

A JOINT RESOLUTION

1 proposing a constitutional amendment providing for the creation of
2 the flood infrastructure fund to assist in the financing of
3 drainage, flood mitigation, and flood control projects.

4 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Article III, Texas Constitution, is amended by
6 adding Section 49-d-14 to read as follows:

7 Sec. 49-d-14. (a) The flood infrastructure fund is created
8 as a special fund in the state treasury outside the general revenue
9 fund.

10 (b) As provided by general law, money in the flood
11 infrastructure fund may be administered and used, without further
12 appropriation, by the Texas Water Development Board or that board's
13 successor in function to provide financing for a drainage, flood
14 mitigation, or flood control project, including:

15 (1) planning and design activities;
16 (2) work to obtain regulatory approval to provide
17 nonstructural and structural flood mitigation and drainage; or
18 (3) construction of structural flood mitigation and
19 drainage infrastructure.

20 (c) Separate accounts may be established in the flood
21 infrastructure fund as necessary to administer the fund or
22 authorized projects.

23 SECTION 2. This proposed constitutional amendment shall be
24 submitted to the voters at an election to be held November 5, 2019.

H.J.R. No. 4

1 The ballot shall be printed to permit voting for or against the
2 proposition: "The constitutional amendment providing for the
3 creation of the flood infrastructure fund to assist in the
4 financing of drainage, flood mitigation, and flood control
5 projects."

President of the Senate

Speaker of the House

I certify that H.J.R. No. 4 was passed by the House on April 10, 2019, by the following vote: Yeas 140, Nays 0, 2 present, not voting.

Chief Clerk of the House

I certify that H.J.R. No. 4 was passed by the Senate on May 22, 2019, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

RECEIVED: _____
Date

Secretary of State

116TH CONGRESS
1ST SESSION

H. R. 4266

To establish centers of excellence for innovative stormwater control infrastructure, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 10, 2019

Mr. HECK (for himself and Mr. KATKO) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on Science, Space, and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To establish centers of excellence for innovative stormwater control infrastructure, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Clean Water Through
5 Green Infrastructure Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

1 (1) many water resources in the United States
2 are declining, particularly in urban and agricultural
3 areas;

4 (2) the decline of water resources is the result
5 of—

6 (A) an increase in population, water con-
7 sumption, agricultural production, and imper-
8 meable surfaces; and

9 (B) the negative effects of urbanization,
10 commercial and industrial activities, and in-
11 creasing and persistent droughts; and

12 (3) an October 2008 study by the National Re-
13 search Council found that some of the benefits of in-
14 novative stormwater control infrastructure include—

15 (A) increased water supplies;

16 (B) the creation of jobs;

17 (C) cost savings; and

18 (D) a reduction of stormwater runoff, sur-
19 face water discharge, stormwater pollution, and
20 stormwater flows to protect and restore natural
21 hydrology, meeting local conditions to the max-
22 imum extent feasible.

23 **SEC. 3. DEFINITIONS.**

24 In this Act:

1 (1) ADMINISTRATOR.—The term “Adminis-
2 trator” means the Administrator of the Environ-
3 mental Protection Agency.

4 (2) CENTER.—The term “center” means a cen-
5 ter of excellence for innovative stormwater control
6 infrastructure established under section 4(a).

7 (3) ELIGIBLE ENTITY.—The term “eligible enti-
8 ty” means—

9 (A) a State, Tribal, or local government; or

10 (B) a local, regional, or other entity that
11 manages stormwater, drinking water resources,
12 or wastewater resources.

13 (4) ELIGIBLE INSTITUTION.—

14 (A) IN GENERAL.—The term “eligible in-
15 stitution” means an institution of higher edu-
16 cation (as defined in section 101 of the Higher
17 Education Act of 1965 (20 U.S.C. 1001)) or a
18 research institution that has demonstrated ex-
19 cellence in innovative stormwater control infra-
20 structure by—

21 (i) conducting research on innovative
22 stormwater control infrastructure to deter-
23 mine the means by which innovative infra-
24 structure reduces stormwater runoff, en-

hances and protects drinking water sources, and improves water quality;

(ii) developing and disseminating information regarding the means by which an organization can use innovative stormwater control infrastructure;

(iii) providing technical assistance to an organization for an innovative stormwater control infrastructure project;

(iv) developing best practices standards for innovative stormwater control infrastructure;

(v) providing job training relating to innovative stormwater control infrastructure;

(vi) developing course curricula for—

(I) elementary schools (as defined in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801));

(II) secondary schools (as defined in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801));

1 (III) institutions of higher edu-
2 cation (as defined in section 101 of
3 the Higher Education Act of 1965 (20
4 U.S.C. 1001)); or

5 (IV) vocational schools;

6 (vii) training students regarding inno-
7 vative stormwater control infrastructure; or
8 (viii) providing information to the
9 Federal Government or State, Tribal, and
10 local governments regarding the implemen-
11 tation of innovative stormwater control in-
12 frastructure.

13 (B) ASSOCIATED DEFINITION.—For pur-
14 poses of subparagraph (A), the term “research
15 institution” means an entity that is—

16 (i) described in section 501(c)(3) of
17 the Internal Revenue Code of 1986;

18 (ii) exempt from tax under section
19 501(a) of the Internal Revenue Code of
20 1986; and

21 (iii) organized and operated for re-
22 search purposes.

23 (5) INDIAN TRIBE.—The term “Indian tribe”
24 has the meaning given the term in section 518(h) of

1 the Federal Water Pollution Control Act (33 U.S.C.
2 1377(h)).

3 (6) INNOVATIVE STORMWATER CONTROL INFRA-
4 STRUCTURE.—

5 (A) IN GENERAL.—The term “innovative
6 stormwater control infrastructure” means any
7 green infrastructure stormwater management
8 technique that—

9 (i) uses natural systems or engineered
10 systems that mimic natural processes to
11 infiltrate, evapotranspire, or capture
12 stormwater; and

13 (ii) preserves, enhances, or mimics
14 natural hydrology to protect or restore
15 water quality.

16 (B) INCLUSIONS.—The term “innovative
17 stormwater control infrastructure” includes—

18 (i) methods that promote absorption,
19 uptake, percolation, evapotranspiration,
20 and filtration by soil and plant life; and

21 (ii) the preservation or restoration
22 of—

23 (I) natural topography, including
24 hills, plains, ravines, and shorelines;

1 (II) interconnected networks of
2 natural land that protect essential ec-
3 ological functions critical for water
4 quality;

5 (III) ecological function, includ-
6 ing forests, grasslands, and deserts;

7 (IV) bodies of water, including
8 lakes, flood plains, headwaters, and
9 wetlands; and

10 (V) native soil characteristics of
11 composition, structure, and transmis-
12 sivity.

13 (7) STATE.—The term “State” means—

14 (A) each of the several States of the
15 United States;

16 (B) the District of Columbia;

17 (C) the Commonwealth of Puerto Rico;

18 (D) Guam;

19 (E) American Samoa;

20 (F) the Commonwealth of the Northern
21 Mariana Islands;

22 (G) the Federated States of Micronesia;

23 (H) the Republic of the Marshall Islands;

24 (I) the Republic of Palau; and

25 (J) the United States Virgin Islands.

1 **SEC. 4. CENTERS OF EXCELLENCE FOR INNOVATIVE**
2 **STORMWATER CONTROL INFRASTRUCTURE.**

3 (a) ESTABLISHMENT OF CENTERS.—

4 (1) IN GENERAL.—The Administrator shall pro-
5 vide grants, on a competitive basis, to eligible insti-
6 tutions to establish and maintain not less than 3,
7 and not more than 5, centers of excellence for inno-
8 vative stormwater control infrastructure, to be lo-
9 cated in various regions throughout the United
10 States.

11 (2) GENERAL OPERATION.—Each center
12 shall—

13 (A) conduct research on innovative
14 stormwater control infrastructure that is rel-
15 evant to the geographical region in which the
16 center is located, including stormwater and
17 sewer overflow reduction, other approaches to
18 water resource enhancement, and other environ-
19 mental, economic, and social benefits;

20 (B) develop manuals and establish industry
21 standards on best management practices relat-
22 ing to State, Tribal, local, and commercial inno-
23 vative stormwater control infrastructure for use
24 by State, Tribal, and local governments and the
25 private sector;

1 (C) develop and administer testing and
2 evaluation protocols to measure and verify the
3 performance of stormwater infrastructure prod-
4 ucts and practices;

5 (D) provide information regarding research
6 conducted under subparagraph (A), manuals
7 developed under subparagraph (B), and testing
8 and evaluation performed under subparagraph
9 (C) to the national electronic clearinghouse cen-
10 ter for publication on the internet website es-
11 tablished under subsection (c) to provide to the
12 Federal Government and State, Tribal, and
13 local governments and the private sector infor-
14 mation regarding innovative stormwater control
15 infrastructure;

16 (E) provide technical assistance to State,
17 Tribal, and local governments to assist with the
18 construction, operation, and maintenance of in-
19 novative stormwater control infrastructure
20 projects;

21 (F) collaborate with institutions of higher
22 education and private and public organizations
23 in the geographical region in which the center
24 is located on innovative stormwater control in-

1 frastructure research and technical assistance
2 projects;

3 (G) assist institutions of higher education,
4 secondary schools, and vocational schools to de-
5 velop innovative stormwater control infrastruc-
6 ture curricula;

7 (H) provide training regarding innovative
8 stormwater control infrastructure to institutions
9 of higher education and professional schools;

10 (I) evaluate regulatory and policy issues
11 relating to innovative stormwater control infra-
12 structure; and

13 (J) coordinate with the other centers to
14 avoid duplication of efforts.

15 (b) APPLICATION.—To be eligible to receive a grant
16 under this section, an eligible institution shall prepare and
17 submit to the Administrator an application at such time,
18 in such form, and containing such information as the Ad-
19 ministrator may require.

20 (c) NATIONAL ELECTRONIC CLEARINGHOUSE CEN-
21 TER.—Of the centers established under subsection (a)(1),
22 one shall—

23 (1) be designated as the “national electronic
24 clearinghouse center”; and

1 (2) in addition to the other functions of that
2 center—

3 (A) develop, operate, and maintain an
4 internet website and a public database that con-
5 tains information relating to innovative storm-
6 water control infrastructure; and

7 (B) post to the website information from
8 all centers.

9 **SEC. 5. INNOVATIVE STORMWATER CONTROL INFRASTRUC-**
10 **TURE PROJECT GRANTS.**

11 (a) GRANT AUTHORITY.—The Administrator shall
12 provide grants, on a competitive basis, to eligible entities
13 to carry out innovative stormwater control infrastructure
14 projects in accordance with this section.

15 (b) INNOVATIVE STORMWATER CONTROL INFRA-
16 STRUCTURE PROJECTS.—

17 (1) PLANNING AND DEVELOPMENT GRANTS.—

18 The Administrator may make planning and develop-
19 ment grants under this section for the following
20 projects:

21 (A) Planning and designing innovative
22 stormwater control infrastructure projects, in-
23 cluding engineering surveys, landscape plans,
24 maps, and implementation plans.

1 (B) Identifying and developing standards
2 and revisions to local zoning, building, or other
3 local codes necessary to accommodate innova-
4 tive stormwater control infrastructure projects.

5 (C) Identifying and developing fee struc-
6 tures to provide financial support for design, in-
7 stallation, and operations and maintenance of
8 innovative stormwater control infrastructure.

9 (D) Developing training and educational
10 materials regarding innovative stormwater con-
11 trol infrastructure for distribution to—

12 (i) individuals and entities with appli-
13 cable technical knowledge; and

14 (ii) the public.

15 (2) IMPLEMENTATION GRANTS.—The Adminis-
16 trator may make implementation grants under this
17 section for the following projects:

18 (A) Installing innovative stormwater con-
19 trol infrastructure.

20 (B) Protecting or restoring interconnected
21 networks of natural areas that protect water
22 quality.

23 (C) Monitoring and evaluating the environ-
24 mental, economic, or social benefits of innova-
25 tive stormwater control infrastructure.

1 (D) Implementing a best practices stand-
2 ard for an innovative stormwater control infra-
3 structure program.

4 (c) APPLICATION.—Except as otherwise provided in
5 this Act, to be eligible to receive a grant under this section,
6 an eligible entity shall prepare and submit to the Adminis-
7 trator an application at such time, in such form, and con-
8 taining such information as the Administrator may re-
9 quire, including, as applicable—

10 (1) a description of the innovative stormwater
11 control infrastructure project;

12 (2) a plan for monitoring the impacts of the in-
13 novative stormwater control infrastructure project
14 on the water quality and quantity;

15 (3) an evaluation of other environmental, eco-
16 nomic, and social benefits of the innovative stormwa-
17 ter control infrastructure project; and

18 (4) a plan for the long-term operation and
19 maintenance of the innovative stormwater control in-
20 frastructure project.

21 (d) PRIORITY.—In making grants under this section,
22 the Administrator shall give priority to applications sub-
23 mitted on behalf of—

24 (1) a community that—

1 (A) has combined storm and sanitary sew-
2 ers in the collection system of the community;
3 or

4 (B) is a low-income or disadvantaged com-
5 munity, as determined by the Administrator; or

6 (2) an eligible entity that will use not less than
7 10 percent of the grant to provide service to a low-
8 income or disadvantaged community, as determined
9 by the Administrator.

10 (e) MAXIMUM AMOUNTS.—

11 (1) PLANNING AND DEVELOPMENT GRANTS.—

12 (A) SINGLE GRANT.—The amount of a sin-
13 gle planning and development grant provided
14 under this section shall be not more than
15 \$200,000.

16 (B) AGGREGATE AMOUNT.—The total
17 amount of all planning and development grants
18 provided under this section for a fiscal year
19 shall be not more than $\frac{1}{3}$ of the total amount
20 made available to carry out this section.

21 (2) IMPLEMENTATION GRANTS.—

22 (A) SINGLE GRANT.—The amount of a sin-
23 gle implementation grant provided under this
24 section shall be not more than \$3,000,000.

1 (B) AGGREGATE AMOUNT.—The total
2 amount of all implementation grants provided
3 under this section for a fiscal year shall be not
4 more than $\frac{2}{3}$ of the total amount made avail-
5 able to carry out this section.

6 (f) FEDERAL SHARE.—

7 (1) IN GENERAL.—Except as provided in para-
8 graph (3), the Federal share of a grant provided
9 under this section shall not exceed 65 percent of the
10 total project cost.

11 (2) CREDIT FOR IMPLEMENTATION GRANTS.—
12 The Administrator shall credit toward the non-Fed-
13 eral share of the cost of an implementation project
14 carried out under this section the cost of planning,
15 design, and construction work completed for the
16 project using funds other than funds provided under
17 this Act.

18 (3) EXCEPTION.—The Administrator may waive
19 the Federal share limitation under paragraph (1) for
20 an eligible entity that has adequately demonstrated
21 financial need.

22 **SEC. 6. REPORT TO CONGRESS.**

23 Not later than September 30, 2021, the Adminis-
24 trator shall submit to Congress a report that includes,
25 with respect to the period covered by the report—

1 (1) a description of all grants provided under
2 this Act;

3 (2) a detailed description of—

4 (A) the projects supported by those grants;
5 and

6 (B) the outcomes of those projects;

7 (3) a description of the improvements in tech-
8 nology, environmental benefits, resources conserved,
9 efficiencies, and other benefits of the projects funded
10 under this Act;

11 (4) recommendations for improvements to pro-
12 mote and support innovative stormwater control in-
13 frastructure for the centers, grants, and activities
14 under this Act; and

15 (5) a description of existing challenges con-
16 cerning the use of innovative stormwater control in-
17 frastructure.

18 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

19 There are authorized to be appropriated to carry out
20 this Act such sums as are necessary for each of fiscal
21 years 2020 through 2025.

○