

(2) limit the right of any unit of State, local, or tribal government to approve or regulate any rate of return on private equity invested in the project; or

(3) otherwise supersede any State, local, or tribal law (including any regulation) applicable to the construction or operation of the project.

(Pub. L. 113–121, title V, § 5031, June 10, 2014, 128 Stat. 1342.)

§ 3911. Regulations

The Secretary or the Administrator, as applicable, may promulgate such regulations as the Secretary or Administrator determines to be appropriate to carry out this chapter.

(Pub. L. 113–121, title V, § 5032, June 10, 2014, 128 Stat. 1342.)

“SECRETARY” DEFINED

Secretary means the Secretary of the Army, see section 2 of Pub. L. 113–121, set out as a note under section 2201 of this title.

§ 3912. Funding

(a) In general

(1) Fiscal years 2015 through 2019

There are authorized to be appropriated to each of the Secretary and the Administrator to carry out this chapter, to remain available until expended—

- (A) \$20,000,000 for fiscal year 2015;
- (B) \$25,000,000 for fiscal year 2016;
- (C) \$35,000,000 for fiscal year 2017;
- (D) \$45,000,000 for fiscal year 2018; and
- (E) \$50,000,000 for fiscal year 2019.

(2) Fiscal years 2020 and 2021

There is authorized to be appropriated to the Administrator to carry out this chapter \$50,000,000 for each of fiscal years 2020 and 2021, to remain available until expended.

(b) Administrative costs

(1) Fiscal years 2015 through 2019

Of the funds made available to carry out this chapter, the Secretary or the Administrator, as applicable, may use for the administration of this chapter, including for the provision of technical assistance to aid project sponsors in obtaining the necessary approvals for the project, not more than \$2,200,000 for each of fiscal years 2015 through 2019.

(2) Fiscal years 2020 and 2021

Of the funds made available to carry out this chapter, the Administrator may use for the administration of this chapter, including for the provision of technical assistance to aid project sponsors in obtaining the necessary approvals for the project, not more than \$5,000,000 for each of fiscal years 2020 and 2021.

(c) Small community water infrastructure projects

(1) In general

For each fiscal year, the Secretary or the Administrator, as applicable, shall set aside not less than 15 percent of the amounts made available for that fiscal year under this sec-

tion for small community water infrastructure projects described in section 3907(a)(2)(B) of this title.

(2) Administration

Any amounts set aside under paragraph (1) that remain unobligated on June 1 of the fiscal year for which the amounts are set aside shall be available for obligation by the Secretary or the Administrator, as applicable, for projects other than small community water infrastructure projects.

(d) Additional funding

Notwithstanding section 3908(b)(2) of this title, the Secretary or the Administrator, as applicable, may make available up to 25 percent of the amounts made available for each fiscal year under this section for loans in excess of 49 percent of the total project costs.

(e) Assistance for State infrastructure financing authorities

(1) In general

With respect to fiscal years 2020 and 2021, if the Administrator has available for obligation in a fiscal year at least \$50,000,000, there is authorized to be appropriated to the Administrator \$5,000,000 for that fiscal year to provide financial assistance for projects described in section 3905(9) of this title to State infrastructure financing authorities.

(2) No impact on other Federal funding

No funds shall be made available in a fiscal year to the Administrator for purposes of this subsection if—

(A) the total amount appropriated for the fiscal year for State loan funds under section 300j–12 of title 42 is less than either the amount made available for such purpose in fiscal year 2018, or 105 percent of the previous fiscal year’s appropriation for such purpose, whichever is greater; and

(B) the total amount appropriated for the fiscal year for water pollution control revolving funds under title VI of the Federal Water Pollution Control Act [33 U.S.C. 1381 et seq.] is less than either the amount made available for such purpose for fiscal year 2018, or 105 percent of the previous fiscal year’s appropriation for such purpose, whichever is greater.

(3) Inclusion in agreement

If the Administrator provides financial assistance to a State infrastructure financing authority under section 3908 of this title using funds made available pursuant to this subsection, the Administrator shall specify in the agreement under such section the amount of such assistance that is attributable to such funds.

(Pub. L. 113–121, title V, § 5033, June 10, 2014, 128 Stat. 1342; Pub. L. 115–270, title IV, § 4201(a)(4), (b)(3), Oct. 23, 2018, 132 Stat. 3878, 3879.)

REFERENCES IN TEXT

The Federal Water Pollution Control Act, referred to in subsec (e)(2)(B), is act June 30, 1948, ch. 758, as amended generally by Pub. L. 92–500, § 2, Oct. 18, 1972, 86 Stat. 816, which is classified generally to chapter 26

(§1251 et seq.) of this title. Title VI of the Act is classified generally to subchapter VI (§1381 et seq.) of chapter 26 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1251 of this title and Tables.

AMENDMENTS

2018—Subsec. (a). Pub. L. 115-270, §4201(a)(4)(A), designated existing provisions as par. (1) and inserted heading, substituted “There are” for “There is”, redesignated former pars. (1) to (5) as subpars. (A) to (E), respectively, of par. (1), realigned margins, and added par. (2).

Subsec. (b). Pub. L. 115-270, §4201(a)(4)(B), designated existing provisions as par. (1), inserted heading, and added par. (2).

Subsec. (e). Pub. L. 115-270, §4201(b)(3), added subsec. (e).

“SECRETARY” DEFINED

Secretary means the Secretary of the Army, see section 2 of Pub. L. 113-121, set out as a note under section 2201 of this title.

§ 3913. Reports on program implementation

(a) Agency reporting

As soon as practicable after each fiscal year for which amounts are made available to carry out this chapter, the Secretary and the Administrator shall publish on a dedicated, publicly accessible Internet site—

- (1) each application received for assistance under this chapter; and
- (2) a list of the projects selected for assistance under this chapter, including—
 - (A) a description of each project;
 - (B) the amount of financial assistance provided for each project; and
 - (C) the basis for the selection of each project with respect to the requirements of this chapter.

(b) Reports to Congress

(1) In general

Not later than 3 years after October 23, 2018, the Comptroller General of the United States shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report summarizing for the projects that are receiving, or have received, assistance under this chapter—

- (A) the applications received for assistance under this chapter;
- (B) the projects selected for assistance under this chapter, including a description of the projects and the basis for the selection of those projects with respect to the requirements of this chapter;
- (C) the type and amount of financial assistance provided for each project selected for assistance under this chapter;
- (D) the financial performance of each project selected for assistance under this chapter, including an evaluation of whether the objectives of this chapter are being met;
- (E) the benefits and impacts of implementation of this chapter, including the public benefit provided by the projects selected for assistance under this chapter, including, as applicable, water quality and water quantity

improvement, the protection of drinking water, and the reduction of flood risk; and

(F) an evaluation of the feasibility of attracting non-Federal public or private financing for water infrastructure projects as a result of the implementation of this chapter.

(2) Recommendations

The report under paragraph (1) shall include—

(A) an evaluation of the impacts (if any) of the limitation under section 3907(a)(5)¹ of this title on the ability of eligible entities to finance water infrastructure projects under this chapter;

(B) a recommendation as to whether the objectives of this chapter would be best served—

(i) by continuing the authority of the Secretary or the Administrator, as applicable, to provide assistance under this chapter;

(ii) by establishing a Government corporation or Government-sponsored enterprise to provide assistance in accordance with this chapter; or

(iii) by terminating the authority of the Secretary and the Administrator under this chapter and relying on the capital markets to fund the types of infrastructure investments assisted by this chapter without Federal participation; and

(C) any proposed changes to improve the efficiency and effectiveness of this chapter in providing financing for water infrastructure projects, taking into consideration the recommendations made under subparagraphs (A) and (B).

(Pub. L. 113-121, title V, §5034, June 10, 2014, 128 Stat. 1343; Pub. L. 115-270, title IV, §4201(d), Oct. 23, 2018, 132 Stat. 3880.)

REFERENCES IN TEXT

Section 3907(a)(5) of this title, referred to in subsec. (b)(2)(A), was struck out, and section 3907(a)(6) of this title was redesignated as 3907(a)(5), by Pub. L. 114-94, div. A, title I, §1445, Dec. 4, 2015, 129 Stat. 1437. As amended, section 3907(a)(5) no longer relates to limitation.

AMENDMENTS

2018—Pub. L. 115-270, §4201(d)(1), struck out “pilot” before “program” in section catchline.

Subsec. (b)(1). Pub. L. 115-270, §4201(d)(2), substituted “3 years after October 23, 2018” for “4 years after June 10, 2014” in introductory provisions.

“SECRETARY” DEFINED

Secretary means the Secretary of the Army, see section 2 of Pub. L. 113-121, set out as a note under section 2201 of this title.

§ 3914. Requirements

(a) In general

Except as provided in subsection (c), none of the amounts made available under this chapter may be used for the construction, alteration, maintenance, or repair of a project eligible for

¹ See References in Text note below.