being reviewed and awaiting determination by the  
8 Secretary to implement a locally preferred plan for  
9 that project under section 1036(a).

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

13 (b) STUDY EXTENSIONS.—Section 1001(d)(4) of the  
14 Water Resources Reform and Development Act of 2014  
15 (33 U.S.C. 2282c(d)(4)) is amended by striking “7 years”  
16 and inserting “10 years”.

17 **SEC. 1331. CONVEYANCES.**

18 (a) CHEATHAM COUNTY, TENNESSEE.—

19 (1) CONVEYANCE AUTHORIZED.—The Secretary  
20 may convey to Cheatham County, Tennessee (in this  
21 subsection referred to as the “Grantee”), all right,  
22 title, and interest of the United States in and to the  
23 real property in Cheatham County, Tennessee, con-  
24 sisting of approximately 9.19 acres, identified as  
25 portions of tracts E-514-1, E-514-2, E-518-1, E-



1 518–2, E–519–1, E–537–1, and E–538, all being  
2 part of the Cheatham Lock and Dam project at  
3 CRM 158.5, including any improvements thereon.

4 (2) DEED.—The Secretary shall convey the  
5 property under this subsection by quitclaim deed  
6 under such terms and conditions as the Secretary  
7 determines appropriate to protect the interests of  
8 the United States, to include retaining the right to  
9 inundate with water any land transferred under this  
10 subsection.

11 (3) CONSIDERATION.—The Grantee shall pay to  
12 the Secretary an amount that is not less than the  
13 fair market value of the land conveyed under this  
14 subsection, as determined by the Secretary.

15 (4) SUBJECT TO EXISTING EASEMENTS AND  
16 OTHER INTERESTS.—The conveyance of property  
17 under this section shall be subject to all existing  
18 easements, rights-of-way, and leases that are in ef-  
19 fect as of the date of the conveyance.

20 (b) NASHVILLE, TENNESSEE.—

21 (1) CONVEYANCE AUTHORIZED.—The Secretary  
22 may convey, without consideration, to the City of  
23 Nashville, Tennessee (in this subsection referred to  
24 as the “City”), all right, title, and interest of the  
25 United States in and to the real property covered by

1 Lease No. DACW62-1-84-149, including any im-  
2 provements thereon, at the Riverfront Park Rec-  
3 reational Development, consisting of approximately 5  
4 acres, subject to the right of the Secretary to retain  
5 any required easements in the property.

6 (2) CONVEYANCE AGREEMENT.—The Secretary  
7 shall convey by quitclaim the real property described  
8 in paragraph (1) under the terms and conditions  
9 mutually satisfactory to the Secretary and the City.  
10 The deed shall provide that in the event that the  
11 City, its successors, or assigns cease to maintain im-  
12 provements for recreation included in the conveyance  
13 or otherwise utilize the real property conveyed for  
14 purposes other than recreation and compatible flood  
15 risk management, the City, its successor, or assigns  
16 shall repay to the United States the Federal share  
17 of the cost of constructing the improvements for  
18 recreation under the agreement between the United  
19 States and the City dated December 8, 1981, in-  
20 creased as necessary to account for inflation.

21 (c) LOCKS AND DAMS 1 THROUGH 4, KENTUCKY  
22 RIVER, KENTUCKY.—

23 (1) IN GENERAL.—Beginning on the date of en-  
24 actment of this Act, commercial navigation at Locks  
25 and Dams 1 through 4, Kentucky River, Kentucky,

1 shall no longer be authorized, and the land and im-  
2 provements associated with the locks and dams shall  
3 be disposed of consistent with this subsection and in  
4 accordance with the report of the Director of Civil  
5 Works entitled “Kentucky River Locks and Dams 1,  
6 2, 3, and 4, Disposition Study and Integrated Envi-  
7 ronmental Assessment” and dated April 20, 2018.

8 (2) DISPOSITION.—The Secretary shall convey  
9 to the State of Kentucky (referred to in this section  
10 as the “State”), for the use and benefit of the Ken-  
11 tucky River Authority, all right, title, and interest of  
12 the United States, together with any improvements  
13 on the land, including improvements located in the  
14 Kentucky River, in and to—

15 (A) Lock and Dam 1, located in Carroll  
16 County, Kentucky;

17 (B) Lock and Dam 2, located in Owen and  
18 Henry counties, Kentucky;

19 (C) Lock and Dam 3, located in Owen and  
20 Henry counties, Kentucky; and

21 (D) Lock and Dam 4, located in Franklin  
22 County, Kentucky.

23 (3) CONDITIONS.—

24 (A) QUITCLAIM DEED.—The Secretary  
25 shall convey the property described in para-

1 graph (2) by quitclaim deed to such State  
2 under such terms and conditions as the Sec-  
3 retary determines appropriate to protect the in-  
4 terests of the United States.

5 (B) ADMINISTRATIVE COSTS.—The Sec-  
6 retary shall be responsible for all administrative  
7 costs associated with a conveyance under this  
8 subsection, including the costs of any surveys  
9 the Secretary determines to be necessary.

10 (C) IMPROVEMENTS PROHIBITED.—

11 (i) IN GENERAL.—The Secretary may  
12 not improve the locks and dams and land  
13 and improvements associated with the  
14 locks and dams described in this sub-  
15 section on or after the date of enactment  
16 of this Act.

17 (ii) SAVINGS CLAUSE.—Nothing in  
18 subparagraph (A) prohibits the State from  
19 improving the locks and dams and the land  
20 and improvements associated with the  
21 locks and dams described in this sub-  
22 section on or after the date of conveyance  
23 under this subsection.

24 (4) SAVINGS CLAUSE.—If the State does not ac-  
25 cept the conveyance under this subsection of the

1 land and improvements associated with the locks  
2 and dams described in this subsection, the Secretary  
3 may dispose of the land and improvements under  
4 subchapter III of chapter 5 of title 40, United  
5 States Code.

6 (d) BAINBRIDGE, GEORGIA.—

7 (1) IN GENERAL.—On the date of enactment of  
8 this Act, the Secretary of the Army shall convey to  
9 the City of Bainbridge, Georgia, without consider-  
10 ation and subject to subsection (b), all right, title,  
11 and interest in and to real property described in  
12 subsection (c).

13 (2) TERMS AND CONDITIONS.—

14 (A) IN GENERAL.—The conveyance by the  
15 United States under this subsection shall be  
16 subject to—

17 (i) the condition that the City of  
18 Bainbridge agrees to operate, maintain,  
19 and manage the property for fish and wild-  
20 life, recreation, and environmental pur-  
21 poses at no cost or expense to the United  
22 States; and

23 (ii) such other terms and conditions  
24 as the Secretary determines to be in the  
25 interest of the United States.

1 (B) REVERSION.—If the Secretary deter-  
2 mines that the real property conveyed under  
3 paragraph (1) ceases to be held in public own-  
4 ership or the city ceases to operate, maintain,  
5 and manage the real property in accordance  
6 with this subsection, all right, title, and interest  
7 in and to the property shall revert to the United  
8 States, at the option of the Secretary.

9 (3) PROPERTY.—The property to be conveyed is  
10 composed of the following 3 parcels of land:

11 (A) PARCEL 1.—All that tract or parcel of  
12 land lying and being in Land Lots 226. and  
13 228, Fifteenth Land District, and Land Lots  
14 319, 320, 321, 322, 323 and 358, Twentieth  
15 Land District, Decatur County, Georgia, more  
16 particularly described as follows:

17 Beginning at a concrete monument  
18 stamped “358” which is 950 feet, more or less,  
19 North of the South line and 600 feet, more or  
20 less, West of the East line of said Land Lot  
21 358, at a corner of a tract of land owned by the  
22 United States of America at Lake Seminole and  
23 at plane coordinate position North 318,698.72  
24 feet and East 360,033.38 feet based on Trans-  
25 verse Mercator Projection, Georgia West Zone;

1           Thence Due West 75 feet, more or less, to  
2           the contour at elevation 77.0 feet above Mean  
3           Sea Level;

4           Thence Northeasterly along the meanders  
5           of said 77.0 foot contour a distance of 20,600  
6           feet, more or less, to the mouth of the entrance  
7           channel to the arena and boat basin;

8           Thence N 75° E 150 feet, more or less, to  
9           another point on said 77.0 foot contour;

10          Thence Northeasterly along the meanders  
11          of said 77.0 foot contour a distance of 3,300  
12          feet, more or less, to a point which is on the  
13          boundary of said United States tract and on  
14          the boundary of a tract of land now or formerly  
15          owned by the City of Bainbridge, Georgia;

16          Thence along the boundary of said United  
17          States tract the following courses:

18                 S 10° 52' E along the boundary of  
19                 said City of Bainbridge tract 830 feet,  
20                 more or less, to a corner of said tract;

21                 S 89° 45' E along the boundary of  
22                 said City of Bainbridge tract 700 feet,  
23                 more or less, to a concrete monument  
24                 stamped "J1A", coordinates of said monu-

1                   ment being North 328,902.34 feet and  
2                   East 369,302.33 feet;

3                   S 22° 25' W 62 feet, more or less, to  
4                   a corner of another tract of land owned by  
5                   the City of Bainbridge, Georgia;

6                   S 88° 07' W along the boundary of  
7                   said City of Bainbridge tract 350 feet,  
8                   more or less to a corner of said tract;

9                   N 84° 00' W along the boundary of  
10                  said City of Bainbridge tract 100.5 feet to  
11                  a corner said tract;

12                 S 88° 07' W along the boundary of  
13                 said City of Bainbridge tract 300.0 feet to  
14                 a corner of said tract;

15                 S 14° 16' W along boundary of said  
16                 City of Bainbridge tract 89.3 feet to a cor-  
17                 ner of said tract;

18                 Southwesterly along the boundary of  
19                 said City of Bainbridge tract which is  
20                 along a curve to the right with a radius of  
21                 684.69 feet an arc distance of 361.8 feet  
22                 to a corner of said tract;

23                 S 30° 00' W along the boundary of  
24                 said City of Bainbridge tract 294.0 feet to  
25                 a corner of said tract;



1           S 10° 27' W along the boundary of  
2           said City of Bainbridge tract 385.0 feet to  
3           a corner of said tract;  
4           N 73° 31' W 38 feet, more or less, to  
5           a concrete monument;  
6           S 16° 25' W 563.7 feet to a concrete  
7           monument stamped "J7A";  
8           S 68° 28' W 719.5 feet to a concrete  
9           monument stamped "J9A";  
10          S 68° 28' W 831.3 feet to a concrete  
11          monument stamped "J12A";  
12          S 89° 39' E 746.7 feet to a concrete  
13          monument stamped "J11A";  
14          S 01° 22' W 80.0 feet to a concrete  
15          monument stamped "J11B";  
16          N 89° 39' W 980.9 feet to a concrete  
17          monument stamped "J13A";  
18          S 01° 21' W 560.0 feet to a concrete  
19          monument stamped "J15A";  
20          S 37° 14' W 1,213.0 feet;  
21          N 52° 46' W 600.0 feet;  
22          S 37° 14' W 1,000.0 feet;  
23          S 52° 46' E 600.0 feet;  
24          S 37° 14' W 117.0 feet to a concrete  
25          monument stamped "320/319";

1 S 37° 13' W 1,403.8 feet to a con-  
2 crete monument stamped "322/319";

3 S 37° 13' W 2,771.4 feet to a con-  
4 crete monument stamped "322/323";

5 S 37° 13' W 1,459.2 feet;

6 N 89° 04' W 578.9 feet;

7 S 53° 42' W 367.7 feet;

8 S 43° 42' W 315.3 feet;

9 S 26° 13' W 654.9 feet, more or less,  
10 to the point of beginning.

11 Containing 550.00 acres, more or less, and  
12 being a part of Tracts L-1105 and L-1106 of  
13 Lake Seminole.

14 (B) PARCEL 2.—All that tract or parcel of  
15 land lying and lying and being in Land Lot  
16 226, Fifteenth Land District, Decatur County,  
17 Georgia, more particularly described as follows:

18 Beginning at a point which is on the East  
19 right-of-way line of the Seaboard Airline Rail-  
20 road, 215 feet North of the South end of the  
21 trestle over the Flint River, and at a corner of  
22 a tract of land owned by the United States of  
23 America at Lake Seminole;

24 Thence Southeasterly along the boundary  
25 of said United States tract which is along a

1 curve to the right a distance of 485 feet, more  
2 or less, to a point which is 340 feet, more or  
3 less, S 67° 00' E from the South end of said  
4 trestle, and at a corner of said United States  
5 tract;

6 Thence N 70° 00' E along the boundary of  
7 said United States tract 60.0 feet to a corner  
8 of said tract;

9 Thence Northerly along the boundary of  
10 said United States tract which is along a curve  
11 to the right a distance of 525 feet, more or less,  
12 to a corner of said tract;

13 Thence S 05° 00' W along the boundary of  
14 said United States tract 500.0 feet to a corner  
15 of said tract;

16 Thence Due West along the boundary of  
17 said United States tract 370 feet, more or less,  
18 to a point which is on the East right-of-way line  
19 of said railroad and at a corner of said United  
20 States tract;

21 Thence N 13° 30' W along the boundary  
22 of said United States tract which is along the  
23 East right-of-way line of said railroad a dis-  
24 tance of 310 feet, more or less, to the point of  
25 beginning.

1           Containing 3.67 acres, more or less, and  
2           being all of Tract L-1124 of Lake Seminole.

3           Parcels 1 and 2 contain in the aggregate  
4           553.67 acres, more or less.

5           (C) PARCEL 3.—All that tract or panel of  
6           land lying and being in Land Lot 225, Fif-  
7           teenth Land District, Decatur County, Georgia,  
8           more particularly described as follows:

9           Beginning at an iron marker designated  
10          “225/226/”, which is on the South line and 500  
11          feet, more or less, West of the Southeast corner  
12          of said Land Lot 225 at a corner of a tract of  
13          land owned by the United States of America at  
14          Lake Seminole and at plane coordinate position  
15          North 330,475.82 feet and East 370,429.36  
16          feet, based on Transverse Mercator Projection,  
17          Georgia West Zone;

18          Thence Due West along the boundary of  
19          said United States tract a distance of 53.0 feet  
20          to a monument stamped “225/226-A”;

21          Thence continue Due West along the  
22          boundary of said United States tract a distance  
23          of 56 feet, more or less, to a point on the East  
24          bank of the Flint River;

1           Thence Northerly, upstream, along the me-  
2           anders of the East bank of said river a distance  
3           of 1,200 feet, more or less, to a point which is  
4           on the Southern right-of-way line of U.S. High-  
5           way No. 84 and at a corner of said United  
6           States tract;

7           Thence Easterly and Southeasterly along  
8           the Southern right-of-way line of said highway,  
9           which is along the boundary of said United  
10          States tract a distance of 285 feet, more or  
11          less, to a monument stamped "L-23-1", the co-  
12          ordinates of said monument being North  
13          331,410.90 and East 370,574.96;

14          Thence S 02° 25' E along the boundary of  
15          said United States tract a distance of 650.2  
16          feet to a monument stamped "225-A";

17          Thence S 42° 13' E along the boundary of  
18          said United States tract a distance of 99.8 feet  
19          to a monument stamped "225";

20          Thence S 48° 37' W along the boundary of  
21          said United States tract a distance of 319.9  
22          feet, more or less, to the point of beginning.

23          Containing 4.14 acres, more or less, and  
24          being all of Tract L-1123 of the Lake Seminole  
25          Project.

1 (e) PORT OF WHITMAN COUNTY, WASHINGTON.—

2 (1) DEFINITIONS.—In this subsection:

3 (A) FEDERAL LAND.—The term “Federal  
4 land” means the approximately 288 acres of  
5 land situated in Whitman County, Washington,  
6 contained within Tract D of Little Goose Lock  
7 and Dam.

8 (B) NON-FEDERAL LAND.—The term  
9 “non-Federal land” means a tract or tracts of  
10 land owned by the Port of Whitman County,  
11 Washington, that the Secretary determines,  
12 with approval of the Washington Department of  
13 Fish and Wildlife and the Secretary of the Inte-  
14 rior acting through the Director of the United  
15 States Fish and Wildlife Service, equals or ex-  
16 ceeds the value of the Federal land both as  
17 habitat for fish and wildlife and for recreational  
18 opportunities related to fish and wildlife.

19 (2) LAND EXCHANGE.—On conveyance by the  
20 Port of Whitman County to the United States of all  
21 right, title, and interest in and to the non-Federal  
22 land, the Secretary of the Army shall convey to the  
23 Port of Whitman County all right, title, and interest  
24 of the United States in and to the Federal land.

25 (3) DEEDS.—

1 (A) DEED TO NON-FEDERAL LAND.—The  
2 Secretary may only accept conveyance of the  
3 non-Federal land by warranty deed, as deter-  
4 mined acceptable by the Secretary.

5 (B) DEED TO FEDERAL LAND.—The Sec-  
6 retary shall convey the Federal land to the Port  
7 of Whitman County by quitclaim deed and sub-  
8 ject to any reservations, terms, and conditions  
9 the Secretary determines necessary to allow the  
10 United States to operate and maintain the  
11 Lower Snake River Project and to protect the  
12 interests of the United States.

13 (4) CASH PAYMENT.—If the appraised fair mar-  
14 ket value of the Federal land, as determined by the  
15 Secretary, exceeds the appraised fair market value of  
16 the non-Federal land, as determined by the Sec-  
17 retary, the Port of Whitman County shall make a  
18 cash payment to the United States reflecting the dif-  
19 ference in the appraised fair market values.

20 (5) ADMINISTRATIVE EXPENSES.—The Port of  
21 Whitman County shall be responsible for the admin-  
22 istrative costs of the transaction in accordance with  
23 section 2695 of title 10, United States Code.

24 (f) FORT DUPONT, DELAWARE.—

1           (1) IN GENERAL.—Subject to paragraph (2),  
2           not later than 180 days after the date of enactment  
3           of this Act, the Secretary shall transfer—

4                   (A) all right, title, and interest in and to  
5                   a parcel of land known as that part of the  
6                   Original Acquisition (OADE) Tract that in-  
7                   cludes the bed and banks of the Delaware  
8                   Branch Channel on the north side of the Fifth  
9                   Street Bridge, Delaware City, Delaware, con-  
10                  taining approximately 31.6 acres of land, to the  
11                  Fort DuPont Redevelopment and Preservation  
12                  Corporation (herein referred to as “the Grant-  
13                  ee”); and

14                   (B) all right, title, and interest in and to  
15                   the Fifth Street Bridge, together with the land  
16                   known as that part of the Original Acquisition  
17                   (OADE) Tract that includes the banks and bed  
18                   of the Delaware Branch Channel, Delaware  
19                   City, Delaware, containing approximately 0.27  
20                   acres of land, to the State of Delaware.

21           (2) CONDITIONS.—

22                   (A) STATE APPROVAL.—Before making a  
23                   transfer under paragraph (1), the Secretary  
24                   shall ensure that the Governor of Delaware  
25                   agrees to the transfer.



1 (B) TOLL-FREE BRIDGE.—Before making  
2 a transfer under subparagraph (1)(B), the Gov-  
3 ernor of Delaware shall agree to ensure that no  
4 toll is imposed for use of the bridge referred to  
5 in that subsection, in accordance with section  
6 109 of the River and Harbor Act of 1950 (33  
7 U.S.C. 534).

8 (C) SURVEY.—The exact acreage and legal  
9 description of the land to be transferred under  
10 paragraph (1) shall be determined by a survey  
11 satisfactory to the Secretary and the Governor  
12 of Delaware.

13 (D) COSTS.—Any administrative costs for  
14 the transfer under paragraph (1) shall be paid  
15 by Fort DuPont Redevelopment and Preserva-  
16 tion Corporation, the State of Delaware, or a  
17 combination of those entities.

18 (3) CONSIDERATION.—The Grantee shall pay to  
19 the Secretary an amount that is not less than the  
20 fair market value of the land conveyed to the Grant-  
21 ee under this subsection, as determined by the Sec-  
22 retary.

23 (g) TUSCALOOSA, ALABAMA.—As soon as practicable  
24 after the date of enactment of this Act, the Secretary of  
25 the Army shall convey by quitclaim deed to the City of

1 Tuscaloosa, Alabama, at fair market value, the lands  
2 owned by the United States adjacent to the Black Warrior  
3 River on the south side below the U.S. Highway 43 bridge,  
4 including the south wall of the Old Oliver Lock, and ex-  
5 tending to the Corps' current recreation area, that the  
6 Secretary determines are no longer required for operation  
7 and maintenance of the Oliver Lock and Dam.

8 (h) GENERALLY APPLICABLE PROVISIONS.—

9 (1) SURVEY TO OBTAIN LEGAL DESCRIPTION.—

10 The exact acreage and the legal description of any  
11 real property to be conveyed under this section shall  
12 be determined by a survey that is satisfactory to the  
13 Secretary.

14 (2) APPLICABILITY OF PROPERTY SCREENING  
15 PROVISIONS.—Section 2696 of title 10, United  
16 States Code, shall not apply to any conveyance  
17 under this section.

18 (3) ADDITIONAL TERMS AND CONDITIONS.—

19 The Secretary may require that any conveyance  
20 under this section be subject to such additional  
21 terms and conditions as the Secretary considers nec-  
22 essary and appropriate to protect the interests of the  
23 United States.

24 (4) COSTS OF CONVEYANCE.—An entity to  
25 which a conveyance is made under this section shall

1 be responsible for all reasonable and necessary costs,  
2 including real estate transaction and environmental  
3 documentation costs, associated with the conveyance.

4 (5) LIABILITY.—An entity to which a convey-  
5 ance is made under this section shall hold the  
6 United States harmless from any liability with re-  
7 spect to activities carried out, on or after the date  
8 of the conveyance, on real property conveyed. The  
9 United States shall remain responsible for any liabil-  
10 ity with respect to activities carried out, before such  
11 date, on the real property conveyed.

12 **SEC. 1332. REPORT ON FUTURE WATER RESOURCES DEVEL-**  
13 **OPMENT.**

14 (a) PROGRAMMATIC MODIFICATION.—Section 7001  
15 of the Water Resources Reform and Development Act of  
16 2014 (33 U.S.C. 2282d(a)) is amended—

17 (1) in subsection (a) by adding at the end the  
18 following:

19 “(4) PROGRAMMATIC MODIFICATIONS.—Any  
20 programmatic modification for an environmental in-  
21 frastructure assistance program.”;

22 (2) in subsection (b)(1) by striking “studies  
23 and proposed modifications to authorized water re-  
24 sources development projects and feasibility studies”  
25 and inserting “studies, proposed modifications to au-

1       thorized water resources development projects and  
2       feasibility studies, and proposed modifications for an  
3       environmental infrastructure program”;

4             (3) by redesignating subsections (d), (e), and  
5       (f) as subsections (e), (f), and (g), respectively;

6             (4) by inserting after subsection (c) the fol-  
7       lowing:

8       “(d) PROGRAMMATIC MODIFICATIONS IN ANNUAL  
9       REPORT.—The Secretary shall include in the annual re-  
10      port only proposed modifications for an environmental in-  
11      frastructure assistance program that have not been in-  
12      cluded in any previous annual report. For each proposed  
13      modification, the Secretary shall include a letter or state-  
14      ment of support for the proposed modification from each  
15      associated non-Federal interest, description of assistance  
16      provided, and total Federal cost of assistance provided.”;  
17      and

18             (5) by striking subsection (c)(4) and inserting  
19      the following:

20             “(4) APPENDIX.—

21             “(A) IN GENERAL.—The Secretary shall  
22      include in the annual report an appendix listing  
23      the proposals submitted under subsection (b)  
24      that were not included in the annual report  
25      under paragraph (1)(A) and a description of

1           why the Secretary determined that those pro-  
2           posals did not meet the criteria for inclusion  
3           under such paragraph.

4                   “(B) LIMITATION.—In carrying out the ac-  
5           tivities described in this section—

6                           “(i) the Secretary shall not include  
7                           proposals in the appendix of the annual re-  
8                           port that otherwise meet the criteria for  
9                           inclusion in the annual report solely on the  
10                          basis of the Secretary’s determination that  
11                          the proposal requires legislative changes to  
12                          an authorized water resources development  
13                          project, feasibility study, or environmental  
14                          infrastructure program; and

15                           “(ii) the Secretary shall not include  
16                           proposals in the appendix of the annual re-  
17                           port that otherwise meet the criteria for  
18                           inclusion in the annual report solely on the  
19                           basis of a policy of the Secretary.”.

20           (b) SAVINGS CLAUSE.—Notwithstanding the third  
21           sentence of section 1001(b)(2) of the Water Resources De-  
22           velopment Act of 1986 (33 U.S.C. 579a(b)(2)), projects  
23           and separable elements of projects identified in the fiscal  
24           year 2017 report prepared in accordance with such section  
25           and submitted to Congress on December 15, 2016, shall

1 not be deauthorized unless such projects and separable  
 2 elements meet the requirements of section 1301(b)(1)(A)  
 3 of the Water Resources Development Act of 2016 (130  
 4 Stat. 1687).

5 **Subtitle D—Water Resources**  
 6 **Infrastructure**

7 **SEC. 1401. PROJECT AUTHORIZATIONS.**

8 The following projects for water resources develop-  
 9 ment and conservation and other purposes, as identified  
 10 in the reports titled “Report to Congress on Future Water  
 11 Resources Development” submitted to Congress on March  
 12 17, 2017, and February 5, 2018, respectively, pursuant  
 13 to section 7001 of the Water Resources Reform and Devel-  
 14 opment Act of 2014 (33 U.S.C. 2282d) or otherwise re-  
 15 viewed by Congress are authorized to be carried out by  
 16 the Secretary substantially in accordance with the plans,  
 17 and subject to the conditions, described in the respective  
 18 reports or decision documents designated in this section:

19 (1) NAVIGATION.—

<b>A. State</b>	<b>B. Name</b>	<b>C. Date of Report of Chief of Engineers</b>	<b>D. Estimated Costs</b>
1. AR	Three Rivers Southeast Ar- kansas	September 6, 2018	Total: \$184,395,000 (to be derived ½ from the gen- eral fund of the Treasury and ½ from the Inland Waterways Trust Fund)

<b>A. State</b>	<b>B. Name</b>	<b>C. Date of Report of Chief of Engineers</b>	<b>D. Estimated Costs</b>
2. PR	San Juan Harbor	August 23, 2018	Federal: \$41,345,840 Non-Federal: \$13,781,267 Total: \$55,127,107
3. TX	Galveston Harbor Channel Extension Project, Houston-Galveston Navigation Channels	Aug. 8, 2017	Federal: \$10,444,000 Non-Federal: \$3,481,000 Total: \$13,925,000
4. WA	Seattle Harbor Navigation Improvement Project	June 7, 2018	Federal: \$29,362,000 Non-Federal: \$31,880,000 Total: \$61,242,000

1 (2) FLOOD RISK MANAGEMENT.—

<b>A. State</b>	<b>B. Name</b>	<b>C. Date of Report of Chief of Engineers</b>	<b>D. Estimated Costs</b>
1. CA	Lower San Joaquin River	July 31, 2018	Federal: \$712,169,000 Non-Federal: \$383,475,000 Total: \$1,095,644,000
2. HI	Ala Wai Canal	Dec. 21, 2017	Federal: \$212,754,000 Non-Federal: \$114,560,000 Total: \$327,313,000
3. NY	Mamaroneck-Sheldrake Rivers	Dec. 14, 2017	Federal: \$53,500,000 Non-Federal: \$28,750,000 Total: \$82,250,000

2 (3) HURRICANE AND STORM DAMAGE RISK RE-  
3 DUCTION.—

<b>A. State</b>	<b>B. Name</b>	<b>C. Date of Report of Chief of Engineers</b>	<b>D. Estimated Initial Costs and Estimated Renourishment Costs</b>
1. FL	St. Johns County	Aug. 8, 2017	Initial Federal: \$5,873,283 Initial Non-Federal: \$19,661,924 Initial Total: \$25,535,207 Renourishment Federal: \$9,751,788 Renourishment Non-Federal: \$45,344,169 Renourishment Total: \$55,095,957
2. FL	St. Lucie County	Dec. 15, 2017	Initial Federal: \$7,239,497 Initial Non-Federal: \$13,443,614 Initial Total: \$20,683,110 Renourishment Federal: \$9,093,999 Renourishment Non-Federal: \$24,588,991 Renourishment Total: \$33,682,990
3. TX	Sabine Pass to Galveston Bay	Dec. 7, 2017	Federal: \$2,200,357,000 Non-Federal: \$1,184,807,000 Total: \$3,385,164,000

1 (4) FLOOD RISK MANAGEMENT AND ECO-  
2 SYSTEM RESTORATION.—

<b>A. State</b>	<b>B. Name</b>	<b>C. Date of Report of Chief of Engineers</b>	<b>D. Estimated Costs</b>
1. NM	Española Valley, Rio Grande	May 11, 2018	Federal: \$55,602,266 Non-Federal: \$7,637,764 Total: \$63,240,030

3 (5) ECOSYSTEM RESTORATION.—



<b>A. State</b>	<b>B. Name</b>	<b>C. Date of Report of Chief of Engineers</b>	<b>D. Estimated Costs</b>
1. TX	Resacas, in the vicinity of the City of Brownsville	September 6, 2018	Federal: \$141,489,000 Non-Federal: \$65,675,000 Total: \$207,164,000

1 (6) MODIFICATIONS AND OTHER PROJECTS.—

<b>A. State</b>	<b>B. Name</b>	<b>C. Date of Decision Document</b>	<b>D. Estimated Costs</b>
1. GA	Savannah Harbor Expansion Project	Dec. 5, 2016	Federal: \$731,700,000 Non-Federal: \$287,200,000 Total: \$1,018,900,000
2. MI	Soo Locks, Sault Ste. Marie	June 29, 2018	Federal: \$922,432,000 Non-Federal: \$0 Total: \$922,432,000
3. TN	Chickamauga Lock Replacement	July 19, 2018	Total: \$757,666,000 (to be derived ½ from the general fund of the Treasury and ½ from the Inland Waterways Trust Fund)

2 **SEC. 1402. SPECIAL RULES.**

3 (a) ST. PAUL HARBOR, ALASKA.—Notwithstanding  
4 section 2008(c) of the Water Resources Development Act  
5 of 2007 (Public Law 110–114; 121 Stat. 1074), the  
6 project for navigation, St. Paul Harbor, authorized by sec-  
7 tion 101(b)(3) of the Water Resources Development Act  
8 of 1996 (110 Stat. 3667), shall be cost-shared substan-  
9 tially in accordance with the costs established by section  
10 105 of the Energy and Water Development Appropriations  
11 Act, 2003 (117 Stat. 139).

1 (b) ESPAÑOLA VALLEY, NEW MEXICO.—The Sec-  
2 retary shall carry out the project for flood risk manage-  
3 ment and ecosystem restoration, Española Valley, Rio  
4 Grande and Tributaries, New Mexico, authorized by sec-  
5 tion 1401(4) of this Act substantially in accordance with  
6 terms and conditions described in the Report of the Chief  
7 of Engineers, dated May 11, 2018, including, notwith-  
8 standing section 2008(c) of the Water Resources Develop-  
9 ment Act of 2007 (Public Law 110–114; 121 Stat. 1074),  
10 the recommended cost share.

11 **SEC. 1403. NORFOLK HARBOR AND CHANNELS, VIRGINIA.**

12 (a) IN GENERAL.—The Secretary is authorized to  
13 further improve the project for navigation, Norfolk Harbor  
14 and Channels, Virginia, authorized by section 201 of the  
15 Water Resources Development Act of 1986 (100 Stat.  
16 4090), substantially in accordance with the plans, and  
17 subject to the conditions, described in the Report of the  
18 Chief of Engineers dated June 29, 2018.

19 (b) THIMBLE SHOAL CHANNEL WIDENING.—The  
20 Secretary may carry out additional modifications to the  
21 project described in subsection (a) that are identified in  
22 the report titled “Report to Congress on Future Water  
23 Resources Development” submitted to Congress on Feb-  
24 ruary 5, 2018, pursuant to section 7001 of the Water Re-

1 sources Reform and Development Act of 2014 (33 U.S.C.  
2 2282d).

3 (c) MAXIMUM AUTHORIZED COST.—Notwithstanding  
4 section 902(a)(2)(B) of the Water Resources Development  
5 Act of 1986 (33 U.S.C. 2280(a)(2)(B)), the maximum au-  
6 thorized cost for the project described in subsection (a)  
7 shall not be modified for the improvements and modifica-  
8 tions authorized by subsections (a) and (b).

9 **TITLE II—DRINKING WATER**  
10 **SYSTEM IMPROVEMENT**

11 **SEC. 2001. INDIAN RESERVATION DRINKING WATER PRO-**  
12 **GRAM.**

13 (a) IN GENERAL.—Subject to the availability of ap-  
14 propriations, the Administrator of the Environmental Pro-  
15 tection Agency shall carry out a program to implement—

16 (1) 10 eligible projects described in subsection  
17 (b) that are within the Upper Missouri River Basin;  
18 and

19 (2) 10 eligible projects described in subsection  
20 (b) that are within the Upper Rio Grande Basin.

21 (b) ELIGIBLE PROJECTS.—A project eligible to par-  
22 ticipate in the program under subsection (a) is a project—

23 (1) that is on a reservation (as defined in sec-  
24 tion 3 of the Indian Financing Act of 1974 (25

1 U.S.C. 1452)) that serves a federally recognized In-  
2 dian Tribe; and

3 (2) the purpose of which is to connect, expand,  
4 or repair an existing public water system, as defined  
5 in section 1401(4) of the Safe Drinking Water Act  
6 (42 U.S.C. 300f(4)), in order to improve water qual-  
7 ity, water pressure, or water services.

8 (c) REQUIREMENT.—In carrying out the program  
9 under subsection (a)(1), the Administrator of the Environ-  
10 mental Protection Agency shall select not less than 1 eligi-  
11 ble project for a reservation that serves more than 1 feder-  
12 ally recognized Indian Tribe.

13 (d) AUTHORIZATION OF APPROPRIATIONS.—There is  
14 authorized to be appropriated to carry out the program  
15 under subsection (a) \$20,000,000 for each of fiscal years  
16 2019 through 2022.

17 **SEC. 2002. CLEAN, SAFE, RELIABLE WATER INFRASTRUC-**  
18 **TURE.**

19 Section 1452(k) of the Safe Drinking Water Act (42  
20 U.S.C. 300j–12(k)) is amended—

21 (1) in paragraph (1)(D), by inserting “and for  
22 the implementation of efforts (other than actions au-  
23 thorized under subparagraph (A)) to protect source  
24 water in areas delineated pursuant to section 1453”  
25 before the period at the end; and

1           (2) in paragraph (2)(E), by inserting “, and to  
2           implement efforts to protect source water,” after  
3           “wellhead protection programs”.

4 **SEC. 2003. STUDY ON INTRACTABLE WATER SYSTEMS.**

5           Part E of the Safe Drinking Water Act (42 U.S.C.  
6 300j et seq.) is amended by adding at the end the fol-  
7 lowing:

8 **“SEC. 1459C. STUDY ON INTRACTABLE WATER SYSTEMS.**

9           “(a) DEFINITION OF INTRACTABLE WATER SYS-  
10 TEM.—In this section, the term ‘intractable water system’  
11 means a community water system or a noncommunity  
12 water system—

13           “(1) that serves fewer than 1,000 individuals;

14           “(2) the owner or operator of which—

15           “(A) is unable or unwilling to provide safe  
16 and adequate service to those individuals;

17           “(B) has abandoned or effectively aban-  
18 doned the community water system or non-  
19 community water system, as applicable;

20           “(C) has defaulted on a financial obliga-  
21 tion relating to the community water system or  
22 noncommunity water system, as applicable; or

23           “(D) fails to maintain the facilities of the  
24 community water system or noncommunity

1 water system, as applicable, in a manner so as  
2 to prevent a potential public health hazard; and

3 “(3) that is, as of the date of enactment of  
4 America’s Water Infrastructure Act of 2018—

5 “(A) in significant noncompliance with this  
6 Act or any regulation promulgated pursuant to  
7 this Act; or

8 “(B) listed as having a history of signifi-  
9 cant noncompliance with this title pursuant to  
10 section 1420(b)(1).

11 “(b) STUDY REQUIRED.—

12 “(1) IN GENERAL.—Not later than 2 years  
13 after the date of enactment of this section, the Ad-  
14 ministrator, in consultation with the Secretary of  
15 Agriculture and the Secretary of Health and Human  
16 Services, shall complete a study that—

17 “(A) identifies intractable water systems;  
18 and

19 “(B) describes barriers to delivery of pota-  
20 ble water to individuals served by an intractable  
21 water system.

22 “(2) REPORT TO CONGRESS.—Not later than 2  
23 years after the date of enactment of this section, the  
24 Administrator shall submit to Congress a report de-

1 scribing findings and recommendations based on the  
2 study under this subsection.”.

3 **SEC. 2004. SENSE OF CONGRESS RELATING TO ACCESS TO**  
4 **NONPOTABLE WATER.**

5 It is the sense of Congress that—

6 (1) access to nonpotable water sources for in-  
7 dustry can relieve the supply and demand challenges  
8 for potable water in water-stressed regions through-  
9 out the United States; and

10 (2) water users are encouraged to continue im-  
11 plementing and incentivizing nonpotable water reuse  
12 programs that will achieve greater water savings and  
13 conservation needs.

14 **SEC. 2005. DRINKING WATER INFRASTRUCTURE RESIL-**  
15 **IENCE AND SUSTAINABILITY.**

16 Section 1459A of the Safe Drinking Water Act (42  
17 U.S.C. 300j–19a) is amended—

18 (1) by redesignating subsection (j) as sub-  
19 section (k);

20 (2) in subsection (k), as redesignated by para-  
21 graph (1), by striking “this section” and inserting  
22 “subsections (a) through (j) of this section”;

23 (3) by inserting after subsection (i) the fol-  
24 lowing:

25 “(j) STATE RESPONSE TO CONTAMINANTS.—

1           “(1) IN GENERAL.—The Administrator may,  
2           subject to the terms and conditions of this section,  
3           issue a grant to a requesting State, on behalf of an  
4           underserved community, so the State may assist in,  
5           or otherwise carry out, necessary and appropriate  
6           activities related to a contaminant—

7                   “(A) that is determined by the State to—

8                           “(i) be present in, or likely to enter  
9                           into, a public water system serving, or an  
10                          underground source of drinking water for,  
11                          such underserved community; and

12                          “(ii) potentially present an imminent  
13                          and substantial endangerment to the  
14                          health of persons; and

15                          “(B) with respect to which the State deter-  
16                          mines appropriate authorities have not acted  
17                          sufficiently to protect the health of such per-  
18                          sons.

19           “(2) RECOVERY OF FUNDS.—If, subsequent to  
20           the Administrator’s award of a grant to a State  
21           under this subsection, any person or entity (includ-  
22           ing an eligible entity), is found by the Administrator  
23           or a court of competent jurisdiction to have caused  
24           or contributed to contamination that was detected as  
25           a result of testing conducted, or treated, with funds



1 provided under this subsection, and such contamina-  
2 tion violated a law administered by the Adminis-  
3 trator, such person or entity shall, upon issuance of  
4 a final judgment or settlement and the exhaustion of  
5 all appellate and administrative remedies—

6 “(A) notify the Administrator in writing  
7 not later than 30 days after such issuance of a  
8 final judgment or settlement and the exhaustion  
9 of all appellate and administrative remedies;  
10 and

11 “(B) promptly pay the Administrator an  
12 amount equal to the amount of such funds.”;  
13 and

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

15 “(1) DRINKING WATER INFRASTRUCTURE RESIL-  
16 IENCE AND SUSTAINABILITY.—

17 “(1) RESILIENCE AND NATURAL HAZARD.—The  
18 terms ‘resilience’ and ‘natural hazard’ have the  
19 meaning given such terms in section 1433(h).

20 “(2) IN GENERAL.—The Administrator may es-  
21 tablish and carry out a program, to be known as the  
22 Drinking Water System Infrastructure Resilience  
23 and Sustainability Program, under which the Ad-  
24 ministrator, subject to the availability of appropria-  
25 tions for such purpose, shall award grants in each

1 of fiscal years 2019 and 2020 to eligible entities for  
2 the purpose of increasing resilience to natural haz-  
3 ards.

4 “(3) USE OF FUNDS.—An eligible entity may  
5 only use grant funds received under this subsection  
6 to assist in the planning, design, construction, imple-  
7 mentation, operation, or maintenance of a program  
8 or project that increases resilience to natural haz-  
9 ards through—

10 “(A) the conservation of water or the en-  
11 hancement of water use efficiency;

12 “(B) the modification or relocation of ex-  
13 isting drinking water system infrastructure  
14 made, or that is at risk of being, significantly  
15 impaired by natural hazards, including risks to  
16 drinking water from flooding;

17 “(C) the design or construction of desali-  
18 nation facilities to serve existing communities;

19 “(D) the enhancement of water supply  
20 through the use of watershed management and  
21 source water protection;

22 “(E) the enhancement of energy efficiency  
23 or the use and generation of renewable energy  
24 in the conveyance or treatment of drinking  
25 water; or

1           “(F) the development and implementation  
2           of measures to increase the resilience of the eli-  
3           gible entity to natural hazards.

4           “(4) APPLICATION.—To seek a grant under this  
5           subsection, the eligible entity shall submit to the Ad-  
6           ministrator an application that—

7           “(A) includes a proposal of the program or  
8           project to be planned, designed, constructed,  
9           implemented, operated, or maintained by the el-  
10          igible entity;

11          “(B) identifies the natural hazard risk to  
12          be addressed by the proposed program or  
13          project;

14          “(C) provides documentation prepared by a  
15          Federal, State, regional, or local government  
16          agency of the natural hazard risk to the area  
17          where the proposed program or project is to be  
18          located;

19          “(D) includes a description of any recent  
20          natural hazard events that have affected the ap-  
21          plicable water system;

22          “(E) includes a description of how the pro-  
23          posed program or project would improve the  
24          performance of the system under the antici-  
25          pated natural hazards; and

1           “(F) explains how the proposed program  
2           or project is expected to enhance the resilience  
3           of the system to the anticipated natural haz-  
4           ards.

5           “(5) AUTHORIZATION OF APPROPRIATIONS.—  
6           There is authorized to be appropriated to carry out  
7           this subsection \$4,000,000 for each of fiscal years  
8           2019 and 2020.”.

9   **SEC. 2006. VOLUNTARY SCHOOL AND CHILD CARE PRO-**  
10                   **GRAM LEAD TESTING GRANT PROGRAM EN-**  
11                   **HANCEMENT.**

12           (a) VOLUNTARY SCHOOL AND CHILD CARE PROGRAM  
13   LEAD TESTING GRANT PROGRAM ENHANCEMENT.—Sec-  
14   tion 1464(d) of the Safe Drinking Water Act (42 U.S.C.  
15   300j–24(d)) is amended—

16           (1) in paragraph (2), by adding at the end the  
17   following:

18           “(C) TECHNICAL ASSISTANCE.—In car-  
19           rying out the grant program under subpara-  
20           graph (A), beginning not later than 1 year after  
21           the date of enactment of America’s Water In-  
22           frastructure Act of 2018, the Administrator  
23           shall provide technical assistance to recipients  
24           of grants under this subsection—

1 “(i) to assist in identifying the source  
2 of lead contamination in drinking water at  
3 schools and child care programs under the  
4 jurisdiction of the grant recipient;

5 “(ii) to assist in identifying and ap-  
6 plying for other Federal and State grant  
7 programs that may assist the grant recipi-  
8 ent in eliminating lead contamination de-  
9 scribed in clause (i);

10 “(iii) to provide information on other  
11 financing options in eliminating lead con-  
12 tamination described in clause (i); and

13 “(iv) to connect grant recipients with  
14 nonprofit and other organizations that may  
15 be able to assist with the elimination of  
16 lead contamination described in clause  
17 (i).”;

18 (2) by redesignating paragraphs (4) through  
19 (7) as paragraphs (5) through (8), respectively;

20 (3) by inserting after paragraph (3) the fol-  
21 lowing paragraph:

22 “(4) PRIORITY.—In making grants under this  
23 subsection, the Administrator shall give priority to  
24 States and local educational agencies that will assist  
25 in voluntary testing for lead contamination in drink-

1 ing water at schools and child care programs that  
2 are in low-income areas.”; and

3 (4) in paragraph (8) (as redesignated by para-  
4 graph (2) of this section)—

5 (A) by striking “is authorized” and insert-  
6 ing “are authorized”; and

7 (B) by striking “2021” and inserting  
8 “2019, and \$25,000,000 for each of fiscal years  
9 2020 and 2021”.

10 (b) DRINKING WATER FOUNTAIN REPLACEMENT  
11 FOR SCHOOLS.—

12 (1) IN GENERAL.—Part F of the Safe Drinking  
13 Water Act (42 U.S.C. 300j–21 et seq.) is amended  
14 by adding at the end the following:

15 **“SEC. 1465. DRINKING WATER FOUNTAIN REPLACEMENT**  
16 **FOR SCHOOLS.**

17 “(a) ESTABLISHMENT.—Not later than 1 year after  
18 the date of enactment of this section, the Administrator  
19 shall establish a grant program to provide assistance to  
20 local educational agencies for the replacement of drinking  
21 water fountains manufactured prior to 1988.

22 “(b) USE OF FUNDS.—Funds awarded under the  
23 grant program—

24 “(1) shall be used to pay the costs of replace-  
25 ment of drinking water fountains in schools; and

1           “(2) may be used to pay the costs of monitoring  
2           and reporting of lead levels in the drinking water of  
3           schools of a local educational agency receiving such  
4           funds, as determined appropriate by the Adminis-  
5           trator.

6           “(c) PRIORITY.—In awarding funds under the grant  
7           program, the Administrator shall give priority to local edu-  
8           cational agencies based on economic need.

9           “(d) AUTHORIZATION OF APPROPRIATIONS.—There  
10          are authorized to be appropriated to carry out this section  
11          \$5,000,000 for each of fiscal years 2019 through 2021.”.

12           (2) DEFINITIONS.—Section 1461(5) of the Safe  
13          Drinking Water Act (42 U.S.C. 300j–21(5)) is  
14          amended by inserting “or drinking water fountain”  
15          after “water cooler” each place it appears.

16 **SEC. 2007. INNOVATIVE WATER TECHNOLOGY GRANT PRO-**  
17 **GRAM.**

18          (a) DEFINITIONS.—In this section:

19           (1) ADMINISTRATOR.—The term “Adminis-  
20          trator” means the Administrator of the Environ-  
21          mental Protection Agency.

22           (2) ELIGIBLE ENTITY.—The term “eligible enti-  
23          ty” means—

1 (A) a public water system (as defined  
2 under section 1401(4) of the Safe Drinking  
3 Water Act (42 U.S.C. 300f(4)));

4 (B) an institution of higher education;

5 (C) a research institution or foundation;

6 (D) a regional water organization; or

7 (E) a nonprofit organization described in  
8 section 1442(e)(8) of the Safe Drinking Water  
9 Act (42 U.S.C. 300j-1(e)(8)).

10 (b) GRANT PROGRAM AUTHORIZED.—The Adminis-  
11 trator shall carry out a grant program for the purpose  
12 of accelerating the development and deployment of innova-  
13 tive water technologies that address pressing drinking  
14 water supply, quality, treatment, or security challenges of  
15 public water systems, areas served by private wells, or  
16 source waters.

17 (c) GRANTS.—In carrying out the program under  
18 subsection (b), the Administrator shall make grants to eli-  
19 gible entities—

20 (1) to develop, test, and deploy innovative water  
21 technologies; or

22 (2) to provide technical assistance to deploy  
23 demonstrated innovative water technologies.

24 (d) SELECTION CRITERIA.—In making grants under  
25 this section, the Administrator shall—



1           (1) award grants through a competitive process  
2           to eligible entities the Administrator determines are  
3           best able to carry out the purpose of the program;  
4           and

5           (2) give priority to projects that have the poten-  
6           tial—

7                   (A) to reduce ratepayer or community  
8                   costs or costs of future capital investments;

9                   (B) to significantly improve human health  
10                  or the environment; or

11                  (C) to provide additional drinking water  
12                  supplies with minimal environmental impact.

13           (e) COST-SHARING.—The Federal share of the cost  
14 of activities carried out using a grant under this section  
15 shall be not more than 65 percent.

16           (f) LIMITATION.—The maximum amount of a grant  
17 under this section shall be \$5,000,000.

18           (g) REPORT.—Each year, the Administrator shall  
19 submit to Congress and make publicly available on the  
20 website of the Administrator a report that describes any  
21 advancements during the previous year in development of  
22 innovative water technologies made as a result of funding  
23 provided under this section.

24           (h) PARTNERSHIPS.—Grants awarded under this  
25 program may include projects that are carried out by an

1 eligible entity in cooperation with a private entity, includ-  
2 ing a farmer, farmer cooperative, or manufacturer of  
3 water technologies.

4 (i) AUTHORIZATION OF APPROPRIATIONS.—There is  
5 authorized to be appropriated to carry out this section  
6 \$10,000,000 for each of fiscal years 2019 and 2020.

7 **SEC. 2008. IMPROVED CONSUMER CONFIDENCE REPORTS.**

8 Section 1414(c)(4) of the Safe Drinking Water Act  
9 (42 U.S.C. 300g-3(c)(4)) is amended—

10 (1) in the heading for subparagraph (A), by  
11 striking “ANNUAL REPORTS” and inserting “RE-  
12 PORTS”;

13 (2) in subparagraph (A), by inserting “, or pro-  
14 vide by electronic means,” after “to mail”;

15 (3) in subparagraph (B)—

16 (A) in clause (iv), by striking “the Admin-  
17 istrator, and” and inserting “the Administrator,  
18 including corrosion control efforts, and”;

19 (B) by adding at the end the following  
20 clause:

21 “(vii) Identification of, if any—

22 “(I) exceedances described in  
23 paragraph (1)(D) for which corrective  
24 action has been required by the Ad-  
25 ministrator or the State (in the case

1 of a State exercising primary enforce-  
2 ment responsibility for public water  
3 systems) during the monitoring period  
4 covered by the consumer confidence  
5 report; and

6 “(II) violations that occurred  
7 during the monitoring period covered  
8 by the consumer confidence report.”;  
9 and

10 (4) by adding at the end the following new sub-  
11 paragraph:

12 “(F) REVISIONS.—

13 “(i) UNDERSTANDABILITY AND FRE-  
14 QUENCY.—Not later than 24 months after  
15 the date of enactment of America’s Water  
16 Infrastructure Act of 2018, the Adminis-  
17 trator, in consultation with the parties  
18 identified in subparagraph (A), shall issue  
19 revisions to the regulations issued under  
20 subparagraph (A)—

21 “(I) to increase—

22 “(aa) the readability, clarity,  
23 and understandability of the in-  
24 formation presented in consumer  
25 confidence reports; and

1                   “(bb) the accuracy of infor-  
2                   mation presented, and risk com-  
3                   munication, in consumer con-  
4                   fidence reports; and

5                   “(II) with respect to community  
6                   water systems that serve 10,000 or  
7                   more persons, to require each such  
8                   community water system to provide,  
9                   by mail, electronic means, or other  
10                  methods described in clause (ii), a  
11                  consumer confidence report to each  
12                  customer of the system at least bian-  
13                  nually.

14                  “(ii) ELECTRONIC DELIVERY.—Any  
15                  revision of regulations pursuant to clause  
16                  (i) shall allow delivery of consumer con-  
17                  fidence reports by methods consistent with  
18                  methods described in the memorandum  
19                  ‘Safe Drinking Water Act–Consumer Con-  
20                  fidence Report Rule Delivery Options’  
21                  issued by the Environmental Protection  
22                  Agency on January 3, 2013.”.

1 **SEC. 2009. CONTRACTUAL AGREEMENTS.**

2 (a) IN GENERAL.—Section 1414(h)(1) of the Safe  
3 Drinking Water Act (42 U.S.C. 300g–3(h)(1)) is amend-  
4 ed—

5 (1) in subparagraph (B), by striking “or” after  
6 the semicolon;

7 (2) in subparagraph (C), by striking the period  
8 at the end and inserting “; or”; and

9 (3) by adding at the end the following new sub-  
10 paragraph:

11 “(D) entering into a contractual agreement  
12 for significant management or administrative  
13 functions of the system to correct violations  
14 identified in the plan.”.

15 (b) TECHNICAL AMENDMENT.—Section 1414(i)(1) of  
16 the Safe Drinking Water Act (42 U.S.C. 300g–3(i)(1)) is  
17 amended by inserting a comma after “1417”.

18 **SEC. 2010. ADDITIONAL CONSIDERATIONS FOR COMPLI-**  
19 **ANCE.**

20 (a) MANDATORY ASSESSMENT.—Subsection (h) of  
21 section 1414 of the Safe Drinking Water Act (42 U.S.C.  
22 300g–3) is amended by adding at the end the following:

23 “(3) AUTHORITY FOR MANDATORY ASSESS-  
24 MENT.—

25 “(A) AUTHORITY.—A State with primary  
26 enforcement responsibility or the Administrator

1 (if the State does not have primary enforcement  
2 responsibility) may require the owner or oper-  
3 ator of a public water system to assess options  
4 for consolidation, or transfer of ownership of  
5 the system, as described in paragraph (1), or  
6 other actions expected to achieve compliance  
7 with national primary drinking water regula-  
8 tions described in clause (i)(I), if—

9 “(i) the public water system—  
10 “(I) has repeatedly violated one  
11 or more national primary drinking  
12 water regulations and such repeated  
13 violations are likely to adversely affect  
14 human health; and

15 “(II)(aa) is unable or unwilling  
16 to take feasible and affordable ac-  
17 tions, as determined by the State with  
18 primary enforcement responsibility or  
19 the Administrator (if the State does  
20 not have primary enforcement respon-  
21 sibility), that will result in the public  
22 water system complying with the na-  
23 tional primary drinking water regula-  
24 tions described in subclause (I), in-  
25 cluding accessing technical assistance

1 and financial assistance through the  
2 State loan fund pursuant to section  
3 1452; or

4 “(bb) has already undertaken ac-  
5 tions described in item (aa) without  
6 achieving compliance;

7 “(ii) such consolidation, transfer, or  
8 other action is feasible; and

9 “(iii) such consolidation, transfer, or  
10 other action could result in greater compli-  
11 ance with national primary drinking water  
12 regulations.

13 “(B) TAILORING OF ASSESSMENTS.—Re-  
14 quirements for any assessment to be conducted  
15 pursuant to subparagraph (A) shall be tailored  
16 with respect to the size, type, and characteris-  
17 tics, of the public water system to be assessed.

18 “(C) APPROVED ENTITIES.—An assess-  
19 ment conducted pursuant to subparagraph (A)  
20 may be conducted by an entity approved by the  
21 State requiring such assessment (or the Admin-  
22 istrator, if the State does not have primary en-  
23 forcement responsibility), which may include  
24 such State (or the Administrator, as applica-  
25 ble), the public water system, or a third party.

1           “(D) BURDEN OF ASSESSMENTS.—It is  
2           the sense of Congress that any assessment re-  
3           quired pursuant to subparagraph (A) should  
4           not be overly burdensome on the public water  
5           system that is assessed.

6           “(4) FINANCIAL ASSISTANCE.—Notwith-  
7           standing section 1452(a)(3), a public water system  
8           undertaking consolidation or transfer of ownership  
9           or other actions pursuant to an assessment com-  
10          pleted under paragraph (3) may receive a loan de-  
11          scribed in section 1452(a)(2)(A) to carry out such  
12          consolidation, transfer, or other action.

13          “(5) PROTECTION OF NONRESPONSIBLE SYS-  
14          TEM.—

15                 “(A) IDENTIFICATION OF LIABILITIES.—

16                         “(i) IN GENERAL.—An owner or oper-  
17                         ator of a public water system that submits  
18                         a plan pursuant to paragraph (1) based on  
19                         an assessment conducted with respect to  
20                         such public water system under paragraph  
21                         (3) shall identify as part of such plan—

22                                 “(I) any potential and existing li-  
23                                 ability for penalties and damages aris-  
24                                 ing from each specific violation identi-



1                   fied in the plan of which the owner or  
2                   operator is aware; and

3                   “(II) any funds or other assets  
4                   that are available to satisfy such li-  
5                   ability, as of the date of submission of  
6                   such plan, to the public water system  
7                   that committed such violation.

8                   “(ii) INCLUSION.—In carrying out  
9                   clause (i), the owner or operator shall take  
10                  reasonable steps to ensure that all poten-  
11                  tial and existing liabilities for penalties and  
12                  damages arising from each specific viola-  
13                  tion identified in the plan are identified.

14                  “(B) RESERVATION OF FUNDS.—A public  
15                  water system that, consistent with the findings  
16                  of an assessment conducted pursuant to para-  
17                  graph (3), has completed the actions under a  
18                  plan submitted and approved pursuant to this  
19                  subsection shall not be liable under this title for  
20                  a violation of this title identified in the plan, ex-  
21                  cept to the extent to which funds or other as-  
22                  sets are identified pursuant to subparagraph  
23                  (A)(i)(II) as available to satisfy such liability.

24                  “(6) REGULATIONS.—Not later than 2 years  
25                  after the date of enactment of America’s Water In-

1       frastructure Act of 2018, the Administrator shall  
2       promulgate regulations to implement paragraphs  
3       (3), (4), and (5).”.

4       (b) RETENTION OF PRIMARY ENFORCEMENT AU-  
5 THORITY.—

6           (1) IN GENERAL.—Section 1413(a) of the Safe  
7       Drinking Water Act (42 U.S.C. 300g-2(a)) is  
8       amended—

9           (A) in paragraph (5), by striking “; and”  
10       and inserting a semicolon;

11          (B) by redesignating paragraph (6) as  
12       paragraph (7); and

13          (C) by inserting after paragraph (5) the  
14       following new paragraph:

15       “(6) has adopted and is implementing proce-  
16       dures for requiring public water systems to assess  
17       options for consolidation or transfer of ownership or  
18       other actions in accordance with the regulations  
19       issued by the Administrator under section  
20       1414(h)(6); and”.

21          (2) CONFORMING AMENDMENT.—Section  
22       1413(b)(1) of the Safe Drinking Water Act (42  
23       U.S.C. 300g-2(b)(1)) is amended by striking “of  
24       paragraphs (1), (2), (3), and (4)”.

1 **SEC. 2011. IMPROVED ACCURACY AND AVAILABILITY OF**  
2 **COMPLIANCE MONITORING DATA.**

3 Section 1414 of the Safe Drinking Water Act (42  
4 U.S.C. 300g-3) is amended by adding at the end the fol-  
5 lowing new subsection:

6 “(j) IMPROVED ACCURACY AND AVAILABILITY OF  
7 COMPLIANCE MONITORING DATA.—

8 “(1) STRATEGIC PLAN.—Not later than 1 year  
9 after the date of enactment of this subsection, the  
10 Administrator, in coordination with States (including  
11 States without primary enforcement responsibility  
12 under section 1413), public water systems, and other  
13 interested stakeholders, shall develop and provide to  
14 Congress a strategic plan for improving the accuracy  
15 and availability of monitoring data collected to dem-  
16 onstrate compliance with national primary drinking  
17 water regulations and submitted—

18 “(A) by public water systems to States; or

19 “(B) by States to the Administrator.

20 “(2) EVALUATION.—In developing the strategic  
21 plan under paragraph (1), the Administrator shall  
22 evaluate any challenges faced—

23 “(A) in ensuring the accuracy and integ-  
24 rity of submitted data described in paragraph  
25 (1);

1           “(B) by States and public water systems in  
2           implementing an electronic system for submit-  
3           ting such data, including the technical and eco-  
4           nomic feasibility of implementing such a sys-  
5           tem; and

6           “(C) by users of such electronic systems in  
7           being able to access such data.

8           “(3) FINDINGS AND RECOMMENDATIONS.—The  
9           Administrator shall include in the strategic plan pro-  
10          vided to Congress under paragraph (1)—

11           “(A) a summary of the findings of the  
12           evaluation under paragraph (2); and

13           “(B) recommendations on practicable, cost-  
14           effective methods and means that can be em-  
15           ployed to improve the accuracy and availability  
16           of submitted data described in paragraph (1).

17           “(4) CONSULTATION.—In developing the stra-  
18           tegic plan under paragraph (1), the Administrator  
19           may, as appropriate, consult with States or other  
20           Federal agencies that have experience using prac-  
21           ticable methods and means to improve the accuracy  
22           and availability of submitted data described in such  
23           paragraph.”.

1 **SEC. 2012. ASSET MANAGEMENT.**

2 Section 1420 of the Safe Drinking Water Act (42  
3 U.S.C. 300g-9) is amended—

4 (1) in subsection (c)(2)—

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

7 (B) in subparagraph (E), by striking the  
8 period at the end and inserting “; and”; and

9 (C) by adding at the end the following new  
10 subparagraph:

11 “(F) a description of how the State will, as  
12 appropriate—

13 “(i) encourage development by public  
14 water systems of asset management plans  
15 that include best practices for asset man-  
16 agement; and

17 “(ii) assist, including through the pro-  
18 vision of technical assistance, public water  
19 systems in training operators or other rel-  
20 evant and appropriate persons in imple-  
21 menting such asset management plans.”;

22 (2) in subsection (c)(3), by inserting “, includ-  
23 ing efforts of the State to encourage development by  
24 public water systems of asset management plans and  
25 to assist public water systems in training relevant  
26 and appropriate persons in implementing such asset

1 management plans” after “public water systems in  
2 the State”; and

3 (3) in subsection (d), by adding at the end the  
4 following new paragraph:

5 “(5) INFORMATION ON ASSET MANAGEMENT  
6 PRACTICES.—Not later than 5 years after the date  
7 of enactment of this paragraph, and not less often  
8 than every 5 years thereafter, the Administrator  
9 shall review and, if appropriate, update educational  
10 materials, including handbooks, training materials,  
11 and technical information, made available by the Ad-  
12 ministrator to owners, managers, and operators of  
13 public water systems, local officials, technical assist-  
14 ance providers (including nonprofit water associa-  
15 tions), and State personnel concerning best practices  
16 for asset management strategies that may be used  
17 by public water systems.”.

18 **SEC. 2013. COMMUNITY WATER SYSTEM RISK AND RESIL-**  
19 **IENCE.**

20 (a) IN GENERAL.—Section 1433 of the Safe Drink-  
21 ing Water Act (42 U.S.C. 300i–2) is amended to read as  
22 follows:

23 **“SEC. 1433. COMMUNITY WATER SYSTEM RISK AND RESIL-**  
24 **IENCE.**

25 “(a) RISK AND RESILIENCE ASSESSMENTS.—

1           “(1) IN GENERAL.—Each community water sys-  
2           tem serving a population of greater than 3,300 per-  
3           sons shall conduct an assessment of the risks to, and  
4           resilience of, its system. Such an assessment—

5                   “(A) shall include an assessment of—

6                           “(i) the risk to the system from ma-  
7                           levolent acts and natural hazards;

8                           “(ii) the resilience of the pipes and  
9                           constructed conveyances, physical barriers,  
10                          source water, water collection and intake,  
11                          pretreatment, treatment, storage and dis-  
12                          tribution facilities, electronic, computer, or  
13                          other automated systems (including the se-  
14                          curity of such systems) which are utilized  
15                          by the system;

16                          “(iii) the monitoring practices of the  
17                          system;

18                          “(iv) the financial infrastructure of  
19                          the system;

20                          “(v) the use, storage, or handling of  
21                          various chemicals by the system; and

22                          “(vi) the operation and maintenance  
23                          of the system; and

1           “(B) may include an evaluation of capital  
2           and operational needs for risk and resilience  
3           management for the system.

4           “(2) BASELINE INFORMATION.—The Adminis-  
5           trator, not later than August 1, 2019, after con-  
6           sultation with appropriate departments and agencies  
7           of the Federal Government and with State and local  
8           governments, shall provide baseline information on  
9           malevolent acts of relevance to community water sys-  
10          tems, which shall include consideration of acts that  
11          may—

12           “(A) substantially disrupt the ability of the  
13           system to provide a safe and reliable supply of  
14           drinking water; or

15           “(B) otherwise present significant public  
16           health or economic concerns to the community  
17           served by the system.

18          “(3) CERTIFICATION.—

19           “(A) CERTIFICATION.—Each community  
20           water system described in paragraph (1) shall  
21           submit to the Administrator a certification that  
22           the system has conducted an assessment com-  
23           plying with paragraph (1). Such certification  
24           shall be made prior to—



1                   “(i) March 31, 2020, in the case of  
2                   systems serving a population of 100,000 or  
3                   more;

4                   “(ii) December 31, 2020, in the case  
5                   of systems serving a population of 50,000  
6                   or more but less than 100,000; and

7                   “(iii) June 30, 2021, in the case of  
8                   systems serving a population greater than  
9                   3,300 but less than 50,000.

10                  “(B) REVIEW AND REVISION.—Each com-  
11                  munity water system described in paragraph (1)  
12                  shall review the assessment of such system con-  
13                  ducted under such paragraph at least once  
14                  every 5 years after the applicable deadline for  
15                  submission of its certification under subpara-  
16                  graph (A) to determine whether such assess-  
17                  ment should be revised. Upon completion of  
18                  such a review, the community water system  
19                  shall submit to the Administrator a certification  
20                  that the system has reviewed its assessment  
21                  and, if applicable, revised such assessment.

22                  “(4) CONTENTS OF CERTIFICATIONS.—A cer-  
23                  tification required under paragraph (3) shall contain  
24                  only—

1           “(A) information that identifies the com-  
2           munity water system submitting the certifi-  
3           cation;

4           “(B) the date of the certification; and

5           “(C) a statement that the community  
6           water system has conducted, reviewed, or re-  
7           vised the assessment, as applicable.

8           “(5) PROVISION TO OTHER ENTITIES.—No  
9           community water system shall be required under  
10          State or local law to provide an assessment de-  
11          scribed in this section (or revision thereof) to any  
12          State, regional, or local governmental entity solely  
13          by reason of the requirement set forth in paragraph  
14          (3) that the system submit a certification to the Ad-  
15          ministrator.

16          “(b) EMERGENCY RESPONSE PLAN.—Each commu-  
17          nity water system serving a population greater than 3,300  
18          shall prepare or revise, where necessary, an emergency re-  
19          sponse plan that incorporates findings of the assessment  
20          conducted under subsection (a) for such system (and any  
21          revisions thereto). Each community water system shall  
22          certify to the Administrator, as soon as reasonably pos-  
23          sible after the date of enactment of America’s Water In-  
24          frastructure Act of 2018, but not later than 6 months  
25          after completion of the assessment under subsection (a),

1 that the system has completed such plan. The emergency  
2 response plan shall include—

3 “(1) strategies and resources to improve the re-  
4 siliience of the system, including the physical security  
5 and cybersecurity of the system;

6 “(2) plans and procedures that can be imple-  
7 mented, and identification of equipment that can be  
8 utilized, in the event of a malevolent act or natural  
9 hazard that threatens the ability of the community  
10 water system to deliver safe drinking water;

11 “(3) actions, procedures, and equipment which  
12 can obviate or significantly lessen the impact of a  
13 malevolent act or natural hazard on the public  
14 health and the safety and supply of drinking water  
15 provided to communities and individuals, including  
16 the development of alternative source water options,  
17 relocation of water intakes, and construction of flood  
18 protection barriers; and

19 “(4) strategies that can be used to aid in the  
20 detection of malevolent acts or natural hazards that  
21 threaten the security or resilience of the system.

22 “(c) COORDINATION.—Community water systems  
23 shall, to the extent possible, coordinate with existing local  
24 emergency planning committees established pursuant to  
25 the Emergency Planning and Community Right-To-Know

1 Act of 1986 (42 U.S.C. 11001 et seq.) when preparing  
2 or revising an assessment or emergency response plan  
3 under this section.

4 “(d) RECORD MAINTENANCE.—Each community  
5 water system shall maintain a copy of the assessment con-  
6 ducted under subsection (a) and the emergency response  
7 plan prepared under subsection (b) (including any revised  
8 assessment or plan) for 5 years after the date on which  
9 a certification of such assessment or plan is submitted to  
10 the Administrator under this section.

11 “(e) GUIDANCE TO SMALL PUBLIC WATER SYS-  
12 TEMS.—The Administrator shall provide guidance and  
13 technical assistance to community water systems serving  
14 a population of less than 3,300 persons on how to conduct  
15 resilience assessments, prepare emergency response plans,  
16 and address threats from malevolent acts and natural haz-  
17 ards that threaten to disrupt the provision of safe drinking  
18 water or significantly affect the public health or signifi-  
19 cantly affect the safety or supply of drinking water pro-  
20 vided to communities and individuals.

21 “(f) ALTERNATIVE PREPAREDNESS AND OPER-  
22 ATIONAL RESILIENCE PROGRAMS.—

23 “(1) SATISFACTION OF REQUIREMENT.—A  
24 community water system that is required to comply

1 with the requirements of subsections (a) and (b)  
2 may satisfy such requirements by—

3 “(A) using and complying with technical  
4 standards that the Administrator has recog-  
5 nized under paragraph (2); and

6 “(B) submitting to the Administrator a  
7 certification that the community water system  
8 is complying with subparagraph (A).

9 “(2) AUTHORITY TO RECOGNIZE.—Consistent  
10 with section 12(d) of the National Technology  
11 Transfer and Advancement Act of 1995, the Admin-  
12 istrator shall recognize technical standards that are  
13 developed or adopted by third-party organizations or  
14 voluntary consensus standards bodies that carry out  
15 the objectives or activities required by this section as  
16 a means of satisfying the requirements under sub-  
17 section (a) or (b).

18 “(g) TECHNICAL ASSISTANCE AND GRANTS.—

19 “(1) IN GENERAL.—The Administrator shall es-  
20 tablish and implement a program, to be known as  
21 the Drinking Water Infrastructure Risk and Resil-  
22 ience Program, under which the Administrator may  
23 award grants in each of fiscal years 2020 and 2021  
24 to owners or operators of community water systems

1 for the purpose of increasing the resilience of such  
2 community water systems.

3 “(2) USE OF FUNDS.—As a condition on receipt  
4 of a grant under this section, an owner or operator  
5 of a community water system shall agree to use the  
6 grant funds exclusively to assist in the planning, de-  
7 sign, construction, or implementation of a program  
8 or project consistent with an emergency response  
9 plan prepared pursuant to subsection (b), which may  
10 include—

11 “(A) the purchase and installation of  
12 equipment for detection of drinking water con-  
13 taminants or malevolent acts;

14 “(B) the purchase and installation of fence-  
15 ing, gating, lighting, or security cameras;

16 “(C) the tamper-proofing of manhole cov-  
17 ers, fire hydrants, and valve boxes;

18 “(D) the purchase and installation of im-  
19 proved treatment technologies and equipment to  
20 improve the resilience of the system;

21 “(E) improvements to electronic, computer,  
22 financial, or other automated systems and re-  
23 mote systems;

24 “(F) participation in training programs,  
25 and the purchase of training manuals and guid-

1           ance materials, relating to security and resil-  
2           ience;

3           “(G) improvements in the use, storage, or  
4           handling of chemicals by the community water  
5           system;

6           “(H) security screening of employees or  
7           contractor support services;

8           “(I) equipment necessary to support emer-  
9           gency power or water supply, including standby  
10          and mobile sources; and

11          “(J) the development of alternative source  
12          water options, relocation of water intakes, and  
13          construction of flood protection barriers.

14          “(3) EXCLUSIONS.—A grant under this sub-  
15          section may not be used for personnel costs, or for  
16          monitoring, operation, or maintenance of facilities,  
17          equipment, or systems.

18          “(4) TECHNICAL ASSISTANCE.—For each fiscal  
19          year, the Administrator may use not more than  
20          \$5,000,000 from the funds made available to carry  
21          out this subsection to provide technical assistance to  
22          community water systems to assist in responding to  
23          and alleviating a vulnerability that would substan-  
24          tially disrupt the ability of the system to provide a  
25          safe and reliable supply of drinking water (including

1 sources of water for such systems) which the Admin-  
2 istrator determines to present an immediate and ur-  
3 gent need.

4 “(5) GRANTS FOR SMALL SYSTEMS.—For each  
5 fiscal year, the Administrator may use not more  
6 than \$10,000,000 from the funds made available to  
7 carry out this subsection to make grants to commu-  
8 nity water systems serving a population of less than  
9 3,300 persons, or nonprofit organizations receiving  
10 assistance under section 1442(e), for activities and  
11 projects undertaken in accordance with the guidance  
12 provided to such systems under subsection (e) of this  
13 section.

14 “(6) AUTHORIZATION OF APPROPRIATIONS.—  
15 To carry out this subsection, there are authorized to  
16 be appropriated \$25,000,000 for each of fiscal years  
17 2020 and 2021.

18 “(h) DEFINITIONS.—In this section—

19 “(1) the term ‘resilience’ means the ability of a  
20 community water system or an asset of a community  
21 water system to adapt to or withstand the effects of  
22 a malevolent act or natural hazard without interrup-  
23 tion to the asset’s or system’s function, or if the  
24 function is interrupted, to rapidly return to a normal  
25 operating condition; and



1           “(2) the term ‘natural hazard’ means a natural  
2 event that threatens the functioning of a community  
3 water system, including an earthquake, tornado,  
4 flood, hurricane, wildfire, and hydrologic changes.”.

5 (b) SENSITIVE INFORMATION.—

6           (1) PROTECTION FROM DISCLOSURE.—Informa-  
7 tion submitted to the Administrator of the Environ-  
8 mental Protection Agency pursuant to section 1433  
9 of the Safe Drinking Water Act, as in effect on the  
10 day before the date of enactment of America’s Water  
11 Infrastructure Act of 2018, shall be protected from  
12 disclosure in accordance with the provisions of such  
13 section as in effect on such day.

14           (2) DISPOSAL.—The Administrator, in partner-  
15 ship with community water systems (as defined in  
16 section 1401 of the Safe Drinking Water Act), shall  
17 develop a strategy to, in a timeframe determined ap-  
18 propriate by the Administrator, securely and perma-  
19 nently dispose of, or return to the applicable commu-  
20 nity water system, any information described in  
21 paragraph (1).

22 **SEC. 2014. AUTHORIZATION FOR GRANTS FOR STATE PRO-**  
23 **GRAMS.**

24 Section 1443(a)(7) of the Safe Drinking Water Act  
25 (42 U.S.C. 300j–2(a)(7)) is amended by striking

1 “\$100,000,000 for each of fiscal years 1997 through  
2 2003” and inserting “\$125,000,000 for each of fiscal  
3 years 2020 and 2021”.

4 **SEC. 2015. STATE REVOLVING LOAN FUNDS.**

5 (a) USE OF FUNDS.—Section 1452(a)(2)(B) of the  
6 Safe Drinking Water Act (42 U.S.C. 300j–12(a)(2)(B))  
7 is amended by striking “(including expenditures for plan-  
8 ning, design, and associated preconstruction activities, in-  
9 cluding activities relating to the siting of the facility, but  
10 not” and inserting “(including expenditures for planning,  
11 design, siting, and associated preconstruction activities, or  
12 for replacing or rehabilitating aging treatment, storage,  
13 or distribution facilities of public water systems, but not”.

14 (b) PREVAILING WAGES.—Section 1452(a) of the  
15 Safe Drinking Water Act (42 U.S.C. 300j–12(a)) is fur-  
16 ther amended by adding at the end the following:

17 “(5) PREVAILING WAGES.—The requirements of  
18 section 1450(e) shall apply to any construction  
19 project carried out in whole or in part with assist-  
20 ance made available by a State loan fund.”.

21 (c) ASSISTANCE FOR DISADVANTAGED COMMU-  
22 NITIES.—Section 1452(d)(2) of the Safe Drinking Water  
23 Act (42 U.S.C. 300j–12(d)(2)) is amended to read as fol-  
24 lows:

1           “(2) TOTAL AMOUNT OF SUBSIDIES.—For each  
2           fiscal year, of the amount of the capitalization grant  
3           received by the State for the year, the total amount  
4           of loan subsidies made by a State pursuant to para-  
5           graph (1)—

6                       “(A) may not exceed 35 percent; and

7                       “(B) to the extent that there are sufficient  
8           applications for loans to communities described  
9           in paragraph (1), may not be less than 6 per-  
10          cent.”.

11          (d) TYPES OF ASSISTANCE.—Section 1452(f)(1) of  
12          the Safe Drinking Water Act (42 U.S.C. 300j–12(f)(1))  
13          is amended—

14                       (1) by redesignating subparagraphs (C) and  
15                       (D) as subparagraphs (D) and (E), respectively;

16                       (2) by inserting after subparagraph (B) the fol-  
17          lowing new subparagraph:

18                       “(C) each loan will be fully amortized not  
19                       later than 30 years after the completion of the  
20                       project, except that in the case of a disadvan-  
21                       tagged community (as defined in subsection  
22                       (d)(3)) a State may provide an extended term  
23                       for a loan, if the extended term—

1 “(i) terminates not later than the date  
2 that is 40 years after the date of project  
3 completion; and

4 “(ii) does not exceed the expected de-  
5 sign life of the project;”; and

6 (3) in subparagraph (B), by striking “1 year  
7 after completion of the project for which the loan  
8 was made” and all that follows through “design life  
9 of the project;” and inserting “18 months after com-  
10 pletion of the project for which the loan was made;”.

11 (e) NEEDS SURVEY.—Section 1452(h) of the Safe  
12 Drinking Water Act (42 U.S.C. 300j–12(h)) is amended—

13 (1) by striking “The Administrator” and insert-  
14 ing “(1) The Administrator”; and

15 (2) by adding at the end the following new  
16 paragraph:

17 “(2) Any assessment conducted under paragraph (1)  
18 after the date of enactment of America’s Water Infra-  
19 structure Act of 2018 shall include an assessment of costs  
20 to replace all lead service lines (as defined in section  
21 1459B(a)(4)) of all eligible public water systems in the  
22 United States, and such assessment shall describe sepa-  
23 rately the costs associated with replacing the portions of  
24 such lead service lines that are owned by an eligible public  
25 water system and the costs associated with replacing any

1 remaining portions of such lead service lines, to the extent  
2 practicable.”.

3 (f) OTHER AUTHORIZED ACTIVITIES.—Section  
4 1452(k)(1)(C) of the Safe Drinking Water Act (42 U.S.C.  
5 300j–12(k)(1)(C)) is amended by striking “for fiscal years  
6 1996 and 1997 to delineate and assess source water pro-  
7 tection areas in accordance with section 1453” and insert-  
8 ing “to delineate, assess, and update assessments for  
9 source water protection areas in accordance with section  
10 1453”.

11 (g) BEST PRACTICES FOR ADMINISTRATION OF  
12 STATE REVOLVING LOAN FUNDS.—Section 1452 of the  
13 Safe Drinking Water Act (42 U.S.C. 300j–12) is amended  
14 by adding after subsection (r) the following:

15 “(s) BEST PRACTICES FOR STATE LOAN FUND AD-  
16 MINISTRATION.—The Administrator shall—

17 “(1) collect information from States on admin-  
18 istration of State loan funds established pursuant to  
19 subsection (a)(1), including—

20 “(A) efforts to streamline the process for  
21 applying for assistance through such State loan  
22 funds;

23 “(B) programs in place to assist with the  
24 completion of applications for assistance  
25 through such State loan funds;

1           “(C) incentives provided to public water  
2           systems that partner with small public water  
3           systems to assist with the application process  
4           for assistance through such State loan funds;

5           “(D) practices to ensure that amounts in  
6           such State loan funds are used to provide loans,  
7           loan guarantees, or other authorized assistance  
8           in a timely fashion;

9           “(E) practices that support effective man-  
10          agement of such State loan funds;

11          “(F) practices and tools to enhance finan-  
12          cial management of such State loan funds; and

13          “(G) key financial measures for use in  
14          evaluating State loan fund operations, includ-  
15          ing—

16                 “(i) measures of lending capacity,  
17                 such as current assets and current liabil-  
18                 ities or undisbursed loan assistance liabil-  
19                 ity; and

20                 “(ii) measures of growth or sustain-  
21                 ability, such as return on net interest;

22          “(2) not later than 3 years after the date of en-  
23          actment of America’s Water Infrastructure Act of  
24          2018, disseminate to the States best practices for  
25          administration of such State loan funds, based on

1 the information collected pursuant to this sub-  
2 section; and

3 “(3) periodically update such best practices, as  
4 appropriate.”.

5 **SEC. 2016. AUTHORIZATION FOR SOURCE WATER PETITION**  
6 **PROGRAMS.**

7 Section 1454(e) of the Safe Drinking Water Act (42  
8 U.S.C. 300j–14(e)) is amended by striking “1997 through  
9 2003” and inserting “2020 through 2021”.

10 **SEC. 2017. REVIEW OF TECHNOLOGIES.**

11 Part E of the Safe Drinking Water Act (42 U.S.C.  
12 300j et seq.) is further amended by adding at the end the  
13 following new section:

14 **“SEC. 1459D. REVIEW OF TECHNOLOGIES.**

15 “(a) REVIEW.—The Administrator, after consultation  
16 with appropriate departments and agencies of the Federal  
17 Government and with State and local governments, shall  
18 review (or enter into contracts or cooperative agreements  
19 to provide for a review of) existing and potential methods,  
20 means, equipment, and technologies (including review of  
21 cost, availability, and efficacy of such methods, means,  
22 equipment, and technologies) that—

23 “(1) ensure the physical integrity of community  
24 water systems;

1           “(2) prevent, detect, and respond to any con-  
2           taminant for which a national primary drinking  
3           water regulation has been promulgated in commu-  
4           nity water systems and source water for community  
5           water systems;

6           “(3) allow for use of alternate drinking water  
7           supplies from nontraditional sources; and

8           “(4) facilitate source water assessment and pro-  
9           tection.

10          “(b) INCLUSIONS.—The review under subsection (a)  
11         shall include review of methods, means, equipment, and  
12         technologies—

13           “(1) that are used for corrosion protection, me-  
14           tering, leak detection, or protection against water  
15           loss;

16           “(2) that are intelligent systems, including  
17           hardware, software, or other technology, used to as-  
18           sist in protection and detection described in para-  
19           graph (1);

20           “(3) that are point-of-use devices or point-of-  
21           entry devices;

22           “(4) that are physical or electronic systems that  
23           monitor, or assist in monitoring, contaminants in  
24           drinking water in real-time; and



1           “(5) that allow for the use of nontraditional  
2           sources for drinking water, including physical sepa-  
3           ration and chemical and biological transformation  
4           technologies.

5           “(c) AVAILABILITY.—The Administrator shall make  
6           the results of the review under subsection (a) available to  
7           the public.

8           “(d) AUTHORIZATION OF APPROPRIATIONS.—There  
9           is authorized to be appropriated to the Administrator to  
10          carry out this section \$10,000,000 for fiscal year 2019,  
11          which shall remain available until expended.”.

12       **SEC. 2018. SOURCE WATER.**

13          (a) ADDRESSING SOURCE WATER USED FOR DRINK-  
14          ING WATER.—Section 304 of the Emergency Planning  
15          and Community Right-To-Know Act of 1986 (42 U.S.C.  
16          11004) is amended—

17               (1) in subsection (b)(1), by striking “State  
18               emergency planning commission” and inserting  
19               “State emergency response commission”; and

20               (2) by adding at the end the following new sub-  
21               section:

22               “(e) ADDRESSING SOURCE WATER USED FOR  
23          DRINKING WATER.—

1           “(1) APPLICABLE STATE AGENCY NOTIFICA-  
2           TION.—A State emergency response commission  
3           shall—

4                   “(A) promptly notify the applicable State  
5                   agency of any release that requires notice under  
6                   subsection (a);

7                   “(B) provide to the applicable State agency  
8                   the information identified in subsection (b)(2);  
9                   and

10                   “(C) provide to the applicable State agency  
11                   a written followup emergency notice in accord-  
12                   ance with subsection (c).

13           “(2) COMMUNITY WATER SYSTEM NOTIFICA-  
14           TION.—

15                   “(A) IN GENERAL.—An applicable State  
16                   agency receiving notice of a release under para-  
17                   graph (1) shall—

18                           “(i) promptly forward such notice to  
19                           any community water system the source  
20                           waters of which are affected by the release;

21                           “(ii) forward to the community water  
22                           system the information provided under  
23                           paragraph (1)(B); and

1 “(iii) forward to the community water  
2 system the written followup emergency no-  
3 tice provided under paragraph (1)(C).

4 “(B) DIRECT NOTIFICATION.—In the case  
5 of a State that does not have an applicable  
6 State agency, the State emergency response  
7 commission shall provide the notices and infor-  
8 mation described in paragraph (1) directly to  
9 any community water system the source waters  
10 of which are affected by a release that requires  
11 notice under subsection (a).

12 “(3) DEFINITIONS.—In this subsection:

13 “(A) COMMUNITY WATER SYSTEM.—The  
14 term ‘community water system’ has the mean-  
15 ing given such term in section 1401(15) of the  
16 Safe Drinking Water Act.

17 “(B) APPLICABLE STATE AGENCY.—The  
18 term ‘applicable State agency’ means the State  
19 agency that has primary responsibility to en-  
20 force the requirements of the Safe Drinking  
21 Water Act in the State.”.

22 (b) AVAILABILITY TO COMMUNITY WATER SYS-  
23 TEMS.—Section 312(e) of the Emergency Planning and  
24 Community Right-To-Know Act of 1986 (42 U.S.C.  
25 11022(e)) is amended—

1           (1) in paragraph (1), by striking “State emer-  
2           gency planning commission” and inserting “State  
3           emergency response commission”; and

4           (2) by adding at the end the following new  
5           paragraph:

6           “(4) AVAILABILITY TO COMMUNITY WATER SYS-  
7           TEMS.—

8           “(A) IN GENERAL.—An affected commu-  
9           nity water system may have access to tier II in-  
10          formation by submitting a request to the State  
11          emergency response commission or the local  
12          emergency planning committee. Upon receipt of  
13          a request for tier II information, the State com-  
14          mission or local committee shall, pursuant to  
15          paragraph (1), request the facility owner or op-  
16          erator for the tier II information and make  
17          available such information to the affected com-  
18          munity water system.

19          “(B) DEFINITION.—In this paragraph, the  
20          term ‘affected community water system’ means  
21          a community water system (as defined in sec-  
22          tion 1401(15) of the Safe Drinking Water Act)  
23          that receives supplies of drinking water from a  
24          source water area, delineated under section  
25          1453 of the Safe Drinking Water Act, in which

1 a facility that is required to prepare and submit  
2 an inventory form under subsection (a)(1) is lo-  
3 cated.”.

4 **SEC. 2019. REPORT ON FEDERAL CROSS-CUTTING RE-**  
5 **QUIREMENTS.**

6 (a) REPORT.—Not later than one year after the date  
7 of enactment of this Act, the Comptroller General shall  
8 submit to Congress a report containing the results of a  
9 study, to be conducted in consultation with the Adminis-  
10 trator of the Environmental Protection Agency, any State  
11 agency that has primary responsibility to enforce the re-  
12 quirements of the Safe Drinking Water Act (42 U.S.C.  
13 300f et seq.) in a State, and public water systems, to iden-  
14 tify demonstrations of compliance with a State or local en-  
15 vironmental law that may be substantially equivalent to  
16 any demonstration required by the Administrator for com-  
17 pliance with a Federal cross-cutting requirement.

18 (b) DEFINITIONS.—In this subsection:

19 (1) FEDERAL CROSS-CUTTING REQUIREMENT.—  
20 The term “Federal cross-cutting requirement”  
21 means a requirement of a Federal law or regulation,  
22 compliance with which is a condition on receipt of a  
23 loan or loan guarantee pursuant to section 1452 of  
24 the Safe Drinking Water Act (42 U.S.C. 300j–12),  
25 that, if applied with respect to projects and activities

1 for which a public water system receives such a loan  
2 or loan guarantee, would be substantially equivalent  
3 to a requirement of an applicable State or local law.

4 (2) PUBLIC WATER SYSTEM.—The term “public  
5 water system” has the meaning given that term in  
6 section 1401 of the Safe Drinking Water Act (42  
7 U.S.C. 300f).

8 **SEC. 2020. ASSISTANCE FOR AREAS AFFECTED BY NATURAL**  
9 **DISASTERS.**

10 (a) DEFINITIONS.—In this section:

11 (1) COMMUNITY WATER SYSTEM.—The term  
12 “community water system” has the meaning given  
13 such term in section 1401(15) of the Safe Drinking  
14 Water Act (42 U.S.C. 300f(15)).

15 (2) ELIGIBLE STATE.—The term “eligible  
16 State” means a State, as defined in section  
17 1401(13)(B) of the Safe Drinking Water Act (42  
18 U.S.C. 300f(13)(B)).

19 (3) ELIGIBLE SYSTEM.—The term “eligible sys-  
20 tem” means a community water system—

21 (A) that serves an area for which, after  
22 January 1, 2017, the President under the Rob-  
23 ert T. Stafford Disaster Relief and Emergency  
24 Assistance Act (42 U.S.C. 5121 et seq.)—

1 (i) has issued a major disaster dec-  
2 laration; and

3 (ii) provided disaster assistance; or

4 (B) that is capable of extending its potable  
5 drinking water service into an underserved  
6 area.

7 (4) NATIONAL PRIMARY DRINKING WATER REG-  
8 ULATION.—The term “national primary drinking  
9 water regulation” means a national primary drink-  
10 ing water regulation under section 1412 of the Safe  
11 Drinking Water Act (42 U.S.C. 300g–1).

12 (5) UNDERSERVED AREA.—The term “under-  
13 served area” means a geographic area in an eligible  
14 State that—

15 (A) is served by a community water system  
16 serving fewer than 50,000 persons where deliv-  
17 ery of, or access to, potable water is or was dis-  
18 rupted; and

19 (B) received disaster assistance pursuant  
20 to a declaration described in paragraph 3(A).

21 (b) STATE REVOLVING LOAN FUND ASSISTANCE.—

22 (1) IN GENERAL.—An eligible State may use  
23 funds provided pursuant to subsection (d)(1) to pro-  
24 vide assistance to an eligible system within the eligi-  
25 ble State for the purpose of restoring or increasing

1 compliance with national primary drinking water  
2 regulations in an underserved area.

3 (2) INCLUSION.—

4 (A) ADDITIONAL SUBSIDIZATION.—With  
5 respect to assistance provided under paragraph  
6 (1), an eligible system shall be eligible to receive  
7 loans with additional subsidization (including  
8 forgiveness of principal, negative-interest loans,  
9 or grants (or any combination thereof)) for the  
10 purpose described in paragraph (1).

11 (B) NONDESIGNATION.—Assistance pro-  
12 vided under paragraph (1) may include addi-  
13 tional subsidization, as described in subpara-  
14 graph (A), even if the service area of the eligi-  
15 ble system has not been designated by the ap-  
16 plicable eligible State as a disadvantaged com-  
17 munity pursuant to section 1452(d)(3) of the  
18 Safe Drinking Water Act (42 U.S.C. 300j-  
19 12(d)(3)).

20 (c) EXCLUSION.—Assistance provided under this sec-  
21 tion shall not include assistance for a project that is fi-  
22 nanced (directly or indirectly), in whole or in part, with  
23 proceeds of any obligation issued after the date of enact-  
24 ment of this Act the interest of which is exempt from the



1 tax imposed under chapter 1 of the Internal Revenue Code  
2 of 1986.

3 (d) NONDUPLICATION OF WORK.—An activity car-  
4 ried out pursuant to this section shall not duplicate the  
5 work or activity of any other Federal or State department  
6 or agency.

7 (e) ADDITIONAL DRINKING WATER STATE REVOLV-  
8 ING FUND CAPITALIZATION GRANTS.—

9 (1) IN GENERAL.—There is authorized to be  
10 appropriated to the Administrator of the Environ-  
11 mental Protection Agency \$100,000,000 to provide  
12 additional capitalization grants pursuant to section  
13 1452 of the Safe Drinking Water Act (42 U.S.C.  
14 300j–12) to eligible States, to be available—

15 (A) for a period of 24 months beginning on  
16 the date on which the funds are made available  
17 for the purpose described in subsection (b)(1);  
18 and

19 (B) after the end of such 24-month period,  
20 until expended for the purpose described in  
21 paragraph (3) of this subsection.

22 (2) SUPPLEMENTED INTENDED USE PLANS.—

23 (A) OBLIGATION OF AMOUNTS.—Not later  
24 than 30 days after the date on which an eligible  
25 State submits to the Administrator a supple-

1           mental intended use plan under section 1452(b)  
2           of the Safe Drinking Water Act (42 U.S.C.  
3           300j-12(b)), from funds made available under  
4           paragraph (1), the Administrator shall obligate  
5           to such eligible State such amounts as are ap-  
6           propriate to address the needs identified in such  
7           supplemental intended use plan for the purpose  
8           described in subsection (b)(1).

9           (B) PLANS.—A supplemental intended use  
10          plan described in subparagraph (A) shall in-  
11          clude information regarding projects to be fund-  
12          ed using the assistance provided under sub-  
13          section (b)(1), including, with respect to each  
14          such project—

15                 (i) a description of the project;

16                 (ii) an explanation of the means by  
17                 which the project will restore or improve  
18                 compliance with national primary drinking  
19                 water regulations in an underserved area;

20                 (iii) the estimated cost of the project;

21                 and

22                 (iv) the projected start date for the  
23                 project.

24          (3) UNOBLIGATED AMOUNTS.—Any amounts  
25          made available to the Administrator under para-

1 graph (1) that are unobligated on the date that is  
2 24 months after the date on which the amounts are  
3 made available shall be available for the purpose of  
4 providing additional grants to States to capitalize  
5 State loan funds as provided under section 1452 of  
6 the Safe Drinking Water Act (42 U.S.C. 300j–12).

7 (4) APPLICABILITY.—

8 (A) IN GENERAL.—Except as otherwise  
9 provided in this section, all requirements of the  
10 Safe Drinking Water Act (42 U.S.C. 300f et  
11 seq.) shall apply to funding provided under this  
12 section.

13 (B) INTENDED USE PLANS.—Section  
14 1452(b)(1) of the Safe Drinking Water Act (42  
15 U.S.C. 300j–12(b)(1)) shall not apply to a sup-  
16 plemental intended use plan under paragraph  
17 (2).

18 (C) STATE CONTRIBUTION.—For amounts  
19 authorized to be appropriated under paragraph  
20 (1), the matching requirements in section  
21 1452(e) of the Safe Drinking Water Act (42  
22 U.S.C. 300j–12(e)) shall not apply to any funds  
23 provided to the Commonwealth of Puerto Rico  
24 under this section.

1 **SEC. 2021. MONITORING FOR UNREGULATED CONTAMI-**  
2 **NANTS.**

3 (a) IN GENERAL.—Section 1445 of the Safe Drink-  
4 ing Water Act (42 U.S.C. 300j-4) is amended by adding  
5 at the end the following:

6 “(j) MONITORING BY CERTAIN SYSTEMS.—

7 “(1) IN GENERAL.—Notwithstanding subsection  
8 (a)(2)(A), the Administrator shall, subject to the  
9 availability of appropriations for such purpose—

10 “(A) require public water systems serving  
11 between 3,300 and 10,000 persons to monitor  
12 for unregulated contaminants in accordance  
13 with this section; and

14 “(B) ensure that only a representative  
15 sample of public water systems serving fewer  
16 than 3,300 persons are required to monitor.

17 “(2) EFFECTIVE DATE.—Paragraph (1) shall  
18 take effect 3 years after the date of enactment of  
19 this subsection.

20 “(3) LIMITATION.—Paragraph (1) shall take ef-  
21 fect unless the Administrator determines that there  
22 is not sufficient laboratory capacity to accommodate  
23 the analysis necessary to carry out monitoring re-  
24 quired under such paragraph.

25 “(4) LIMITATION ON ENFORCEMENT.—The Ad-  
26 ministrator may not enforce a requirement to mon-

1       itor pursuant to paragraph (1) with respect to any  
2       public water system serving fewer than 3,300 per-  
3       sons, including by subjecting such a public water  
4       system to any civil penalty.

5           “(5) AUTHORIZATION OF APPROPRIATIONS.—  
6       There are authorized to be appropriated  
7       \$15,000,000 in each fiscal year for which monitoring  
8       is required to be carried out under this subsection  
9       for the Administrator to pay the reasonable cost of  
10      such testing and laboratory analysis as are necessary  
11      to carry out monitoring required under this sub-  
12      section.”.

13      (b) AUTHORIZATION OF APPROPRIATIONS.—Section  
14      1445(a)(2)(H) of the Safe Drinking Water Act (42 U.S.C.  
15      300j-4(a)(2)(H)) is amended by striking “1997 through  
16      2003” and inserting “2019 through 2021”.

17      (c) INCLUSION IN DATA BASE.—Section 1445(g)(7)  
18      of the Safe Drinking Water Act (42 U.S.C. 300j-4(g)(7))  
19      is amended by—

20           (1) striking “and” at the end of subparagraph  
21           (B);

22           (2) redesignating subparagraph (C) as subpara-  
23           graph (D); and

24           (3) inserting after subparagraph (B) the fol-  
25           lowing:

1           “(C) if applicable, monitoring information  
2           collected by public water systems pursuant to  
3           subsection (j) that is not duplicative of moni-  
4           toring information included in the data base  
5           under subparagraph (B) or (D); and”.

6 **SEC. 2022. AMERICAN IRON AND STEEL PRODUCTS.**

7           Section 1452(a)(4)(A) of the Safe Drinking Water  
8 Act (42 U.S.C. 300j–12(a)(4)(A)) is amended by striking  
9 “fiscal year 2017” and inserting “fiscal years 2019  
10 through 2023”.

11 **SEC. 2023. AUTHORIZATION FOR CAPITALIZATION GRANTS**  
12                           **TO STATES FOR STATE DRINKING WATER**  
13                           **TREATMENT REVOLVING LOAN FUNDS.**

14           Section 1452(m) of the Safe Drinking Water Act (42  
15 U.S.C. 300j–12(m)) is amended—

16           (1) by striking the first sentence and inserting  
17           the following:

18           “(1) There are authorized to be appropriated to  
19           carry out the purposes of this section—

20                           “(A) \$1,174,000,000 for fiscal year 2019;

21                           “(B) \$1,300,000,000 for fiscal year 2020;

22                           and

23                           “(C) \$1,950,000,000 for fiscal year  
24                           2021.”;

1           (2) by striking “To the extent amounts author-  
2           ized to be” and inserting the following:

3           “(2) To the extent amounts authorized to be”;  
4           and

5           (3) by striking “(prior to the fiscal year  
6           2004)”.

## 7           **TITLE III—ENERGY**

### 8           **SEC. 3001. MODERNIZING AUTHORIZATIONS FOR NEC-** 9           **ESSARY HYDROPOWER APPROVALS.**

10          (a) PRELIMINARY PERMITS.—Section 5 of the Fed-  
11          eral Power Act (16 U.S.C. 798) is amended—

12                 (1) in subsection (a), by striking “three” and  
13                 inserting “4”; and

14                 (2) in subsection (b)—

15                         (A) by striking “Commission may extend  
16                         the period of a preliminary permit once for not  
17                         more than 2 additional years beyond the 3  
18                         years” and inserting the following: “Commis-  
19                         sion may—

20                                 “(1) extend the period of a preliminary permit  
21                                 once for not more than 4 additional years beyond  
22                                 the 4 years”;

23                                 (B) by striking the period at the end and  
24                                 inserting “; and”; and

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

1           “(2) after the end of an extension period grant-  
2           ed under paragraph (1), issue an additional permit  
3           to the permittee if the Commission determines that  
4           there are extraordinary circumstances that warrant  
5           the issuance of the additional permit.”.

6           (b) **TIME LIMIT FOR CONSTRUCTION OF PROJECT**  
7 **WORKS.**—Section 13 of the Federal Power Act (16 U.S.C.  
8 806) is amended in the second sentence by striking “once  
9 but not longer than two additional years” and inserting  
10 “for not more than 8 additional years,”.

11          (c) **OBLIGATION FOR PAYMENT OF ANNUAL**  
12 **CHARGES.**—Any obligation of a licensee or exemptee for  
13 the payment of annual charges under section 10(e) of the  
14 Federal Power Act (16 U.S.C. 803(e)) for a project that  
15 has not commenced construction as of the date of enact-  
16 ment of this Act shall commence not earlier than the latest  
17 of—

18           (1) the date by which the licensee or exemptee  
19           is required to commence construction; or

20           (2) the date of any extension of the deadline  
21           under paragraph (1).

22 **SEC. 3002. QUALIFYING CONDUIT HYDROPOWER FACILI-**  
23 **TIES.**

24           Section 30(a) of the Federal Power Act (16 U.S.C.  
25 823a(a)) is amended—



1 (1) in paragraph (2)(C), by striking “45 days”  
2 and inserting “30 days”; and

3 (2) in paragraph (3)(C)(ii), by striking “5” and  
4 inserting “40”.

5 **SEC. 3003. PROMOTING HYDROPOWER DEVELOPMENT AT**  
6 **EXISTING NONPOWERED DAMS.**

7 Part I of the Federal Power Act (16 U.S.C. 792 et  
8 seq.) is amended by adding at the end the following:

9 **“SEC. 34. PROMOTING HYDROPOWER DEVELOPMENT AT**  
10 **EXISTING NONPOWERED DAMS.**

11 “(a) EXPEDITED LICENSING PROCESS FOR NON-  
12 FEDERAL HYDROPOWER PROJECTS AT EXISTING NON-  
13 POWERED DAMS.—

14 “(1) IN GENERAL.—As provided in this section,  
15 the Commission may issue and amend licenses, as  
16 appropriate, for any facility the Commission deter-  
17 mines is a qualifying facility.

18 “(2) RULE.—Not later than 180 days after the  
19 date of enactment of this section, the Commission  
20 shall issue a rule establishing an expedited process  
21 for issuing and amending licenses for qualifying fa-  
22 cilities under this section.

23 “(3) INTERAGENCY TASK FORCE.—

24 “(A) In establishing the expedited process  
25 under this section, the Commission shall con-

1           vene an interagency task force, with appropriate  
2           Federal and State agencies and Indian tribes  
3           represented, to coordinate the regulatory proc-  
4           esses associated with the authorizations re-  
5           quired to construct and operate a qualifying fa-  
6           cility.

7           “(B) The task force shall develop proce-  
8           dures that are consistent with subsection  
9           (e)(1)(E) to seek to ensure that, for projects li-  
10          censed pursuant to this section, the Commission  
11          and appropriate Federal and State agencies and  
12          Indian tribes shall exercise their authorities in  
13          a manner that, to the extent practicable, will  
14          not result in any material change to the stor-  
15          age, release, or flow operations of the associated  
16          nonpowered dam existing at the time an appli-  
17          cant files its license application.

18          “(4) LENGTH OF PROCESS.—The Commission  
19          shall seek to ensure that the expedited process under  
20          this section will result in a final decision on an ap-  
21          plication for a license by not later than 2 years after  
22          receipt of a completed application for the license.

23          “(b) DAM SAFETY.—

24                 “(1) ASSESSMENT.—Before issuing any license  
25          for a qualifying facility, the Commission shall assess

1 the safety of existing non-Federal dams and other  
2 non-Federal structures related to the qualifying fa-  
3 cility (including possible consequences associated  
4 with failure of such structures).

5 “(2) REQUIREMENTS.—In issuing any license  
6 for a qualifying facility at a non-federal dam, the  
7 Commission shall ensure that the Commission’s dam  
8 safety requirements apply to such qualifying facility,  
9 and the associated qualifying nonpowered dam, over  
10 the term of such license.

11 “(c) INTERAGENCY COMMUNICATIONS.—Interagency  
12 cooperation in the preparation of environmental docu-  
13 ments under the National Environmental Policy Act of  
14 1969 (42 U.S.C. 4321 et seq.) with respect to an applica-  
15 tion for a license for a qualifying facility under this sec-  
16 tion, and interagency communications relating to licensing  
17 process coordination pursuant to this section, shall not—

18 “(1) be considered to be *ex parte* communica-  
19 tions under Commission rules; or

20 “(2) preclude an agency from participating in a  
21 licensing proceeding under this part, providing that  
22 any agency participating as a party in a licensing  
23 proceeding under this part shall, to the extent prac-  
24 ticable, demonstrate a separation of staff cooper-  
25 ating with the Commission under the National Envi-

1       ronmental Policy Act (42 U.S.C. 4321 et seq.) and  
2       staff participating in the applicable proceeding under  
3       this part.

4       “(d) IDENTIFICATION OF NONPOWERED DAMS FOR  
5       HYDROPOWER DEVELOPMENT.—

6               “(1) IN GENERAL.—Not later than 12 months  
7       after the date of enactment of this section, the Com-  
8       mission, with the Secretary of the Army, the Sec-  
9       retary of the Interior, and the Secretary of Agri-  
10       culture, shall jointly develop a list of existing non-  
11       powered Federal dams that the Commission and the  
12       Secretaries agree have the greatest potential for  
13       non-Federal hydropower development.

14              “(2) CONSIDERATIONS.—In developing the list  
15       under paragraph (1), the Commission and the Secre-  
16       taries may consider the following:

17                   “(A) The compatibility of hydropower gen-  
18       eration with existing purposes of the dam.

19                   “(B) The proximity of the dam to existing  
20       transmission resources.

21                   “(C) The existence of studies to charac-  
22       terize environmental, cultural, and historic re-  
23       sources relating to the dam.

24                   “(D) The effects of hydropower develop-  
25       ment on release or flow operations of the dam.

1 “(3) AVAILABILITY.—The Commission shall—

2 “(A) provide the list developed under para-  
3 graph (1) to—

4 “(i) the Committee on Energy and  
5 Commerce, the Committee on Transpor-  
6 tation and Infrastructure, and the Com-  
7 mittee on Natural Resources, of the House  
8 of Representatives; and

9 “(ii) the Committee on Environment  
10 and Public Works, and the Committee on  
11 Energy and Natural Resources, of the Sen-  
12 ate; and

13 “(B) make such list available to the public.

14 “(e) DEFINITIONS.—For purposes of this section:

15 “(1) QUALIFYING CRITERIA.—The term ‘quali-  
16 fying criteria’ means, with respect to a facility—

17 “(A) as of the date of enactment of this  
18 section, the facility is not licensed under, or ex-  
19 empted from the license requirements contained  
20 in, this part;

21 “(B) the facility will be associated with a  
22 qualifying nonpowered dam;

23 “(C) the facility will be constructed, oper-  
24 ated, and maintained for the generation of elec-  
25 tric power;

1           “(D) the facility will use for such genera-  
2           tion any withdrawals, diversions, releases, or  
3           flows from the associated qualifying nonpow-  
4           ered dam, including its associated impoundment  
5           or other infrastructure; and

6           “(E) the operation of the facility will not  
7           result in any material change to the storage, re-  
8           lease, or flow operations of the associated quali-  
9           fying nonpowered dam.

10          “(2) QUALIFYING FACILITY.—The term ‘quali-  
11          fying facility’ means a facility that is determined  
12          under this section to meet the qualifying criteria.

13          “(3) QUALIFYING NONPOWERED DAM.—The  
14          term ‘qualifying nonpowered dam’ means any dam,  
15          dike, embankment, or other barrier—

16                 “(A) the construction of which was com-  
17                 pleted on or before the date of enactment of  
18                 this section;

19                 “(B) that is or was operated for the con-  
20                 trol, release, or distribution of water for agri-  
21                 cultural, municipal, navigational, industrial,  
22                 commercial, environmental, recreational, aes-  
23                 thetic, drinking water, or flood control pur-  
24                 poses; and

1           “(C) that, as of the date of enactment of  
2           this section, is not generating electricity with  
3           hydropower generating works that are licensed  
4           under, or exempted from the license require-  
5           ments contained in, this part.

6           “(f) SAVINGS CLAUSE.—Nothing in this section af-  
7           fects—

8           “(1) any authority of the Commission to license  
9           a facility at a nonpowered dam under this part; and

10           “(2) any authority of the Commission to issue  
11           an exemption to a small hydroelectric power project  
12           under the Public Utility Regulatory Policies Act of  
13           1978.”.

14   **SEC. 3004. CLOSED-LOOP PUMPED STORAGE PROJECTS.**

15           Part I of the Federal Power Act (16 U.S.C. 792 et  
16           seq.), as amended, is further amended by adding at the  
17           end the following:

18   **“SEC. 35. CLOSED-LOOP PUMPED STORAGE PROJECTS.**

19           “(a) EXPEDITED LICENSING PROCESS FOR CLOSED-  
20           LOOP PUMPED STORAGE PROJECTS.—

21           “(1) IN GENERAL.—As provided in this section,  
22           the Commission may issue and amend licenses, as  
23           appropriate, for closed-loop pumped storage projects.

24           “(2) RULE.—Not later than 180 days after the  
25           date of enactment of this section, the Commission

1 shall issue a rule establishing an expedited process  
2 for issuing and amending licenses for closed-loop  
3 pumped storage projects under this section.

4 “(3) INTERAGENCY TASK FORCE.—In estab-  
5 lishing the expedited process under this section, the  
6 Commission shall convene an interagency task force,  
7 with appropriate Federal and State agencies and In-  
8 dian tribes represented, to coordinate the regulatory  
9 processes associated with the authorizations required  
10 to construct and operate closed-loop pumped storage  
11 projects.

12 “(4) LENGTH OF PROCESS.—The Commission  
13 shall seek to ensure that the expedited process under  
14 this section will result in final decision on an appli-  
15 cation for a license by not later than 2 years after  
16 receipt of a completed application for such license.

17 “(b) DAM SAFETY.—Before issuing any license for  
18 a closed-loop pumped storage project, the Commission  
19 shall assess the safety of existing dams and other struc-  
20 tures related to the project (including possible con-  
21 sequences associated with failure of such structures).

22 “(c) EXCEPTIONS FROM OTHER REQUIREMENTS.—

23 “(1) IN GENERAL.—In issuing or amending a  
24 license for a closed-loop pumped storage project pur-  
25 suant to the expedited process established under this



1 section, the Commission may grant an exception  
2 from any other requirement of this part with respect  
3 to any part of the closed-loop pumped storage  
4 project (not including any dam or other impound-  
5 ment).

6 “(2) CONSULTATION.—In granting an exception  
7 under paragraph (1), the Commission shall consult  
8 with the United States Fish and Wildlife Service,  
9 the National Marine Fisheries Service, and the State  
10 agency exercising administration over the fish and  
11 wildlife resources of the State in which the closed-  
12 loop pumped storage project is or will be located, in  
13 the manner provided by the Fish and Wildlife Co-  
14 ordination Act (16 U.S.C. 661 et seq.).

15 “(3) TERMS AND CONDITIONS.—In granting an  
16 exception under paragraph (1), the Commission shall  
17 include in any such exception—

18 “(A) such terms and conditions as the  
19 United States Fish and Wildlife Service, the  
20 National Marine Fisheries Service, and the  
21 State agency described in paragraph (2) each  
22 determine are appropriate to prevent loss of, or  
23 damage to, fish and wildlife resources and to  
24 otherwise carry out the purposes of the Fish  
25 and Wildlife Coordination Act; and

1           “(B) such terms and conditions as the  
2           Commission deems appropriate to ensure that  
3           such closed-loop pumped storage project con-  
4           tinues to comply with the provisions of this sec-  
5           tion and terms and conditions included in any  
6           such exception.

7           “(4) FEES.—The Commission, in addition to  
8           the requirements of section 10(e), shall establish  
9           fees which shall be paid by an applicant for a license  
10          for a closed-loop pumped storage project that is re-  
11          quired to meet terms and conditions set by fish and  
12          wildlife agencies under paragraph (3). Such fees  
13          shall be adequate to reimburse the fish and wildlife  
14          agencies referred to in paragraph (3) for any reason-  
15          able costs incurred in connection with any studies or  
16          other reviews carried out by such agencies for pur-  
17          poses of compliance with this section. The fees shall,  
18          subject to annual appropriations Acts, be transferred  
19          to such agencies by the Commission for use solely  
20          for purposes of carrying out such studies and shall  
21          remain available until expended.

22          “(d) TRANSFERS.—Notwithstanding section 5, and  
23          regardless of whether the holder of a preliminary permit  
24          for a closed-loop pumped storage project claimed munic-  
25          ipal preference under section 7(a) when obtaining the per-

1 mit, on request by a municipality, the Commission may,  
2 to facilitate development of a closed-loop pumped storage  
3 project—

4           “(1) add entities as joint permittees following  
5 issuance of a preliminary permit; and

6           “(2) transfer a license in part to one or more  
7 nonmunicipal entities as co-licensees with a municipi-  
8 pality, if the municipality retains majority ownership  
9 of the project for which the license was issued.

10          “(e) INTERAGENCY COMMUNICATIONS.—Interagency  
11 cooperation in the preparation of environmental docu-  
12 ments under the National Environmental Policy Act of  
13 1969 (42 U.S.C. 4321 et seq.) with respect to an applica-  
14 tion for a license for a closed-loop pumped storage project  
15 submitted pursuant to this section, and interagency com-  
16 munications relating to licensing process coordination pur-  
17 suant to this section, shall not—

18           “(1) be considered to be *ex parte* communica-  
19 tions under Commission rules; or

20           “(2) preclude an agency from participating in a  
21 licensing proceeding under this part, providing that  
22 any agency participating as a party in a licensing  
23 proceeding under this part shall, to the extent prac-  
24 ticable, demonstrate a separation of staff cooper-  
25 ating with the Commission under the National Envi-

1       ronmental Policy Act (42 U.S.C. 4321 et seq.) and  
2       staff participating in the applicable proceeding under  
3       this part.

4       “(f) DEVELOPING ABANDONED MINES FOR PUMPED  
5 STORAGE.—

6           “(1) WORKSHOP.—Not later than 6 months  
7       after the date of enactment of this section, the Com-  
8       mission shall hold a workshop to explore potential  
9       opportunities for development of closed-loop pumped  
10      storage projects at abandoned mine sites.

11          “(2) GUIDANCE.—Not later than 1 year after  
12      the date of enactment of this section, the Commis-  
13      sion shall issue guidance to assist applicants for li-  
14      censes or preliminary permits for closed-loop  
15      pumped storage projects at abandoned mine sites.

16      “(g) QUALIFYING CRITERIA FOR CLOSED-LOOP  
17 PUMPED STORAGE PROJECTS.—

18          “(1) IN GENERAL.—The Commission shall es-  
19      tablish criteria that a pumped storage project shall  
20      meet in order to qualify as a closed-loop pumped  
21      storage project eligible for the expedited process es-  
22      tablished under this section.

23          “(2) INCLUSIONS.—In establishing the criteria  
24      under paragraph (1), the Commission shall include  
25      criteria requiring that the pumped storage project—

1           “(A) cause little to no change to existing  
2 surface and groundwater flows and uses; and

3           “(B) is unlikely to adversely affect species  
4 listed as a threatened species or endangered  
5 species under the Endangered Species Act of  
6 1973.

7           “(h) SAVINGS CLAUSE.—Nothing in this section af-  
8 fects any authority of the Commission to license a closed-  
9 loop pumped storage project under this part.”.

10 **SEC. 3005. CONSIDERATIONS FOR RELICENSING TERMS.**

11           Part I of the Federal Power Act (16 U.S.C. 792 et  
12 seq.), as amended, is further amended by adding at the  
13 end the following:

14 **“SEC. 36. CONSIDERATIONS FOR RELICENSING TERMS.**

15           “(a) IN GENERAL.—In determining the term of a  
16 new license issued when an existing license under this part  
17 expires, the Commission shall take into consideration,  
18 among other things—

19           “(1) project-related investments by the licensee  
20 under the new license; and

21           “(2) project-related investments by the licensee  
22 over the term of the existing license.

23           “(b) EQUAL WEIGHT.—The determination of the  
24 Commission under subsection (a) shall give equal weight  
25 to—

1           “(1) investments by the licensee to implement  
2           the new license under this part, including invest-  
3           ments relating to redevelopment, new construction,  
4           new capacity, efficiency, modernization, rehabilita-  
5           tion or replacement of major equipment, safety im-  
6           provements, or environmental, recreation, or other  
7           protection, mitigation, or enhancement measures re-  
8           quired or authorized by the new license; and

9           “(2) investments by the licensee over the term  
10          of the existing license (including any terms under  
11          annual licenses) that—

12                 “(A) resulted in redevelopment, new con-  
13                 struction, new capacity, efficiency, moderniza-  
14                 tion, rehabilitation or replacement of major  
15                 equipment, safety improvements, or environ-  
16                 mental, recreation, or other protection, mitiga-  
17                 tion, or enhancement measures conducted over  
18                 the term of the existing license; and

19                 “(B) were not expressly considered by the  
20                 Commission as contributing to the length of the  
21                 existing license term in any order establishing  
22                 or extending the existing license term.

23          “(c) COMMISSION DETERMINATION.—At the request  
24          of the licensee, the Commission shall make a determina-  
25          tion as to whether any planned, ongoing, or completed in-

1 vestment meets the criteria under subsection (b)(2). Any  
2 determination under this subsection shall be issued within  
3 60 days following receipt of the licensee’s request. When  
4 issuing its determination under this subsection, the Com-  
5 mission shall not assess the incremental number of years  
6 that the investment may add to the new license term. All  
7 such assessment shall occur only as provided in subsection  
8 (a).”.

9 **SEC. 3006. FAIR RATEPAYER ACCOUNTABILITY, TRANS-**  
10 **PARENCY, AND EFFICIENCY STANDARDS.**

11 Section 205 of the Federal Power Act (16 U.S.C.  
12 824d) is amended by adding at the end the following:

13 “(g) INACTION OF COMMISSIONERS.—

14 “(1) IN GENERAL.—With respect to a change  
15 described in subsection (d), if the Commission per-  
16 mits the 60-day period established therein to expire  
17 without issuing an order accepting or denying the  
18 change because the Commissioners are divided two  
19 against two as to the lawfulness of the change, as  
20 a result of vacancy, incapacity, or recusal on the  
21 Commission, or if the Commission lacks a quorum—

22 “(A) the failure to issue an order accepting  
23 or denying the change by the Commission shall  
24 be considered to be an order issued by the Com-

1 mission accepting the change for purposes of  
2 section 313(a); and

3 “(B) each Commissioner shall add to the  
4 record of the Commission a written statement  
5 explaining the views of the Commissioner with  
6 respect to the change.

7 “(2) APPEAL.—If, pursuant to this subsection,  
8 a person seeks a rehearing under section 313(a),  
9 and the Commission fails to act on the merits of the  
10 rehearing request by the date that is 30 days after  
11 the date of the rehearing request because the Com-  
12 missioners are divided two against two, as a result  
13 of vacancy, incapacity, or recusal on the Commis-  
14 sion, or if the Commission lacks a quorum, such per-  
15 son may appeal under section 313(b).”.

16 **SEC. 3007. J. BENNETT JOHNSTON WATERWAY HYDRO-**  
17 **POWER EXTENSION.**

18 (a) IN GENERAL.—Notwithstanding the time period  
19 specified in section 13 of the Federal Power Act (16  
20 U.S.C. 806) that would otherwise apply to Federal Energy  
21 Regulatory Commission project numbers 12756, 12757,  
22 and 12758, the Commission may, at the request of the  
23 licensee for the applicable project, and after reasonable no-  
24 tice, in accordance with the good faith, due diligence, and  
25 public interest requirements of that section and the Com-



1 mission's procedures under that section, extend the time  
2 period during which such licensee is required to commence  
3 the construction of its applicable project for up to 3 con-  
4 secutive 2-year periods from the date of the expiration of  
5 the extension originally issued by the Commission under  
6 that section for such project.

7 (b) OBLIGATION FOR PAYMENT OF ANNUAL  
8 CHARGES.—Any obligation of a licensee for a project de-  
9 scribed in subsection (a) for the payment of annual  
10 charges under section 10(e) of the Federal Power Act (16  
11 U.S.C. 803(e)) shall commence when the construction of  
12 the project commences.

13 (c) REINSTATEMENT OF LICENSE; EFFECTIVE DATE  
14 FOR EXTENSION.—

15 (1) REINSTATEMENT.—If the time period re-  
16 quired for commencement of construction of a  
17 project described in subsection (a) has expired prior  
18 to the date of the enactment of this Act, the Com-  
19 mission may reinstate the license for such project,  
20 effective as of the date of the expiration of the li-  
21 cense.

22 (2) EFFECTIVE DATE FOR EXTENSION.—If the  
23 Commission reinstates a license under paragraph (1)  
24 for a project, the first extension authorized under  
25 subsection (a) with respect to such project shall take

1 effect on the effective date of such reinstatement  
2 under paragraph (1).

3 **SEC. 3008. STAY AND REINSTATEMENT OF FERC LICENSE**  
4 **NO. 11393 FOR THE MAHONEY LAKE HYDRO-**  
5 **ELECTRIC PROJECT.**

6 (a) DEFINITIONS.—In this section:

7 (1) COMMISSION.—The term “Commission”  
8 means the Federal Energy Regulatory Commission.

9 (2) LICENSE.—The term “license” means the  
10 license for the Commission project numbered 11393.

11 (3) LICENSEE.—The term “licensee” means the  
12 holder of the license.

13 (b) STAY OF LICENSE.—On the request of the li-  
14 censee, the Commission shall issue an order continuing the  
15 stay of the license.

16 (c) LIFTING OF STAY.—On the request of the li-  
17 censee, but not later than 10 years after the date of enact-  
18 ment of this Act, the Commission shall—

19 (1) issue an order lifting the stay of the license  
20 under subsection (b); and

21 (2) make the effective date of the license the  
22 date on which the stay is lifted under paragraph (1).

23 (d) EXTENSION OF LICENSE.—

24 (1) IN GENERAL.—Notwithstanding the time  
25 period specified in section 13 of the Federal Power

1 Act (16 U.S.C. 806) that would otherwise apply to  
2 the Commission project numbered 11393, the Com-  
3 mission may, at the request of the licensee, and  
4 after reasonable notice, in accordance with the good  
5 faith, due diligence, and public interest requirements  
6 of, and the procedures of the Commission under,  
7 that section, extend the time period during which  
8 the licensee is required to commence the construc-  
9 tion of the project for not more than 3 consecutive  
10 2-year periods from the date of the expiration of the  
11 extension originally issued by the Commission.

12 (2) REINSTATEMENT OF EXPIRED LICENSE.—

13 (A) IN GENERAL.—If the period required  
14 for the commencement of construction of the  
15 project described in paragraph (1) has expired  
16 prior to the date of enactment of this Act, the  
17 Commission may reinstate the license effective  
18 as of the date of the expiration of the license.

19 (B) EXTENSION.—If the Commission rein-  
20 states the license under subparagraph (A), the  
21 first extension authorized under paragraph (1)  
22 shall take effect on the date of that expiration.

23 (e) EFFECT.—Nothing in this Act prioritizes, or cre-  
24 ates any advantage or disadvantage to, Commission  
25 project numbered 11393 under Federal law, including the

1 Federal Power Act (16 U.S.C. 791a et seq.) or the Public  
2 Utility Regulatory Policies Act of 1978 (16 U.S.C. 2601  
3 et seq.), as compared to—

4 (1) any electric generating facility in existence  
5 on the date of enactment of this Act; or

6 (2) any electric generating facility that may be  
7 examined, proposed, or developed during the period  
8 of any stay or extension of the license under this  
9 Act.

10 **SEC. 3009. STRATEGIC PETROLEUM RESERVE DRAWDOWN.**

11 (a) DRAWDOWN AND SALE.—

12 (1) IN GENERAL.—Notwithstanding section 161  
13 of the Energy Policy and Conservation Act (42  
14 U.S.C. 6241), except as provided in subsection (b),  
15 the Secretary of Energy shall draw down and sell  
16 5,000,000 barrels of crude oil from the Strategic Pe-  
17 troleum Reserve during fiscal year 2028.

18 (2) DEPOSIT OF AMOUNTS RECEIVED FROM  
19 SALE.—Amounts received from a sale under para-  
20 graph (1) shall be deposited in the general fund of  
21 the Treasury during the fiscal year in which the sale  
22 occurs.

23 (b) EMERGENCY PROTECTION.—The Secretary of  
24 Energy may not draw down and sell crude oil under this  
25 section in quantities that would limit the authority to sell

1 petroleum products under subsection (h) of section 161  
2 of the Energy Policy and Conservation Act (42 U.S.C.  
3 6241) in the full quantity authorized by that subsection.

## 4 **TITLE IV—OTHER MATTERS**

### 5 **Subtitle A—Clean Water**

#### 6 **SEC. 4101. STORMWATER INFRASTRUCTURE FUNDING TASK** 7 **FORCE.**

8 (a) IN GENERAL.—Not later than 180 days after the  
9 date of enactment of this Act, the Administrator of the  
10 Environmental Protection Agency shall establish a  
11 stormwater infrastructure funding task force composed of  
12 representatives of Federal, State, and local governments  
13 and private (including nonprofit) entities to conduct a  
14 study on, and develop recommendations to improve, the  
15 availability of public and private sources of funding for  
16 the construction, rehabilitation, and operation and mainte-  
17 nance of stormwater infrastructure to meet the require-  
18 ments of the Federal Water Pollution Control Act (33  
19 U.S.C. 1251 et seq.).

20 (b) CONSIDERATIONS.—In carrying out subsection  
21 (a), the task force shall—

22 (1) identify existing Federal, State, and local  
23 public sources and private sources of funding for  
24 stormwater infrastructure; and

25 (2) consider—

1 (A) how funding for stormwater infrastruc-  
2 ture from such sources has been made avail-  
3 able, and utilized, in each State to address  
4 stormwater infrastructure needs identified pur-  
5 suant to section 516(b)(1) of the Federal Water  
6 Pollution Control Act (33 U.S.C. 1375(b)(1));

7 (B) how the source of funding affects the  
8 affordability of the infrastructure (as deter-  
9 mined based on the considerations used to as-  
10 sess the financial capability of municipalities  
11 under the integrated planning guidelines de-  
12 scribed in the Integrated Municipal Stormwater  
13 and Wastewater Planning Approach Frame-  
14 work, issued by the Environmental Protection  
15 Agency on June 5, 2012, and dated May,  
16 2012), including consideration of the costs asso-  
17 ciated with financing the infrastructure; and

18 (C) whether such sources of funding are  
19 sufficient to support capital expenditures and  
20 long-term operation and maintenance costs nec-  
21 essary to meet the stormwater infrastructure  
22 needs of municipalities.

23 (c) REPORT.—Not later than 18 months after the  
24 date of enactment of this Act, the Administrator shall sub-  
25 mit to Congress a report that describes the results of the

1 study conducted, and the recommendations developed,  
2 under subsection (a).

3 (d) STATE DEFINED.—In this section, the term  
4 “State” has the meaning given that term in section 502  
5 of the Federal Water Pollution Control Act (33 U.S.C.  
6 1362).

7 **SEC. 4102. WASTEWATER TECHNOLOGY CLEARINGHOUSE.**

8 (a) IN GENERAL.—

9 (1) IN GENERAL.—The Administrator of the  
10 Environmental Protection Agency shall—

11 (A) for each of the programs described in  
12 paragraph (2), update the information for those  
13 programs to include information on cost-effec-  
14 tive and alternative wastewater recycling and  
15 treatment technologies, including onsite and de-  
16 centralized systems; and

17 (B) disseminate to units of local govern-  
18 ment and nonprofit organizations seeking Fed-  
19 eral funds for wastewater technology informa-  
20 tion on the cost effectiveness of alternative  
21 wastewater treatment and recycling tech-  
22 nologies, including onsite and decentralized sys-  
23 tems.

24 (2) PROGRAMS DESCRIBED.—The programs re-  
25 ferred to in paragraph (1)(A) are programs that

1 provide technical assistance for wastewater manage-  
2 ment, including—

3 (A) programs for nonpoint source manage-  
4 ment under section 319 of the Federal Water  
5 Pollution Control Act (33 U.S.C. 1329); and

6 (B) the permit program for the disposal of  
7 sewer sludge under section 405 of the Federal  
8 Water Pollution Control Act (33 U.S.C. 1345).

9 (b) REPORT TO CONGRESS.—Not later than 1 year  
10 after the date of enactment of this Act, and not less fre-  
11 quently than every 3 years thereafter, the Administrator  
12 of the Environmental Protection Agency shall submit to  
13 Congress a report that describes—

14 (1) the type and amount of information pro-  
15 vided under subsection (a) to units of local govern-  
16 ment and nonprofit organizations regarding alter-  
17 native wastewater treatment and recycling tech-  
18 nologies;

19 (2) the States and regions that have made  
20 greatest use of alternative wastewater treatment and  
21 recycling technologies; and

22 (3) the actions taken by the Administrator to  
23 assist States in the deployment of alternative waste-  
24 water treatment and recycling technologies, includ-  
25 ing onsite and decentralized systems.



1 **SEC. 4103. TECHNICAL ASSISTANCE FOR TREATMENT**  
2 **WORKS.**

3 (a) TECHNICAL ASSISTANCE.—Section 104 of the  
4 Federal Water Pollution Control Act (33 U.S.C. 1254) is  
5 amended—

6 (1) in subsection (b)—

7 (A) by striking “and” at the end of para-  
8 graph (6);

9 (B) by striking the period at the end of  
10 paragraph (7) and inserting “; and”; and

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

12 “(8) make grants to nonprofit organizations—

13 “(A) to provide technical assistance to  
14 rural, small, and tribal municipalities for the  
15 purpose of assisting, in consultation with the  
16 State in which the assistance is provided, such  
17 municipalities and tribal governments in the  
18 planning, developing, and acquisition of financ-  
19 ing for eligible projects and activities described  
20 in section 603(c);

21 “(B) to provide technical assistance and  
22 training for rural, small, and tribal publicly  
23 owned treatment works and decentralized  
24 wastewater treatment systems to enable such  
25 treatment works and systems to protect water

1 quality and achieve and maintain compliance  
2 with the requirements of this Act; and

3 “(C) to disseminate information to rural,  
4 small, and tribal municipalities and municipali-  
5 ties that meet the affordability criteria estab-  
6 lished under section 603(i)(2) by the State in  
7 which the municipality is located with respect to  
8 planning, design, construction, and operation of  
9 publicly owned treatment works and decentral-  
10 ized wastewater treatment systems.”; and

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

12 “(w) NONPROFIT ORGANIZATION.—For purposes of  
13 subsection (b)(8), the term ‘nonprofit organization’ means  
14 a nonprofit organization that the Administrator deter-  
15 mines, after consultation with the States regarding what  
16 small publicly owned treatments works in the State find  
17 to be most beneficial and effective, is qualified and experi-  
18 enced in providing on-site training and technical assist-  
19 ance to small publicly owned treatment works.”.

20 (b) AUTHORIZATION OF APPROPRIATIONS.—Section  
21 104(u) of the Federal Water Pollution Control Act (33  
22 U.S.C. 1254(u)) is amended—

23 (1) by striking “and (6)” and inserting “(6)”;

24 and

1           (2) by inserting before the period at the end the  
2 following: “; and (7) not to exceed \$25,000,000 for  
3 each of fiscal years 2019 through 2023 for carrying  
4 out subsections (b)(3), (b)(8), and (g)”.

5 **SEC. 4104. AMENDMENTS TO LONG ISLAND SOUND PRO-**  
6 **GRAMS.**

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

10           (1) in subsection (c)—

11                   (A) in the matter preceding paragraph (1),  
12 by striking “Management Conference of the  
13 Long Island Sound Study” and inserting “con-  
14 ference study”;

15                   (B) in paragraph (2)—

16                           (i) in each of subparagraphs (A)  
17 through (G), by striking the commas at  
18 the end of the subparagraphs and inserting  
19 semicolons;

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

22                           (iii) in subparagraph (I), by striking  
23 the period at the end and inserting a semi-  
24 colon; and

1 (iv) by adding at the end the fol-  
2 lowing:

3 “(J) environmental vulnerabilities of the  
4 Long Island Sound watershed, including—

5 “(i) the identification and assessment  
6 of such vulnerabilities in the watershed;

7 “(ii) the development and implementa-  
8 tion of adaptation strategies to reduce such  
9 vulnerabilities; and

10 “(iii) the identification and assess-  
11 ment of the effects of sea level rise on  
12 water quality, habitat, and infrastructure;  
13 and”;

14 (C) by striking paragraph (4) and insert-  
15 ing the following:

16 “(4) develop and implement strategies to in-  
17 crease public education and awareness with respect  
18 to the ecological health and water quality conditions  
19 of Long Island Sound;”;

20 (D) in paragraph (5), by inserting “study”  
21 after “conference”;

22 (E) in paragraph (6)—

23 (i) by inserting “(including on a pub-  
24 licly accessible website)” after “the pub-  
25 lic”; and

1 (ii) by inserting “study” after “con-  
2 ference”; and

3 (F) by striking paragraph (7) and insert-  
4 ing the following:

5 “(7) monitor the progress made toward meeting  
6 the identified goals, actions, and schedules of the  
7 Comprehensive Conservation and Management Plan,  
8 including through the implementation and support  
9 of a monitoring system for the ecological health and  
10 water quality conditions of Long Island Sound;  
11 and”;

12 (2) in subsection (d)(3), in the second sentence,  
13 by striking “50 per centum” and inserting “60 per-  
14 cent”;

15 (3) by redesignating subsection (f) as sub-  
16 section (h); and

17 (4) by inserting after subsection (e) the fol-  
18 lowing:

19 “(f) REPORT.—

20 “(1) IN GENERAL.—Not later than 2 years  
21 after the date of enactment of this Act, and bienni-  
22 ally thereafter, the Director of the Office, in con-  
23 sultation with the Governor of each Long Island  
24 Sound State, shall submit to Congress a report  
25 that—

1           “(A) summarizes and assesses the progress  
2           made by the Office and the Long Island Sound  
3           States in implementing the Long Island Sound  
4           Comprehensive Conservation and Management  
5           Plan, including an assessment of the progress  
6           made toward meeting the performance goals  
7           and milestones contained in the Plan;

8           “(B) assesses the key ecological attributes  
9           that reflect the health of the ecosystem of the  
10          Long Island Sound watershed;

11          “(C) describes any substantive modifica-  
12          tions to the Long Island Sound Comprehensive  
13          Conservation and Management Plan made dur-  
14          ing the 2-year period preceding the date of sub-  
15          mission of the report;

16          “(D) provides specific recommendations to  
17          improve progress in restoring and protecting  
18          the Long Island Sound watershed, including, as  
19          appropriate, proposed modifications to the Long  
20          Island Sound Comprehensive Conservation and  
21          Management Plan;

22          “(E) identifies priority actions for imple-  
23          mentation of the Long Island Sound Com-  
24          prehensive Conservation and Management Plan

1           for the 2-year period following the date of sub-  
2           mission of the report; and

3                   “(F) describes the means by which Federal  
4           funding and actions will be coordinated with the  
5           actions of the Long Island Sound States and  
6           other entities.

7                   “(2) PUBLIC AVAILABILITY.—The Adminis-  
8           trator shall make the report described in paragraph  
9           (1) available to the public, including on a publicly  
10          accessible website.

11          “(g) FEDERAL ENTITIES.—

12                   “(1) COORDINATION.—The Administrator shall  
13          coordinate the actions of all Federal departments  
14          and agencies that affect water quality in the Long  
15          Island Sound watershed in order to improve the  
16          water quality and living resources of the watershed.

17                   “(2) METHODS.—In carrying out this section,  
18          the Administrator, acting through the Director of  
19          the Office, may—

20                           “(A) enter into interagency agreements;  
21                           and

22                           “(B) make intergovernmental personnel  
23                           appointments.

24                   “(4) CONSISTENCY WITH COMPREHENSIVE CON-  
25          SERVATION AND MANAGEMENT PLAN.—To the max-

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

10       (b) LONG ISLAND SOUND STEWARDSHIP PRO-  
11       GRAM.—Section 8(g) of the Long Island Sound Steward-  
12       ship Act of 2006 (33 U.S.C. 1269 note; Public Law 109–  
13       359) is amended by striking “2011” and inserting  
14       “2021”.

15       (c) REAUTHORIZATION OF LONG ISLAND SOUND  
16       PROGRAMS.—

17               (1) LONG ISLAND SOUND GRANTS.—Subsection  
18       (h) of section 119 of the Federal Water Pollution  
19       Control Act (33 U.S.C. 1269) (as redesignated by  
20       subsection (a)) is amended to read as follows:

21       “(h) AUTHORIZATION OF APPROPRIATIONS.—There  
22       is authorized to be appropriated to the Administrator to  
23       carry out this section \$40,000,000 for each of fiscal years  
24       2019 through 2023.”.



1           (2) LONG ISLAND SOUND STEWARDSHIP  
2           GRANTS.—Section 11(a) of the Long Island Sound  
3           Stewardship Act of 2006 (33 U.S.C. 1269 note;  
4           Public Law 109–359) is amended by striking “2007  
5           through 2011” and inserting “2019 through 2023”.

6   **SEC. 4105. AUTHORIZATION OF APPROPRIATIONS FOR CO-**  
7                                   **LUMBIA RIVER BASIN RESTORATION.**

8           Section 123(d) of the Federal Water Pollution Con-  
9           trol Act (33 U.S.C. 1275(d)) is amended by adding at the  
10          end the following:

11                   “(6) AUTHORIZATION OF APPROPRIATIONS.—  
12           There is authorized to be appropriated to carry out  
13           this subsection \$30,000,000 for each of fiscal years  
14           2020 and 2021.”.

15   **SEC. 4106. SEWER OVERFLOW CONTROL GRANTS.**

16          Section 221 of the Federal Water Pollution Control  
17          Act (33 U.S.C. 1301) is amended—

18                   (1) by amending the section heading to read as  
19           follows: “**SEWER OVERFLOW AND STORMWATER**  
20           **REUSE MUNICIPAL GRANTS**”;

21                   (2) by amending subsection (a) to read as fol-  
22           lows:

23                   “(a) IN GENERAL.—

24                   “(1) GRANTS TO STATES.—The Administrator  
25           may make grants to States for the purpose of pro-

1       viding grants to a municipality or municipal entity  
2       for planning, design, and construction of—

3               “(A) treatment works to intercept, trans-  
4               port, control, treat, or reuse municipal com-  
5               bined sewer overflows, sanitary sewer overflows,  
6               or stormwater; and

7               “(B) any other measures to manage, re-  
8               duce, treat, or recapture stormwater or sub-  
9               surface drainage water eligible for assistance  
10              under section 603(c).

11             “(2) DIRECT MUNICIPAL GRANTS.—Subject to  
12             subsection (g), the Administrator may make a direct  
13             grant to a municipality or municipal entity for the  
14             purposes described in paragraph (1).”;

15             (3) by amending subsection (e) to read as fol-  
16             lows:

17             “(e) ADMINISTRATIVE REQUIREMENTS.—A project  
18             that receives assistance under this section shall be carried  
19             out subject to the same requirements as a project that  
20             receives assistance from a State water pollution control  
21             revolving fund under title VI, except to the extent that  
22             the Governor of the State in which the project is located  
23             determines that a requirement of title VI is inconsistent  
24             with the purposes of this section. For the purposes of this  
25             subsection, a Governor may not determine that the re-

1 requirements of title VI relating to the application of section  
2 513 are inconsistent with the purposes of this section.”;

3 (4) by amending subsection (f) to read as fol-  
4 lows:

5 “(f) AUTHORIZATION OF APPROPRIATIONS.—

6 “(1) IN GENERAL.—There is authorized to be  
7 appropriated to carry out this section \$225,000,000  
8 for each of fiscal years 2019 through 2020.

9 “(2) MINIMUM ALLOCATIONS.—To the extent  
10 there are sufficient eligible project applications, the  
11 Administrator shall ensure that a State uses not less  
12 than 20 percent of the amount of the grants made  
13 to the State under subsection (a) in a fiscal year to  
14 carry out projects to intercept, transport, control,  
15 treat, or reuse municipal combined sewer overflows,  
16 sanitary sewer overflows, or stormwater through the  
17 use of green infrastructure, water and energy effi-  
18 ciency improvements, and other environmentally in-  
19 novative activities.”; and

20 (5) by amending subsection (g) to read as fol-  
21 lows:

22 “(g) ALLOCATION OF FUNDS.—

23 “(1) FISCAL YEAR 2019.—Subject to subsection  
24 (h), the Administrator shall use the amounts appro-  
25 priated to carry out this section for fiscal year 2019

1 for making grants to municipalities and municipal  
2 entities under subsection (a)(2) in accordance with  
3 the criteria set forth in subsection (b).

4 “(2) FISCAL YEAR 2020 AND THEREAFTER.—  
5 Subject to subsection (h), the Administrator shall  
6 use the amounts appropriated to carry out this sec-  
7 tion for fiscal year 2020 and each fiscal year there-  
8 after for making grants to States under subsection  
9 (a)(1) in accordance with a formula to be established  
10 by the Administrator, after providing notice and an  
11 opportunity for public comment, that allocates to  
12 each State a proportional share of such amounts  
13 based on the total needs of the State for municipal  
14 combined sewer overflow controls, sanitary sewer  
15 overflow controls, and stormwater identified in the  
16 most recent detailed estimate and comprehensive  
17 study submitted pursuant to section 516 and any  
18 other information the Administrator considers ap-  
19 propriate.”.

1 **SEC. 4107. ASSISTANCE FOR INDIVIDUAL HOUSEHOLD DE-**  
2 **CENTRALIZED WASTEWATER SYSTEMS OF IN-**  
3 **DIVIDUALS WITH LOW OR MODERATE IN-**  
4 **COME.**

5 (a) PROJECTS AND ACTIVITIES ELIGIBLE FOR AS-  
6 SISTANCE.—Section 603 of the Federal Water Pollution  
7 Control Act (33 U.S.C. 1383) is amended—

8 (1) in subsection (c)—

9 (A) by striking “and” at the end of para-  
10 graph (10);

11 (B) by striking “Act.” at the end of para-  
12 graph (11) and inserting “Act; and”; and

13 (C) by inserting after paragraph (11) the  
14 following:

15 “(12) to any qualified nonprofit entity, as de-  
16 termined by the Administrator, to provide assistance  
17 to an eligible individual (as defined in subsection  
18 (j))—

19 “(A) for the repair or replacement of exist-  
20 ing individual household decentralized waste-  
21 water treatment systems; or

22 “(B) in a case in which an eligible indi-  
23 vidual resides in a household that could be cost-  
24 effectively connected to an available publicly  
25 owned treatment works, for the connection of

1           the applicable household to such treatment  
2           works.”; and

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

4           “(j) DEFINITION OF ELIGIBLE INDIVIDUAL.—In sub-  
5 section (c)(12), the term ‘eligible individual’ means a  
6 member of a household, the members of which have a com-  
7 bined income (for the most recent 12-month period for  
8 which information is available) equal to not more than 50  
9 percent of the median nonmetropolitan household income  
10 for the State in which the household is located, according  
11 to the most recent decennial census.”.

12          (b) REPORT.—Not later than 2 years after the date  
13 of enactment of this section, the Administrator of the En-  
14 vironmental Protection Agency shall submit to the Com-  
15 mittee on Environment and Public Works of the Senate  
16 and the Committee on Transportation and Infrastructure  
17 of the House of Representatives a report describing—

18           (1) the prevalence throughout the United States  
19           of low- and moderate-income households without ac-  
20           cess to a treatment works; and

21           (2) the use by States of assistance under sec-  
22           tion 603(c)(12) of the Federal Water Pollution Con-  
23           trol Act.

1 **Subtitle B—WIFIA Reauthorization**  
2 **and Innovative Financing for**  
3 **State Loan Funds**

4 **SEC. 4201. WIFIA REAUTHORIZATION AND INNOVATIVE FI-**  
5 **NANCING FOR STATE LOAN FUNDS.**

6 (a) WIFIA REAUTHORIZATION.—

7 (1) AUTHORITY TO PROVIDE ASSISTANCE.—

8 Section 5023 of the Water Resources Reform and  
9 Development Act of 2014 (33 U.S.C. 3902) is  
10 amended—

11 (A) by striking “pilot” each place it ap-  
12 pears; and

13 (B) in subsection (b)(1), by inserting “pro-  
14 vide financial assistance to” before “carry out”.

15 (2) DETERMINATION OF ELIGIBILITY AND  
16 PROJECT SELECTION.—Section 5028(a)(1)(E) of the  
17 Water Resources Reform and Development Act of  
18 2014 (33 U.S.C. 3907(a)(1)(E)) is amended to read  
19 as follows:

20 “(E) SPECIAL RULE FOR CERTAIN COM-  
21 BINED PROJECTS.—The Administrator shall de-  
22 velop a credit evaluation process for a Federal  
23 credit instrument provided to—

24 “(i) a State infrastructure financing  
25 authority for a project under section

1           5026(9), which may include requiring the  
2           provision of a final rating opinion letter  
3           from at least 1 rating agency; or

4                   “(ii) an entity for a project under sec-  
5           tion 5026(10), which may include requir-  
6           ing the provision of a final rating opinion  
7           letter from at least 2 rating agencies.”.

8           (3) REPAYMENTS.—Section 5029(c)(2)(B) of  
9           the Water Resources Reform and Development Act  
10          of 2014 (33 U.S.C. 3908(c)(2)(B)) is amended—

11                   (A) by striking “Scheduled” and inserting  
12          the following:

13                           “(i) TIMING OF SCHEDULED LOAN  
14                           REPAYMENTS.—Scheduled”; and

15                           (B) by adding at the end:

16                                   “(ii) REPAYMENTS.—None of the  
17                                   funds for repayment of a secured loan  
18                                   under this title from a State infrastructure  
19                                   financing authority may come from funds  
20                                   provided to a State revolving loan fund  
21                                   under title VI of the Federal Water Pollu-  
22                                   tion Control Act (33 U.S.C. 1381 et seq.)  
23                                   or section 1452 of the Safe Drinking  
24                                   Water Act (42 U.S.C. 300j–12).”.



1           (4) AUTHORIZATION OF APPROPRIATIONS.—  
2       Section 5033 of the Water Resources Reform and  
3       Development Act of 2014 (33 U.S.C. 3912) is  
4       amended—

5           (A) in subsection (a)—

6               (i) by redesignating paragraphs (1)  
7               through (5) as subparagraphs (A) through  
8               (E), respectively, and indenting appro-  
9               priately;

10              (ii) in the matter preceding subpara-  
11              graph (A) (as so redesignated), by striking  
12              “There is” and inserting the following:

13              “(1) FISCAL YEARS 2015 THROUGH 2019.—  
14              There are”; and

15              (iii) by adding at the end the fol-  
16              lowing:

17              “(2) FISCAL YEARS 2020 AND 2021.—There is  
18              authorized to be appropriated to the Administrator  
19              to carry out this subtitle \$50,000,000 for each of  
20              fiscal years 2020 and 2021, to remain available until  
21              expended.”; and

22           (B) in subsection (b)—

23               (i) by striking “Of the funds” and in-  
24               serting the following:

1           “(1) FISCAL YEARS 2015 THROUGH 2019.—Of  
2           the funds”; and

3                       (ii) by adding at the end the fol-  
4           lowing:

5           “(2) FISCAL YEARS 2020 AND 2021.—Of the  
6           funds made available to carry out this subtitle, the  
7           Administrator may use for the administration of this  
8           subtitle, including for the provision of technical as-  
9           sistance to aid project sponsors in obtaining the nec-  
10          essary approvals for the project, not more than  
11          \$5,000,000 for each of fiscal years 2020 and  
12          2021.”.

13          (b) INNOVATIVE FINANCING FOR STATE LOAN  
14          FUNDS.—

15               (1) MAXIMUM FEDERAL INVOLVEMENT.—Sec-  
16          tion 5029(b)(9) of the Water Resources Reform and  
17          Development Act of 2014 (33 U.S.C. 3908(b)(9)) is  
18          amended by adding at the end the following:

19                       “(C) EXCEPTION FOR PROJECTS FUNDED  
20                       BY A STATE INFRASTRUCTURE FINANCING AU-  
21                       THORITY.—Notwithstanding subparagraph (A),  
22                       a State infrastructure financing authority may  
23                       finance up to 100 percent of the costs of a  
24                       project using the proceeds of financial assist-  
25                       ance authorized under section 5033(e), provided

1           that, in the event of a default with respect to  
2           any such assistance, the State infrastructure fi-  
3           nancing authority is solely responsible for im-  
4           mediate repayment of such costs.”.

5           (2) PROGRAM ADMINISTRATION.—Section 5030  
6           of the Water Resources Reform and Development  
7           Act of 2014 (33 U.S.C. 3909) is amended—

8                   (A) in subsection (b), by inserting after  
9                   paragraph (1) the following:

10                   “(2) PROHIBITION ON PASS THROUGH FEES.—  
11           The Administrator, in the case where a State infra-  
12           structure financing authority obtains financial as-  
13           sistance under section 5033(e), shall require as a  
14           condition of obtaining such assistance, that the  
15           State infrastructure financing authority is prohibited  
16           from passing any portion of the fees required under  
17           section 5029(b)(7) to any party that utilizes any  
18           portion of such assistance for a project funded by  
19           such authority.”; and

20                   (B) by redesignating subsection (e) as sub-  
21                   section (h) and inserting after subsection (d)  
22                   the following:

23                   “(e) SPECIAL RULE FOR STATE REVIEWS OF  
24           PROJECTS FOR STATE INFRASTRUCTURE FINANCING AU-  
25           THORITIES.—

1           “(1) IN GENERAL.—A project described in sec-  
2           tion 5026(9) for which funding is provided under  
3           this title shall comply with any applicable State envi-  
4           ronmental or engineering review requirements pursu-  
5           ant to, as applicable—

6                   “(A) title VI of the Federal Water Pollu-  
7                   tion Control Act (33 U.S.C. 1381 et seq.); and

8                   “(B) section 1452 of the Safe Drinking  
9                   Water Act (42 U.S.C. 300j-12).

10           “(2) NO NEW REVIEWS REQUIRED.—Nothing in  
11           this title requires any additional or new environ-  
12           mental or engineering review for a project described  
13           in section 5026(9) for which funding is provided,  
14           other than any requirement otherwise applicable to  
15           the project.

16           “(f) SPECIAL RULE FOR EXPEDITED REVIEW OF AP-  
17           PLICATIONS FROM STATE INFRASTRUCTURE FINANCING  
18           AUTHORITIES.—Not later than 180 days after the date  
19           on which the Administrator receives a complete applica-  
20           tion from a State infrastructure financing authority for  
21           a project under section 5026(9), the Administrator shall,  
22           through a written notice to the State infrastructure fi-  
23           nancing authority—

24                   “(1) approve the application; or

1           “(2) provide detailed guidance and an expla-  
2           nation of any changes to the application necessary  
3           for approval of the application.”.

4           (3) AUTHORIZATION OF APPROPRIATIONS.—  
5           Section 5033 of the Water Resources Reform and  
6           Development Act of 2014 (33 U.S.C. 3912) is fur-  
7           ther amended by adding at the end the following:

8           “(e) ASSISTANCE FOR STATE INFRASTRUCTURE FI-  
9           NANCING AUTHORITIES.—

10           “(1) IN GENERAL.—With respect to fiscal years  
11           2020 and 2021, if the Administrator has available  
12           for obligation in a fiscal year at least \$50,000,000,  
13           there is authorized to be appropriated to the Admin-  
14           istrator \$5,000,000 for that fiscal year to provide fi-  
15           nancial assistance for projects described in section  
16           5026(9) to State infrastructure financing authori-  
17           ties.

18           “(2) NO IMPACT ON OTHER FEDERAL FUND-  
19           ING.—No funds shall be made available in a fiscal  
20           year to the Administrator for purposes of this sub-  
21           section if—

22           “(A) the total amount appropriated for the  
23           fiscal year for State loan funds under section  
24           1452 of the Safe Drinking Water Act is less  
25           than either the amount made available for such

1           purpose in fiscal year 2018, or 105 percent of  
2           the previous fiscal year’s appropriation for such  
3           purpose, whichever is greater; and

4                   “(B) the total amount appropriated for the  
5           fiscal year for water pollution control revolving  
6           funds under title VI of the Federal Water Pol-  
7           lution Control Act is less than either the  
8           amount made available for such purpose for fis-  
9           cal year 2018, or 105 percent of the previous  
10          fiscal year’s appropriation for such purpose,  
11          whichever is greater.

12                   “(3) INCLUSION IN AGREEMENT.—If the Ad-  
13          ministrator provides financial assistance to a State  
14          infrastructure financing authority under section  
15          5029 using funds made available pursuant to this  
16          subsection, the Administrator shall specify in the  
17          agreement under such section the amount of such  
18          assistance that is attributable to such funds.”.

19                   “(c) ADMINISTRATION OF WIFIA PROGRAM.—Section  
20          5030 of the Water Resources Reform and Development  
21          Act of 2014 (33 U.S.C. 3909), as amended by subsection  
22          (b), is further amended by inserting after subsection (f)  
23          the following:

24                   “(g) AGREEMENTS.—

1           “(1) IN GENERAL.—Subject to paragraphs (3)  
2           and (4), the Administrator may enter into an agree-  
3           ment with another relevant Federal agency to pro-  
4           vide assistance in administering and servicing Fed-  
5           eral credit instruments that such agency is author-  
6           ized to make available.

7           “(2) DUTIES.—The Administrator may act as  
8           an agent for the head of another Federal agency  
9           under paragraph (1), subject to the terms of any  
10          agreement entered into by the Administrator and the  
11          head of such other agency under such clause.

12          “(3) TRANSFER OF FUNDS.—The authority of  
13          the Administrator to provide assistance under para-  
14          graph (1) is subject to—

15                 “(A) the availability of funds appropriated  
16                 to the other Federal agency that may be trans-  
17                 ferred to the Administrator to carry out an  
18                 agreement entered into under paragraph (1);  
19                 and

20                 “(B) the transfer of such funds to the Ad-  
21                 ministrator to carry out such an agreement.

22          “(4) LIMITATION.—Nothing in this subsection  
23          affects the authority of the Administrator with re-  
24          spect to the selection of projects described in para-

1 graphs (1), (8), or (10) of section 5026 to receive  
2 financial assistance under this subtitle.”.

3 (d) REPORTS ON PILOT PROGRAM IMPLEMENTA-  
4 TION.—Section 5034 of the Water Resources Reform and  
5 Development Act of 2014 (33 U.S.C. 3913) is amended—

6 (1) in the section heading, by striking  
7 “**PILOT**”; and

8 (2) in subsection (b)(1), by striking “4 years  
9 after the date of enactment of this Act” and insert-  
10 ing “3 years after the date of enactment of the  
11 Water Resources Development Act of 2018”.

## 12 **Subtitle C—Miscellaneous**

### 13 **SEC. 4301. AGREEMENT WITH COMMISSIONER OF REC-** 14 **LAMATION.**

15 Not later than 1 year after the date of enactment  
16 of this Act, the Administrator of the Environmental Pro-  
17 tection Agency and the Commissioner of Reclamation shall  
18 enter into an agreement under section 5030(g) of the  
19 Water Infrastructure Finance and Innovation Act (as  
20 added by this Act).

### 21 **SEC. 4302. SNAKE RIVER BASIN FLOOD PREVENTION AC-** 22 **TION PLAN.**

23 (a) IN GENERAL.—As soon as practicable after the  
24 date of enactment of this Act, the Commissioner of Rec-  
25 lamation, in consultation with the Secretary of the Army,



1 shall develop a flood prevention action plan for each State  
2 or portion of a State within the Snake River Basin.

3 (b) REQUIREMENTS.—A flood prevention action plan  
4 developed under subsection (a) shall—

5 (1) focus on the areas most likely to experience  
6 flooding within the 2 years following the date of en-  
7 actment of this Act;

8 (2) include steps to manage and reduce flood  
9 risks within the Snake River Basin; and

10 (3) include a description of the actions the Sec-  
11 retary and the Commissioner of Reclamation plan to  
12 take to improve coordination with local stakeholders  
13 to help manage and reduce flood risks in the areas  
14 described in paragraph (1).

15 (c) SUBMISSION.—Not later than 180 days after the  
16 date of enactment of this Act, after coordinating with local  
17 stakeholders, the Commissioner of Reclamation shall sub-  
18 mit to the Committee on Environment and Public Works  
19 and the Committee on Energy and Natural Resources of  
20 the Senate, and the Committee on Transportation and In-  
21 frastructure and the Committee on Natural Resources of  
22 the House of Representatives, the flood prevention plans  
23 developed under subsection (a).

1 **SEC. 4303. GAO AUDIT OF CONTRACTS AND TAINTER GATE**  
2 **REPAIRS OF HARLAN COUNTY DAM.**

3 (a) IN GENERAL.—Not later than 180 days after the  
4 date of enactment of this Act, the Comptroller General  
5 of the United States shall—

6 (1) conduct an audit of the extraordinary main-  
7 tenance repayment contracts No. 16XX630077 and  
8 No. 16XX630076 between the United States and  
9 the Bostwick Division for repairs to the Tainter  
10 gates and other features at Harlan County Dam, in-  
11 cluding—

12 (A) an examination of whether—

13 (i) the Corps of Engineers should  
14 have designated the Tainter gate rehabili-  
15 tation as a “Dam Safety Modification”,  
16 subject to the cost-sharing requirements  
17 under section 1203 of the Water Resources  
18 Development Act of 1986 (33 U.S.C.  
19 467n), instead of an “extraordinary main-  
20 tenance project”; and

21 (ii) a more appropriate cost share  
22 should have applied to the Bostwick Divi-  
23 sion;

24 (B) a review of—

1 (i) the amounts owed by the Bostwick  
2 Division to the Bureau of Reclamation;  
3 and

4 (ii) any reimbursements owed by the  
5 Corps of Engineers to the Bureau of Rec-  
6 lamation based on the actual costs of the  
7 project after completion; and

8 (C) a review of project designations and  
9 cost-share policies of the Bureau of Reclama-  
10 tion and other Federal agencies for similar  
11 spillway gate repairs; and

12 (2) submit to Congress a report on the results  
13 of the audit under paragraph (1).

14 (b) TREATMENT OF PAYMENTS.—Payments made  
15 after the date of enactment of this Act by the Bostwick  
16 Division to the Bureau of Reclamation under the contracts  
17 described in subsection (a)(1) shall be—

18 (1) deposited into a no-year account; and

19 (2) disbursed to the Bureau of Reclamation  
20 upon submission of the report under subsection  
21 (a)(2).

22 **SEC. 4304. WATER INFRASTRUCTURE AND WORKFORCE IN-**  
23 **VESTMENT.**

24 (a) SENSE OF CONGRESS.—It is the sense of Con-  
25 gress that—

1           (1) water and wastewater utilities provide a  
2 unique opportunity for access to stable, high-quality  
3 careers;

4           (2) as water and wastewater utilities make crit-  
5 ical investments in infrastructure, water and waste-  
6 water utilities can invest in the development of local  
7 workers and local small businesses to strengthen  
8 communities and ensure a strong pipeline of skilled  
9 and diverse workers for today and tomorrow; and

10          (3) to further the goal of ensuring a strong  
11 pipeline of skilled and diverse workers in the water  
12 and wastewater utilities sector, Congress urges—

13                 (A) increased collaboration among Federal,  
14 State, and local governments; and

15                 (B) institutions of higher education, ap-  
16 prentice programs, high schools, and other com-  
17 munity-based organizations to align workforce  
18 training programs and community resources  
19 with water and wastewater utilities to accelerate  
20 career pipelines and provide access to workforce  
21 opportunities.

22          (b) INNOVATIVE WATER INFRASTRUCTURE WORK-  
23 FORCE DEVELOPMENT PROGRAM.—

24                 (1) GRANTS AUTHORIZED.—The Administrator  
25 of the Environmental Protection Agency (referred to

1 in this section as the “Administrator”), in consulta-  
2 tion with the Secretary of Agriculture, shall establish  
3 a competitive grant program—

4 (A) to assist the development and utiliza-  
5 tion of innovative activities relating to work-  
6 force development and career opportunities in  
7 the water utility sector; and

8 (B) to expand public awareness about  
9 water utilities and connect individuals to ca-  
10 reers in the water utility sector.

11 (2) SELECTION OF GRANT RECIPIENTS.—In  
12 awarding grants under paragraph (1), the Adminis-  
13 trator shall, to the extent practicable, select non-  
14 profit professional or service organizations, labor or-  
15 ganizations, community colleges, institutions of high-  
16 er education, or other training and educational insti-  
17 tutions—

18 (A) that have qualifications and experi-  
19 ence—

20 (i) in the development of training pro-  
21 grams and curricula relevant to workforce  
22 needs of water utilities;

23 (ii) working in cooperation with water  
24 utilities; or

1 (iii) developing public education mate-  
2 rials appropriate for communicating with  
3 groups of different ages and educational  
4 backgrounds; and

5 (B) that will address the human resources  
6 and workforce needs of water utilities that—

7 (i) are geographically diverse;

8 (ii) are of varying sizes; and

9 (iii) serve urban, suburban, and rural  
10 populations.

11 (3) USE OF FUNDS.—Grants awarded under  
12 paragraph (1) may be used for activities such as—

13 (A) targeted internship, apprenticeship,  
14 pre-apprenticeship, and post-secondary bridge  
15 programs for skilled water utility trades that  
16 provide—

17 (i) on-the-job training;

18 (ii) skills development;

19 (iii) test preparation for skilled trade  
20 apprenticeships;

21 (iv) advance training in the water util-  
22 ity sector relating to construction, utility  
23 operations, treatment and distribution,  
24 green infrastructure, customer service,  
25 maintenance, and engineering; or

1 (v) other support services to facilitate  
2 post-secondary success;

3 (B) education programs designed for ele-  
4 mentary, secondary, and higher education stu-  
5 dents that—

6 (i) inform people about the role of  
7 water and wastewater utilities in their  
8 communities;

9 (ii) increase the awareness of career  
10 opportunities and exposure of students to  
11 water utility careers through various work-  
12 based learning opportunities inside and  
13 outside the classroom; and

14 (iii) connect students to career path-  
15 ways related to water utilities;

16 (C) regional industry and workforce devel-  
17 opment collaborations to address water utility  
18 employment needs and coordinate candidate de-  
19 velopment, particularly in areas of high unem-  
20 ployment or for water utilities with a high pro-  
21 portion of retirement eligible employees;

22 (D) integrated learning laboratories in sec-  
23 ondary educational institutions that provide  
24 students with—

1 (i) hands-on, contextualized learning  
2 opportunities;

3 (ii) dual enrollment credit for post-  
4 secondary education and training pro-  
5 grams; and

6 (iii) direct connection to industry em-  
7 ployers; and

8 (E) leadership development, occupational  
9 training, mentoring, or cross-training programs  
10 that ensure that incumbent water and waste  
11 water utilities workers are prepared for higher  
12 level supervisory or management-level positions.

13 (4) AUTHORIZATION OF APPROPRIATIONS.—  
14 There is authorized to be appropriated to carry out  
15 this subsection \$1,000,000 for each of fiscal years  
16 2019 and 2020.

17 **SEC. 4305. REGIONAL LIAISONS FOR MINORITY, TRIBAL,**  
18 **AND LOW-INCOME COMMUNITIES.**

19 (a) IN GENERAL.—The Administrator of the Envi-  
20 ronmental Protection Agency (referred to in this section  
21 as the “Administrator”) shall assign at least 1 employee  
22 in each regional office of the Environmental Protection  
23 Agency to serve as a liaison to minority, Tribal, and low-  
24 income communities in the relevant region.



1 (b) PUBLIC IDENTIFICATION.—The Administrator  
2 shall identify each regional liaison assigned under sub-  
3 section (a) on the internet website of—

4 (1) the relevant regional office of the Environ-  
5 mental Protection Agency; and

6 (2) the Office of Environmental Justice of the  
7 Environmental Protection Agency.

8 **SEC. 4306. WATERSENSE.**

9 (a) WATERSENSE.—The Energy Policy and Con-  
10 servation Act (42 U.S.C. 6201 et seq.) is amended by add-  
11 ing after section 324A the following:

12 **“SEC. 324B. WATERSENSE PROGRAM.**

13 “(a) ESTABLISHMENT OF WATERSENSE PRO-  
14 GRAM.—

15 “(1) IN GENERAL.—There is established within  
16 the Environmental Protection Agency a voluntary  
17 program, to be known as the WaterSense program,  
18 to identify and promote water-efficient products,  
19 buildings, landscapes, facilities, processes, and serv-  
20 ices in order to, through voluntary labeling of, or  
21 other forms of communications regarding, such  
22 products, buildings, landscapes, facilities, processes,  
23 and services while meeting strict performance cri-  
24 teria, sensibly—

25 “(A) reduce water use;

1           “(B) reduce the strain on public water sys-  
2           tems, community water systems, and waste-  
3           water and stormwater infrastructure;

4           “(C) conserve energy used to pump, heat,  
5           transport, and treat water; and

6           “(D) preserve water resources for future  
7           generations.

8           “(2) INCLUSIONS.—Categories of products,  
9           buildings, landscapes, facilities, processes, and serv-  
10          ices that may be included under the program in-  
11          clude—

12           “(A) irrigation technologies and services;

13           “(B) point-of-use water treatment devices;

14           “(C) plumbing products;

15           “(D) water reuse and recycling tech-  
16          nologies;

17           “(E) landscaping and gardening products,  
18          including moisture control or water enhancing  
19          technologies;

20           “(F) xeriscaping and other landscape con-  
21          versions that reduce water use;

22           “(G) whole house humidifiers; and

23           “(H) water-efficient buildings or facilities.

1           “(b) DUTIES.—The Administrator of the Environ-  
2 mental Protection Agency, in coordination with the Sec-  
3 retary of Energy as appropriate, shall—

4           “(1) establish—

5                   “(A) a WaterSense label to be used for  
6 products, buildings, landscapes, facilities, proc-  
7 esses, and services meeting the certification cri-  
8 teria established pursuant to this section; and

9                   “(B) the procedure, including the methods  
10 and means, and criteria by which products,  
11 buildings, landscapes, facilities, processes, and  
12 services may be certified to display the  
13 WaterSense label;

14           “(2) enhance public awareness regarding the  
15 WaterSense label through outreach and public edu-  
16 cation;

17           “(3) preserve the integrity of the WaterSense  
18 label by—

19                   “(A) establishing and maintaining feasible  
20 performance criteria so that products, build-  
21 ings, landscapes, facilities, processes, and serv-  
22 ices certified to display the WaterSense label  
23 perform as well or better than less water-effi-  
24 cient counterparts;

1           “(B) overseeing WaterSense certifications  
2           made by third parties, which shall be inde-  
3           pendent third-party product certification bodies  
4           accredited by an accreditation entity domiciled  
5           in the United States;

6           “(C) using testing protocols, from the ap-  
7           propriate, applicable, and relevant consensus  
8           standards, for the purpose of determining com-  
9           pliance with performance criteria; and

10           “(D) auditing the use of the WaterSense  
11           label in the marketplace and preventing cases of  
12           misuse;

13           “(4) not more frequently than every 6 years  
14           after adoption or major revision of any WaterSense  
15           performance criteria, review and, if appropriate, re-  
16           vise the performance criteria to achieve additional  
17           water savings;

18           “(5) in revising any WaterSense criteria—

19           “(A) provide reasonable notice to inter-  
20           ested parties and the public of any changes, in-  
21           cluding effective dates, and an explanation of  
22           the changes;

23           “(B) solicit comments from interested par-  
24           ties and the public prior to any changes;

1           “(C) as appropriate, respond to comments  
2           submitted by interested parties and the public;  
3           and

4           “(D) provide an appropriate transition  
5           time prior to the applicable effective date of any  
6           changes, taking into account the timing nec-  
7           essary for the manufacture, marketing, train-  
8           ing, and distribution of the specific product,  
9           building, landscape, process, or service category  
10          being addressed; and

11          “(6) not later than December 31, 2019, con-  
12          sider for review and revise, if necessary, any  
13          WaterSense performance criteria adopted before  
14          January 1, 2012.

15          “(c) TRANSPARENCY.—The Administrator of the En-  
16          vironmental Protection Agency shall, to the extent prac-  
17          ticable and not less than annually, estimate and make  
18          available to the public the relative water and energy sav-  
19          ings attributable to the use of WaterSense-labeled prod-  
20          ucts, buildings, landscapes, facilities, processes, and serv-  
21          ices.

22          “(d) DISTINCTION OF AUTHORITIES.—In setting or  
23          maintaining specifications and criteria for Energy Star  
24          pursuant to section 324A, and WaterSense under this sec-  
25          tion, the Secretary of Energy and the Administrator of

1 the Environmental Protection Agency shall coordinate to  
2 prevent duplicative or conflicting requirements among the  
3 respective programs.

4 “(e) NO WARRANTY.—A WaterSense label shall not  
5 create any express or implied warranty.

6 “(f) METHODS FOR ESTABLISHING PERFORMANCE  
7 CRITERIA.—In establishing performance criteria for prod-  
8 ucts, buildings, landscapes, facilities, processes, or services  
9 pursuant to this section, the Administrator of the Envi-  
10 ronmental Protection Agency shall use technical specifica-  
11 tions and testing protocols established by voluntary con-  
12 sensus standards organizations relevant to specific prod-  
13 ucts, buildings, landscapes, facilities, processes, or serv-  
14 ices, as appropriate.

15 “(g) DEFINITION OF FEASIBLE.—The term ‘feasible’  
16 means feasible with the use of the best technology, tech-  
17 niques, and other means that the Administrator of the En-  
18 vironmental Protection Agency finds, after examination  
19 for efficacy under field conditions and not solely under lab-  
20 oratory conditions, are available (taking cost into consider-  
21 ation).”.

22 (b) TABLE OF CONTENTS.—The table of contents for  
23 the Energy Policy and Conservation Act is amended by  
24 adding after the item relating to section 324A the fol-  
25 lowing:

“Sec. 324B. WaterSense program.”.

1 **SEC. 4307. PREDATORY AND OTHER WILD ANIMALS.**

2 Section 1 of the Act of March 2, 1931 (46 Stat.  
3 1468, chapter 370; 7 U.S.C. 8351) is amended—

4 (1) in the second sentence, by striking “The  
5 Secretary” and inserting the following:

6 “(b) ADMINISTRATION.—The Secretary”;

7 (2) in the first sentence, by striking “The Sec-  
8 retary” and inserting the following:

9 “(a) IN GENERAL.—The Secretary”; and

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

11 “(c) ACTION BY FWS.—The Director of the United  
12 States Fish and Wildlife Service shall use the most expedi-  
13 tious procedure practicable to process and administer per-  
14 mits for take of—

15 “(1) a depredating eagle under the Act of June  
16 8, 1940 (commonly known as the ‘Bald Eagle Pro-  
17 tection Act’) (54 Stat. 250, chapter 278; 16 U.S.C.  
18 668 et seq.), or sections 22.11 through 22.32 of title  
19 50, Code of Federal Regulations (or successor regu-  
20 lations) (including depredation of livestock, wildlife,  
21 and species protected under the Endangered Species  
22 Act of 1973 (16 U.S.C. 1531 et seq.) or any other  
23 Federal management program); or

24 “(2) a migratory bird included on the list under  
25 section 10.13 of title 50, Code of Federal Regula-

1 tions (or successor regulations) that is posing a con-  
2 flict.”.

3 **SEC. 4308. KLAMATH PROJECT WATER AND POWER.**

4 (a) ADDRESSING WATER MANAGEMENT AND POWER  
5 COSTS FOR IRRIGATION.—The Klamath Basin Water  
6 Supply Enhancement Act of 2000 (Public Law 106–498;  
7 114 Stat. 2221) is amended—

8 (1) by redesignating sections 4 through 6 as  
9 sections 5 through 7, respectively; and

10 (2) by inserting after section 3 the following:

11 **“SEC. 4. POWER AND WATER MANAGEMENT.**

12 “(a) DEFINITIONS.—In this section:

13 “(1) COVERED POWER USE.—The term ‘covered  
14 power use’ means a use of power to develop or man-  
15 age water from any source for irrigation, wildlife  
16 purposes, or drainage on land that is—

17 “(A) associated with the Klamath Project,  
18 including land within a unit of the National  
19 Wildlife Refuge System that receives water due  
20 to the operation of Klamath Project facilities;  
21 or

22 “(B) irrigated by the class of users covered  
23 by the agreement dated April 30, 1956, be-  
24 tween the California Oregon Power Company  
25 and Klamath Basin Water Users Protective As-



1           sociation and within the Off Project Area (as  
2           defined in the Upper Basin Comprehensive  
3           Agreement entered into on April 18, 2014),  
4           only if each applicable owner and holder of a  
5           possessory interest of the land is a party to that  
6           agreement (or a successor agreement that the  
7           Secretary determines provides a comparable  
8           benefit to the United States).

9           “(2) KLAMATH PROJECT.—

10           “(A) IN GENERAL.—The term ‘Klamath  
11           Project’ means the Bureau of Reclamation  
12           project in the States of California and Oregon.

13           “(B) INCLUSIONS.—The term ‘Klamath  
14           Project’ includes any dam, canal, or other  
15           works or interests for water diversion, storage,  
16           delivery, and drainage, flood control, or any  
17           similar function that is part of the project de-  
18           scribed in subparagraph (A).

19           “(3) POWER COST BENCHMARK.—The term  
20           ‘power cost benchmark’ means the average net deliv-  
21           ered cost of power for irrigation and drainage at  
22           Reclamation projects in the area surrounding the  
23           Klamath Project that are similarly situated to the  
24           Klamath Project, including Reclamation projects  
25           that—

1           “(A) are located in the Pacific Northwest;  
2           and  
3           “(B) receive project-use power.

4           “(b) WATER ACTIVITIES AND DROUGHT RE-  
5 SPONSE.—

6           “(1) IN GENERAL.—Pursuant to the reclama-  
7 tion laws and subject to appropriations and required  
8 environmental reviews, the Secretary may carry out  
9 activities, including entering into a contract or mak-  
10 ing financial assistance available through cooperative  
11 agreements or other methods—

12           “(A) to plan, implement, and administer  
13 programs to align water supplies and demand  
14 for irrigation water users associated with the  
15 Klamath Project, with a primary emphasis on  
16 programs developed or endorsed by local enti-  
17 ties comprised of representatives of those water  
18 users;

19           “(B) Expenditures under this paragraph  
20 shall not exceed \$10 million on an average an-  
21 nual basis.

22           “(2) 2018 DROUGHT RESPONSE.—All disburse-  
23 ments made or to be made based on actions ap-  
24 proved by the Secretary under Contract Numbers  
25 18-WC-20-5322 and 18-WC-20-5323 are authorized.

1           “(3) REQUIREMENTS.—The Secretary shall en-  
2           sure that the activities under this subsection—

3                   “(A) do not foster groundwater use that  
4                   results in groundwater level declines that, based  
5                   on existing data from the United States Geo-  
6                   logical Survey, are more than appropriate in a  
7                   critically dry year, taking into consideration the  
8                   long-term sustainability of aquifers;

9                   “(B) do not adversely affect compliance  
10                  with applicable laws protecting fishery resources  
11                  in Upper Klamath Lake and the Klamath  
12                  River.

13           “(4) CONVEYANCE OF NON-PROJECT WATER.—

14                   “(A) IN GENERAL.—Subject to subpara-  
15                   graphs (B) and (C), any entity operating under  
16                   a contract entered into with the United States  
17                   for the operation and maintenance of any  
18                   Klamath Project works or facility, and any enti-  
19                   ty operating any works or facility not owned by  
20                   the United States that receives Klamath Project  
21                   water, may use, without any additional Federal  
22                   contract, permit, or other authorization, any  
23                   Klamath Project works or facility to convey  
24                   non-Klamath Project water for any authorized  
25                   purpose of the Klamath Project.

1           “(B) PERMITS; MEASUREMENT.—A use of  
2 water pursuant to subparagraph (A) (including  
3 an addition or conveyance of water) shall be  
4 subject to the requirements that—

5           “(i) the applicable entity shall secure  
6 all permits required under State or local  
7 law; and

8           “(ii) as applicable—

9           “(I) all water delivered into and  
10 taken out of a Klamath Project works  
11 or facility pursuant to that subpara-  
12 graph shall be measured; and

13           “(II) any irrigation district con-  
14 veying water shall ensure that only  
15 the land authorized to receive water  
16 under applicable State law shall re-  
17 ceive, and put to beneficial use, the  
18 water, in accordance with the applica-  
19 ble State law and any associated  
20 terms and conditions.

21           “(C) LIMITATION.—A use of non-Klamath  
22 Project water under this paragraph shall not—

23           “(i) adversely affect the delivery of  
24 water to any water user or land served by  
25 the Klamath Project; or

1                   “(ii) result in any additional cost to  
2                   the United States.

3                   “(4) EFFECT OF SUBSECTION.—Nothing in this  
4                   subsection authorizes the Secretary—

5                   “(A) to develop or construct new facilities  
6                   for the Klamath Project without appropriate  
7                   approval from Congress under section 9 of the  
8                   Reclamation Projects Act of 1939 (43 U.S.C.  
9                   485h); or

10                   “(B) to carry out activities that have not  
11                   otherwise been authorized.

12                   “(c) REDUCING POWER COSTS.—

13                   “(1) IN GENERAL.—Not later than 180 days  
14                   after the date of enactment of America’s Water In-  
15                   frastructure Act of 2018, the Secretary, in consulta-  
16                   tion with interested irrigation interests that are eli-  
17                   gible for covered power use and organizations rep-  
18                   resentative of those interests, shall submit to the  
19                   Committee on Energy and Natural Resources of the  
20                   Senate and the Committee on Natural Resources of  
21                   the House of Representatives a report that—

22                   “(A) identifies the power cost benchmark;  
23                   and

24                   “(B) recommends actions (other than di-  
25                   rect payments to persons making covered power

1 uses or to other entities for the purposes of  
2 subsidizing power rates) that, in the judgment  
3 of the Secretary, are necessary and appropriate  
4 to ensure that the net delivered power cost for  
5 covered power use is equal to or less than the  
6 power cost benchmark, including a description  
7 of—

8 “(i) actions—

9 “(I) to immediately reduce power  
10 costs; and

11 “(II) to ensure that the net deliv-  
12 ered power cost for covered power use  
13 is equal to, or less than, the power  
14 cost benchmark in the near term,  
15 while longer-term actions are being  
16 implemented;

17 “(ii) actions that prioritize—

18 “(I) water and power conserva-  
19 tion and efficiency measures that  
20 could assist in achieving the power  
21 cost benchmark;

22 “(II) to the extent actions involv-  
23 ing the development or acquisition of  
24 power generation are included, renew-

1           able energy technologies (including  
2           hydropower); and

3                   “(III) regional economic develop-  
4           ment;

5                   “(iii) the potential costs and timeline  
6           for the actions recommended under this  
7           subparagraph;

8                   “(iv) provisions for modifying the ac-  
9           tions and timeline to adapt to new infor-  
10          mation or circumstances; and

11                   “(v) a description of public input re-  
12          garding the proposed actions, including—

13                           “(I) input from water users that  
14           have covered power use; and

15                           “(II) the degree to which those  
16           water users concur with the rec-  
17           ommendations.”.

18          (b) EFFECT.—None of the amendments made by this  
19          section—

20                   (1) modify any authority or obligation of the  
21           United States with respect to any tribal trust or  
22           treaty obligation of the United States;

23                   (2) create or determine any water right or af-  
24           fects any water right or water right claim in exist-  
25           ence on the date of enactment of this Act; or

1           (3) authorize the use of Federal funds for the  
2           physical deconstruction of the Iron Gate, Copco 1,  
3           Copco 2, or John C. Boyle Dam located on the  
4           Klamath River in the States of California and Or-  
5           egon.

6   **SEC. 4309. CERTAIN BUREAU OF RECLAMATION DIKES.**

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

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

14                (1) that is owned by the Bureau of Reclamation  
15                on the date of enactment of this section;

16                (2) the construction of which was completed not  
17                later than December 31, 1945;

18                (3) a corrective action study for which was com-  
19                pleted not later than December 31, 2015; and

20                (4) the construction of which was authorized by  
21                the Act of June 28, 1938 (52 Stat. 1215, chapter  
22                795).



1 **SEC. 4310. AUTHORITY TO MAKE ENTIRE ACTIVE CAPACITY**  
2 **OF FONTENELLE RESERVOIR AVAILABLE**  
3 **FOR USE.**

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

20 (b) COOPERATIVE AGREEMENTS.—

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

25 (2) STATE OF WYOMING.—

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

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

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

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

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

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

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

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

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

13 (d) OTHER CONTRACTING AUTHORITY.—

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

20 (2) TERMS AND CONDITIONS.—Unless other-  
21 wise agreed to by the Secretary and the State of  
22 Wyoming, a contract entered into under paragraph  
23 (1) shall be subject to the terms and conditions of  
24 Bureau of Reclamation Contract No. 14-06-400-

1       2474 and Bureau of Reclamation Contract No. 14–  
2       06–400–6193.

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

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

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

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

13          (4) the Treaty between the United States of  
14      America and Mexico relating to the utilization of wa-  
15      ters of the Colorado and Tijuana Rivers and of the  
16      Rio Grande, and supplementary protocol signed No-  
17      vember 14, 1944, signed at Washington February 3,  
18      1944 (59 Stat. 1219);

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

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

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

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

5 **SEC. 4311. BLACKFEET WATER RIGHTS SETTLEMENT.**

6 (a) BLACKFEET SETTLEMENT TRUST FUND.—Sec-  
7 tion 3716(e) of the Water Infrastructure Improvements  
8 for the Nation Act (130 Stat. 1835) is amended—

9 (1) in paragraph (2), by striking “appropria-  
10 tions,” and all that follows through the period at the  
11 end and inserting the following: “appropriations, the  
12 following amounts shall be made available to the  
13 Tribe for implementation of this subtitle:

14 “(A) 50 percent of the amounts in the Ad-  
15 ministration and Energy Account.

16 “(B) 50 percent of the amounts in the  
17 OM&R Account.

18 “(C) 50 percent of the amounts in the St.  
19 Mary Account.

20 “(D) 50 percent of the amounts in the  
21 Blackfeet Water, Storage, and Development  
22 Projects Account.”; and

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

24 “(3) AVAILABILITY.—

1           “(A) IN GENERAL.—Except as provided in  
2           subparagraph (B), none of the funds deposited  
3           in the Trust Fund in fiscal year 2018 shall be  
4           available for expenditure in accordance with  
5           this subsection until the enforceability date.

6           “(B) EXCEPTION.—Notwithstanding sub-  
7           paragraph (A), of the funds in the Administra-  
8           tion and Energy Account, \$4,800,000 shall be  
9           available to the Tribe for the implementation of  
10          this subtitle.”

11          (b) BLACKFEET WATER SETTLEMENT IMPLEMENTA-  
12          TION FUND.—Section 3717(e) of the Water Infrastruc-  
13          ture Improvements for the Nation Act (130 Stat. 1837)  
14          is amended—

15                 (1) by striking “Amounts in” and inserting the  
16          following:

17                         “(1) IN GENERAL.—Amounts in”; and

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

19                         “(2) FUNDING FOR IMPLEMENTATION ACTIVI-  
20          TIES.—Notwithstanding paragraph (1), the following  
21          amounts shall be available to the Secretary for the  
22          implementation of this subtitle:

23                                 “(A) 50 percent of the amounts in the  
24          MR&I System, Irrigation, and Water Storage  
25          Account to carry out section 3711.

1           “(B) 50 percent of the amounts in the  
2 MR&I System, Irrigation, and Water Storage  
3 Account to carry out section 3712.

4           “(C) 50 percent of the amounts in the  
5 Blackfeet Irrigation Project Deferred Mainte-  
6 nance and Four Horns Dam Safety Improve-  
7 ments Account to carry out section 3710(c).

8           “(D) The amounts in the Blackfeet Irriga-  
9 tion Project Deferred Maintenance and Four  
10 Horns Dam Safety Improvements Account to  
11 carry out section 3710(d).

12           “(E) From the St. Mary/Water Milk Man-  
13 agement and Activities Account:

14           “(i) 50 percent of the amount de-  
15 scribed in section 3707(g)(1) to carry out  
16 section 3707(c).

17           “(ii) 50 percent of the amount de-  
18 scribed in section 3707(g)(2) to carry out  
19 section 3707(d).

20           “(iii) The amount described in section  
21 3707(g)(3) to carry out subsection (f).

22           “(iv) The amounts in the Account to  
23 carry out section 3705.

1           “(3) AVAILABILITY.—None of the funds made  
2           available under this section in fiscal year 2018 shall  
3           be available until the enforceability date.”.

4           (c) TECHNICAL CORRECTIONS.—Section 3720 of the  
5 Water Infrastructure Improvements for the Nation Act  
6 (130 Stat. 1839) is amended—

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

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

12 **SEC. 4312. INDIAN IRRIGATION FUND REAUTHORIZATION.**

13          (a) DEPOSITS TO FUNDS.—Section 3212(a) of the  
14 Water Infrastructure Improvements for the Nation Act  
15 (130 Stat. 1750) is amended by striking “each of fiscal  
16 years 2017 through 2021” and inserting “each of fiscal  
17 years 2017 through 2028”.

18          (b) EXPENDITURES FROM FUND.—Section 3213(a)  
19 of the Water Infrastructure Improvements for the Nation  
20 Act (130 Stat. 1750) is amended in the matter preceding  
21 paragraph (1) by striking “each of fiscal years 2017  
22 through 2021” and inserting “each of fiscal years 2017  
23 through 2028”.

24          (c) TERMINATION.—Section 3216 of the Water Infra-  
25 structure Improvements for the Nation Act (130 Stat.



1 1750) is amended in the matter preceding paragraph (1)  
2 by striking “September 30, 2021” and inserting “Sep-  
3 tember 30, 2028”.

4 **SEC. 4313. REAUTHORIZATION OF REPAIR, REPLACEMENT,**  
5 **AND MAINTENANCE OF CERTAIN INDIAN IR-**  
6 **RIGATION PROJECTS.**

7 (a) IN GENERAL.—Section 3221(b) of the Water In-  
8 frastructure Improvements for the Nation Act (130 Stat.  
9 1751) is amended in the matter preceding paragraph (1)  
10 by striking “each of fiscal years 2017 through 2021” and  
11 inserting “each of fiscal years 2017 through 2028”.

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

17 (c) ALLOCATION AMONG PROJECTS.—Section 3226  
18 of the Water Infrastructure Improvements for the Nation  
19 Act (130 Stat. 1753) is amended—

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

23 (2) in subsection (b), by striking “the day be-  
24 fore the date of enactment of this Act” and inserting

1 “the day before the date of enactment of America’s  
2 Water Infrastructure Act of 2018”.

3 **SEC. 4314. INDIAN DAM SAFETY REAUTHORIZATION.**

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

6 (1) by striking “each of fiscal years 2017  
7 through 2023” each place it appears and inserting  
8 “each of fiscal years 2017 through 2030”;

9 (2) in subsection (b)—

10 (A) in paragraph (1)(F), in the matter  
11 preceding clause (i), by striking “September 30,  
12 2023” and inserting “September 30, 2030”;  
13 and

14 (B) in paragraph (2)(F), in the matter  
15 preceding clause (i), by striking “September 30,  
16 2023” and inserting “September 30, 2030”;  
17 and

18 (3) in subsection (f)—

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

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

1 **SEC. 4315. DIANA E. MURPHY UNITED STATES COURT-**  
2 **HOUSE.**

3 (a) DESIGNATION.—The United States courthouse  
4 located at 300 South Fourth Street in Minneapolis, Min-  
5 nesota, shall be known and designated as the “Diana E.  
6 Murphy United States Courthouse”.

7 (b) REFERENCES.—Any reference in a law, map, reg-  
8 ulation, document, paper, or other record of the United  
9 States to the United States courthouse referred to in sub-  
10 section (a) shall be deemed to be a reference to the “Diana  
11 E. Murphy United States Courthouse”.

Amend the title so as to read: “An Act to provide for improvements to the rivers and harbors of the United States, to provide for the conservation and development of water and related resources, to provide for water pollution control activities, and for other purposes.”.