

INNOVATIVE STORMWATER INFRASTRUCTURE ACT OF  
2018

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JULY 16, 2018.—Committed to the Committee of the Whole House on the State of  
the Union and ordered to be printed

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Mr. SHUSTER, from the Committee on Transportation and  
Infrastructure, submitted the following

R E P O R T

[To accompany H.R. 3906]

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The amendments are as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Innovative Stormwater Infrastructure Act of 2018”.

**SEC. 2. STORMWATER INFRASTRUCTURE FUNDING TASK FORCE.**

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall establish a stormwater infrastructure funding task force composed of representatives of Federal, State, and local governments and private (including nonprofit) entities to con-

duct a study on, and develop recommendations to improve, the availability of public and private sources of funding for the construction, rehabilitation, and operation and maintenance of stormwater infrastructure to meet the requirements of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.).

(b) CONSIDERATIONS.—In carrying out subsection (a), the task force shall—

(1) identify existing Federal, State, and local public sources and private sources of funding for stormwater infrastructure; and

(2) consider—

(A) how funding for stormwater infrastructure from such sources has been made available, and utilized, in each State to address stormwater infrastructure needs identified pursuant to section 516(b)(1) of the Federal Water Pollution Control Act (33 U.S.C. 1375(b)(1));

(B) how the source of funding affects the affordability of the infrastructure (as determined based on the considerations used to assess the financial capability of municipalities under the integrated planning guidelines described in the Integrated Municipal Stormwater and Wastewater Planning Approach Framework, issued by the Environmental Protection Agency on June 5, 2012, and dated May, 2012), including consideration of the costs associated with financing the infrastructure; and

(C) whether such sources of funding are sufficient to support capital expenditures and long-term operation and maintenance costs necessary to meet the stormwater infrastructure needs of municipalities.

(c) REPORT.—Not later than 18 months after the date of enactment of this Act, the Administrator shall submit to Congress a report that describes the results of the study conducted, and the recommendations developed, under subsection (a).

(d) STATE DEFINED.—In this section, the term “State” has the meaning given that term in section 502 of the Federal Water Pollution Control Act (33 U.S.C. 1362).

Amend the title so as to read:

A bill to direct the Administrator of the Environmental Protection Agency to establish a stormwater infrastructure funding task force, and for other purposes.

#### PURPOSE OF LEGISLATION

H.R. 3906, as amended, directs the Environmental Protection Agency (EPA) to establish a stormwater infrastructure funding task force to study and develop recommendations to improve the availability of public and private sources of funding for stormwater infrastructure.

#### BACKGROUND AND NEED FOR LEGISLATION

Stormwater runoff is generated from rain and snowmelt events that flow over land or impervious surfaces, such as paved streets, parking lots, and building rooftops, into sewer systems and nearby waterbodies. Stormwater runoff can pick up and transport pollutants, and be a major source of pollution to those receiving waters. In order to protect and enhance water quality, communities control stormwater runoff through the installation and use of stormwater infrastructure. Many communities across the country face difficulties in funding projects to control stormwater runoff and mitigate stormwater pollution.

#### HEARINGS

On March 9, 2017, the Subcommittee on Water Resources and Environment held a hearing titled “Building a 21st Century Infrastructure for America: The Role of Federal Agencies in Water Infrastructure” that addressed the role that EPA, through the Clean Water Act, plays in financing and addressing the nation’s wastewater and stormwater infrastructure challenges.

On May 18, 2017, the Subcommittee on Water Resources and Environment held a hearing titled “Building a 21st Century Infrastructure for America: Improving Water Quality through Integrated Planning” that addressed the financial concerns raised by municipalities in addressing local water quality challenges.

#### LEGISLATIVE HISTORY AND CONSIDERATION

On October 2, 2017, Congressman Denny Heck (D-WA) introduced H.R. 3906. The bill was referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on Science, Space, and Technology.

As introduced, H.R. 3906 would have: (1) authorized EPA to provide Federal grants, on a competitive basis, to institutions of higher education and research institutions to establish centers of excellence for research on, and promotion of, innovative stormwater control infrastructure, and (2) directed the EPA Administrator to work with existing EPA offices, such as the Office of Water and the Office of Enforcement and Compliance, to promote the use of innovative stormwater control infrastructure in Clean Water Act permitting programs, planning efforts, research, technical assistance, and funding guidance.

On June 26, 2018, the Committee on Transportation and Infrastructure met in open session to consider H.R. 3906. Congressman Garret Graves (R-LA) offered an amendment in the nature of a substitute to establish a stormwater infrastructure funding task force to study and develop recommendations to improve the availability of public and private sources of funding for stormwater infrastructure, which was adopted by voice vote. The Committee ordered the bill, as amended, to be reported favorably to the House by a voice vote with a quorum present.

#### COMMITTEE VOTES

Clause 3(b) of rule XIII of the Rules of the House of Representatives requires each committee report to include the total number of votes cast for and against on each record vote on a motion to report and on any amendment offered to the measure or matter, and the names of those members voting for and against. There were no recorded votes taken in connection with consideration of H.R. 3906.

#### COMMITTEE OVERSIGHT FINDINGS

With respect to the requirements of clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee’s oversight findings and recommendations are reflected in this report.

#### NEW BUDGET AUTHORITY AND TAX EXPENDITURES AND CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

With respect to the requirements of clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974 and with respect to requirements of clause (3)(c)(3) of rule XIII of the Rules of the House of Representatives and section 402 of the Congressional Budget Act of 1974, the Committee has requested but not received a cost estimate for this bill from the Director of Congressional Budget Office. The Committee has requested but not received from the Director of the

Congressional Budget Office a statement as to whether this bill contains any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures. The Chairman of the Committee shall cause such estimate and statement to be printed in the Congressional Record upon its receipt by the Committee.

#### PERFORMANCE GOALS AND OBJECTIVES

With respect to the requirement of clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the performance goal and objective of this legislation is to assist communities in finding available public and private sources of funding of stormwater infrastructure.

#### ADVISORY OF EARMARKS

Pursuant to clause 9 of rule XXI of the Rules of the House of Representatives, the Committee is required to include a list of congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(e), 9(f), and 9(g) of rule XXI of the Rules of the House of Representatives. No provision in the bill includes an earmark, limited tax benefit, or limited tariff benefit under clause 9(e), 9(f), or 9(g) of rule XXI.

#### DUPLICATION OF FEDERAL PROGRAMS

Pursuant to clause 3(c)(5) of rule XIII of the Rules of the House of Representatives, the Committee finds that no provision of H.R. 3906, as amended, establishes or reauthorizes a program of the federal government known to be duplicative of another federal program, a program that was included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111–139, or a program related to a program identified in the most recent Catalog of Federal Domestic Assistance.

#### DISCLOSURE OF DIRECTED RULE MAKINGS

Pursuant to section 3(i) of H. Res. 5, 115th Cong. (2017), the Committee finds that enacting H.R. 3906, as amended, does not direct the completion of a specific rule making within the meaning of section 551 of title 5, United States Code.

#### FEDERAL MANDATE STATEMENT

An estimate of Federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act (Public Law 104–4) was not made available to the Committee in time for the filing of this report. The Chairman of the Committee shall cause such estimate to be printed in the Congressional Record upon its receipt by the Committee.

#### PREEMPTION CLARIFICATION

Section 423 of the Congressional Budget Act of 1974 requires the report of any Committee on a bill or joint resolution to include a statement on the extent to which the bill or joint resolution is intended to preempt state, local, or tribal law. The Committee states that H.R. 3906, as amended, does not preempt any state, local, or tribal law.

## ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act are created by this legislation.

## APPLICABILITY OF LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act (Public Law 104–1).

## SECTION-BY-SECTION ANALYSIS OF LEGISLATION

*Section 1. Short title*

Section 1 is the short title of the bill, which is the “Innovative Stormwater Infrastructure Act of 2018”.

*Section 2. Stormwater infrastructure funding task force*

Section 2 directs the Administrator of the EPA to establish a stormwater infrastructure funding task force to study and develop recommendations to improve the availability of public and private sources of funding for stormwater infrastructure. The task force would be composed of representatives of Federal, State, and local governments and private (including nonprofit) entities. The task force should consider how States address stormwater infrastructure needs, how the source of funding affects the affordability of the infrastructure, and whether such sources of funding are sufficient to support short and long term construction and operation and maintenance costs.

## CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

H.R. 3906, as amended, makes no changes in existing law.

## CORRESPONDENCE

LAMAR S. SMITH, Texas  
CHAIRMANEDDIE BERNICE JOHNSON, Texas  
RANKING MEMBER**Congress of the United States  
House of Representatives**

COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY

2321 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6301

(202) 225-6371  
www.science.house.gov

July 12, 2018

The Honorable Bill Shuster  
Chairman  
Committee on Transportation and Infrastructure  
U.S. House of Representatives  
Washington, D.C. 20515

Dear Mr. Chairman:

I am writing concerning H.R. 3906, the "Innovative Stormwater Infrastructure Act of 2017," which was ordered reported by your Committee June 27, 2018.

H.R. 3906 contains provisions within the Committee on Science, Space, and Technology's Rule X jurisdiction. As a result of your having consulted with the Committee and in order to expedite this bill for floor consideration, the Committee on Science, Space, and Technology will forego action on the bill. This is being done on the basis of our mutual understanding that doing so will in no way diminish or alter the jurisdiction of the Committee on Science, Space, and Technology with respect to the appointment of conferees, or to any future jurisdictional claim over the subject matters contained in the bill or similar legislation.

I would appreciate your response to this letter confirming this understanding, and would request that you include a copy of this letter and your response in the committee report and in the *Congressional Record* during the floor consideration of this bill. Thank you in advance for your cooperation.

Sincerely,

  
Lamar Smith  
Chairman

cc: The Honorable Paul Ryan  
The Honorable Peter DeFazio  
The Honorable Eddie Bernice Johnson  
Mr. Tom Wickham, Parliamentarian



Committee on Transportation and Infrastructure  
U.S. House of Representatives

Bill Shuster  
Chairman

Washington, DC 20515

Peter A. DeFazio  
Banking Member

July 12, 2018

Christopher W. Vleson, Staff Director

Katherine W. Dedrick, Democratic Staff Director

The Honorable Lamar Smith  
Chairman  
Committee on Science, Space, and Technology  
2321 Rayburn HOB  
Washington, DC 20515

Dear Chairman Smith:

Thank you for your letter regarding H.R. 3906, the *Innovative Stormwater Infrastructure Act of 2017*, which was ordered to be reported, with an amendment, from the Committee on Transportation and Infrastructure on June 27, 2018.

I acknowledge that by foregoing action on H.R. 3906 at this time, the Committee on Science, Space, and Technology does not waive any future jurisdictional claim to provisions in this or similar legislation. In addition, should a conference on the bill be necessary, I would support your effort to seek appointment of an appropriate number of conferees to any House-Senate conference involving provisions within this legislation on which the Committee on Science, Space, and Technology has a valid jurisdictional claim.

I appreciate your cooperation regarding this legislation and I will include our letters in the report and in the *Congressional Record* during floor consideration of H.R. 3906.

Sincerely,

Bill Shuster  
Chairman

cc: The Honorable Paul D. Ryan  
The Honorable Peter A. DeFazio  
The Honorable Eddie Bernice Johnson  
The Honorable Thomas J. Wickham, Jr., Parliamentarian

