

## S 3021

America's Water Infrastructure Act of 2018

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**Chamber:** Senate

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### Sponsor

**Name:** Sen. Klobuchar, Amy [D-MN]

**Party:** Democratic • **State:** MN • **Chamber:** Senate

### Cosponsors (1 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Smith, Tina [D-MN]	D · MN		Jun 7, 2018

### Committee Activity

Committee	Chamber	Activity	Date
Environment and Public Works Committee	Senate	Reported By	Aug 1, 2018
Transportation and Infrastructure Committee	House	Referred to	Sep 5, 2018

### Subjects & Policy Tags

*No subjects or policy tags are listed for this bill.*

## Related Bills

Bill	Relationship	Last Action
115 S 1142	Related bill	<b>Aug 24, 2018:</b> Held at the desk.
115 HR 3906	Related bill	<b>Jul 17, 2018:</b> Received in the Senate and Read twice and referred to the Committee on Environment and Public Works.
115 S 215	Related bill	<b>Jul 3, 2018:</b> Referred to the House Committee on Energy and Commerce.
115 S 724	Related bill	<b>Jul 3, 2018:</b> Held at the desk.
115 HR 6244	Identical bill	<b>Jun 28, 2018:</b> Referred to the Subcommittee on Economic Development, Public Buildings and Emergency Management.
115 HR 5827	Related bill	<b>May 16, 2018:</b> Referred to the Subcommittee on Economic Development, Public Buildings and Emergency Management.
115 HR 5720	Related bill	<b>May 10, 2018:</b> Referred to the Subcommittee on Water Resources and Environment.
115 HR 5703	Related bill	<b>May 9, 2018:</b> Referred to the Subcommittee on Water Resources and Environment.
115 HR 5688	Related bill	<b>May 8, 2018:</b> Referred to the Subcommittee on Water Resources and Environment.
115 HR 648	Related bill	<b>Apr 25, 2018:</b> Placed on Senate Legislative Calendar under General Orders. Calendar No. 390.
115 S 2585	Related bill	<b>Mar 21, 2018:</b> Read twice and referred to the Committee on Environment and Public Works.
115 HR 2457	Related bill	<b>Feb 28, 2018:</b> Committee on Energy and Natural Resources Senate Subcommittee on Water and Power. Hearings held. With printed Hearing: S.Hrg. 115-505.
115 HR 4696	Related bill	<b>Dec 22, 2017:</b> Referred to the Subcommittee on Energy.
115 HR 2872	Related bill	<b>Dec 13, 2017:</b> Received in the Senate and Read twice and referred to the Committee on Energy and Natural Resources.
115 HR 2880	Related bill	<b>Dec 13, 2017:</b> Received in the Senate and Read twice and referred to the Committee on Energy and Natural Resources.
115 HR 4317	Related bill	<b>Nov 10, 2017:</b> Referred to the Subcommittee on Energy.
115 HR 3387	Related bill	<b>Nov 1, 2017:</b> Placed on the Union Calendar, Calendar No. 279.
115 HR 4193	Related bill	<b>Nov 1, 2017:</b> Referred to the Subcommittee on Water Resources and Environment.
115 S 199	Related bill	<b>Jun 8, 2017:</b> Placed on Senate Legislative Calendar under General Orders. Calendar No. 126.

## America's Water Infrastructure Act of 2018

### TITLE I--WATER RESOURCES DEVELOPMENT

#### *Water Resources Development Act of 2018*

##### Subtitle A--General Provisions

(Sec. 1102) The bill provides for a study on: (1) the ability of the U.S. Army Corps of Engineers to carry out its statutory missions and responsibilities, and (2) improving the Corps of Engineers' project delivery processes.

(Sec. 1103) The Corps of Engineers must contract with the National Academy of Sciences to study the economic principles and analytical methodologies used when formulating, evaluating, and budgeting for water resources development projects. The study must make recommendations on potential changes to such principles and methodologies to improve transparency, return on federal investment, cost savings, and prioritization.

(Sec. 1104) The Corps of Engineers must develop, support, and implement education and awareness efforts for nonfederal interests with respect to the annual Report to Congress on Future Water Resources Development required under the Water Resources Reform and Development Act (WRRDA) of 2014.

(Sec. 1105) Prior to developing and issuing implementation guidance for certain water resources development laws, the Corps of Engineers must notify nonfederal stakeholders and allow them to provide input. The Corps of Engineers must consider the input when it develops such guidance.

(Sec. 1106) The Corps of Engineers must expedite completion of the Lake Okeechobee regulation schedule to coincide with the completion of the Herbert Hoover Dike project in Florida.

(Sec. 1107) The Corps of Engineers must publish information on all real estate assets in the United States that are owned, operated, or managed by, or in the custody of, the Corps.

(Sec. 1108) The Corps of Engineers must: (1) undertake research on the management and eradication of aquatic invasive species, including Asian carp and zebra mussels; (2) implement a five-year harmful algal bloom technology development demonstration under the Aquatic Nuisance Research Program; and (3) enter into a memorandum of understanding with the Environmental Protection Agency to facilitate ecosystem restoration activities at the South Fork of the South Branch of the Chicago River (commonly known as Bubbly Creek).

(Sec. 1111) The Corps of Engineers may carry out a pilot program to award contracts with a duration of up to five years for the operation and maintenance of harbors and inland harbors if the Corps determines that the contract provides cost savings compared to the awarding of such work on an annual basis.

(Sec. 1112) The Corps of Engineers must carry out a pilot program that awards a single contract for multiple hurricane and storm damage reduction projects if the Corps determines the contract will provide cost savings compared to a contract awarded for work on a project-by-project basis.

(Sec. 1113) The Corps of Engineers must improve the reliability and the operation and maintenance of existing infrastructure. In addition, the Corps must improve such infrastructure's resilience to cyber-related threats.

(Sec. 1114) The Corps of Engineers may provide assistance to municipalities with a water supply that is adversely affected by construction carried out by the Corps.

(Sec. 1115) In acquiring an interest in land or requiring a nonfederal interest to acquire an interest in land, the Corps of Engineers must first consider the minimum interest in real property necessary to support a project. In determining the interest in land, the Corps must first consider a temporary easement or other interest designed to reduce the overall cost, reduce the time, and minimize conflict with property owners related to such project.

(Sec. 1116) The Corps of Engineers must expedite dredged material management plans initiated after this bill's enactment and make maximum use of existing information, studies, and innovative dredged material management practices.

(Sec. 1117) The Corps of Engineers must include in its future workplans certain projects or facilities for disposition.

(Sec. 1118) The Corps of Engineers must develop guidance for accepting and using information obtained from a nonfederal interest through geomatic techniques, such as global navigation satellite systems.

(Sec. 1119) During the next ten years, the Corps of Engineers must expedite the review of applications from local governments for permits to modify certain reservoirs owned or operated by the Corps.

(Sec. 1120) Each district of the Corps of Engineers must provide, if requested, balance sheets of funds for water resources development projects to nonfederal interests that provided funds for the project. The Corps must refund excess funds provided by nonfederal interests for underbudget projects.

(Sec. 1121) During the next ten years, the Corps of Engineers must expedite the review of applications for certain easements necessary to access federal land for the placement of water withdrawal intakes in the Upper Missouri Mainstem Reservoirs.

(Sec. 1122) The bill addresses the pricing of water storage under contracts with local government entities. Specifically, the Corps of Engineers must limit the rate increase for each unit of water stored in a nonhydropower lake within the Verdigris River Basin.

(Sec. 1123) The Corps of Engineers may provide technical services, on a reimbursable basis, to a local government upon request to assess the reasons a federally constructed levee owned or operated by the local government is not accredited by the Federal Emergency Management Agency (FEMA).

(Sec. 1124) The Corps of Engineers must, subject to the availability of appropriations, pay the outstanding balance for the federal share of the program for providing environmental assistance to nonfederal interests in central New Mexico.

(Sec. 1125) The Corps of Engineers may consider recreational boat traffic levels and related economic benefits in making funding determinations with respect to the operation and maintenance of locks on the Allegheny River in Pennsylvania.

(Sec. 1126) The Corps of Engineers must provide to an applicant for a water storage project a purpose and need statement for the project.

(Sec. 1127) In the case of a project that is budgeted under a different business line than the original line, the Corps of Engineers must ensure that the project follows requirements that apply to the business line under which the project was originally authorized.

(Sec. 1128) The Corps of Engineers must expeditiously reset and restore certain levees after the activation of a floodway or backwater feature within the Mississippi River and Tributaries Project through natural overtopping of a federal levee or artificial crevassing of a federal levee to relieve pressure on the levees elsewhere in the system.

(Sec. 1129) As soon as practicable, the Corps of Engineers must submit tribal consultation reports as required under the Water Resources Development Act (WRDA) of 2016. In addition, the Corps must ensure that: (1) existing tribal consultation policies, regulations, and guidance continue to be implemented; and (2) consultations with federal and state agencies and Indian tribes required for a water resources development project are carried out.

(Sec. 1130) The bill amends WRDA 2016 to increase the number of pilot projects for: (1) the beneficial use of dredged material, and (2) the prevention and mitigation of flood damages associated with ice jams.

(Sec. 1132) The bill increases funding limits for the rehabilitation of Corps of Engineers constructed dams.

(Sec. 1133) The Corps of Engineers may provide assistance to Indians who have been displaced as a result of the construction of the Bonneville or John Day Dams on the Columbia River in Oregon and Washington.

The Corps of Engineers must carry out a village development plan for tribal villages submerged as a result of the construction of the Dalles Dam, Columbia River, Oregon and Washington.

(Sec. 1134) The bill amends WRDA 2016 to revise the Upper Missouri River Basin Pilot Program, including to require the Corps to prioritize sediment management plans that affect reservoirs that cross state lines.

(Sec. 1135) The bill extends the pilot program that allows nonfederal interests to contribute funds for increasing the hours of operation of locks at water resources development projects.

(Sec. 1136) WRRDA 2014 is amended to revise provisions regarding the Corps of Engineers providing credit in lieu of reimbursement to a nonfederal interest for the federal cost share of certain projects.

(Sec. 1137) WRRDA 2014 is amended to extend through FY2023 and expand the Nonfederal Implementation Pilot Program.

(Sec. 1138) The bill prohibits the Corps of Engineers from assessing a water storage fee with respect to water storage in the Upper Missouri Mainstem Reservoirs. In addition, the bill extends the existing limitation on fees for certain surplus water in such reservoirs.

(Sec. 1139) The bill amends WRRDA 2014 to require post-disaster watershed assessments in U.S. territories to be conducted at full federal expense unless the President determines that the territory has the ability to pay the cost share for an assessment without the use of nonfederal funds or loans.

(Sec. 1140) The bill extends the expedited consideration procedures for the Senate to consider certain water resources development or conservation projects outside the regular WRDA authorization cycle.

(Sec. 1141) The bill extends the period for which the Corps of Engineers must carry out independent peer review on feasibility studies under WRDA 2007.

(Sec. 1142) WRDA 2007 is amended to provide that, with respect to the Chicago Sanitary and Ship Canal Dispersal Barriers Project, Illinois, the operation and maintenance of a project authorized to be carried out pursuant to the feasibility study must be carried out at 80% federal expense and 20% nonfederal expense.

(Sec. 1143) The bill amends WRDA 2007 to authorize the Corps of Engineers to provide credit for work on a project carried out by a nonfederal interest during the period beginning on November 8, 2007, and ending on the date of this bill's enactment if the Corps determines that the work is integral to the project and lawfully conducted.

(Sec. 1144) The bill reauthorizes through FY2023 the Levee Safety Initiative under WRDA 1986.

(Sec. 1145) WRDA 2000 is amended to make permanent the authority of a public-utility company, natural gas company, or railroad carrier to pay to expedite a project permit. By the end of 2022, the Government Accountability Office (GAO) must carry out a follow-up study of the implementation of this authority by the Corps of Engineers.

(Sec. 1146) The bill authorizes nonfederal interests to remove sediment captured behind dams owned or operated by the Corps of Engineers.

(Sec. 1147) WRDA 2000 is amended to specify additional circumstances under which the Corps of Engineers may provide credit toward the nonfederal cost share for work performed in connection with a study, preconstruction engineering and design, or construction necessary for implementation of the Comprehensive Everglades Restoration Plan. The bill authorizes credit for work carried out by the nonfederal sponsor: (1) in the implementation of an authorized project implementation report, as defined in an agreement between the Corps and the nonfederal sponsor; or (2) as agreed to in advance by the District Commander and the nonfederal sponsor.

(Sec. 1148) In carrying out a project for the beneficial reuse of sediment to reduce storm damage to property under WRDA 1992, the Corps of Engineers may grant a temporary easement to facilitate the placement of sediment. If an easement is granted, then the project will no longer be eligible for future placement of sediment under that Act.

(Sec. 1149) The bill directs the Corps of Engineers to consider a natural or nature-based feature when restoring and protecting aquatic ecosystems or estuaries under WRDA 1996.

(Sec. 1151) WRDA 1990 is amended to include operation and maintenance activities at Corps navigation facilities (currently, limited to Corps hydroelectric power generating facilities) among inherently governmental functions.

(Sec. 1152) WRDA 1986 is amended to revise provisions regarding the study of water resources development projects by nonfederal interests.

(Sec. 1153) The bill exempts a nonfederal interest from the requirement to obtain a federal permit or approval for constructing a water resources development project if the nonfederal interest has a written agreement with the Corps of Engineers that contains the same requirements that would apply to a project carried out by the Corps. However, this exemption does not apply if significant new circumstances or information relevant to environmental concerns or compliance have arisen since development of the project recommendation.

(Sec. 1154) WRDA 1986 is amended to require the Corps of Engineers to include in its comprehensive backlog report a list of feasibility studies, projects, and major federal operation and maintenance needs for projects and properties under the control of the Corps. For FY2020 and biennially thereafter, in conjunction with the President's annual budget submission to Congress, the Corps must submit information on the backlog and operation and maintenance needs to Congress and the Office of Management and Budget. The bill establishes requirements concerning the public participation process in the development of proposed budgets for water resources development projects.

(Sec. 1157) The bill increases the authorization of appropriations for programs under the continuing authorities program.

(Sec. 1158) WRDA 1976 is amended to provide that the 15 additional years that the Corps of Engineers may extend beach nourishment at the request of a nonfederal interest begins upon initiation of construction of congressionally authorized nourishment.

(Sec. 1159) The Corps of Engineers may cooperate with a regional coalition of governmental entities in the preparation of comprehensive plans for development, utilization, and conservation of water and related resources. In addition, the Corps of Engineers may work with institutions of higher education when developing those plans.

(Sec. 1160) The bill authorizes the use of an emergency fund to repair or restore a federally authorized hurricane or shore protective structure or project damaged or destroyed by a natural disaster to the pre-storm level of protection, instead of the design level of protection, if the pre-storm level of protection provides greater protection.

(Sec. 1161) The Corps of Engineers may carry out emergency repair or restoration work that does not produce benefits greater than cost if: (1) the nonfederal sponsor agrees to pay an amount sufficient to make the remaining costs of the project equal to the estimated value of the benefits, (2) the Corps determines the damage to the structure was not the result of negligent operation and maintenance, and (3) repair of the project could benefit other Corps project missions.

(Sec. 1162) The Corps of Engineers must, upon request, extend emergency provision of clean water to a locality with contaminated water beyond the applicable time limit, subject to the availability of appropriations.

(Sec. 1163) The bill reauthorizes through FY2023 the dam inspection program under the National Dam Safety Program Act.

(Sec. 1164) The Corps of Engineers, with the consent of nonfederal interests, may allow local governments to participate in feasibility studies for a water resources development project in order to achieve the purposes of local or regional water management plans.

(Sec. 1165) The prohibition on taking possession of, use of, or injury to harbor or river improvements does not apply to unimproved real estate owned or operated by the Corps of Engineers as part of a water resources development project if the Corps determines that modification of such real estate would not affect the function and usefulness of the project.

(Sec. 1166) Whenever a state offers advance funds for a federally authorized water resources development project, the Corps of Engineers may receive the funds and expend them on the project. The Corps of Engineers must repay the funds without interest.

(Sec. 1167) The Flood Control Act of 1946 is amended to provide that if specified funding for flood control is insufficient to cover the federal cost share for a project, then the nonfederal interest must be responsible for the remaining costs.

(Sec. 1168) In carrying out a disposition study for a project of the Corps of Engineers, the Corps must consider modifications that would improve the overall quality of the environment in the public interest, including removal of the project. If a study recommends removal, the Corps may pursue removal of the project.

(Sec. 1169) The bill authorizes the Corps of Engineers to receive and expend funds from an owner of a nonfederal reservoir to formulate, review, or revise reservoir operational documents. The reservoir must have been constructed at least in part with federal funds provided for the use of storage for flood control or navigation.

(Sec. 1170) The River and Harbor Act of 1958 is amended to expand a program to control invasive or noxious aquatic plants in the Columbia River Basin to include the Upper Missouri River Basin, the Upper Colorado River Basin, the South

Platte River Basin, and the Arizona River Basin.

(Sec. 1171) The Freedom to Fish Act is amended to extend the prohibition against the Corps of Engineers restricting public access to areas of certain dams in the Cumberland River Basin in Kentucky and Tennessee.

(Sec. 1172) The bill requires the Corps of Engineers to complete operation and maintenance renourishment to mitigate coastal erosion attributed to federal project structures in the upper northeast United States.

(Sec. 1173) The bill prohibits the Corps of Engineers from charging a fee for certain surplus water stored in the Lake Cumberland Watershed in Kentucky and Tennessee.

(Sec. 1174) The Corps of Engineers must restart the temporary deviation in the operation of Cochiti Lake and Jemez Canyon Dam in New Mexico after obtaining the approval of the Pueblo de Cochiti, Pueblo of Santa Ana, and the Rio Grande Compact Commission.

(Sec. 1175) The bill prohibits the Corps of Engineers from charging administrative fees in carrying out the Rough River Lake Flowage Easement Encroachment Resolution Plan.

(Sec. 1176) The Corps of Engineers must establish a demonstration program to allow projects authorized under WRDA 1996 to begin preconstruction engineering and design if the projects are technically feasible, economically justified, and environmentally acceptable.

#### Subtitle B--Studies and Reports

(Sec. 1201) The Corps of Engineers may conduct feasibility studies for specified projects nationwide.

(Sec. 1202) The Corps of Engineers may carry out studies to determine the feasibility of habitat restoration for each of the eight reaches identified as priorities in the report titled "Lower Mississippi River Resource Assessment; Final Assessment In Response to Section 402 of WRDA 2000" and dated July 2015. The Corps may carry out studies to determine the feasibility of a project for ecosystem restoration and flood risk management in specified areas of Illinois and Missouri.

(Sec. 1203) The Corps of Engineers must expedite specified feasibility studies for projects. After completion of the studies, the projects may proceed directly to preconstruction planning, engineering, and design if the Corps determines that the project is justified. In addition, the Corps must expedite: (1) the completion of a postauthorization change report for the project for flood risk management, San Luis Rey River Flood Control Protection Project, California; (2) the updating of the master plan for the Juniata River and tributaries project, Huntingdon County, Pennsylvania; and (3) certain activities in the Upper Missouri River Basin.

(Sec. 1204) The GAO must study and report on certain benefit-cost procedures of the Corps of Engineers and the Office of Management and Budget.

(Sec. 1205) The Corps of Engineers must submit certain reports under WRDA 1986 and WRDA 1992 concerning costs for harbors.

(Sec. 1206) The Corps of Engineers must develop a list of its existing nonpowered dams that have the greatest potential for hydropower development.

(Sec. 1207) The Corps of Engineers must study ports and harbors that could become innovative ports for offshore wind

development.

(Sec. 1208) The Corps of Engineers must report on its activities relating to the testing, research, development, identification, and recommended uses for innovative materials and advanced technologies in water resources development projects.

(Sec. 1209) The Corps of Engineers must report on the best options available to implement the waiver process for the nonfederal cost share for certain projects in Alaska for storm damage prevention and reduction, coastal erosion, and ice and glacial damage.

(Sec. 1210) The Corps of Engineers must report on:

- their work carried out under the Act of March 2, 1945 concerning the removal of debris located in or adjacent to certain channels;
- flooding within urban floodplains;
- incomplete feasibility studies for certain projects that mitigate damages from weather or emergency events;
- the application of military leasing authorities to the Corps civil works program; and
- potential disproportionate and adverse health or environmental effects of programs, policies, and activities of the Corps related to water resources development projects on minority communities, low-income communities, rural communities, and Indian tribes.

(Sec. 1215) The bill establishes a deadline for the Corps of Engineers to contract with the National Academy of Public Administration to study the efficiency of the current staff salaries and administrative expense procedures of the Corps.

(Sec. 1216) The bill amends WRDA 1986 to direct the Corps of Engineers to identify potential opportunities for the beneficial use of dredged materials obtained from harbors and inland harbors.

(Sec. 1217) For each project classified as class III (high priority, conditionally unsafe) under the Dam Safety Action Classification of the Corps of Engineers for which the Corps has assumed responsibility for maintenance, the Corps must assess the anticipated effects of the Corps continuing to be responsible for the maintenance of the project for 15 years or ceasing responsibility for maintenance, including the benefits or costs to the state and local community.

(Sec. 1218) The Corps of Engineers must:

- report on the durability and resiliency of existing hurricane barriers and harbors of refuge in the North Atlantic Division;
- assess the water resources needs of the Great Lakes System;
- report on the status of the project at McMicken Dam, Arizona, as well as the project for flood damage reduction and environmental restoration of the Muddy River in Brookline and Boston, Massachusetts; and
- report on the implementation of a study concerning Table Rock Lake in Arkansas and Missouri.

(Sec. 1222) The Corps of Engineers must report to Congress on the results of the forecast-informed reservoir operations research study pilot program at Coyote Valley Dam, Russian River Basin, California, no later than one year after completion of the study pilot program.

(Sec. 1223) The Corps of Engineers must:

- report on the project for flood risk management in the Cedar River watershed of Iowa;

- report on the structure and operations plan for the Old River control structure in Louisiana;
- expedite the completion of a study on the Upper St. Anthony Falls Lock and Dam in Minnesota;
- report on the function and reliability of the Lower Missouri River bank stabilization and navigation project;
- expedite the completion of studies for flood damage reduction, hurricane and storm damage reduction, and ecosystem restoration in certain coastal areas of Texas; and
- report on the implementation of a water supply contract for Wright Patman Lake, Texas.

(Sec. 1226) The bill prohibits the Corps of Engineers from constructing additional interception-rearing complexes on the Missouri River until the Corps submits a report on the impacts of interception-rearing complex construction on the navigation, flood control, and other authorized purposes set forth in the Missouri River Master Manual, and on the population recovery of the pallid sturgeon.

#### Subtitle C--Deauthorizations, Modifications, and Related Provisions

(Sec. 1301) The Corps of Engineers must develop a process for deauthorizing inactive Corps projects. Specifically, the Corps must develop a list of projects for deauthorization. The projects on the list are deauthorized 180 days after submission of the list unless Congress passes a joint resolution disapproving the list.

(Sec. 1302) The bill terminates authorization provided under this bill for construction of a water resources development project after 10 years unless: (1) funds have been obligated for construction or a postauthorization study, or (2) the authorization contained in this bill has been modified by a subsequent Act of Congress.

(Sec. 1303) The bill increases the amount of assistance the Corps of Engineers may provide to an industrial water reuse project in Harbor/South Bay, California, and to certain water supply treatment and distribution projects in South Carolina.

(Sec. 1304) The bill deauthorizes a portion of the channel improvement project in Lytle and Cajon Creeks that was authorized as part of the Santa Ana River project.

(Sec. 1305) The project for flood damage reduction, Yuba River Basin, California, authorized by WRDA 1999 is modified to allow a nonfederal interest to construct a new levee to connect the existing levee with high ground.

(Sec. 1306) The bill deauthorizes the portion of a dredging project for navigation at Bridgeport Harbor, Connecticut, that is upstream of the Congress Street Bridge on the Pequonnock River, thereby allowing the bridge to be replaced with a fixed (not movable) bridge.

(Sec. 1307) WRDA 1986 is amended to revise provisions concerning a certain navigation project for the Delaware River. Specifically, the bill increases the elevation level to which an area may be filled.

(Sec. 1308) The Corps of Engineers must prepare a report that addresses certain concerns, recommendations, and conditions before the Corps may carry out a certain project for ecosystem restoration in an Everglades agricultural area in Florida.

(Sec. 1309) The Corps of Engineers may credit work performed by a nonfederal sponsor as an in-kind contribution for a certain project for restoring the Kissimmee River in Florida.

(Sec. 1310) The bill deauthorizes portions of a certain flood control project along the Ocklawaha River in the Four River Basins, Florida.

(Sec. 1311) WRDA 2016 is amended to require the Corps of Engineers to remove certain locks and dams, or portions of the locks and dams, in the Green River and Barren River in Kentucky if the Corps determines that the removal is necessary.

(Sec. 1312) The bill requires the Cape Arundel Disposal Site in Maine to remain available for disposal of dredged material through 2021.

(Sec. 1313) The bill deauthorizes certain portions of projects for navigation in the Penobscot River, Maine, and the Boston Harbor Reserved Channel in Massachusetts.

(Sec. 1315) The Corps of Engineers may repair or replace any bridge it owns and operates that is: (1) located in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, or Vermont; and (2) necessary for evacuation during an extreme weather event.

(Sec. 1316) The Corps of Engineers must expedite and complete the dredging of Plymouth Harbor, Massachusetts.

(Sec. 1317) The Corps of Engineers must expedite the project for navigation for Portsmouth Harbor and the Piscataqua River authorized by the River and Harbor Act of 1962.

(Sec. 1318) The Corps of Engineers must align the schedules of and ensure cooperation and information sharing with respect to a project for flood damage reduction and a project for flood risk management in Kansas City, Missouri, and Kansas City, Kansas.

(Sec. 1319) In carrying out the project for navigation, Hampton Harbor, New Hampshire, under the River and Harbor Act of 1960, the Corps of Engineers must use existing authorities to mitigate severe shoaling.

(Sec. 1320) The bill deauthorizes: (1) a portion of a project for the Passaic River navigation channel in New Jersey; (2) a flood risk management project in Svensen Island, Oregon; and (3) the unconstructed portions of the West Tennessee tributaries project along the Obion and Forked Deer Rivers in Tennessee.

(Sec. 1321) Property in North Dakota, acquired through hazard mitigation assistance, is exempted from open space deed restrictions to the extent necessary to complete the Fargo-Moorhead Metropolitan Area Diversion Project.

(Sec. 1322) The bill deauthorizes the portions of the project for raising and improving existing levees of Clatsop County Diking District No. 13, in Clatsop County, Oregon, referred to as Christensen No. 1 Dike No. 42 and Christensen No. 2 Levee No. 43.

(Sec. 1325) The bill amends WRDA 2000 to increase funding limits for Puget Sound Nearshore Ecosystem Restoration.

(Sec. 1326) The bill deauthorizes a portion of the project for navigation in Milwaukee Harbor, Milwaukee, Wisconsin, consisting of the navigation channel within the Menomonee River that extends from the 16th Street Bridge upstream to the upper limit of the authorized navigation channel.

(Sec. 1327) The Corps of Engineers must expedite projects for flood risk management or hurricane and storm damage risk reduction in Texas, Florida, Georgia, Louisiana, South Carolina, Puerto Rico, or the U.S. Virgin Islands.

(Sec. 1328) The Corps of Engineers may provide assistance for the operation and maintenance of a flood risk reduction project in the Red River of the North Basin. The basin encompasses parts of Minnesota, North Dakota, and South Dakota.

(Sec. 1330) WRRDA 2014 is amended to revise requirements concerning the deauthorization of water resources development projects to prevent backlogs.

(Sec. 1331) The Corps of Engineers may make specified conveyances to Cheatham County, Tennessee, and to the city of Nashville, Tennessee. The Corps of Engineers must make specified conveyances to Kentucky, the city of Bainbridge, Georgia, the Port of Whitman County, Washington, and the city of Tuscaloosa, Alabama, if certain conditions are met. In addition, the Corps must transfer certain property rights and interests to the Fort DuPont Redevelopment and Preservation Corporation and Delaware.

(Sec. 1332) WRRDA 2014 is amended to require the Corps of Engineers to identify any programmatic modifications for environmental infrastructure assistance programs in its annual Report on Future Water Resources Development.

Projects and separable elements of projects identified in the FY2017 list of projects that have received no obligations in the previous five fiscal years must not be deauthorized unless such projects and separable elements meet specified requirements of WRDA 2016.

#### Subtitle D--Water Resources Infrastructure

(Sec. 1401) The bill authorizes specified water resource projects in Arkansas, Puerto Rico, Texas, Washington, California, Hawaii, New York, Florida, and New Mexico. The bill also authorizes project modifications for previously authorized projects in Georgia, Michigan, and Tennessee.

(Sec. 1402) The bill establishes cost sharing requirements for the navigation project in St. Paul Harbor in Alaska and the flood risk management and ecosystem restoration project in the Espanola Valley in New Mexico.

(Sec. 1403) The Corps of Engineers may further improve the Norfolk Harbor and Channels Federal Navigation project in Virginia.

#### TITLE II--DRINKING WATER SYSTEM IMPROVEMENT

(Sec. 2001) The EPA must implement a program for connecting, expanding, or repairing existing public water systems that are on Indian reservations in the Upper Missouri River Basin or the Upper Rio Grande Basin.

(Sec. 2002) The Safe Drinking Water Act is amended to authorize states to use their drinking water state revolving funds (SRFs) to protect certain source water areas.

(Sec. 2003) The EPA must study and report on intractable water systems (small drinking water systems with a history of significant noncompliance with such Act) and barriers to delivery of potable water to individuals served by such systems.

(Sec. 2005) The EPA may issue grants to assist: (1) underserved communities with contaminated drinking water, and (2) water systems with programs or projects that increase the resilience of drinking water infrastructure to natural hazards.

(Sec. 2006) The EPA must provide grants to: (1) address lead contamination in drinking water at schools and child care programs; and (2) accelerate the development and deployment of innovative water technologies that address pressing drinking water supply, quality, treatment, or security challenges.

(Sec. 2008) The bill expands requirements concerning consumer confidence reports issued by community water systems.

(Sec. 2010) The EPA or a state with primary enforcement authority responsibility under the Act may require the owners or operators of certain public water systems that have repeatedly violated national primary drinking water regulations to consolidate or transfer ownership.

(Sec. 2011) The EPA must develop a strategic plan for improving the accuracy and availability of compliance monitoring data.

(Sec. 2012) Within five years and every five years thereafter, the EPA must review and update educational materials concerning best practices for asset management strategies that may be used by public water systems.

(Sec. 2013) The bill expands risk assessment requirements for community water systems to include risks from natural hazards and creates a grant program within the EPA called the Drinking Water Infrastructure Risk and Resilience Program.

(Sec. 2014) The bill: (1) reauthorizes through FY2021 the public water system supervision grant program and the source water petition program, and (2) reauthorizes through FY2021 and revises the drinking water SRFs.

(Sec. 2017) The EPA must review and report to the public on existing and potential methods, means, equipment, and technologies for the treatment and distribution of drinking water.

(Sec. 2018) The Emergency Planning and Community Right-To-Know Act of 1986 is amended to ensure that states and community water systems are notified of a release of a contaminant into their source waters.

(Sec. 2019) The GAO must study and report on demonstrations of compliance with a state or local environmental law that may be substantially equivalent to demonstrations required by the EPA for compliance with a cross-cutting requirement (i.e., a requirement that is a condition for obtaining loan or loan guarantee under the Safe Drinking Water Act).

(Sec. 2020) The bill authorizes additional grants for SRFs in order to aid certain community water systems that were affected by natural disasters after January 1, 2017.

(Sec. 2021) The bill: (1) expands requirements for public water systems to monitor unregulated containments, and (2) extends through FY2023 a requirement that water system projects financed through a drinking water SRF program only use iron and steel products that are produced in the United States.

(Sec. 2023) The bill reauthorizes through FY2021 and revises the drinking water SRF.

### TITLE III--ENERGY

(Sec. 3001) The bill amends the Federal Power Act to authorize the Federal Energy Regulatory Commission (FERC) to issue a preliminary permit to a hydropower construction license applicant for up to four years, instead of three. FERC may extend a preliminary permit once for up to four years and may issue an additional four-year extension if it determines there are extraordinary circumstances that warrant the issuance of an additional extension.

FERC may also extend the time a licensee has to commence construction on a project for up to eight years. Under current law, FERC may extend the license for no more than two years. The licensee is not required to pay an annual charge for administrative expenses until construction commences or a preliminary permit extension expires.

(Sec. 3002) The bill revises the criteria for a facility to qualify as a conduit hydropower facility. Under current law, such a facility does not need to be licensed, but must have a capacity that does not exceed five megawatts. The bill raises the

capacity limit to 40 megawatts.

In addition, the bill revises the time frame from 45 days to 30 days for an entity to contest whether its hydroelectric facility meets the qualifying criteria.

(Sec. 3003) FERC must establish an expedited licensing process for issuing and amending licenses for certain hydropower facilities to be constructed at nonpowered dams. In establishing the expedited process, FERC must convene an interagency task force with appropriate federal and state agencies and Indian tribes to coordinate the regulatory process associated with the authorizations required to construct and operate a qualifying facility. FERC must assess the safety of existing nonfederal dams and other nonfederal structures related to the qualifying facility before issuing a license.

FERC must coordinate with the Corps of Engineers, Department of the Interior, and the Department of Agriculture to jointly develop a list of existing nonpowered federal dams that have the greatest potential for nonfederal hydropower development.

(Sec. 3004) FERC may establish an expedited licensing process for issuing and amending licenses for closed-loop pumped storage projects in which the upper and lower reservoirs do not impound or directly withdraw water from navigable waters, or that are not continuously connected to a naturally flowing water feature.

In addition, FERC must: (1) assess the safety of existing dams and other structures related to the project before issuing a license for a closed-loop storage project, and (2) hold a workshop to explore potential opportunities for development of storage projects at abandoned mine sites.

(Sec. 3005) The bill outlines considerations that FERC must make when determining the relicensing terms for hydropower licensees.

(Sec. 3006) The bill sets forth procedures for the case of FERC not taking action after notice by a public utility of a rate change.

(Sec. 3007) The bill authorizes FERC, upon request, to extend by six years the time period during which construction must commence on the Red River Lock and Dam No. 3, 4, and 5 Hydroelectric Projects located on the Red River in Louisiana. The licensee is not required to pay an annual charge for administrative expenses until construction commences. FERC may reinstate the construction license if it is expired.

(Sec. 3008) FERC, upon request, must issue a stay of the statutory deadline by which construction must commence on the Mahoney Lake Hydroelectric Project located in Ketchikan Gateway Borough, Alaska.

If certain conditions are met, FERC may extend for up to six years the statutory deadline by which construction must commence on the project.

(Sec. 3009) The Department of Energy must draw down and sell 5,000,000 barrels of crude oil from the Strategic Petroleum Reserve during FY2028.

## TITLE IV--OTHER MATTERS

### Subtitle A--Clean Water

(Sec. 4101) The Environmental Protection Agency (EPA) must establish a stormwater infrastructure funding task force

composed of representatives from governmental and private entities. The task force must study, and develop recommendations for improving, the availability of funding for stormwater infrastructure to meet the requirements of the Federal Water Pollution Control Act (commonly known as the Clean Water Act).

(Sec. 4102) The EPA must update and disseminate information on cost-effective and alternative wastewater recycling and treatment technologies.

(Sec. 4103) The bill amends the Federal Water Pollution Control Act (commonly known as the Clean Water Act) to authorize the EPA to make grants to nonprofit organizations to provide technical assistance relating to wastewater treatment systems in rural, small, and tribal municipalities.

(Sec. 4104) The bill reauthorizes the Management Conference of the Long Island Sound Study, the Long Island Sound Stewardship Act of 2006, the Long Island Sound Grants, and Long Island Sound Stewardship Grants through FY2023.

The EPA's Office of the Management Conference of the Long Island Sound Study must include in studies on strengthening the implementation of the Comprehensive Conservation and Management Plan for Long Island Sound environmental vulnerabilities of the sound watershed.

The office must: (1) develop and implement strategies to increase education and awareness about the ecological health and water quality of the sound; and (2) monitor progress toward meeting the goals, actions, and schedules of the plan.

The limit on the federal share for certain grants for projects and studies to help implement the plan is revised by increasing the limit for grants other than citizen involvement and education grants.

A federal agency that owns or occupies real property, or carries out activities, within the sound watershed must ensure that the property and activities are consistent with the plan to the maximum extent practicable.

(Sec. 4105) The bill reauthorizes the Columbia River Basin Restoration Program through FY2021.

(Sec. 4106) The bill reauthorizes through FY2020 and revises the sewer overflow control grant program, including by allowing the EPA to provide grants for measures to reuse stormwater.

(Sec. 4107) States may use their SRFs to provide assistance to households with income below a certain threshold for decentralized wastewater systems or cost-effective connections of the households to publicly owned treatment works.

#### Subtitle B--WIFIA Reauthorization and Innovative Financing for State Loan Funds

(Sec. 4201) WRRDA 2014 is amended to reauthorize through FY2021 and revise the Water Infrastructure Finance and Innovation Act program, including by providing additional sources of funding for state infrastructure financing authorities.

#### Subtitle C--Miscellaneous

(Sec. 4302) The Bureau of Reclamation must develop a flood prevention action plan for each state within the Snake River Basin.

(Sec. 4303) The GAO must audit and report on certain maintenance repayment contracts between the United States and the Bostwick Division for repairs to the Tainter gates and other features at the Harlan County Dam in Nebraska.

(Sec. 4304) The EPA must establish a competitive grant program to: (1) assist the development of innovative activities

relating to workforce development in the water utility sector, and (2) expand public awareness about water utilities and connect individuals to careers in the water utility sector.

(Sec. 4305) The EPA must assign at least one employee in each of its regional offices to serve as a liaison to minority, tribal, and low-income communities.

(Sec. 4306) The bill amends the Energy Policy and Conservation Act to provide statutory authority for the WaterSense Program of the EPA, which allows water-efficient products, buildings, landscapes, facilities, processes, and services to bear a "WaterSense" label.

(Sec. 4307) The U.S. Fish and Wildlife Service must use the most expeditious procedure practicable to process and administer certain permits that allow the taking of certain wild animals, such as bald eagles.

(Sec. 4308) The Klamath Basin Water Supply Enhancement Act of 2000 is amended to authorize Interior to align water supplies and demand for irrigation water users associated with the Klamath Project, which is a Reclamation project in California and Oregon.

(Sec. 4309) The federal cost share for the operation and maintenance of certain dikes owned by Reclamation must be 100%.

(Sec. 4310) The bill authorizes Interior, in cooperation with Wyoming, to amend the Definite Plan Report for the Seedskaadee Project to enable the use of all active storage capacity of Fontenelle Dam and Reservoir.

(Sec. 4311) The Water Infrastructure Improvements for the Nation Act is amended to: (1) revise the requirements governing the Blackfeet settlement trust fund, (2) extend through FY2028 appropriations for the Indian Irrigation Fund as well as a program of the Corps of Engineers that assists Indian tribes with certain irrigation projects, and (3) extend through FY2030 appropriations for the High-Hazard Indian Dam Safety Deferred Maintenance Fund.

(Sec. 4315) The bill designates the U.S. courthouse at 300 South Fourth Street in Minneapolis, Minnesota, as the "Diana E. Murphy United States Courthouse."

## Actions Timeline

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- **Oct 23, 2018:** Signed by President.
- **Oct 23, 2018:** Became Public Law No: 115-270.
- **Oct 12, 2018:** Presented to President.
- **Oct 11, 2018:** Message on Senate action sent to the House.
- **Oct 10, 2018:** Considered by Senate (Message from the House considered). (consideration: CR S6747)
- **Oct 10, 2018:** Motion by Senator McConnell to concur in the House amendment to S. 3021 with an amendment (SA 4048) was withdrawn.
- **Oct 10, 2018:** Resolving differences -- Senate actions: Senate agreed to the House amendments to S. 3021 by Yea-Nay Vote. 99 - 1. Record Vote Number: 225.
- **Oct 10, 2018:** Senate agreed to the House amendments to S. 3021 by Yea-Nay Vote. 99 - 1. Record Vote Number: 225.
- **Oct 9, 2018:** Considered by Senate (Message from the House considered). (consideration: CR S6703-6719)
- **Oct 9, 2018:** Cloture on the motion to concur in the House amendments to S. 3021 invoked in Senate by Yea-Nay Vote. 96 - 3. Record Vote Number: 224. (CR S6714-6715)
- **Oct 9, 2018:** Motion by Senator McConnell to refer to Senate Committee on Environment and Public Works the House message to accompany S. 3021 with instructions to report back forthwith with the following amendment (SA 4050) fell when cloture was invoked on the motion to concur in the House amendments to S. 3021 in Senate.
- **Oct 6, 2018:** Measure laid before Senate by unanimous consent. (consideration: CR S6697-6698)
- **Oct 6, 2018:** Motion by Senator McConnell to concur in the House amendments to S. 3021 made in Senate.
- **Oct 6, 2018:** Cloture motion on the motion to concur in the House amendments to S. 3021 presented in Senate. (CR S6697-6698)
- **Oct 6, 2018:** Motion by Senator McConnell to concur in the House amendment to S. 3021 with an amendment (SA 4048) made in Senate.
- **Oct 6, 2018:** Motion by Senator McConnell to refer to Senate Committee on Environment and Public Works the House message to accompany S. 3021 with instructions to report back forthwith with the following amendment (SA 4050) made in Senate.
- **Sep 17, 2018:** Message on House action received in Senate and at desk: House amendments to Senate bill.
- **Sep 13, 2018:** Mr. Shuster moved to suspend the rules and pass the bill, as amended.
- **Sep 13, 2018:** Considered under suspension of the rules. (consideration: CR H8184-8228)
- **Sep 13, 2018:** DEBATE - The House proceeded with forty minutes of debate on S. 3021.
- **Sep 13, 2018:** Passed/agreed to in House: On motion to suspend the rules and pass the bill, as amended Agreed to by voice vote.(text: CR H8185-8221)
- **Sep 13, 2018:** On motion to suspend the rules and pass the bill, as amended Agreed to by voice vote. (text: CR H8185-8221)
- **Sep 13, 2018:** Motion to reconsider laid on the table Agreed to without objection.
- **Sep 13, 2018:** The title of the measure was amended. Agreed to without objection.
- **Sep 5, 2018:** Message on Senate action sent to the House.
- **Sep 5, 2018:** Received in the House.
- **Sep 5, 2018:** Referred to the House Committee on Transportation and Infrastructure.
- **Sep 5, 2018:** Referred to the Subcommittee on Economic Development, Public Buildings and Emergency Management.
- **Sep 4, 2018:** Passed/agreed to in Senate: Passed Senate without amendment by Unanimous Consent.(consideration: CR S6032; text: CR S6032)
- **Sep 4, 2018:** Passed Senate without amendment by Unanimous Consent. (consideration: CR S6032; text: CR S6032)
- **Aug 1, 2018:** Committee on Environment and Public Works. Ordered to be reported without amendment favorably.
- **Aug 1, 2018:** Committee on Environment and Public Works. Reported by Senator Barrasso without amendment. Without written report.
- **Aug 1, 2018:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 550.
- **Jun 7, 2018:** Introduced in Senate
- **Jun 7, 2018:** Read twice and referred to the Committee on Environment and Public Works.