

**America’s Water Infrastructure Act of 2018**  
**\*\*\*SUBSTITUTE\*\*\***  
**Section-by-Section**

**Sec.1. Short title; table of contents.**

**Sec.2. Definition of Secretary.**

This section defines the “Secretary” under this Act as the Secretary of the Army.

**Sec.1001. Corps budgeting.**

This section requires that the United States Army Corps of Engineers (the Corps) headquarters and districts provide Congress with a work plan and four year projected budget on an annual basis.

This section will provide an additional opportunity for projects or initiatives of regional, tribal or local significance to receive appropriations. This section amends the project qualification process by allowing the Corps to advance projects in a secondary process. The process will also increase public participation and increase transparency and accountability.

**Sec.1002. National Academy studies.**

This section requires the National Academy of Sciences to conduct studies to examine how the Corps can increase transparency in cooperating with Congress, State and local units of government, and local stakeholders, as well as other cost-share partners, government agencies, and stakeholders.

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

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

This section requires that the Comptroller General of the United States (the Comptroller General) conduct and submit to Congress a study on the benefit-cost procedures of the Secretary and the Director of OMB within 1 year after enactment of America’s Water Infrastructure Act of 2018. The study should include (1) an examination of the benefits that the Secretary and Director do and do not include in the benefit-cost calculation, as well as (2) an evaluation of navigation benefits included and not included in the calculation for non-commercial harbors for military training purposes.

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

This section amends the current Corps cost-sharing requirements for feasibility studies and project construction to require that whenever a local cost-share is required for a water resources development project, each Corps district is required to maintain a balance sheet of the funding for the project. The Corps must provide the balance sheet to the non-Federal sponsor upon request.

This section requires that if a project comes in under-budget, the relevant share of the funds must be credited back to the non-Federal sponsor in the appropriate cost-share ratio. Further, the non-Federal interest may use the excess funds as its cost-share for other Corps projects or its cost-share for operation and maintenance of a project for which a non-Federal cost-share is required.

**Sec.1005. Non-Federal sponsor reimbursements.**

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

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

This section amends section 225(c) of WRDA 1992 so that a non-Federal private entity, like non-Federal public entities, may enter into cooperative agreements with the Secretary to collect user fees for the development of recreation sites and facilities. This would be regardless of whether the site and facilities were developed or constructed by the non-Federal entity or Department of the Army.

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

The section also states that the non-Federal private entity is bound to all the same regulations and requirements as a non-Federal public entity.

**Sec.1007. Cost estimates.**

This section amends section 2008 of WRDA 2007 in order to prevent the retroactive application of an increased non-Federal cost-share in situations where construction on a Corps project has already begun prior to the increase in non-Federal cost-share.

**Sec.1008. Retroactive changes to cost-sharing agreements.**

This section addresses study costs incurred by a non-Federal interest prior to the execution of a feasibility cost-sharing agreement for an aquatic ecosystem restoration project under section 206 of WRDA 1996.

Pursuant to this section of America’s Water Infrastructure Act of 2018, the entire study cost shall be at Federal expense as long as the study was initiated before October 1, 2006, and the feasibility cost-sharing agreement was not executed before January 1, 2014.

**Sec.1009. Project partnership agreements.**

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

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

This section mandates that the Secretary provide a report to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives within 1 year of enactment of America’s Water Infrastructure Act of 2018. The report will concern how to improve and expedite the waiver process for the non-Federal cost share under section 116 of the Energy and Water Development and Related Agencies Appropriations Act of 2010 (P.L. 111–85; 123 Stat. 2851). Communities with little economic base that cannot afford to raise a non-Federal cost-share use the waiver process.

**Sec.1011. Feasibility studies for mitigation of storm damage.**

This section amends section 105(a)(1) of WRDA 1986 in the case of a feasibility study for a project for the mitigation of damage to an area affected by weather or other events. If (1) the Secretary provided emergency response under section 5 of the Flood Control Act of 1941, or the area received disaster assistance under the Stafford Act during the 8-year period preceding the enactment of America’s Water Infrastructure Act of 2018, and (2) there is a significant risk for future similar events, then the Federal cost-share of the feasibility study will be between 50 and 100 percent.

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

This section amends section 5(a) of the Flood Control Act of 1941 to provide disaster operations assistance for Indian tribes and Alaskan native corporations. It authorizes communities to petition the Secretary for assistance beyond the 30-day period of a project under 33 C.F.R. 203.61(b)(8), and requires the Secretary to increase resiliency. It also allows the Secretary to reduce the minimum non-Federal cost-sharing requirement of 45 percent if the financial situation of the non-Federal sponsor of a project warrants a reduction, and stipulates that the Secretary may not impose a non-Federal cost-sharing requirement on a project serving a disadvantaged community (as defined in section 1452(d) of the Safe Drinking Water Act).

This section contains a sunset provision ending the authority of the Secretary to provide extended assistance 2 years after enactment of America's Water Infrastructure Act of 2018.

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

This section amends the Act of October 15, 1940. It expands the authority of the Secretary to accept funds from a State (as defined, to include a federally recognized Indian tribe or a tribal organization under 25 U.S.C. 5304) to carry out water resources projects so that it is applicable to all project purposes beyond flood risk management and navigation (e.g., aquatic ecosystem restoration, coastal storm damage reduction, etc.).

**Sec.1014. Implementation guidance.**

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

**Sec.1015. Implementation guidance for this Act.**

This section requires that any implementation guidance issued to carry out America's Water Infrastructure Act of 2018, or any amendments made by it with respect to a provision of law under the jurisdiction of the Secretary, must be issued within 1 year of enactment of America's Water Infrastructure Act of 2018, and be subjected to public comment. The public comments and a review of their consideration shall be provided to the Committee on Environment and Public Works after issuance of the guidance. This section does not apply to a provision of law for which a lack of appropriated funds prevents the issuance of implementation guidance.

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

This section amends section 1172 of WIIN 2016. It requires that the Secretary grant an easement across water resources development project land for the electric, telephone, or broadband service facilities of a nonprofit organization that is eligible for financing under 7 U.S.C. 901 et. seq. The easement cannot interfere with the safe functioning of the project and the placement of the easement is at the Secretary's discretion.

**Sec.1017. Corps capabilities.**

This section states that the Secretary shall conduct the study currently authorized by section 936 of WRDA 1986 and complete it within 1 year. The purpose is to study and evaluate the measures necessary to increase the capabilities of the Corps to undertake the planning and construction of water resources projects on an expedited basis and to comply with all requirements of law applicable to the Corps' water resources program.

**Sec.1018. Project authorization funding lines.**

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

**Sec.1019. Consolidation of studies; report.**

This section requires the Secretary to complete a study and report to Congress within 1 year of enactment of America's Water Infrastructure Act of 2018 on potential unintended consequences of section 1002 of WRRDA 2014. The goal is to ensure that section 1002 of WRRDA 2014, as well as amendments made by that section, do not limit the Corps' available options to fund work related to feasibility scoping, project management planning, and review plan development.

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

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

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

**Sec.1021. Reports to Congress.**

This section requires that if the Secretary fails to provide a completed report or study called for under America's Water Infrastructure Act of 2018 by 180 days after the applicable date that \$5,000 must be reprogrammed from the General Expenses account of the civil works program of the Corps, and an additional \$5,000 each week thereafter. The total amount per study or report cannot exceed \$50,000 in any fiscal year and the total amount reprogrammed per study or report cannot exceed \$100,000.

This section allows the Secretary to avoid the reprogramming of funds if the Secretary certifies to Congress that either a major modification has been made to the content of the report or study; funds to carry out the report or study were not appropriated; or additional information is required for the Corps to complete it in a timely manner.

### **Sec.1022. Disposition studies.**

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

### **Sec.1023. Natural infrastructure.**

This section requires that in each feasibility study carried out by the Secretary for a flood risk management or hurricane and storm damage risk reduction project, the Secretary must consider the use of both traditional and natural infrastructure alternatives, alone or in conjunction with each other, if those alternatives are practicable.

### **Sec.1024. Watercraft inspection stations.**

This section directs the Secretary to establish, operate, and maintain new or existing watercraft inspection stations intended to prevent the spread of aquatic invasive species. It increases to \$30 million the Corps' authorization for watercraft inspection stations on the Columbia River Basin. It also provides \$30 million in authorized appropriations for inspection stations in the Upper Missouri River Basin.

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

This section extends the authorizations and authorizations of appropriations of the non-Federal implementation pilot programs at \$50 million for each of fiscal years 2020 through 2021. These pilot programs evaluate the cost-effectiveness and project delivery efficiency of non-Federal interests carrying out feasibility studies and the construction of projects for flood risk management, hurricane and storm damage reduction, ecosystem restoration, and coastal harbor and channel and inland harbor navigation.

### **Sec.1026. Project studies subject to independent peer review.**

This section extends the statutory obligation for the Secretary to carry out independent peer reviews during the development of feasibility studies for an updated total of seventeen years from November 8, 2007.

The Secretary is also required to complete a report within 1 year of enactment of America's Water Infrastructure Act of 2018. The report should analyze cost and time overruns for projects subject to section 2034 of WRDA 2007; the effectiveness of peer review, and the extent to which planning problems are identified in the peer review process; and whether the Secretary plans to take actions to improve the general planning process to address planning problems identified in multiple reviews by Independent External Peer Review panels. The Secretary must submit the report to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

**Sec.1027. Expedited consideration.**

This section extends through December 31, 2024, the expedited considerations procedure for the House and Senate so that they can consider authorization of certain water resource development or conservation projects outside of the regular WRDA authorization cycles.

**Sec.1028. WIFIA study.**

This section requires the Secretary to conduct a study on WIFIA implementation impediments. The study should look into the obstacles that need to be removed so that the Secretary can implement the Water Infrastructure Finance and Innovation Act (33 U.S.C. 3901 et seq.), identify all projects that the Secretary determines are potentially viable to receive assistance, and identify any amendments to the Act or other legislative or regulatory changes that would improve the Secretary's ability to implement the Act. The report must be submitted to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives no later than 1 year after enactment of America's Water Infrastructure Act of 2018.

**Sec.1029. Enhanced development demonstration program.**

This section directs the Secretary to review the master plan and shoreline management plan for any lake described in section 3134 of WRDA 2007. The purpose is to identify suitable areas for enhanced development, as defined. The Secretary is authorized under this section to lease Federal land under the Secretary's jurisdiction using competitive procedures. Such leases must require payment of at least fair market value; enter into a partnership agreement with the private sector; consider lease durations of up to 100 years; and consider regional economic impacts. The Secretary is also authorized to accept certain in-kind contributions as payment.

This section also requires that the Secretary complete a study and submit to Congress within two years of enactment of America's Water Infrastructure Act of 2018. The study should address the application of enhanced use leasing authorities, and other military leasing authorities to the Secretary's civil works program. The report must detail the results of this study, including a description of the obstacles that must be removed to implement the authorities.

**Sec.1030. Duplication of efforts.**

This section concerns the case of a project in which the non-Federal sponsor is working with an institution of higher education on a water resources project. In order to reduce duplicative efforts, the Secretary must consider hiring an institution of higher education or entity, in accordance with any applicable contract law, to provide assistance under section 22 of WRDA 1974 with respect to that same project.

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

This section creates a Board of Appeals for water storage projects undergoing consideration of a permit decision. The Board is made up of two representatives of state water development

commissions and agencies with water storage needs, two representatives of the Corps, and one representative jointly selected by the Secretary and entities. The provision requires the District Engineer to develop and provide to the applicant a purpose and needs statement that describes whether it concurs with the purpose and need statement of the applicant. The applicant then has the opportunity to appeal the purpose and need statement. The provision also requires that all permit conditions be provided to the applicant in advance of a permit decision. The applicant then has the opportunity to appeal the conditions prior the District Engineer's permit decision.

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

This section states the sense of Congress that in a case in which a local non-Federal interest takes on what is normally a Federal responsibility for certain operation, maintenance, or capital improvement expenses of a project of the Secretary, the expenditure of such funds by a local non-Federal interests results in savings to Federal taxpayers.

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

This section states the sense of Congress that the amendment to section 203 of WRDA 1986 made by section 1126 of WIIN 2016, which concerns study of water resources development projects by non-Federal interests, was intended to supersede any conflicting laws.

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

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

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

This section states the sense of Congress that the Secretary should ensure that Corps infrastructure can endure extreme weather, mitigate flooding and other negative impacts on communities, and provide a significant return on investment by encouraging the use of resilient structural or nonstructural construction techniques; and clarifying that nonstructural approaches, techniques, and alternatives including natural and nature-based solutions.

**Sec.1036. Alterations to local flood control projects.**

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



**Sec.1037. Non-Federal construction.**

This section requires the Secretary to transfer all relevant data and documentation with respect to a water resources development project to the non-Federal interest that will be carrying out a water resources development project under section 204(b) of WRDA 1986 within 90 days of receiving such a request. Additionally, the Secretary must provide technical assistance upon the non-Federal interest's request, so the non-Federal interest has an opportunity to obtain permits in the most expeditious manner possible.

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

This section amends section 5 of the Flood Control Act of 1936 to authorize the Secretary to receive contributed funds from an owner of a non-federal reservoir (in addition to a state or political subdivision thereof, or other non-federal interest) to formulate, review, or revise operational documents for any non-federal reservoir for which the Secretary is authorized to prescribe regulations for the use of storage allocated for flood risk management or navigation pursuant to section 7 of the Act of December 22, 1944.

**Sec.1039. Mitigation bank credit release schedules.**

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

**Sec.1040. Innovative materials report.**

This section requires the Secretary to submit to Congress a report within 1 year of enactment of America's Water Infrastructure Act of 2018 that describes activities conducted at all Corps technology, research and development related facilities and organizations relating to the testing, research, development, identification, and recommended uses for innovative materials in water resources projects. The report will also provide recommendations for which innovative materials should be used in water resources projects.

**Sec.1041. Updates to benefit-cost analysis.**

This section states that the Secretary cannot perform or update a benefit-cost analysis of a project once construction has commenced.

**Sec.1042. Local government water management plans.**

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

**Sec.1043. Access to real estate data.**

This section requires the Secretary to make publically available as soon as practicable all real estate assets of the Corps, as well as other Federal real estate assets owned, operated, managed, regulated, or in its custody. This requirement is inapplicable to information the Secretary deems to be confidential, privileged, national security information, or that is otherwise prohibited by law.

**Sec.1044. Advanced funds for discrete segments.**

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

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

This section states that the non-Federal interest for a water resources development study or project must be given the opportunity to participate in all consultations with Federal and State agencies and Indian Tribes required by Federal law. It also addresses the solicitation of, and the extent of that consideration of the non-Federal interest's views, as well as the obligation of the Secretary to require the applicable District Commander to engage in consultation with a non-Federal interest throughout the course of a study or project. Consultation includes notification to, working with, and addressing the concerns of the non-Federal sponsor.

**Sec.1046. Categorical exclusions.**

This section amends section 2045 of WRDA 2007 to require that within 180 days of enactment of America's Water Infrastructure Act of 2018 that the Secretary survey the use by the Corps of categorical exclusions of projects since 2014.

It also requires that no later than 1 year after enactment of America's Water Infrastructure Act of 2018, if the Secretary has identified a category of activities that merit establishing a categorical exclusion that did not exist on the day before enactment of America's Water Infrastructure Act of 2018, the Secretary must publish a notice of proposed rulemaking to propose that new categorical exclusion in conformance with the criteria under 4 C.F.R. 1508.4 (as in effect on the date of enactment of America's Water Infrastructure Act of 2018).

**Sec.1047. Geomatic data.**

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

#### **Sec.1048. Completion of feasibility studies.**

This section addresses feasibility studies initiated by the Secretary under section 905(a) of WRDA 1986, following the enactment of America's Water Infrastructure Act of 2018. It sets the goal of completing a feasibility study within 2 years. In carrying out these specified feasibility studies, the Secretary must exercise all existing flexibilities under and exceptions to any requirement administered by the Secretary. In addition, the Secretary must further provide additional flexibilities or expedited processing with respect to exercising all existing flexibilities under and exceptions to any requirement administered by the Secretary to complete the feasibility study within the 2-year goal timeframe.

#### **Sec.2001. Authorization of proposed feasibility studies.**

This section authorizes the Secretary to conduct feasibility studies for 9 projects for water resources development that were submitted to Congress in an annual Report to Congress on Future Water Resources Development pursuant to section 7001 of the Water Resources Reform and Development Act of 2014, or otherwise reviewed by Congress.

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

#### **Sec.2002. Lower Missouri River Bank stabilization and navigation.**

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

#### **Sec.2101. Savannah Harbor expansion project.**

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

#### **Sec.2102. Deauthorization of Svensen Island.**

This section deauthorizes the project for Svensen Island, Oregon, as of the date of enactment of America's Water Infrastructure Act of 2018.

**Sec.2103. Whittier Narrows study.**

This section requires a study by the Secretary regarding the Whittier Narrows Dam Project to evaluate the impacts of removing 1 percent of the flowage spreading grounds from the flood control easement. The Secretary must both complete the study and submit a report to Congress describing the results within one year of enactment of America's Water Infrastructure Act of 2018.

**Sec.2104. West Tennessee tributaries project, Tennessee.**

This section deauthorizes the West Tennessee tributaries project along the Obion and Forked Deer rivers and tributaries, as of the date of enactment of America's Water Infrastructure Act of 2018.

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

This section deauthorizes the Bridgeport Harbor-Pequonnock River navigation project north of Congress Street in the City of Bridgeport, Connecticut, as of the date of enactment of America's Water Infrastructure Act of 2018.

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

This section deauthorizes from the federal inventory levees L-212 and L-231, which are two components of the federal Four River Basins Project in Florida, as of the date of enactment of America's Water Infrastructure Act of 2018.

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

This section allows the Secretary to repair or replace bridges in New England owned and operated by the Secretary that are necessary for evacuation routes in natural or manmade extreme weather events, subject to appropriations. To the maximum extent practicable, the Secretary must transfer each bridge to a willing non-Federal entity after the completion of the repair or replacement of the bridge. Thereafter, the non-Federal entity shall assume ownership and responsibility for the operation and maintenance of the bridge.

**Sec.2108. Boston Harbor reserved channel deauthorizations.**

This section deauthorizes portions of the Boston Harbor, Massachusetts, navigation project authorized by the first section of the Act of October 17, 1940, as amended.

**Sec.2109. Project deauthorization and study extensions.**

Subsection (a) extends the period for deauthorization of projects under section 6003(a) of WRRDA 2014 from 7 to 10 years. The Secretary must not count any period of time during which

the project's locally preferred plan under section 1036(a) is being reviewed by the Corps and awaiting a decision by the Secretary.

Subsection (b) extends the period for deauthorization of studies under WRRDA 2014 section 1001(d)(4) from 7 to 10 years.

**Sec.2110. Deauthorization of inactive studies.**

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

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

**Sec.2111. Certain disposition studies.**

This section requires the Secretary to consider modifications that would improve the overall quality of the environment in the public interest, including removal of the project or a separable element of the project, when carrying out a disposition study under section 216 of the Flood Control Act of 1970.

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

This section deauthorizes Kentucky River locks and dams 1 through 4 as of enactment of America's Water Infrastructure Act of 2018. It conveys the project in "as in" condition to Kentucky for use and benefit of the Kentucky River Authority. It also requires that any conveyance include that the State holds the United States harmless from any liability resulting activities on the property.

**Sec.2113. Kissimmee River restoration.**

This section authorizes the Secretary to credit work performed or to be performed by the non-Federal sponsor as an in-kind contribution under section 221(a)(4) of the Flood Control Act of 1970, in accordance with the report dated April 27, 2018, relating to the project for ecosystem restoration, Kissimmee River, Florida, authorized by section 101(8) of WRDA 1992.

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

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

**Sec.2201. Project authorizations.**

This section authorizes 6 Chiefs Reports:

Navigation—

- (1) Houston-Galveston Navigation Channel Extension

Flood Risk Management—

- (1) Ala Wai Canal
- (2) Mamaroneck-Sheldrake Rivers

Hurricane and Storm Damage Risk Reduction—

- (1) St. Johns County
- (2) St. Lucie County
- (3) Sabine Pass to Galveston Bay

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

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

**Sec.2203. Environmental infrastructure projects.**

This section amends section 219(f) of WRDA 1992 to authorize cost increases to specific projects: it raises the appropriations authorization level to \$90 million for the Lake Marion Regional Water Agency/Lake Marion and Moultrie environmental infrastructure project; it raises the appropriation authorization level to \$70 million for the Harbor/South Baywater recycling project; and it authorizes appropriations in the amount of \$16 million for wastewater infrastructure in Charlotte County, Florida.

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

**Sec.2204. Conditional reauthorization of environmental projects.**

This section prevents the deauthorization of described environmental projects for fiscal years 2019 through 2021, if the Secretary receives from the project sponsor a written request for the extended authorization within 90 days of enactment of America's Water Infrastructure Act of 2018.

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

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

**Sec.2206. Coastal Texas study.**

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

**Sec.2301. Rahway River Basin flood risk management project.**

This section requires the Secretary to give priority funding and expedite completion of the report for the project for flood risk management, Rahway River Basin, New Jersey. If the Secretary determines that the project is justified in the completed report, the Secretary is to proceed directly to project preconstruction, engineering, and design in accordance with section 910 of WRDA 1986.

**Sec.2302. Hudson-Raritan Estuary Comprehensive Restoration Project.**

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

**Sec.2303. Certain projects in Rhode Island.**

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

**Sec.2304. Cedar River, Iowa.**

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

**Sec.2305. Plymouth Harbor, Massachusetts.**

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

**Sec.2306. Brandon Road study.**

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

**Sec.2307. Central Everglades Planning Project.**

This section states that the Secretary shall expedite construction of a reservoir south of Lake Okeechobee as part of the Central Everglades Planning Project authorized under section 1401(4) of WIIN 2016.

**Sec.2308. Portsmouth Harbor and Piscataqua River.**

This section states that the Secretary shall expedite the Portsmouth Harbor and Piscataqua River Navigation Improvement Project.

**Sec.2309. Blain Road footbridge, Thompson, Connecticut.**

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

**Sec.2310. Table Rock Lake, Arkansas and Missouri.**

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

Section 1185 of WIIN 2016 required that the Secretary lift or suspend the moratorium on the issuance of new, and modifications to existing, shoreline use permits based on the existing Master Plan and Management Plan. That section also entailed that an oversight committee be established to review permits and advise the Corps on revisions to the master plan and management plan—the oversight committee has not yet been implemented.

**Sec.2311. McCook Reservoir, Illinois.**

This section states that the Secretary shall consider McCook Reservoir project as a priority for implementation under section 1043(b) of WRRDA 2014.



**Sec.2312. Baptiste Collette Bayou study, Louisiana.**

This section states that that the Secretary shall expedite the review for the navigation channel deepening study, Baptiste Collette Bayou, Louisiana, under section 203 of WRDA 1986.

**Sec.2313. Morganza to the Gulf, Louisiana.**

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

**Sec.2314. Louisiana Coastal Area.**

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

**Sec.2315. Louisiana Coastal Area-Barataria Basin Barrier.**

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

**Sec.2316. West Shore Lake Pontchartrain, Louisiana.**

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

**Sec.2317. Southwest Coastal Louisiana.**

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

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

This section states that, not later than ninety days after the date of enactment of this Act, the Secretary shall complete the New York-New Jersey Harbor & Tributaries Focus Area Feasibility Study authorized by the first section of the Act of June 15, 1955.

**Sec.2319. Lower Brule shoreline stabilization project.**

This section states that the Secretary shall carry out a project for shoreline stabilization on the Lower Brule Reservation, South Dakota, pursuant to section 203 of the WRDA 2000. The Federal share of the cost of each separable element of the project cannot surpass \$10 million.

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

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

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

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

**Sec.2322. Minnesota locks and dams divestment study.**

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

This section authorizes the Secretary to accept and expend funds to carry out the study that are contributed by a State or a political Subdivision of the State under the Act of October 15, 1940.

**Sec.2323. Houma Navigation Canal, Louisiana.**

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

**Sec.3001. Corps of Engineers continuing authorities program.**

This section amends existing laws to provide for an increase in authorized appropriations for the Corps' Continuing Authorities Programs under sections 103, 111, 205, and 1135 by approximately 50 percent, and also increases the per project amounts under these programs by 50 percent. This section also provides a 25 percent increase in authorized appropriations for each of the Corps' Continuing Authorities Programs under sections 107, 204 and 206, and an increase in the per project amount under these programs by 25 percent.

This section includes language specifying under section 1135 of WRDA 1986 (33 U.S.C. 2309a), the Secretary should prioritize those projects in the Upper Missouri River Basin that restore degraded ecosystems through the modification of existing flood management projects.

This section also provides for a 25 percent increase for emergency streambank and shoreline protection under section 14 of the Flood Control Act of 1946, as well as a 50 percent increase in the maximum available amount per single locality for any one fiscal year. The Secretary is

required to give funding priority to areas recovering from high water levels or flooding that has taken place within 24 months.

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

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

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

This section reinforces section 1030 of WRRDA 2014, requiring the Secretary to make both the list of prioritized CAP projects and the annual report required on the status of each CAP program, thereunder, available via the Federal Register and on a publicly available website.

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

This section authorizes the Comptroller General to conduct a study on the Navigation and Ecosystem Sustainability Program, including determining what obstacles need to be removed to implement this program in an expeditious manner. The study must be completed and submitted to Congress within 1 year of enactment of America's Water Infrastructure Act of 2018.

**Sec.3102. McClellan-Kerr Arkansas River Navigation System.**

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

**Sec.3111. Beach renourishment and shoreline protection demonstration program.**

This section directs the Secretary to establish a demonstration program within 90 days of enactment of America's Water Infrastructure Act of 2018. It will consist of no more than 5 projects for beach nourishment and shoreline protection along the Mid-Atlantic Coast of the United States.

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

This section authorizes \$75 million to carry out this demonstration program until expended and it terminates the demonstration program after the completion of 5 projects.

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

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

**Sec.3113. Mat sinking unit.**

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

**Sec.3114. Sense of Congress for Kennebec River federal navigation channel.**

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

**Sec.3115. Sense of Congress for Wilmington Harbor dredging.**

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

**Sec.3116. Port of Arlington.**

This section would amend the existing authorization to allow the Secretary to reimburse the Port of Arlington up to \$3.2 million for expenses incurred by the Port in the construction of its dock and the ensuing revocation of the associated regulatory permit.

**Sec.3117. Pearl River Basin demonstration program.**

This section directs the Secretary to establish a demonstration program to allow a project authorized under section 211 of WRDA 1996 to begin preliminary engineering and design (PED) after the completion of a feasibility study and an environmental impact statement for the project. For each project authorized to begin PED under the demonstration program, the project must conform to the final feasibility study and environmental impact statement (EIS) for the project and the Secretary and the non-Federal sponsor must jointly agree to the construction design of the project. Repayment by the non-Federal sponsor is required if the project does not receive a favorable Chief's Report. The Secretary's authority to carry out the demonstration program terminates 5 years after enactment of America's Water Infrastructure Act of 2018.

**Sec.3118. Expedited initiation.**

This section amends section 1322(b)(2) of WIIN 2016 to direct the Secretary to not only give priority funding and expedite completion of the reports for certain listed projects listed therein, but also immediately initiate PED for the project once the general revaluation report has been submitted to the Major Subordinate Command for approval.

**Sec.3119. Beneficial use of dredged sediment.**

This section ensures that an easement for a beach nourishment project that does not require regular nourishment does not exceed the anticipated lifecycle of the project by more than 200 percent.

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

This section states that in the case of any beach nourishment or shoreline protection project, the Secretary shall proceed with the project as long as the benefits of the project are equal to or greater than the costs of the project.

**Sec.3121. Report on debris removal.**

This section requires that within 180 days of enactment of America’s Water Infrastructure Act of 2018 that the Secretary report to Congress to what extent the Corps has used its authority to remove debris from federal channels and adjacent waters. The report must also describe how the Secretary has evaluated potential debris removal projects and detail recommendations for a pilot program to implement the limits of this authority.

**Sec.3122. Cape Arundel Disposal Site, Maine.**

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

**Sec.3123. Delaware River navigation project.**

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

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

This section states the sense of Congress that the Secretary may use its authority under section 9 of the Flood Control Act of 1946 to remedy the erosion issues on the Ohio River near Clarksville, Indiana.

**Sec.3201. Certain levee improvements.**

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

**Sec.3202. Rehabilitation of Corps of Engineers constructed dams.**

This section raises the per project cost limit under section 1177 of WIIN 2016 from \$10 million to \$40 million for rehabilitation of pre-1940 Corps constructed dams to address aging flood control reservoirs constructed or contributed to by the Corps. It also increases the authorization of appropriations to carry out section 1177 to \$40 million for each of fiscal years 2017 through 2026.

**Sec.3203. Non-Federal dams.**

This section authorizes the Secretary to accept non-Federal funds from the owners of non-Federal dams for the review and revision of water operations manuals and flood control curves where the Corps regulates the non-Federal facilities for flood control under section 7 of the Flood Control Act of December 22, 1944.

**Sec.3204. Reauthorization of National Dam Safety Program Act.**

This section extends the authorization of appropriations for the National Dam Safety Program Act at \$13.9 million for each of fiscal years 2020 through 2021. The Federal Emergency Management Agency's Dam Safety Program includes the development of a dam safety education and awareness initiative to assist the public in preparing for, mitigating for, responding to, and recovering from dam incidents.

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

This section states the sense of Congress that the Corps should expeditiously issue implementation guidance for section 1139 of WIIN for dam safety repair projects.

**Sec.3206. Reauthorization of national levee safety program.**

This section extends the authorization of appropriations for the national levee safety program for fiscal years 2020 through 2021, for a total of \$158 million. This national levee safety initiative includes the establishment of voluntary levee safety guidelines and technical assistance to states to create local levee safety programs.

**Sec.3207. Reauthorization of lock operations pilot program.**

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

### **Sec.3208. Restricted areas at Corps of Engineers dams.**

This section extends the prohibition against the Secretary from installing permanent barriers or restricting public access (“Freedom to Fish”) in the vicinity of the ten dams on the Cumberland River in Kentucky and Tennessee for 5 years after enactment of America’s Water Infrastructure Act of 2018.

### **Sec.3209. Certain Bureau of Reclamation dikes.**

This section establishes the Federal share of the operations and maintenance costs of a dike at 100 percent for those owned by the Bureau of Reclamation on the date enactment of America’s Water Infrastructure Act of 2018, the construction of which was completed by December 31, 1945, and a corrective action study for which was completed not later than December 31, 2015.

### **Sec.3210. Rehabilitation of high hazard potential dams.**

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

### **Sec.3211. Maintenance of high risk flood control projects.**

This section requires that in any case in which the Secretary has assumed responsibility for the maintenance of a class III project under the Dam Safety Action Classification of the Corps and as of the date of enactment of America’s Water Infrastructure Act of 2018, the Secretary shall continue to be responsible for the its maintenance until the earlier of the Secretary determines that the project has been modified to reduce the risk and the project is no longer classified as a class III, or 15 years after the enactment of America’s Water Infrastructure Act of 2018.

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

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

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

**Sec.3302. Pricing of water storage contracts.**

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

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

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

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

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

**Sec.3305. City reservoir expansion pilot program.**

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

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

This section states the sense of Congress that the authorization of appropriations under section 595 of WRDA 1999 for water, wastewater, environmental restoration and surface water protection projects in certain rural states should be maintained at not less than \$75 million.

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

This section mandates that the Secretary carry out a program for projects located in disadvantaged communities or with populations under 100,000 where there may be contamination in the drinking water supply and where the local government is requesting assistance in the testing and treatment of water wells. Eligible projects must be in reasonable proximity to an active military base, a formerly used defense site (FUDS) undergoing



environmental remediation, or any industrial site.

This section authorizes \$50 million, to remain available until expended, to carry out this section.

**Sec.3401. Missouri River reservoir sediment management.**

This section amends section 1179(a) of WIIN 2016 by requiring that the Secretary of Interior and the Secretary, to the maximum extent practicable, prioritize funds to multi-state sediment management plans developed thereunder, and makes clear that the U.S. Bureau of Reclamation shall participate in this sediment management pilot program.

**Sec.3402. Reservoir sediment.**

This section amends section 215 of WRDA 2000. It makes permanent a pilot program that requires the Secretary, within 180 days of enactment of America's Water Infrastructure Act of 2018, to accept services by a non-Federal interest or commercial entity for the removal of sediment captured behind a dam that is owned and operated by the U.S. and under the jurisdiction of the Secretary. The purpose is to restore the authorized storage capacity of the dam.

This section requires that a report by the Secretary be submitted to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on the results of the program within 3 years of enactment of America's Water Infrastructure Act of 2018.

**Sec.3403. Regional sediment management.**

This section amends section 204 of WRDA 1992 to address sediment buildup behind an authorized Federal water resources project or a reclamation project, including Federal reservoirs authorized for flood control.

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

**Sec.3501. Ice jam prevention and mitigation.**

This section amends section 1150(c) of WIIN 2016 by making permanent the pilot program for preventing and mitigating flood damages associated with ice jams. In addition to increasing the minimum number of pilot projects to be carried out by the Secretary from 10 to 20, this section requires that the Secretary select at least 1 project on a reservation that serves more than 1 Indian tribe. In addition, projects in the Upper Mississippi River Basin are to be given priority under this section.

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

This section prioritizes funds to section 4003(a) of WRRDA 2014 for flood and drought monitoring in the Upper Missouri Basin. The WRRDA 2014 provision provides for the Secretary, in coordination with the National Oceanic and Atmospheric Administration, USDA Natural Resources Conservation Service, the U.S. Geological Survey, and U.S. Bureau of Reclamation, to carry out activities to improve and support management of Corps projects, including soil moisture and snowpack monitoring, restoring and maintaining existing snowpack monitoring sites, and operating streamflow gages.

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

This section mandates that a study of flooding within urban floodplains is to be completed by the Secretary within 1 year of enactment of America's Water Infrastructure Act of 2018. Specifically, the study is to examine current federal policy constraints on the Corps' ability to address urban flooding, including the current Corps policy, as set forth in 33 C.F.R. Part 238 (Flood Damage Reduction Measures in Urban Areas), which includes the "800-cfs rule" to distinguish between urban flooding versus local drainage issues.

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

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

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

This section states that beginning on the date of enactment of America's Water Infrastructure Act of 2018, any property in North Dakota acquired through hazard mitigation assistance provided under specified statutory authorities that was subject to any open space deed restriction shall be exempt from those restrictions to the extent necessary to complete the Fargo-Moorhead Metropolitan Area Diversion Project authorized by section 7002(2) of the WRRDA 2014. This exemption is subject to conditions under this section relating to new or additional structures on the property, as well as any subsequent use of the land on the property that is unrelated to the Project.

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

This provision amends section 5 of the Flood Control Act, which addresses P.L. 84-99 (Flood Control and Coastal Emergency Act) for emergency management activities. It provides extended emergency assistance (beyond 30 days) to communities with non-Federal levees that are threatened or damaged by floods or storms. Specifically, it requires the Secretary to provide assistance for the operations and maintenance of any constructed project that becomes permanent

under section 5 of P.L. 84-99 due to the extended presence of assistance from the Secretary from the emergency fund under 33 U.S.C. 701n(a). The Secretary may provide assistance for any period, and a project carried out under 33 U.S.C. 701n(a) is subject to the cost-sharing provisions that would otherwise apply to such a project under this section. This authority to provide assistance expires ten years after enactment of America's Water Infrastructure Act of 2018.

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

This section expresses the sense of Congress that non-Federal entities may provide resources for emergency repairs under section 1024 of WRRDA 2014, regardless of the cause of the emergency.

**Sec.3603. Sense of Congress on emergency management assistance.**

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

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

This section increases the amount of authorized appropriations under the Great Lakes Fish and Wildlife Restoration Act of 1990 by 10 percent for each of fiscal years 2019 through 2021.

**Sec.3605. Great Lakes Restoration Initiative.**

This section increases the amount of authorized appropriations for the Great Lakes Restoration Initiative by \$30 million in fiscal year 2019, \$60 million in fiscal year 2020, and \$90 million in fiscal year 2021.

**Sec.3606. Great Lakes Coastal Resiliency study.**

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

**Sec.3607. Special rule for beach nourishment.**

This section reauthorizes a non-Federal interest to request a Corps study of hurricane and storm damage reduction projects to determine if there is a federal interest in carrying out an additional 15 years of work. If the study is favorable, the non-Federal interest may request project specific authorization through the Annual Report process described in WRRDA 2014 section 7001.

For those projects that will expire in the next 5 years, the Corps is reauthorized to continue nourishment work for another six years, providing an opportunity for those impacted non-Federal interests to work through the study process and Annual Report requirements.

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

This section states that for hurricane and storm damage reduction projects with beach nourishment that will expire within 5 years of enactment of America's Water Infrastructure Act of 2018, these projects remain eligible for nourishment for an additional 6 years.

**Sec.3609. Snake River Basin flood prevention action plan.**

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

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

This section amends section 123(d) of the Federal Water Pollution Control Act (33 U.S.C. 1275(d)) by appropriating dedicated funding in the amount of \$5 million for fiscal year 2019 and \$30 million for each of fiscal years 2020 through 2021 to carry out Columbia River Basin restoration.

**Sec.3611. Middle Rio Grande peak flow restoration.**

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

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

This section requires the Secretary, in consultation with State and local experts in the North Atlantic Division of the Corps, to submit to Congress a report within 1 year of enactment of America's Water Infrastructure Act on the durability and resilience of existing hurricane barriers and harbors of refuge. Particular consideration is to be given as to how those structures will

survive and fully serve their planned levels of protection under current, near, and longer-term future predicted sea levels, storm surge, and storm strength.

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

This section requires the Secretary to carry out a study within 1 year of enactment of America's Water Infrastructure Act of 2018 of ports in the Mid-Atlantic and New England regions to identify barriers to offshore wind development, actions needed to facilitate the development of the ports for offshore wind development, and recommendations on further research needed to improve ports in the U.S. for offshore wind facility development and deployment. The Secretary shall conduct the study in consultation with the Secretary of Energy and the Secretary of the Interior, in addition to Governors, local governments, and relevant experts, and submit to Congress a report describing the results of the study.

**Sec.3701. Reauthorization of Rio Grande environmental management program.**

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

**Sec.3702. Amendments to Long Island Sound programs.**

This section would amend the Clean Water Act (33 U.S.C. 1269) by directing the Administrator of the Environmental Protection Agency (the EPA Administrator) to establish an office (the Office) near or on the Long Island Sound (Sound), identify vulnerabilities to the Sound and develop plans and activities to address them. Activities to reduce the effects of sea-level rise and increase public education about the watershed would also be authorized.

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

The section would also reauthorize the Long Island Sound Stewardship Act of 2006, the Long Island Sound Grants, and the Long Island Sound Stewardship Grants through fiscal year 2021. The section would authorize appropriations of \$65 million per year from fiscal years 2019 through 2021 to fund grant programs. The federal share of costs under these grant programs would increase from 50 percent to 60 percent under the section.

**Sec.3703. Sense of Congress relating to the Cano Martin Pena ecosystem restoration project.**

This section states the sense of Congress that the Secretary should advance the project for ecosystem restoration, Cano Martin Pena, Puerto Rico.

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

This section extends the period that the Secretary must adjust the \$200,000 cost-share waiver ceiling for inflation when it comes to non-Federal interests in U.S. territories and for any Indian tribe for all studies and projects. This inflation adjustment period was last amended by section 1032 of WIIN 2016 to end on June 10, 2014, and this section of America's Water Infrastructure Act of 2018 extends that period to the date of enactment of America's Water Infrastructure Act of 2018.

**Sec.3802. Tribal Partnership Program.**

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

**Sec.3803. Blackfeet water rights settlement.**

This section ensures that the Blackfeet Tribe receives access to funding (because of the Blackfeet Water Rights Settlement enacted as part of WIIN 2016) in a timely manner so that they may complete a range of water-related infrastructure projects on Tribal lands.

**Sec.3804. Bonneville Dam, Oregon.**

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

**Sec.3805. John Day Dam, Oregon.**

This section requires that the Secretary, in consultation with the Secretary of the Interior, examine and assess the degree to which Tribes have been displaced as a result of the construction of the John Day Dam in Oregon. Should the Secretary determine that based upon the assessment that assistance is required then the Secretary may use all his or her existing authorities to help Indians that were displaced because of the construction of this dam.

**Sec.3806. Dalles Dam, Oregon.**

This section mandates that the Secretary, in consultation with the Secretary of Interior, complete a village development plan for any tribal village submerged due to the construction of the Dalles Dam in Oregon and that such a plan include an estimate cost and tentative schedule for the construction of the replacement village.

**Sec.3807. Indian irrigation fund reauthorization.**

This section reauthorizes the Indian Irrigation Fund through September 30, 2028, and continues key provisions related to the funding and expenditure from the Indian Irrigation Fund through fiscal year 2028.

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

This section requires the Secretary of the Interior to continue to use or transfer from the “Indian Irrigation Fund” to the Bureau of Indian Affairs funds for maintenance, repair, and replacement activities for Indian irrigation projects each fiscal year through 2028. This section also mandates that the Assistant Secretary for Indian Affairs continue submitting to Congress progress reports on addressing deferred maintenance needs and utilizing the same prioritization criteria for Indian irrigation funding that was originally authorized in WIIN 2016 through 2028.

**Sec.3809. Indian dam safety reauthorization.**

This section extends key provisions concerning funding and expenditures from the “High-Hazard Indian Dam Safety Deferred Maintenance Fund” and the “Low-Hazard Indian Dam Safety Deferred Maintenance Fund” through fiscal year 2030. Both funds will terminate on September 30, 2030, under this section of America’s Water Infrastructure Act of 2018.

This section also extends the Flood Plain Management Program established by the Secretary of Interior by an additional 7 years to December 16, 2027. It further states that funds shall continue to be made available from the “High-Hazard Indian Dam Safety Deferred Maintenance Fund” and the “Low-Hazard Indian Dam Safety Deferred Maintenance Fund” for each fiscal year through 2026 to carry out the flood plain management pilot program to provide, at the request of an Indian tribe, guidance to the Indian tribe relating to best practices for the mitigation and prevention of floods.

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

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

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

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

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

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

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

**Sec.5001. Stormwater infrastructure funding task force.**

This section requires that the EPA Administrator establish a voluntary stormwater infrastructure funding task force made up of public, private, and federal participants to study and develop recommendations to improve the funding and financing of stormwater infrastructure within 180 days of enactment of America's Water Infrastructure Act of 2018.

Under this section, within 18 months after enactment of America's Water Infrastructure Act of 2018, the EPA Administrator will submit a report to Congress describing the results of the study.

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

This section extends through fiscal year 2021 the current annual \$100 million authorization for the Water Infrastructure Finance and Innovation Act, totaling \$200 million. It further extends the authority of the EPA Administrator or the Secretary of the Army to use up to \$2.2 million of the appropriated amounts each fiscal year for administrative costs.

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

This section requires that the EPA Administrator carry out a pilot program consisting of 20 pilot



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

#### **Sec.5004. Technical assistance for treatment works.**

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

This section would further amend the Clean Water Act to authorize states to use an additional 2 percent of their annual Clean Water State Revolving Fund capitalization grant for qualified nonprofit treatment works technical assistance providers to provide such technical assistance.

#### **Sec.5005. Clean, safe, reliable water infrastructure.**

This section expands authorized activities under the Safe Drinking Water Act (SDWA) State Revolving Loan Fund (SRF) provisions to authorize states to use up to 10 percent of their Drinking Water SRF capitalization grant to implement source water protection plans.

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

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

#### **Sec.5006. Water infrastructure flexibility.**

This section provides the opportunity for municipalities to develop integrated plans for wastewater and stormwater management, and to assist communities in meeting municipal discharge requirements under the Clean Water Act. This section also allows municipal discharge permits to incorporate schedules of compliance to meet water quality standards, and clarifies that

compliance actions may include the construction of green infrastructure if implemented as part of an effluent limit.

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

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

**Sec.5007. Water Resources Research Act amendments.**

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

The section would also require the Secretary of the Interior to write a report once every three years regarding the compliance of each grantee receiving funds under 42 U.S.C. 10303(c) for the immediately preceding fiscal year. Based on an evaluation (also every three years) of the quality and effectiveness of the research of each institute receiving grants, the Secretary may prohibit further funding.

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

**Sec.5008. Study on intractable water systems.**

This section defines “intractable water system” for use under section 1459c of the Safe Drinking Water Act. It also requires that within two years of enactment of this section of America’s Water Infrastructure Act of 2018, the EPA Administrator, in consultation with the Secretary of Health and Human Services and the Secretary of Agriculture, must complete a study identifying intractable water systems and describe barriers to delivery of potable water to individuals.

**Sec.5009. National onsite wastewater recycling.**

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

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

This section amends the Federal Water Pollution Control Act by requiring that when providing assistance from clean water state revolving funds for a wastewater system project serving a population less than or equal to 2,500, the State must ensure that the entity receiving assistance from the SRF certifies that it has considered an individual or shared onsite, decentralized wastewater system as an alternative waste water system. This consideration is also extended to WIFIA and to the USDA, Rural Utilities Service, water and waste disposal loan and grant program.

This section requires that the EPA Administrator submit to Congress a report describing the amount of financial assistance provided by State water pollution control revolving funds to deploy decentralized wastewater recycling technologies; the barriers impacting greater use of decentralized wastewater recycling technologies; the cost-saving potential to communities and future infrastructure investments from further deployment of decentralized wastewater recycling technology; the environmental benefits to the community and groundwater quality from additional investments in decentralized wastewater recycling; and the actions taken by the EPA Administrator to assist States in identifying eligible projects using decentralized wastewater recycling technology. Such a report must be completed and submitted to Congress within 1 year after enactment of America's Water Infrastructure Act of 2018, and at least once every three years thereafter.

#### **Sec.5010. Water infrastructure and workforce investment.**

This section expresses that it is the sense of Congress that water and wastewater utilities provide a unique opportunity for access to stable, high-quality careers. And as water and wastewater utilities make critical investments in infrastructure, water and wastewater utilities can invest in the development of local workers and local small businesses to strengthen communities and ensure a strong pipeline of skilled and diverse workers for today and tomorrow. In addition, Congress also urges increased collaboration among different levels of government and the alignment of workforce training programs and community resources to accelerate career pipelines and access to workforce opportunities.

This section provides a definition applicable in this section for "intractable water system". It also mandates that the EPA Administrator and the Secretary establish a competitive grant program to promote the development of innovative activities relating to workforce development in the water utility sector.

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

This section states the sense of Congress that Congress should provide robust funding of capitalization grants to States to fund drinking water treatment revolving loan funds established under section 1452 of the Safe Drinking Water Act and the State water pollution control revolving funds established under title VI of the Federal Water Pollution Control Act.

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

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

**Sec.5013. American iron and steel products.**

This section amends section 1452 of the Safe Drinking Water Act by prohibiting that the use of state loan funds established thereunder may not be used for a project for the construction, alteration, or repair of a public water system unless all of the iron and steel products used in the project are produced in the United States. Previously, this restriction was limited by law to only fiscal year 2017.

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

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

**Sec.5015. Innovative financing for State loan funds.**

This section amends the Water Infrastructure Finance and Innovation Act of 2014 by authorizing financial assistance to those applying for state loan funds to carry out water and wastewater infrastructure projects. It provides specific selection criteria, expedites the evaluation of applications, and authorizes the Administrator \$100 million for each of fiscal years 2019 and 2020 to carry out reviews of applications. Finally, this provision removes the pilot designation of the program.

**Sec.5016. Water infrastructure resiliency and sustainability.**

This section requires that the EPA Administrator establish and carry out a “Water Infrastructure Resiliency and Sustainability Program”. The purpose will be to award grants in each of fiscal years 2019 and 2020 to increase the resiliency or adaptability of water systems to regional changes in hydrologic conditions. An owner or operator of a water system can only use the grants to assist in the planning, design, construction, implementation, operation, or maintenance of such a program or project through specified uses.

This section details the contents of an application for a grant under this section. Further, the public sponsorship of private applicants for a grant established under this section is permissible if the applicant demonstrates that it has consulted with the affected State, local, or Tribal

government in which the program or project is located or to be affected, and that government entity supports the program or project.

This section provides for the prioritization and diversification of grants awarded in each fiscal year, as well as establishes the Federal share of the cost of the program at a maximum of 75 percent of a program or project. A report must be submitted to Congress within 3 years of enactment of America's Water Infrastructure Act of 2018 regarding not only the progress in carrying out this section, but also information on project applications received and funded annually.

This section authorizes \$12.5 million to carry out this section for each of fiscal years 2019 and 2020.