

America's Water Infrastructure Act of 2018

Section-by-Section

TITLE I – WATER RESOURCES DEVELOPMENT

Sec. 1. Short Title

Sec. 2. Secretary defined

SUBTITLE A – GENERAL PROVISIONS

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

This Sense of Congress emphasizes the unique missions of the United States Army Corps of Engineers (Corps) and re-affirms that Water Resources Development Acts (WRDAs) should be considered by Congress every two years.

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

This section directs the Corps to contract with the National Academy of Sciences to evaluate and provide recommendations to Congress on the efficacy of the current organizational structure of the civil works functions of the Corps and identify potential impediments to efficient project delivery.

Section 1103. Study on economic and budgetary analysis.

This section directs the Corps to contract with the National Academy of Sciences to review and make recommendations regarding how to improve the economic principles and analytical methodologies that the Corps uses to evaluate water resources development projects for inclusion in its annual budget.

Section 1104. Dissemination of information.

This section directs the Corps to develop and support education and awareness efforts to ensure that potential non-federal interests and locally elected officials are informed of the annual Report to Congress on Future Water Resources Development process established under section 7001 of the Water Resources Reform and Development Act of 2014 (WRRDA 2014).

Section 1105. Non-Federal engagement and review.

This section directs the Corps to engage with non-federal stakeholders when finalizing implementation guidance for water resources development laws.

Section 1106. Lake Okeechobee regulation schedule review.

This section directs the Corps to expedite the review of the Lake Okeechobee regulation schedule to coincide with the completion of the Herbert Hoover Dike project and to consider relevant aspects of the Comprehensive Everglades Restoration Plan.

Section 1107. Access to real estate data.

This section directs the Corps to make publically available online existing data for all real estate assets in the United States that are owned, operated, managed, or in the custody of the Corps. This section does not authorize or compel the Corps to make available information that is confidential, privileged, national security information, or otherwise prohibited by law.

Section 1108. Aquatic invasive species research.

This section directs the Corps' Engineer Research and Development Center to undertake research on the management and eradication of aquatic invasive species and report to Congress with recommendations regarding how address the spread of aquatic invasive species.

Section 1109. Harmful algal bloom technology demonstration.

This section authorizes a multi-year technology demonstration for the Corps' Engineer Research and Development Center to develop solutions that reduce the occurrence of harmful algal blooms.

Section 1110. Bubbly Creek, Chicago ecosystem restoration.

This section directs the Corps to enter into a memorandum of understanding with the EPA to facilitate ecosystem restoration activities at the Bubbly Creek project, Illinois.

Section 1111. Dredge pilot program.

This section establishes a pilot program for the Corps to award dredging contracts across a geographical region rather than on a project-by-project basis, if it provides potential cost savings.

Section 1112. Hurricane and storm damage protection program

This section establishes a pilot program for the Corps to award contracts for multiple hurricane and storm damage reduction projects rather than on a project-by-project basis and to evaluate any potential cost savings.

Section 1113. Operation and maintenance of existing infrastructure.

This section directs the Corps to improve the reliability, operation and maintenance of its infrastructure and to improve its resilience against cyber-related threats.

Section 1114. Assistance relating to water supply.

This section directs the Corps to provide assistance to municipalities whose water supply has been adversely affected by construction carried out by the Corps.

Section 1115. Property acquisition.

This section directs the Corps to first consider acquiring the minimum interest necessary in real property needed to support a water resources development project. Additionally, the Corps is required to consider the use of a temporary easement or other interest to reduce overall costs, reduce project time, and minimize conflict with property owners.

Section 1116. Dredged material management plans.

This section directs the Corps to expedite the dredged material management plan process and make maximum use of existing information, studies, and innovative dredge material management practices.

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

This section allows the Corps to include in future workplans any project or facility for disposition for which the Corps has issued a final report.

Section 1118. Geomatic data.

This section directs the Corps to develop guidance for accepting and using any information gathered from a non-federal interest through the use of geomatic techniques.

Section 1119. Local government reservoir permit review.

This section directs the Corps to expedite the review of certain applications for a permit to modify a reservoir owned or operated by the Corps.

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

This section directs the Corps to provide non-federal interests with a balance sheet of federal and non-federal funds provided by such interests for water resources development projects and refund over-payments, pursuant to the requirements under section 10 of WRDA 1988.

Section 1121. Upper Missouri Mainstem Reservoir water withdrawal intake easement review.

This section directs the Corps to expedite the review of applications for certain easements necessary to access federal land for the placement of water withdrawal intakes in the Upper Missouri Mainstem Reservoirs.

Section 1122. Limitation on contract execution.

This section directs the Corps to price certain water storage contracts within the Verdigris River Basin.

This section directs the Corps to price each new water storage contract at a non-hydropower lake within the Verdigris River Basin at a value not to exceed 110 percent of the of the contractual rate per acre-foot in effect under the most recent such covered contract.

Section 1123. Certain levee improvements.

This section directs the Corps to cooperate and provide technical services, on a reimbursable basis, to local governments to assess the reasons why certain levees are not accredited by the Federal Emergency Management Agency (FEMA).

Section 1124. Cost share payment for certain projects.

This section directs the Corps, subject to the availability of appropriations, to pay the outstanding balance for the federal share of projects carried out under section 593 of WRDA 1999.

Section 1125. Locks on Allegheny River

This section provides the Corps may consider recreational boat traffic levels and related economic benefits when making funding determinations for the operation and maintenance of locks on the Allegheny River.

Section 1126. Purpose and need.

This section directs the Corps to develop and provide to water storage projects permit applicants a purpose and need statement.

Section 1127. Prior project authorization.

In cases where a project is subsequently budgeted under a different business line, this section directs the Corps to ensure that a project follows implementation requirements that apply to the business line under which it was originally authorized.

Section 1128. Mississippi River and Tributaries Project.

This section directs the Corps to expeditiously reset and restore certain levees in the event of an activation of any floodway or backwater feature within the Mississippi Rivers and Tributaries Project and after consultation with affected communities.

Section 1129. Inclusion of Tribal interests in project consultations.

This section directs the Corps to carry out all existing Tribal consultation policies, regulations, and guidance.

Section 1130. Beneficial use of dredged material.

This section increases the number of pilot projects for the beneficial use of dredged material that the Corps is able to conduct pursuant to section 1122 of WRDA 2016.

Section 1131. Ice jam prevention and mitigation.

This section increases the number of pilot projects for preventing and mitigating flood damages associated with ice jams, pursuant to section 1150 of WRDA 2016, and requires the selection of at least one project to be carried out on a reservation that serves more than one Indian tribe.

Section 1132. Rehabilitation of Corps of Engineers constructed dams.

This section amends an existing program for the Corps to carry out projects for the rehabilitation of high hazard potential dams constructed before 1940.

Section 1133. Columbia River.

This section clarifies the Corps' obligations to provide assistance to Indian tribes displaced as a result of the construction of the Bonneville, John Day and Dalles dams in Oregon and Washington.

Section 1134. Missouri River Reservoir sediment management.

This section amends the Missouri River Reservoir Sediment Management Program under section 1179 of WRDA 2016 to prioritize sediment management plans that affect reservoirs that cross State lines and to direct the Corps and Bureau of Reclamation to execute a memorandum of agreement.

Section 1135. Reauthorization of lock operations pilot program.

This section extends the authorization for a program for the Corps to allow non-federal interests to contribute funds to increase the hours of operation of locks at water resources development projects, pursuant to section 1017 of WRRDA 2014.

Section 1136. Credit or reimbursement.

This section clarifies that non-federal interests of authorized flood damage reduction or coastal navigation project may request a credit for the Federal share of costs or a reimbursement of funds, subject to the availability of appropriations.

Section 1137. Non-Federal implementation pilot program.

This section reauthorizes and increases the amount of projects eligible for a pilot program that allows the Corps to provide a non-federal interest full project management control over a water resources development project, pursuant to section 1043 of WRRDA 2014.

Section 1138. Surplus water contracts and water storage agreements.

This section restricts the Corps from assessing a water storage fee with respect to any water storage in the Upper Missouri Mainstem Reservoirs, and extends the current limitation of fees for water storage agreements.

Section 1139. Post-disaster watershed assessments in territories of the United States

This section clarifies that post-disaster watershed assessments, carried out pursuant to section 3024 of WRRDA 2014, shall be conducted at full Federal expense unless the President determines that the territory has the ability to pay the cost share for an assessment without the use of non-federal loans.

Section 1140. Expedited consideration

This section extends the expedited consideration procedure for the Senate to consider certain water resources development projects outside of the regular biennial WRDA authorization cycles.

Section 1141. Project studies subject to independent peer review.

This section extends the period for which the Corps must carry out independent peer reviews on feasibility studies, pursuant to section 2034 of WRDA 2007.

Section 1142. Feasibility of Chicago Sanitary and Ship Canal Dispersal Barriers Project, Illinois.

This section clarifies the operation and maintenance cost shares for the project at the Brandon Road Lock and Dam site near Joliet, Illinois and directs the Corps to consult with the Governor of the state in which the project is constructed.

Section 1143. Acknowledgement of credit.

This section clarifies that certain projects carried out by non-federal interests pursuant to section 7007 of WRDA 2007 are eligible for credit.

Section 1144. Levee safety initiative reauthorization.

This section reauthorizes the National Levee Safety Initiative through fiscal year 2023 to continue promoting improved levee safety practices at the local, state, and federal levels.

Section 1145. Funding to process permits.

This section amends section 214 of WRDA 2000 to permanently extend the authority for public utility companies, natural gas companies, or railroad carriers to contribute funds to the Corps to expedite the evaluation of a permit, under the jurisdiction of the Department of the Army, related to a project or activity for public purpose.

Section 1146. Reservoir sediment.

This section amends section 215 of WRDA 2000 to remove the limitation of dams for which non-federal interests may contribute funds to the Corps for the removal of sediment captured behind dams owned or operated by the Corps.

Section 1147. Clarification for integral determination.

This section clarifies the authorities for which the Corps may credit work completed by a non-federal interest for the Comprehensive Everglades Restoration Plan, pursuant to section 601 of WRDA 2000.

Section 1148. Beneficial use of dredged sediment.

This section allows the Corps to grant a temporary easement for a project for the beneficial reuse of sediment to reduce storm damage to property under section 204 of WRDA 1992, with the limitation that the project shall no longer be eligible for future placement of sediment.

Section 1149. Inclusion of alternative measures for aquatic ecosystem restoration.

This section directs the Corps to consider, with the consent of the non-federal interest, a natural feature or nature-based feature when conducting a project to restore and protect an aquatic ecosystem or estuary, pursuant to section 206 of WRDA 1996.

This section also direct that in carrying out a feasibility report for flood risk management or hurricane and storm damage risk reduction, the Corps must consider the use of both traditional and natural infrastructure alternatives, if practicable.

Section 1150. Regional sediment management.

This section amends section 204 of WRDA 1992 to include authorized flood control projects when considering regional sediment management plans.

Section 1151. Operation and maintenance of navigation and hydroelectric facilities.

This section clarifies that operations and maintenance activities at Corps navigation facilities are inherently governmental functions.

Section 1152. Study of water resources development projects by non-Federal interests.

This section expedites projects by directing the Corps to furnish section 203 reviews to Congress upon completion, instead of after Administration review. Additionally, this section allows non-federal interest to contribute funds to conduct certain activities that will move projects forward through the process.

Section 1153. Construction of water resources development projects by non-Federal interests.

This section accelerates project delivery by allowing credit or reimbursement for certain segments of water resources development projects. Additionally, this section amends section 204 of WRDA 1986 to allow a non-federal interest to advance projects more expeditiously through the use of a written agreement with the Corps. This section also allows the Corps to transfer all relevant data and documentation to a non-federal interest with respect to a water resources development project, unless the data and documentation are considered proprietary information.

Section 1154. Corps budgeting; project deauthorizations; comprehensive backlog report.

This section directs the Corps to annually compile and publish a list of all feasibility studies, projects, and separable elements, that have not been completed; and a list of major federal operation and maintenance needs under the control of the Corps, with certain considerations. Additionally, this section requires the President to ensure that the Corps' annual budget request aligns the potential benefit-cost ratio for water resources development projects with the rate used by the Corps during project plan formulation and evaluation. It also requires that the President demonstrate transparent criteria and metrics in the evaluation and selection of projects included in the annual Corps budget request.

Section 1155. Indian Tribes.

This section provides a more comprehensive definition of federally recognized Indian tribes that may work in partnership with the Corps on water resources development projects.

Section 1156. Inflation adjustment of cost-sharing provisions for territories and Indian Tribes.

This section adjusts for inflation local cost-sharing waiver requirements for territories and Indian tribes.

Section 1157. Corps of Engineers continuing authorities program.

This section amends certain continuing authorities programs (CAPs).

Section 1158. Hurricane and storm damage reduction.

This section clarifies the extension of authorization for certain hurricane and storm damage reduction projects.

Section 1159. Regional coalitions and higher education.

This section allows the Corps to cooperate with regional coalition of governmental entities when preparing plans for the development of water and related resources. Additionally, the Corps may work with an institution of higher education when developing such plans.

Section 1160. Emergency response to natural disasters.

This section clarifies that hurricane and storm damage risk reduction project damaged or destroyed by natural disasters, shall be rebuilt to either pre-storm levels or its design level of protection, whichever is greater.

Section 1161. Cost and benefit feasibility assessment.

This section permits a non-federal interest to pay the difference between the cost of repairing a damaged flood control project and its projected economic benefits.

Section 1162. Extended community assistance by the Corps of Engineers.

This section allows a locality receiving emergency assistance to request to extend such assistance beyond the time period provided for in section 5 of the Act of August 18, 1941 (commonly referred to as P.L. 84-99).

Section 1163. Dam safety.

This section reauthorizes programs within the National Dam Safety Program Act through fiscal year 2023 to continue the Corps' role in reducing the risks to life and property from dam failure in the United States.

Section 1164. Local government water management plans.

This section directs the Corps to allow local communities to participate in the feasibility study, with the consent of the non-federal interest, to help achieve the goals of local or regional water management plans.

Section 1165. Structures and facilities constructed by Secretary.

This section clarifies that the scope of reviews for permissions under section 14 of the Act of March 3, 1899 (commonly referred to as section 408) shall not include unimproved real estate of the Corps, provided that a modification of the real estate does not affect the function or usefulness of the project.

Section 1166. Advanced funds for water resources development studies and projects.

This provides that the use of any statutory provision that allows a non-federal interest to provide or advance funds to the Secretary for the development or implementation of a water resources development project does not adversely affect the timeline or budgeting processes for other projects that do not use such authorities. Accordingly, the Corps should treat projects that proceed through regular appropriations and statutory cost-share the same as projects that may utilize advanced funds.

Section 1167. Costs in excess of Federal participation limit.

This section clarifies that a non-federal interest shall be responsible for all costs above the federal participation limit for projects relating to emergency streambank and shoreline protection.

Section 1168. Disposition of projects.

This section directs the Corps to consider environmental benefits in the disposition of water resources development projects and to improve the process for implementing disposition study recommendations.

Section 1169. Contributed funds for non-Federal reservoir operations.

This section allows the Corps to receive and expend funds from owners of certain non-federal reservoirs to formulate, review, or revise operational documents.

Section 1170. Watercraft inspection stations.

This section increases the authorization for watercraft inspection stations intended to prevent the spread of aquatic invasive species across the Columbia River Basin, Upper Missouri River Basin, the Upper Colorado River Basin, and the South Platte and Arizona River Basins.

Section 1171. Restricted areas at Corp of Engineers dams

This section extends current law prohibition restricting the Corps from installing permanent barriers or restricting public access in the vicinity of certain dams in Kentucky and Tennessee.

Section 1172. Coastal erosion.

This section directs the Corps to complete operation and maintenance renourishment to mitigate coastal erosion attributed to federal project structures in the upper northeast United States.

Section 1173. Prohibition on surplus water fees, Lake Cumberland Watershed, Kentucky and Tennessee.

This section restricts the Corps from charging a fee for surplus water for certain contracts in the Lake Cumberland Watershed, Kentucky and Tennessee.

Section 1174. Middle Rio Grande peak flow restoration.

This section directs the Corps to restart the temporary deviation in the operation of Cochiti Lake and Jemez Canyon Dam, subject to consultations with impacted stakeholders.

Sec. 1175. Prohibition of administrative fees in implementing Rough River Lake Flowage Easement Encroachment Resolution Plan.

This section prohibits the Corps from charging administrative fees to implement a flowage easement encroachment resolution plan.

Sec. 1176. Preconstruction engineering design demonstration program.

This section allows non-federal sponsors to advance studies for consideration by the Secretary.

SUBTITLE B – STUDIES AND REPORTS

Section 1201. Authorization of proposed feasibility studies.

This section authorizes the Corps to conduct feasibility studies for 10 projects for water resources development and conservation and other purposes. These feasibility studies were submitted to Congress in a Report to Congress on Future Water Resources Development pursuant to section 7001 of WRRDA 2014, or were otherwise reviewed by Congress. Each of the projects has as its primary purpose, one of the following: navigation, hurricane and storm damage reduction, flood damage reduction, or ecosystem restoration.

Section 1202. Additional studies.

This section directs the Corps to conduct studies along the Lower Mississippi River Basin and modify a study along the St. Louis Riverfront. These studies were submitted in a Report to Congress on Future Water Resources Development pursuant to section 7001 of WRRDA 2014, or were otherwise reviewed by Congress.

Section 1203. Expedited completion.

This section directs the Corps to expedite the completion of 29 feasibility studies currently underway. Upon completion of the study, if the Corps determines that the project is justified, the Corps may proceed directly to preconstruction planning, engineering, and design. This section also directs the Corps to expedite the completion of post-authorization change report for one project that is currently underway. Additionally, this section expedites the updating of the master plan for certain projects and expedites certain activities in the Upper Missouri River Basin.

Section 1204. GAO study on benefit-cost analysis reforms.

This section directs the Comptroller General to report to Congress on the benefit-cost procedures used by the Office of Management and Budget (OMB) and recommendations to improving the benefit-cost analysis procedures of the Corps and OMB.

Section 1205. Harbor Maintenance Trust Fund report.

This section directs the Corps to furnish required reports on the Harbor Maintenance Trust Fund, with additional considerations.

Section 1206. Identifications of nonpowered dams for hydropower development.

This section directs the Corps to develop a list of existing nonpowered dams that have the greatest potential for hydropower development.

Section 1207. Study on innovative ports for offshore wind development.

This section directs the Corps to furnish a report to Congress of all federally authorized ports and harbors that could become innovative ports for offshore wind development and identify barriers to such development.

Section 1208. Innovative materials and advanced technologies report.

This section directs the Corps to furnish a report to Congress on activities relating to the use of innovative materials and advanced technologies in water resources development projects.

Section 1209. Study and report on expediting certain waiver processes.

This section directs the Corps to furnish a report on how to improve and implement the waiver process for non-federal cost shares for certain storm damage prevention and reduction projects.

Section 1210. Report on debris removal.

This section directs the Corps to furnish a report to Congress on the extent to which the Corps has carried out the program for removing snags, obstructions, and other debris in federal channels pursuant to section 3 of the Act of March 2, 1945.

Section 1211. Corps flood policy within urban areas.

This section directs the Corps to furnish a report on federal policy constraints on the ability of the Corps to address urban flooding.

Section 1212. Feasibility studies for mitigation of damage.

This section directs the Corps to furnish a report on incomplete feasibility studies for certain projects that would mitigate damages from weather or other events.

Section 1213. Applications of military leasing authorities.

This section directs the Corps to furnish a report on the application of enhanced use leasing authorities, and other military leasing authorities to the civil works program of the Corps.

Section 1214. Community engagement.

This section directs the Corps to furnish a report on any potential disproportionate and adverse health or environmental effects of programs, policies, and activities of the Corps related to water resources development projects on minority communities, low-income communities, rural communities, and Indian tribes.

Section 1215. Transparency in administrative expenses.

This section directs the Corps to contract with the National Academy of Public Administration to study the efficiency of the Corps' current staff salaries and administrative expense procedures, within one year of enactment.

Section 1216. Assessment of harbors and inland harbors.

This section directs the Corps to include opportunities for the potential beneficial use of dredged materials in its assessment of the operation and maintenance needs at the Nation's harbors and inland harbors.

Section 1217. Maintenance of high risk flood control projects.

This section directs the Corps to assess the anticipated effects of the Corps continuing to be responsible for the maintenance of certain projects.

Section 1218. North Atlantic Division report on hurricane barriers and harbors of refuge.

This section directs the Corps to furnish a report on the durability and resiliency of existing hurricane barriers and harbors of refuge in the North Atlantic Division.

Section 1219. Great Lakes coastal resiliency study.

This section directs the Corps to carry out a comprehensive assessment of the water resources needs of the Great Lakes System.

Section 1220. McMicken Dam, Arizona, and Muddy River, Massachusetts.

This section directs the Corps to furnish a report on the status of McMicken Dam, Arizona and Muddy River, Massachusetts projects.

Section 1221. Table Rock Lake, Arkansas and Missouri.

This section directs the Corps to furnish a report on the implementation of the oversight committee for the Table Rock Lake Master Plan.

Section 1222. Forecast-informed reservoir operations.

This section directs the Corps to report on the use of forecast-informed reservoir operations at the Lake Mendocino project in California and the viability of using forecast-informed reservoir operations at other dams owned and operated by the Corps.

Section 1223. Cedar River, Iowa.

This section directs the Corps to furnish a report summarizing the path forward and timeline to implement the Cedar River, Cedar Rapids, Iowa project.

Section 1224. Old River control structure, Louisiana.

This section directs the Corps to furnish a report on the structure and operations plan for the Old River control structure based on the best available science and improved monitoring capabilities.

Section 1225. Upper Missouri River protection.

This section directs the Corps expedite completion of a study and report on the feasibility of certain modifications in carrying out the disposition of the Upper St. Anthony Falls Lock and Dam.

Section 1226. Missouri River.

This section prevents the Secretary from constructing any additional interception-rearing complexes on the Missouri River until the Corps submits a report regarding its impacts on navigation, flood control, and other authorized purposes set forth in the Missouri River Master Manual.

Section 1227. Lower Missouri River bank stabilization and navigation.

This section directs the Corps to furnish a report on the function and reliability of the Lower Missouri River bank stabilization and navigation project.

Section 1228. Coastal Texas study.

This section directs the Corps to expedite the completion of studies in the coastal areas of Texas.

Section 1229. Report on water supply contract, Wright Patman Lake, Texas

This section directs the Corps to furnish a report on the status of the implementation of the water supply contract at Wright Patman Lake, Texas.

SUBTITLE C – DEAUTHORIZATIONS, MODIFICATIONS, AND RELATED PROVISIONS

Section 1301. Deauthorization of inactive projects.

This section establishes a process that will lead to the deauthorization of \$4 billion in previously authorized, yet inactive Corps projects. This section requires the Corps to submit a list of inactive projects to Congress that were authorized for construction prior to November 8, 2007, have not begun planning, design, or construction, or, if projects have begun planning, design, or construction, they have not received any funds, federal or non-federal, in the past six years. After a 180-day period of congressional review, the projects on the list are automatically deauthorized unless Congress passes a joint resolution disapproving the final deauthorization list prior to the end of the period.

Section 1302. Backlog prevention.

This section terminates the authorization for any project or separable element of a project authorized for construction by this Act after 10 years unless construction has been initiated, a post-authorization study has been issued, or the authorization has been modified by an Act of Congress.

Section 1303. Project modifications.

This section modifies the Harbor/South Bay, California and the Lakes Marion and Moultrie, South Carolina projects in accordance with the Report to Congress on Future Water Resources Development pursuant to section 7001 of WRRDA 2014, or otherwise reviewed by Congress.

Section 1304. Lytle and Cajon Creeks, California.

This section deauthorizes a portion of the channel improvement project in Lytle and Cajon Creeks, California.

Section 1305. Yuba River Basin, California.

This section authorizes a non-federal interest to construct new levees in cooperation with the Corps and at full non-federal expense in the Yuba River Basin, California.

Section 1306. Bridgeport Harbor, Connecticut.

This section deauthorizes a portion of the project for navigation in Bridgeport Harbor, Connecticut.

Section 1307. Delaware River navigation project.

This section increases the elevation level that an area may be filled with respect to the navigation project for the Delaware River, Philadelphia to the Sea.

Section 1308. Comprehensive Everglades restoration plan, Central and Southern Florida, Everglades Agricultural Area, Florida.

This section authorizes the project for ecosystem restoration, Central and Southern Florida, Everglades Agricultural Area, Florida, with certain considerations.

Section 1309. Kissimmee River Restoration, Florida.

This section authorizes the Secretary to credit work performed by the non-federal sponsor as an in-kind contribution for the project for ecosystem restoration at the Kissimmee River, Florida.

Section 1310. Levee L-212, Four River Basin, Ocklawaha River.

This section deauthorizes portions of the project for flood control and other purposes in Four River Basins, Florida.

Section 1311. Green River and Barren River Locks and Dams, Kentucky.

This section directs the Corps to remove locks and dams within the Green River and Barren River system if the Corps determines that removal of any portion of the Green River and Barren River Locks and Dams are necessary. The Corps may use appropriated funds or accept and use funds contributed by certain entities to carry out the removal.

Section 1312. Cape Arundel Disposal Site, Maine.

This section extends to duration for which the Cape Arundel Disposal Site, Maine may remain active as an alternative dredged material disposal site until December 31, 2021.

Section 1313. Penobscot River, Maine.

This section deauthorizes two sections and redesignates two sections of the project for navigation in Penobscot River, Maine.

Section 1314. Boston harbor reserved channel deauthorizations.

This section deauthorizes a portion of the project for navigation in Boston Harbor Reserved Channel, Massachusetts.

Section 1315. Corps of Engineers bridge repair program for New England evacuation routes.

This section directs the Corps to repair or replace any bridge owned and operated by the Corps in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, or Vermont that is necessary for evacuation in extreme weather.

Section 1316. Plymouth Harbor, Massachusetts.

This section directs the Secretary to expedite and complete the dredging of Plymouth Harbor, Massachusetts.

Section 1317. Portsmouth Harbor and Piscataqua River.

This section directs the Secretary to expedite the project for navigation for Portsmouth Harbor and the Piscataqua River.

Section 1318. Missouri River and tributaries at Kansas Cities, Missouri and Kansas.

This section directs the Corps to align the schedules of and ensure coordination between the project for flood damage reduction in Argentine, East Bottoms, Fairfax-Jersey Creek, and North Kansas Levees Units, Missouri River and Tributaries at Kansas Cities, Missouri and Kansas; and the project for flood risk management in Armourdale and Central Industrial District Levee Units, Missouri River and Tributaries at Kansas Cities, Missouri and Kansas.

Section 1319. Hampton Harbor, New Hampshire, navigation improvement project.

This section directs the Corps to use all existing authorities to mitigate severe shoaling in carrying out the project for navigation at Hampton Harbor, New Hampshire.

Section 1320. Passaic River Federal Navigation Channel, New Jersey.

This section deauthorizes a portion of the project for navigation in the Passaic River, New Jersey. It also modifies the depth of a portion of the Passaic River navigation project from 30 feet to 20 feet.

Section 1321. Fargo-Moorhead Metropolitan Area Diversion Project, North Dakota.

This section exempts certain property in North Dakota, acquired through hazard mitigation assistance, from certain deed restrictions to the extent necessary to complete the Fargo-Moorhead Metropolitan Area Diversion Project.

Section 1322. Clatsop County, Oregon.

This section deauthorizes portions of the project for raising and improving existing levees of the Clatsop County Diking District No. 13, in Clatsop County, Oregon.

Section 1323. Svensen Island, Oregon.

This section deauthorizes the project for Svensen Island, Oregon.

Section 1324. West Tennessee Tributaries project, Tennessee.

This section deauthorizes the unconstructed portions of the West Tennessee Tributaries Project, Tennessee.

Section 1325. Puget Sound Nearshore Ecosystem Restoration.

This section increases the funding cap for the Puget Sound and Adjacent Water Restoration program.

Section 1326. Milwaukee Harbor, Milwaukee, Wisconsin.

This section deauthorizes a portion of the project for navigation in Milwaukee Harbor, Milwaukee, Wisconsin.

Section 1327. Project completion for disaster areas.

This section directs the Secretary to expedite projects for flood risk management or hurricane and storm damage risk reduction in Texas, Florida, Georgia, Louisiana, South Carolina, the Commonwealth of Puerto Rico, or the United States Virgin Islands.

Section 1328. Federal assistance.

This section directs the Corps to provide assistance for the operation and maintenance of a flood risk reduction project in the Red River Basin of the North.

Section 1329. Expedited initiation.

This section clarifies that a general re-evaluation report may be expedited.

Section 1330. Project deauthorizations and study extensions.

This section extends the period for deauthorization of projects and studies, and waives from deauthorization, certain projects that are awaiting to implement a locally preferred plan.

Section 1331. Conveyances.

This section directs the Corps to convey real property owned by the federal government in Nashville, Tennessee, Cheatham County, Tennessee, the Kentucky River, Kentucky, Bainbridge, Georgia, Whitman County, Washington, and Tuscaloosa, Alabama. It also requires the Secretary to transfer all right, title, and interest in for specified Corps property in Delaware to the Fort DuPont Redevelopment and Preservation Corps and to the state of Delaware.

Section 1332. Report on future water resources development.

This section amends section 7001 of WRDA 2014 to allow certain modifications for environmental infrastructure assistance programs for inclusion in the Report to Congress on Future Water Resources Development.

SUBTITLE D – WATER RESOURCES INFRASTRUCTURE

Section 1401. Project authorizations.

This section authorizes 12 water resources projects that have completed technical review by the Corps and are recommended by the Chief of Engineers. This section also authorizes three project modifications for previously authorized projects.

Section 1402. Special rules.

This section directs the Corps to correctly cost-share the project for navigation, St. Paul Harbor, Alaska, and to carry out the project for flood risk management and ecosystem restoration at Española Valley, Rio Grande and Tributaries, New Mexico.

Section 1403. Norfolk Harbor and Channels, Virginia.

This section authorizes the Corps to improve the project for navigation at Norfolk Harbor and Channels, Virginia. Additionally, this section authorizes the Corps to carry out additional modifications to the Thimble Shoals Channel.

TITLE II – DRINKING WATER SYSTEM IMPROVEMENT

Section 2001. Indian reservation drinking water program.

This section annual authorizes \$20 million in grants to Indian tribes on reservations in the Upper Missouri River Basin and Upper Rio Grande Basin to connect, repair, expand existing drinking water services or improve water quality, pressure, or water services.

Section 2002. Clean, safe, reliable water infrastructure.

This section permits states to use a portion of their Drinking Water State Revolving Loan Fund to protect source water in areas delineated by that state in its source water protection plan.

Section 2003. Study on intractable water systems.

This section requires the EPA, Department of Health and Human Services, and the Department of Agriculture to study and report back to Congress on intractable water systems and the barriers they face to delivering potable drinking water. An intractable water system serves fewer than 1,000 persons; where the owner or operator is unable or unwilling to provide safe drinking water, has effectively abandoned their water system or fails to maintain it, or has defaulted on their loans.

Section 2004. Sense of Congress relating to access to nonpotable water.

This section expresses the Sense of Congress that access to non-potable water for industry can relieve supply challenges for potable water in water-stressed regions of the country. It also urges water users to incentivize the use of non-potable water reuse.

Section 2005. Drinking water infrastructure resilience and sustainability.

This section includes new grant opportunities within an existing \$60 million annual program for states to assist small and disadvantaged communities when contaminants are present or are likely to be present in drinking water provided by a public water system or underground source of drinking water. The intent of this provision is to assist states with small and disadvantaged communities to promptly address problems associated with testing, treatment, and remediation of contamination sources and in cases where a third party is later found to be at fault for the contamination, EPA is authorized to reclaim the funds provided by the grant from the party at fault.

This section also provides \$4 million in grants in fiscal years 2019 and 2020 for programs for water systems, assisting in planning, design, construction, implementation, operation, or maintenance, to improve resilience to natural hazards.

Section 2006. Voluntary school and child care program lead testing grant program enhancement.

This section authorizes \$25 million in each of fiscal years 2020 and 2021 for technical assistance to aid in next steps after identifying lead in drinking water at schools and day care centers as well as help affected centers identify other sources of funding to address any lead contamination found in the drinking water of these facilities. These provisions guarantee that a priority of any funding is for low-income areas.

This section also authorizes \$5 million in grants for fiscal years 2019-2021 for monitoring, testing, and replacement of school drinking water fountains containing lead components. This section also places a priority on funding to schools based on economic need.

Section 2007. Innovative water technology grant program.

This section authorizes \$10 million in grants in fiscal years 2019 and 2020 for competitively awarded grants to develop, test, and deploy innovative water technologies or provide technical assistance to deploy these technologies. Priority for these projects is given to projects reducing ratepayer or future capital costs, significantly improving human health or the environment, and those providing additional drinking water supplies with minimal impact to the environment.

Section 2008. Improved consumer confidence reports.

This section, for water systems serving more than 10,000 persons, requires community water systems to provide a CCR to each customer of the system at least biannually. This section also permits these consumer confidence reports to be mailed or provided by electronic means to drinking water system customers. Finally, the section requires EPA to improve the format of the consumer confidence report to increase understandability and usefulness to non-technical readers on the quality of their water.

Section 2009. Contractual agreements.

This section permits an owner or operator of a public water system to enter a contractual agreement for significant management or administrative functions of its public water system to correct its identified violations. The contract is intended to be part of a larger plan that is subject to approval by its state (if that State has primary enforcement responsibility for the Safe Drinking Water Act (SDWA) or the EPA Administrator (if the state does not have primary enforcement responsibility). An approved plan would provide two years for the public water system to achieve compliance with its identified violations.

Section 2010. Additional considerations for compliance.

This section permits either a state with primary enforcement responsibility for SDWA or EPA, if the state does not have that authority under SDWA to require the owner or operator of certain public water systems to assess their options for consolidation, transfer of ownership, or other activities to get that system into compliance if: (1) the public water system in question has repeatedly, even despite efforts to correct it, violated one or more SDWA requirements and this lack of compliance is likely to adversely affect human health; (2) consolidation or transfer of the public water system is feasible, including feasibility based upon geographic considerations, technical concerns, access to capital, and chances for long-term success; and (3) consolidation, transfer or ownership or other actions could result in greater compliance with national primary drinking water regulations. For certain actions undertaken pursuant to this section, liability protection is provided for outside entities that aid the utility in getting back into compliance.

Section 2011. Improved accuracy and availability of compliance monitoring data.

This section requires the EPA, in coordination with the States, public water systems, and other interested stakeholders to create a strategic plan for improving the accuracy and availability of monitoring data collected to demonstrate SDWA compliance, particularly data submitted by public water systems to states and data submitted by states to EPA.

Section 2012. Asset management.

This section encourages the use of asset management by drinking water delivery systems in three ways. First, it requires states, as part of their Capacity Development Strategy, to consider, solicit, and include as appropriate, how the State will encourage the use of asset management plans and assist in the use of asset management best practices by public water systems as part of these plans. Second, it requires that when the state publishes its Capacity Development Strategy report to detail the efficacy of and progress made on the state's efforts to encourage development of asset management plans and to engage in relevant training to implement asset management plans. Last, it requires the Administrator to, every five years, review and update, if appropriate, educational materials made available by the Agency.

Section 2013. Community water system risk and resilience.

This section replaces the provisions in SDWA regarding anti-terrorism activities and instead, in line with existing water system practices, creates requirements for assessing risks from malevolent acts, including terrorism, and resilience to natural hazards and emergency response plans to those threats by community water systems serving more than 3,300 persons. This section also authorizes \$25 million in grants for this purpose.

Section 2014. Authorization for grants for State programs.

This section authorizes appropriations for the Public Water System Supervision grants, the fund States use to implement SDWA, at \$125 million in fiscal years 2020 through 2021.

Section 2015. State Revolving Loan Funds.

This section makes changes in the statute regarding requirements on the use of Drinking Water State Revolving Loan Funds (SRF) as well as eligible uses. It makes clear that SRF monies can be used to replace or rehabilitate aging treatment, storage, or distribution facilities to meet SDWA mandates or improve public health. The section also moves existing prevailing wage requirements on SRFs into the SDWA, reinvigorates the use of the SRF for state source water protection planning, asks EPA to collect information on best management practices for SRFs, and requires the EPA's national drinking water needs survey to include a report on lead pipes. Importantly, this section permits states to increase the amount of SRF loans they make to economically disadvantaged communities and permits an additional 10 years for repayment of these loans to the state. This section is also linked with Section 2023, which increases the authorization for the Drinking Water SRF over three years by 100%.

Section 2016. Authorization for source water petition programs.

This section authorizes funding in fiscal years 2020 and 2021 for the execution of voluntary source water protection plans based upon state source water protection plans.

Section 2017. Review of technologies.

This section authorizes \$10 million for EPA to review existing and potential methods, means, equipment, and intelligent systems or other smart smart-technology to: (1) ensure the physical integrity of a community water system; (2) prevent, detect, or respond in real-time to regulated contaminants in drinking water and source water; (3) allows for use of alternate drinking water supplies from non-traditional sources; and (4) facilitate source water assessments and protection.

Section 2018. Source water.

This amends the Emergency Planning and Community Right to Know Act to help community water systems better understand real and potential threats to the source water they treat for drinking water.

Section 2019. Report on federal cross-cutting requirements.

This section requires the Government Accountability Office to conduct a study and issue a report to Congress that identifies demonstrations of compliance with a state or local environmental law that may be substantially equivalent to any demonstration required by the Administrator for compliance with a federal cross-cutting requirement (a requirement that is a condition for receipt of federal funding).

Section 2020. Assistance for areas affected by natural disasters.

This section authorizes \$100 million in funding over the next two fiscal years to aid areas that since January 1, 2017 have received a major federal disaster declaration due to devastation from a natural disaster and need help repairing their drinking water systems or hooking up to other ones to obtain potable drinking water.

Section 2021. Monitoring for unregulated contaminants.

This section authorizes EPA, subject to funding to carry out the requirements and laboratory capacity, to require drinking water systems serving between 3,300 and 10,000 persons to be part of a quadrennial, mandatory census of water systems for up to 30 unregulated contaminants. The section also authorizes \$15 million in the years for those censuses to pay for costs associated with those tests by this group of public water systems. The Administrator is not permitted to subject public water systems serving fewer than 3,300 persons to any civil penalty for inability to comply with sampled monitoring.

Section 2022. American iron and steel products.

This section extends the requirements on purchases of iron and steel components using DWSRF monies be manufactured in the United States for five fiscal years.

Section 2023. Authorization for capitalization grants to States for State Drinking Water Treatment Revolving Loan Funds.

This section authorizes over \$4.4 billion in appropriations, over three years, for capitalization grants awarded to state drinking water revolving loan funds. The amounts are: \$1.174 billion in fiscal year 2019, \$1.3 billion in fiscal year 2020, and \$1.95 billion in fiscal year 2021.

TITLE III - ENERGY

Section 3001. Modernizing authorizations for necessary hydropower approvals.

This section amends the Federal Power Act to increase the duration for which Federal Energy Regulatory Commission (FERC) can issue preliminary permits for hydropower projects from three years to four years. FERC is authorized to extend a preliminary permit from two additional years to up to four additional years. This section also authorizes FERC to extend the commencement of construction deadline for a hydropower project for up to eight years.

Section 3002. Qualifying conduit hydropower facilities.

This section promotes the development of small conduit hydropower facilities by requiring FERC to determine whether a facility meets qualifying small conduit facility criteria within 30 days of receipt of a notice of intent to construct. This section also replaces the 5 MW cap on qualifying conduit hydropower facilities with a 40 MW cap.

Section 3003. Promoting hydropower development at existing nonpowered dams.

This section promotes hydropower development at existing nonpowered dams by establishing an expedited licensing process that will seek to result in a final decision on an application in two years or less. This section also requires FERC, the Corps, and the Department of Interior, to develop a list of existing nonpowered federal dams that have the greatest potential for non-federal hydropower development.

Section 3004. Closed-loop pumped storage projects.

This section promotes closed-loop pumped storage hydropower development by establishing an expedited licensing process that will seek to result in a final decision on an application in two years or less. This section also requires FERC to hold a workshop to explore potential opportunities for development of closed-loop pumped storage projects at abandoned mine sites.

Section 3005. Considerations for relicensing terms.

This section encourages early action by hydropower licensees by directing FERC to consider project-related investments when issuing a new license. In issuing a new license, FERC is directed to give equal weight to both investments required by the new license, and investments that were made over the term of the existing license.

Section 3006. Fair ratepayer accountability, transparency, and efficiency standards.

This section amends the Federal Power Act to address the inaction of FERC for a rate change filed by a public utility. Public utilities must give FERC and the public a 60-day notice before a proposed rate change can take effect. The failure of FERC to accept or deny a rate change within the 60-day window because the Commissioners have a two-two split, a vacancy, incapacity, recusal, or a lack of quorum, shall be treated as an order by the Commission for purposes of rehearing and court review.

Section 3007. J. Bennett Johnston Waterway hydropower extension.

This section authorizes FERC, at the request of the licensee, to extend the time period required for commencement of construction of three hydroelectric projects in the state of Louisiana for up to six years.

Section 3008. Stay and reinstatement of FERC License NO. 11393 for the Mahoney Lake Hydroelectric Project.

This section directs FERC, at the request of a licensee, to issue an order continuing a stay of a hydroelectric license for the Mahoney Lake hydroelectric project in the state of Alaska. FERC is authorized to lift the stay not later than 10 years after the date of enactment and extend the time period required for commencement of construction for up to six years.

Section 3009. Strategic Petroleum Reserve Drawdown.

This section directs the Secretary of Energy to drawdown and sell 5 million barrels of crude oil from the Strategic Petroleum Reserve during fiscal year 2028.

TITLE IV – OTHER MATTERS

SUBTITLE A – CLEAN WATER

Section 4101. Stormwater infrastructure funding task force.

This section directs the EPA Administrator to establish a stormwater infrastructure funding task force to study and develop recommendations to improve the availability of public and private sources of funding for stormwater infrastructure.

Section 4102. Wastewater technology clearinghouse.

This section directs the EPA Administrator to disseminate information about on cost-effective and alternative wastewater recycling and treatment technologies.

Section 4103. Technical assistance for treatment works.

This section amends section 104 of the Federal Water Pollution Control Act (also known as the Clean Water Act or CWA) to allow the EPA to make grants to nonprofit organizations to provide technical assistance relating to achieving CWA compliance, or obtaining financing for, wastewater infrastructure in rural, small, and tribal municipalities.

Section 4104. Amendments to Long Island Sound programs.

This section reauthorizes the Long Island Sound Program and the Long Island Sound Stewardship Program through fiscal year 2023. It makes updates to the program to better coordinate federal restoration activities in the watershed and continue improvements in the Sound.

Section 4105. Authorization of appropriations for Columbia River Basin restoration.

This section authorizes appropriations for the Columbia River Basin program, authorized in the Water Infrastructure Improvements for the Nation Act of 2016.

Section 4106. Sewer overflow control grants.

This section amends Section 221 of the CWA to provide grants to states for management of stormwater.

Section 4107. Assistance for individual household decentralized wastewater systems of individuals with low or moderate income.

This section amends section 603 of the CWA to make eligible assistance for technical assistance for the repair or replacement of existing individual household decentralized wastewater treatment systems, or the connection to a publically owned treatment works.

SUBTITLE B – WIFIA REAUTHORIZATION AND INNOVATIVE FINANCING FOR STATE LOAN FUNDS

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

This section reauthorizes the Water Infrastructure Finance and Innovation Act (WIFIA) program. This section provides important amendments to allow the Corps and other federal agencies with federal credit instruments to enter into an agreement with the EPA to service loans for their programs. This section improves the process for state applications, provides additional sources of funding for State Infrastructure Financing Authorities applying for WIFIA loans, and ensures that the current SRF and WIFIA funds are protected.

This section also creates a new financing program within WIFIA for states to be able to bundle smaller projects. This new program line also prevent states from passing the application fee on to the smaller initiatives.

SUBTITLE C—MISCELLANEOUS

Section 4301. Agreement with Commissioner of Reclamation.

This section directs the Commissioner of Reclamation to enter into an agreement with the EPA administrator under the newly created servicing authority provided in section 4201.

Section 4302. Snake River Basin flood prevention action plan.

This section requires the Commissioner of Reclamation, in consultation with the Secretary of the Army, to develop a flood prevention action plan for each state or portion of a state within the Snake River Basin.

Section 4303. GAO audit of contracts and Tainter gate repairs of Harlan County Dam.

This section directs the Comptroller General to conduct an audit of the Extraordinary Maintenance Repayment Contract No. 16XX630077 and no. 16XX630076 between the United States and the Bostwick Division for repair of Tainter gates.

Section 4304. Water infrastructure and workforce investment.

This section establishes a competitive EPA grant program to assist the development and utilization of innovative activities relating to workforce development and career opportunities in the water utility sector. Grants can be used for onsite training, apprenticeship programs, and other educational activities for the sector.

Section 4305. Regional liaisons for minority, Tribal, and low-income communities.

This section requires each regional office of EPA to designate one employee to be the point of contact for minority, Tribal, and low-income communities.

Sec. 4306. WaterSense.

This section creates the legislative framework for the existing WaterSense program at the EPA. WaterSense is a voluntary program that promotes water conservation by labeling certain products that meet strict performance criteria and save more water than other products in their same category.

Sec. 4307. Predatory and other wild animals.

This section directs the Director of the Fish and Wildlife Service to use the most expeditious procedure practicable to process and administer certain take permits.

Section 4308. Klamath project water and power.

This section authorizes the Bureau of Reclamation to work with the farming and ranching community in the Klamath River Basin to develop and implement strategies to align water demand with available supply.

Sec. 4309. Certain Bureau of Reclamation dikes.

This section adjusts the cost share for the operation and maintenance of certain dikes owned by the Bureau of Reclamation.

Sec. 4310. Authority to make entire active capacity of Fontenelle Reservoir available for use.

This section authorizes the Secretary of the Interior to enter into an agreement with the state of Wyoming to enable the use of all active storage capacity of Fontenelle Dam and Reservoir.

Sec. 4311. Blackfoot water rights settlement.

This section adjusts the authorization for the Blackfoot Water Rights Settlement to allow the Blackfoot Tribe to receive access to funding in a timely manner so that they may complete a range of water-related infrastructure projects on Tribal lands.

Section 4312. Indian irrigation fund reauthorization.

This section extend the authorization for Indian Irrigation Fund at current levels.

Section 4313. Reauthorization of repair, replacement, and maintenance of certain Indian irrigation projects.

This section extends the authority for the Corps to assist Indian tribes in the repair, replacement, and maintenance of certain irrigation projects.

Section 4314. Indian dam safety reauthorization.

This section extends the authorization for the Indian dam safety program at current levels.

Section 4315. Diana E. Murphy United States Courthouse.

This section designates the United States Courthouse in Minneapolis, Minnesota the “Diana E. Murphy United States Courthouse”.