

Union Calendar No. 48

117TH CONGRESS
1ST SESSION

H. R. 1915

[Report No. 117-69]

To amend the Federal Water Pollution Control Act to reauthorize certain water pollution control programs, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 16, 2021

Mr. DEFAZIO (for himself, Mrs. NAPOLITANO, and Mr. FITZPATRICK) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

JUNE 22, 2021

Additional sponsors: Mr. PAPPAS, Mr. HUFFMAN, Ms. BROWNLEY, Mr. LYNCH, Ms. JOHNSON of Texas, Ms. NORTON, Ms. STRICKLAND, Mr. CARSON, Ms. TITUS, Ms. WILSON of Florida, Mr. COHEN, Mr. JOHNSON of Georgia, Mr. SEAN PATRICK MALONEY of New York, Ms. NEWMAN, Mr. BROWN, Mr. LOWENTHAL, Mr. CARBAJAL, Ms. MOORE of Wisconsin, Mr. VAN DREW, Ms. LEE of California, Mr. PAYNE, Mr. GARCÍA of Illinois, Mr. MALINOWSKI, Mr. HARDER of California, Ms. DELBENE, Mr. SIRES, Mr. THOMPSON of California, Ms. ROYBAL-ALLARD, Ms. ESHOO, Ms. BONAMICI, Ms. LOFGREN, Ms. BOURDEAUX, Mr. TONKO, Ms. CHU, Mr. SWALWELL, Mr. COSTA, Mr. LARSEN of Washington, Mr. DESAULNIER, Ms. WILLIAMS of Georgia, Mr. STANTON, Mr. AUCHINCLOSS, Mr. COOPER, Mr. LAMB, Mrs. TRAHAN, Mr. NADLER, Ms. VELÁZQUEZ, Ms. MATSUI, Mr. BEYER, Mr. CÁRDENAS, Mr. TAKANO, Ms. BARRAGÁN, Mr. MOULTON, Mr. BLUMENAUER, Ms. BLUNT ROCHESTER, Mr. NORCROSS, Ms. DAVIDS of Kansas, Mr. RASKIN, Ms. SLOTKIN, Mr. ALLRED, Mr. GARAMENDI, Ms. KAPTUR, Mr. KILMER, Mr. SUOZZI, Mr. CARTER of Louisiana, and Ms. SCANLON

JUNE 22, 2021

Reported with an amendment, committed to the Committee of the Whole
House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on March 16, 2021]

A BILL

To amend the Federal Water Pollution Control Act to reauthorize certain water pollution control programs, 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; TABLE OF CONTENTS.**

4 (a) *SHORT TITLE.*—*This Act may be cited as the*
 5 *“Water Quality Protection and Job Creation Act of 2021”.*

6 (b) *TABLE OF CONTENTS.*—*The table of contents for*
 7 *this Act is as follows:*

- Sec. 1. Short title; table of contents.*
- Sec. 2. Wastewater infrastructure workforce investment.*
- Sec. 3. Technical assistance to rural, small, and Tribal municipalities.*
- Sec. 4. State management assistance.*
- Sec. 5. Watershed, wet weather, and resiliency projects.*
- Sec. 6. Waiver of matching requirement for grants to District of Columbia.*
- Sec. 7. Pilot program for alternative water source projects.*
- Sec. 8. Sewer overflow and stormwater reuse municipal grants.*
- Sec. 9. Grants for the treatment of emerging contaminants.*
- Sec. 10. Household wastewater grant program.*
- Sec. 11. Smart wastewater infrastructure technology grant program.*
- Sec. 12. Reports to Congress.*
- Sec. 13. Indian Tribes.*
- Sec. 14. Capitalization grants.*
- Sec. 15. Water pollution control revolving loan funds.*
- Sec. 16. Allotment of funds.*
- Sec. 17. Reservation of funds for territories of the United States.*
- Sec. 18. Authorization of appropriations.*
- Sec. 19. Technical assistance by Municipal Ombudsman.*
- Sec. 20. Report on wastewater infrastructure funding for rural, economically dis-*
advantaged, and Tribal communities.
- Sec. 21. Water Reuse Interagency Working Group.*

8 **SEC. 2. WASTEWATER INFRASTRUCTURE WORKFORCE IN-**
 9 **VESTMENT.**

10 *Section 104(g) of the Federal Water Pollution Control*
 11 *Act (33 U.S.C. 1254(g)) is amended—*

12 (1) *in paragraph (1), by striking “manpower”*
 13 *each place it appears and inserting “workforce”; and*

14 (2) *by amending paragraph (4) to read as fol-*
 15 *lows:*

1 “(4) *REPORT TO CONGRESS ON PUBLICLY OWNED*
2 *TREATMENT WORKS WORKFORCE DEVELOPMENT.*—*Not*
3 *later than 2 years after the date of enactment of the*
4 *Water Quality Protection and Job Creation Act of*
5 *2021, the Administrator, in consultation with the*
6 *Secretary of Labor, shall submit to the Committee on*
7 *Transportation and Infrastructure of the House of*
8 *Representatives and the Committee on Environment*
9 *and Public Works of the Senate a report containing—*

10 “(A) *an assessment of the current and fu-*
11 *ture workforce needs for publicly owned treat-*
12 *ment works, including an estimate of the number*
13 *of future positions needed for such treatment*
14 *works and the technical skills and education*
15 *needed for such positions;*

16 “(B) *a summary of actions taken by the*
17 *Administrator, including Federal investments*
18 *under this chapter, that promote workforce devel-*
19 *opment to address such needs; and*

20 “(C) *any recommendations of the Adminis-*
21 *trator to address such needs.”.*

1 **SEC. 3. TECHNICAL ASSISTANCE TO RURAL, SMALL, AND**
2 **TRIBAL MUNICIPALITIES.**

3 (a) *REAUTHORIZATION.*—Section 104(u) of the Fed-
4 eral Water Pollution Control Act (33 U.S.C. 1254(u)) is
5 amended—

6 (1) by striking “and (7)” and inserting “(7)”;

7 (2) by striking “2023” and inserting “2021”;

8 and

9 (3) by inserting “; and (8) not to exceed
10 \$100,000,000 for each of fiscal years 2022 through
11 2026 for carrying out subsections (b)(3), (b)(8), and
12 (g), except that not less than half of the amounts so
13 appropriated to carry out such subsections in each
14 such fiscal year shall be used for carrying out sub-
15 section (b)(8)” before the period at the end.

16 (b) *COMMUNICATION.*—A nonprofit organization re-
17 ceiving a grant under section 104(b)(8) of the Federal
18 Water Pollution Control Act (33 U.S.C. 1254(b)(8)) shall,
19 prior to carrying out an activity using such grant funds,
20 consult with the State in which such activity is to be carried
21 out.

22 (c) *REPORT.*—Not later than 2 years after the date of
23 enactment of this Act, the Administrator of the Environ-
24 mental Protection Agency shall submit to Congress a report
25 that describes the implementation of the grants made under
26 subsections (b)(3), (b)(8), and (g) of section 104 of the Fed-

1 eral Water Pollution Control Act (33 U.S.C. 1254) during
2 the 2 fiscal years preceding the date of the report, including
3 a description of the recipients and amounts of such grants.

4 **SEC. 4. STATE MANAGEMENT ASSISTANCE.**

5 (a) *AUTHORIZATION OF APPROPRIATIONS.*—Section
6 106(a) of the Federal Water Pollution Control Act (33
7 U.S.C. 1256(a)) is amended—

8 (1) by striking “and” at the end of paragraph
9 (1); and

10 (2) by inserting after paragraph (2) the fol-
11 lowing:

12 “(3) such sums as may be necessary for each of
13 fiscal years 1991 through 2021; and

14 “(4) \$500,000,000 for each of fiscal years 2022
15 through 2026;”.

16 (b) *TECHNICAL AMENDMENT.*—Section 106(e) of the
17 Federal Water Pollution Control Act (33 U.S.C. 1256(e))
18 is amended by striking “Beginning in fiscal year 1974 the”
19 and inserting “The”.

20 **SEC. 5. WATERSHED, WET WEATHER, AND RESILIENCY**
21 **PROJECTS.**

22 (a) *INCREASED RESILIENCE OF TREATMENT*
23 *WORKS.*—Section 122(a)(6) of the Federal Water Pollution
24 Control Act (33 U.S.C. 1274(a)(6)) is amended to read as
25 follows:

1 “(6) *INCREASED RESILIENCE OF TREATMENT*
2 *WORKS.—Efforts—*

3 “(A) *to assess future risks and*
4 *vulnerabilities of publicly owned treatment*
5 *works to manmade or natural disasters, includ-*
6 *ing extreme weather events, drought, and sea*
7 *level rise; and*

8 “(B) *to carry out the planning, design, or*
9 *construction of projects, on a systemwide or*
10 *areawide basis, to increase the resilience of pub-*
11 *licly owned treatment works through—*

12 “(i) *the conservation of water or the*
13 *enhancement of water use efficiency;*

14 “(ii) *the enhancement of wastewater*
15 *(including stormwater) management by in-*
16 *creasing watershed preservation and protec-*
17 *tion, including through—*

18 “(I) *the use of green infrastruc-*
19 *ture; or*

20 “(II) *the reclamation and reuse of*
21 *wastewater (including stormwater),*
22 *such as through aquifer recharge zones;*

23 “(iii) *the modification or relocation of*
24 *an existing publicly owned treatment works*
25 *at risk of being significantly impaired or*

1 *damaged by a manmade or natural dis-*
2 *aster;*

3 *“(iv) the enhancement of energy effi-*
4 *ciency, or the use or generation of recovered*
5 *or renewable energy, in the management,*
6 *treatment, or conveyance of wastewater (in-*
7 *cluding stormwater); or*

8 *“(v) other activities that the Adminis-*
9 *trator determines will address identified*
10 *vulnerabilities to manmade or natural dis-*
11 *asters, including activities to address cyber-*
12 *security vulnerabilities of publicly owned*
13 *treatment works.”.*

14 ***(b) REQUIREMENTS; AUTHORIZATION OF APPROPRIA-***
15 ***TIONS.—Section 122 of the Federal Water Pollution Control***
16 ***Act (33 U.S.C. 1274) is amended by striking subsection (c)***
17 ***and inserting the following:***

18 ***“(c) REQUIREMENTS.—The requirements of section***
19 ***608 shall apply to any construction, alteration, mainte-***
20 ***nance, or repair of treatment works carried out using a***
21 ***grant under this section.***

22 ***“(d) ASSISTANCE.—The Administrator shall use not***
23 ***less than 15 percent of the amounts appropriated pursuant***
24 ***to this section in a fiscal year to provide assistance to mu-***
25 ***nicipalities with a population of less than 10,000, or for***

1 *economically disadvantaged communities (as defined in sec-*
2 *tion 20 of the Water Quality Protection and Job Creation*
3 *Act of 2021), to the extent there are sufficient eligible appli-*
4 *cations.*

5 “(e) *AUTHORIZATION OF APPROPRIATIONS.—There is*
6 *authorized to be appropriated to carry out this section*
7 *\$200,000,000 for each of fiscal years 2022 through 2026.”.*

8 (c) *TECHNICAL AND CONFORMING AMENDMENTS.—*

9 (1) *WATERSHED PILOT PROJECTS.—Section 122*
10 *of the Federal Water Pollution Control Act (33 U.S.C.*
11 *1274) is amended—*

12 (A) *in the section heading, by striking “WA-*
13 *TERSHED PILOT PROJECTS” and inserting*
14 *“WATERSHED, WET WEATHER, AND RESIL-*
15 *IENCY PROJECTS”;* and

16 (B) *by striking “pilot” each place it ap-*
17 *pears.*

18 (2) *WATER POLLUTION CONTROL REVOLVING*
19 *LOAN FUNDS.—Section 603(c)(7) of the Federal Water*
20 *Pollution Control Act (33 U.S.C. 1383(c)(7)) is*
21 *amended by striking “watershed”.*

1 **SEC. 6. WAIVER OF MATCHING REQUIREMENT FOR GRANTS**
 2 **TO DISTRICT OF COLUMBIA.**

3 *Section 202(a) of the Federal Water Pollution Control*
 4 *Act (33 U.S.C. 1282(a)) is amended by adding at the end*
 5 *the following:*

6 *“(5) Notwithstanding any other provision of this sub-*
 7 *section, in the case of a project for a treatment works in*
 8 *the District of Columbia, such a project shall be eligible for*
 9 *grants at 100 percent of the cost of construction thereof.”.*

10 **SEC. 7. PILOT PROGRAM FOR ALTERNATIVE WATER**
 11 **SOURCE PROJECTS.**

12 *(a) SELECTION OF PROJECTS.—Section 220(d) of the*
 13 *Federal Water Pollution Control Act (33 U.S.C. 1300(d))*
 14 *is amended—*

15 *(1) by amending paragraph (1) to read as fol-*
 16 *lows:*

17 *“(1) LIMITATION ON ELIGIBILITY.—A project*
 18 *that has received construction funds under the Rec-*
 19 *lamation Projects Authorization and Adjustment Act*
 20 *of 1992 shall not be eligible for grant assistance under*
 21 *this section.”; and*

22 *(2) by striking paragraph (2) and redesignating*
 23 *paragraph (3) as paragraph (2).*

24 *(b) COMMITTEE RESOLUTION PROCEDURE; ASSIST-*
 25 *ANCE.—Section 220 of the Federal Water Pollution Control*

1 *Act (33 U.S.C. 1300) is amended by striking subsection (e)*
2 *and inserting the following:*

3 “(e) *ASSISTANCE.*—*The Administrator shall use not*
4 *less than 15 percent of the amounts appropriated pursuant*
5 *to this section in a fiscal year to provide assistance to eligi-*
6 *ble entities for projects designed to serve fewer than 10,000*
7 *individuals, to the extent there are sufficient eligible appli-*
8 *cations.”.*

9 (c) *REQUIREMENTS.*—*Section 220 of the Federal*
10 *Water Pollution Control Act (33 U.S.C. 1300) is amended*
11 *by redesignating subsections (i) and (j) as subsections (j)*
12 *and (k), respectively, and inserting after subsection (h) the*
13 *following:*

14 “(i) *REQUIREMENTS.*—*The requirements of section*
15 *608 shall apply to any construction of an alternative water*
16 *source project carried out using assistance made available*
17 *under this section.”.*

18 (d) *DEFINITIONS.*—*Section 220(j)(1) of the Federal*
19 *Water Pollution Control Act (as redesignated by subsection*
20 *(c) of this section) is amended by striking “or by treating*
21 *wastewater” and inserting “(including stormwater), or by*
22 *treating wastewater (including stormwater) for ground-*
23 *water recharge, potable reuse, or other purposes”.*

24 (e) *AUTHORIZATION OF APPROPRIATIONS.*—*Section*
25 *220(k) of the Federal Water Pollution Control Act (as red-*

1 *ignated by subsection (c) of this section) is amended by*
 2 *striking “a total of \$75,000,000 for fiscal years 2002*
 3 *through 2004” and inserting “\$200,000,000 for each of fis-*
 4 *cal years 2022 through 2026”.*

5 **SEC. 8. SEWER OVERFLOW AND STORMWATER REUSE MU-**
 6 **NICIPAL GRANTS.**

7 *Section 221 of the Federal Water Pollution Control Act*
 8 *(33 U.S.C. 1301) is amended—*

9 *(1) in subsection (c), by striking “subsection*
 10 *(b),” each place it appears and inserting “this sec-*
 11 *tion,”;*

12 *(2) in subsection (d)—*

13 *(A) by striking “The Federal share” and in-*
 14 *serting the following:*

15 *“(1) FEDERAL SHARE.—*

16 *“(A) IN GENERAL.—Except as provided in*
 17 *subparagraph (B), the Federal share”; and*

18 *(B) by striking “The non-Federal share”*
 19 *and inserting the following:*

20 *“(B) FINANCIALLY DISTRESSED COMMU-*
 21 *NITIES.—The Federal share of the cost of activi-*
 22 *ties carried out using amounts from a grant*
 23 *made to a financially distressed community*
 24 *under subsection (a) shall be not less than 75*
 25 *percent of the cost.*

1 “(2) *NON-FEDERAL SHARE.*—*The non-Federal*
2 *share*”;

3 (3) *in subsection (e), by striking “section 513”*
4 *and inserting “section 513, or the requirements of sec-*
5 *tion 608,”; and*

6 (4) *in subsection (f)—*

7 (A) *in paragraph (1), by inserting “, and*
8 *\$400,000,000 for each of fiscal years 2022*
9 *through 2026” before the period at the end; and*

10 (B) *by adding at the end the following:*

11 “(3) *ASSISTANCE.*—*In carrying out subsection*
12 *(a), the Administrator shall ensure that, of the*
13 *amounts granted to municipalities in a State, not less*
14 *than 20 percent is granted to municipalities with a*
15 *population of less than 20,000, to the extent there are*
16 *sufficient eligible applications.”.*

17 **SEC. 9. GRANTS FOR THE TREATMENT OF EMERGING CON-**
18 **TAMINANTS.**

19 *Title II of the Federal Water Pollution Control Act (33*
20 *U.S.C. 1281 et seq.) is amended by adding at the end the*
21 *following:*

22 **“SEC. 222. EMERGING CONTAMINANTS.**

23 “(a) *IN GENERAL.*—*The Administrator shall award*
24 *grants to owners of publicly owned treatment works to be*
25 *used for the implementation of a pretreatment standard or*

1 *effluent limitation developed pursuant to this Act for the*
2 *introduction into a treatment works, or the discharge of,*
3 *any pollutant that is a perfluoroalkyl or polyfluoroalkyl*
4 *substance or any pollutant identified by the Administrator*
5 *as a contaminant of emerging concern.*

6 “(b) *AUTHORIZATION OF APPROPRIATIONS.—There is*
7 *authorized to be appropriated to carry out this section*
8 *\$200,000,000 for each of fiscal years 2022 through 2026.”.*

9 **SEC. 10. HOUSEHOLD WASTEWATER GRANT PROGRAM.**

10 *Title II of the Federal Water Pollution Control Act (33*
11 *U.S.C. 1281 et seq.) is further amended by adding at the*
12 *end the following:*

13 **“SEC. 223. HOUSEHOLD WASTEWATER GRANT PROGRAM.**

14 “(a) *ESTABLISHMENT.—The Administrator shall es-*
15 *tablish a program to provide grants to municipalities or*
16 *qualified nonprofit entities to provide assistance to eligible*
17 *individuals—*

18 “(1) *for the construction, repair, or replacement*
19 *of an individual household decentralized wastewater*
20 *treatment system;*

21 “(2) *for the construction of a decentralized*
22 *wastewater treatment system designed to provide*
23 *wastewater treatment for 2 or more households in*
24 *which eligible individuals reside, if—*

1 “(A) *such a decentralized wastewater treat-*
2 *ment system could be cost-effectively constructed;*
3 *and*

4 “(B) *site conditions at such households are*
5 *unsuitable for the construction of an individual*
6 *household decentralized wastewater treatment*
7 *system; or*

8 “(3) *in a case in which an eligible individual re-*
9 *sides in a household that could be cost-effectively con-*
10 *ected to an available publicly owned treatment*
11 *works, for the connection of the applicable household*
12 *to such treatment works.*

13 “(b) *APPLICATION.—To be eligible to receive a grant*
14 *under this subsection, a municipality or qualified nonprofit*
15 *entity shall submit to the Administrator an application at*
16 *such time, in such manner, and containing such informa-*
17 *tion as the Administrator determines to be appropriate.*

18 “(c) *PRIORITY.—In providing grants under this sec-*
19 *tion, the Administrator shall, to the maximum extent prac-*
20 *ticable, prioritize applications for activities that will assist*
21 *eligible individuals residing in households that are not con-*
22 *ected to a system or technology designed to treat domestic*
23 *sewage, including eligible individuals using household cess-*
24 *pools.*

25 “(d) *ADMINISTRATIVE EXPENSES.—*

1 “(1) *IN GENERAL.*—*Of the amounts made avail-*
2 *able under subsection (h), the Administrator may use*
3 *not more than 2 percent for administrative costs.*

4 “(2) *INDIVIDUAL GRANTS.*—*A municipality or*
5 *qualified nonprofit entity may use grant funds pro-*
6 *vided under this section to pay the administrative ex-*
7 *penditures associated with the provision of the assistance*
8 *to eligible individuals under this section, as the Ad-*
9 *ministrator determines to be appropriate.*

10 “(e) *REPORT.*—*Not later than 2 years after the date*
11 *of enactment of this section, the Administrator shall submit*
12 *to the Committee on Environment and Public Works of the*
13 *Senate and the Committee on Transportation and Infra-*
14 *structure of the House of Representatives a report describing*
15 *the recipients of grants and assistance under this section*
16 *and the results of the program established under this sec-*
17 *tion.*

18 “(f) *APPLICATION OF OTHER REQUIREMENTS.*—*The*
19 *requirements of sections 513 and 608 shall apply to any*
20 *project for the construction, repair, or replacement of a de-*
21 *centralized wastewater treatment system, or for the connec-*
22 *tion of a household to a treatment works, for which assist-*
23 *ance is received under this section.*

24 “(g) *DEFINITIONS.*—*In this section:*

1 “(A) *real-time monitoring (including*
2 *through sensors), embedded intelligence, and pre-*
3 *dictive maintenance capabilities that improve*
4 *the energy efficiency, reliability, and resiliency*
5 *of treatment works; and*

6 “(B) *the use of artificial intelligence and*
7 *other intelligent optimization tools that reduce*
8 *operational costs, including operational costs re-*
9 *lating to energy consumption and chemical*
10 *treatment; or*

11 “(2) *innovative and alternative combined storm*
12 *and sanitary sewer projects, including groundwater*
13 *recharge, that rely on real-time data acquisition to*
14 *support predictive aquifer recharge through water*
15 *reuse and stormwater management capabilities.*

16 “(b) *ASSISTANCE.—The Administrator shall use not*
17 *less than 20 percent of the amounts appropriated pursuant*
18 *to this section in a fiscal year to provide assistance to mu-*
19 *nicipalities with a population of less than 10,000, to the*
20 *extent there are sufficient eligible applications.*

21 “(c) *COST SHARE.—*

22 “(1) *IN GENERAL.—The non-Federal share of the*
23 *costs of an activity carried out using a grant under*
24 *this section shall be 25 percent.*

1 “(2) *EXCEPTION.*—*The Administrator may*
2 *waive the cost-sharing requirement of paragraph (1)*
3 *if the Administrator determines that the municipality*
4 *meets the affordability criteria established under sec-*
5 *tion 603(i)(2) by the State in which the municipality*
6 *is located.*

7 “(d) *PROGRAM IMPLEMENTATION.*—

8 “(1) *GUIDANCE.*—*Not later than 30 days after*
9 *the date of enactment of this section, the Adminis-*
10 *trator shall issue guidance to municipalities on how*
11 *to apply for a grant under this section.*

12 “(2) *DECISION ON APPLICATIONS.*—*Not later*
13 *than 30 days after the date on which the Adminis-*
14 *trator receives an application for a grant under this*
15 *section, the Administrator shall determine whether to*
16 *provide such grant.*

17 “(3) *APPLICATION DEFICIENCY.*—*If the Adminis-*
18 *trator determines that an application for a grant*
19 *under this section is incomplete, the Administrator*
20 *shall notify the applicant and provide the applicant*
21 *the opportunity to resubmit the application.*

22 “(4) *CONSIDERATION.*—*In determining whether*
23 *to provide a grant under this section, the Adminis-*
24 *trator shall consider the potential positive effects of*
25 *the project on water quality.*

1 “(e) *COMPLIANCE WITH BUY AMERICA.*—*The require-*
2 *ments of section 608 shall apply to any project for construc-*
3 *tion for which assistance is received under this section.*

4 “(f) *REPORT TO CONGRESS.*—*Not later than 180 days*
5 *after the date of enactment of this section, and annually*
6 *thereafter, the Administrator shall submit to Congress a re-*
7 *port describing projects funded under this section, any re-*
8 *lated improvement of the resiliency of publicly owned treat-*
9 *ment works, and recommendations to improve the grant*
10 *program established under this section.*

11 “(g) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*
12 *authorized to be appropriated \$500,000,000 to carry out*
13 *this section, to remain available until expended.”.*

14 **SEC. 12. REPORTS TO CONGRESS.**

15 (a) *BIENNIAL ESTIMATES.*—*Section 516(b)(1) of the*
16 *Federal Water Pollution Control Act (33 U.S.C. 1375(b)(1))*
17 *is amended by striking “(B) a detailed estimate, biennially*
18 *revised, of the cost of construction of all needed publicly*
19 *owned treatment works in all of the States and of the cost*
20 *of construction of all needed publicly owned treatment*
21 *works in each of the States;” and inserting “(B) a detailed*
22 *estimate, biennially revised, of the cost of construction of*
23 *all planned publicly owned treatment works in all of the*
24 *States and all needed publicly owned treatment works in*
25 *all of the States, and the cost of construction of all planned*

1 *publicly owned treatment works in each of the States and*
2 *all needed publicly owned treatment works in each of the*
3 *States, which estimates shall include (i) the cost of construc-*
4 *tion to rehabilitate or upgrade all existing publicly owned*
5 *treatment works (excluding any pipe or other device or sys-*
6 *tem for the conveyance of wastewater), every 20 years, in-*
7 *cluding the costs to implement measures necessary to ad-*
8 *dress the resilience and sustainability of publicly owned*
9 *treatment works to manmade or natural disasters, and (ii)*
10 *the cost of construction to replace 10 percent of existing*
11 *publicly owned pipes and other devices and systems for the*
12 *conveyance of wastewater to such treatment works over the*
13 *20-year period following the date of the estimate;”.*

14 *(b) ANNUAL REPORT ON USE OF FUNDS.—Section 516*
15 *of the Federal Water Pollution Control Act (33 U.S.C.*
16 *1375) is amended by adding at the end the following:*

17 *“(f) ANNUAL REPORT ON USE OF FUNDS.—Not later*
18 *than 18 months after the date of enactment of this sub-*
19 *section, and annually thereafter, the Administrator shall*
20 *submit to the Committee on Transportation and Infrastruc-*
21 *ture of the House of Representatives and the Committee on*
22 *Environment and Public Works of the Senate a report*
23 *that—*

24 *“(1) identifies projects that are—*

1 “(A) described in clause (i) or (ii) of section
2 602(b)(15)(A); and

3 “(B) carried out using funds made avail-
4 able under or pursuant to section 221 or title VI;
5 and

6 “(2) identifies, to the extent practicable, the costs
7 and benefits of such projects, including any potential
8 short- and long-term cost savings to publicly owned
9 treatment works and any environmental and commu-
10 nity benefits of implementing such projects.”.

11 **SEC. 13. INDIAN TRIBES.**

12 (a) *IN GENERAL.*—Section 518(c) of the Federal Water
13 *Pollution Control Act (33 U.S.C. 1377(c))* is amended—

14 (1) by striking paragraphs (1) and (2) and in-
15 serting the following:

16 “(1) *IN GENERAL.*—For each fiscal year, the Ad-
17 ministrators shall reserve, of the funds made available
18 to carry out title VI (before allotments to the States
19 under section 604(a)), the greater of—

20 “(A) 2 percent of such funds; or

21 “(B) \$30,000,000.

22 “(2) *USE OF FUNDS.*—

23 “(A) *GRANTS.*—Funds reserved under this
24 subsection shall be available only for grants to
25 entities described in paragraph (3) for—

1 “(i) projects and activities eligible for
2 assistance under section 603(c); and

3 “(ii) training, technical assistance,
4 and educational programs relating to the
5 operation and management of treatment
6 works eligible for assistance pursuant to sec-
7 tion 603(c).

8 “(B) *LIMITATION.*—Not more than
9 \$2,000,000 of such reserved funds may be used
10 for grants under subparagraph (A)(ii).”; and
11 (2) in paragraph (3)—

12 (A) in the header, by striking “USE OF
13 FUNDS” and inserting “ELIGIBLE ENTITIES”;
14 and

15 (B) by striking “for projects and activities
16 eligible for assistance under section 603(c) to
17 serve” and inserting “to”.

18 (b) *ADDITIONAL ASSISTANCE.*—

19 (1) *AUTHORIZATION OF APPROPRIATIONS.*—In
20 addition to amounts otherwise made available under
21 title VI of the Federal Water Pollution Control Act
22 (33 U.S.C. 1381 et seq.), there is authorized to be ap-
23 propriated \$500,000,000 for each of fiscal years 2022
24 through 2026 to make grants, in cooperation with the
25 Director of the Indian Health Service, to entities de-

1 *scribed in section 518(c)(3) of the Federal Water Pol-*
2 *lution Control Act (33 U.S.C. 1377) for—*

3 *(A) projects and activities eligible for assist-*
4 *ance under section 603(c) of such Act (33 U.S.C.*
5 *1383); and*

6 *(B) training, technical assistance, and edu-*
7 *cational programs related to the operation and*
8 *management of treatment works eligible for as-*
9 *sistance pursuant to such section 603(c).*

10 *(2) NO MATCHING REQUIREMENT.—The Admin-*
11 *istrator may not require an entity receiving a grant*
12 *under paragraph (1) to provide, as a condition of re-*
13 *ceiving such grant, a share of the cost of the project*
14 *or activity for which such grant was made.*

15 *(3) LIMITATION.—Not more than \$2,000,000 of*
16 *amounts made available in a fiscal year to carry out*
17 *this subsection may be used for grants under para-*
18 *graph (1)(B).*

19 *(4) APPLICATION OF OTHER REQUIREMENTS.—*
20 *The requirements of sections 513 and 608 of the Fed-*
21 *eral Water Pollution Control Act (33 U.S.C. 1372,*
22 *1388) shall apply to any project for the construction,*
23 *alteration, maintenance, or repair of treatment works*
24 *for which a grant is received under paragraph (1).*

1 **SEC. 14. CAPITALIZATION GRANTS.**

2 (a) *SPECIFIC REQUIREMENTS.*—Section 602(b) of the
3 *Federal Water Pollution Control Act (33 U.S.C. 1382(b))*
4 *is amended—*

5 (1) *in paragraph (13)(B)—*

6 (A) *in the matter preceding clause (i), by*
7 *striking “and energy conservation” and insert-*
8 *ing “and efficient energy use (including through*
9 *the implementation of technologies to recover and*
10 *reuse energy produced in the treatment of waste-*
11 *water)”*; and

12 (B) *in clause (iii), by striking “; and” and*
13 *inserting a semicolon;*

14 (2) *in paragraph (14), by striking the period at*
15 *the end and inserting “; and” ; and*

16 (3) *by adding at the end the following:*

17 “(15) *to the extent there are sufficient projects or*
18 *activities eligible for assistance from the fund, with*
19 *respect to funds for capitalization grants received by*
20 *the State under this title and section 205(m)—*

21 “(A) *the State will use—*

22 “(i) *not less than 15 percent of such*
23 *funds for green infrastructure, water or en-*
24 *ergy efficiency improvements, or other envi-*
25 *ronmentally innovative activities; and*

1 “(ii) not less than 5 percent of such
2 funds for projects to increase the resiliency
3 of treatment works to extreme weather
4 events, drought, sea level rise, or other im-
5 pacts of climate change; and

6 “(B) the State will use not less than a total
7 of 20 percent of such funds for projects described
8 in subparagraph (A).”.

9 (b) CORROSION CONTROL.—Section 602 of the Federal
10 Water Pollution Control Act (33 U.S.C. 1382) is amended
11 by adding at the end the following:

12 “(c) CORROSION CONTROL.—

13 “(1) IN GENERAL.—To the greatest extent prac-
14 ticable, the Administrator shall encourage the incor-
15 poration of corrosion prevention activities in projects
16 and activities carried out using financial assistance
17 provided under or pursuant to this title.

18 “(2) ACTIVITIES.—In carrying out paragraph
19 (1), the Administrator, to the greatest extent prac-
20 ticable, shall ensure that any recipient of financial
21 assistance under or pursuant to this title—

22 “(A) carries out any project or activity
23 using such assistance using, as applicable—

24 “(i) best practices to carry out corro-
25 sion prevention activities in the field;

1 “(ii) *industry-recognized standards*
2 *and corrosion mitigation and prevention*
3 *methods when—*

4 “(I) *determining protective coat-*
5 *ings;*

6 “(II) *selecting materials; and*

7 “(III) *determining methods of ca-*
8 *thodic protection, design, and engineer-*
9 *ing for corrosion prevention;*

10 “(iii) *certified coating application spe-*
11 *cialists and cathodic protection technicians*
12 *and engineers; and*

13 “(iv) *best practices in environmental*
14 *protection to prevent environmental deg-*
15 *radation and to ensure proper handling of*
16 *all hazardous materials; and*

17 “(B) *demonstrates, as applicable—*

18 “(i) *a history of employing industry-*
19 *certified inspectors to ensure adherence to*
20 *best practices and standards; and*

21 “(ii) *a history of compliance with ap-*
22 *plicable requirements of the Occupational*
23 *Safety and Health Administration.*

1 “(3) *CORROSION PREVENTION ACTIVITIES DE-*
2 *FINED.—In this subsection, the term ‘corrosion pre-*
3 *vention activities’ means—*

4 “(A) *the application and inspection of pro-*
5 *TECTIVE COATINGS FOR COMPLEX WORK INVOLVING STEEL*
6 *AND CEMENTITIOUS STRUCTURES, INCLUDING STRUCTURES*
7 *THAT WILL BE EXPOSED IN IMMERSION;*

8 “(B) *the installation, testing, and inspec-*
9 *tion of cathodic protection systems; and*

10 “(C) *any other activities related to corro-*
11 *sion prevention the Administrator determines*
12 *appropriate.”.*

13 **SEC. 15. WATER POLLUTION CONTROL REVOLVING LOAN**
14 **FUNDS.**

15 *Section 603 of the Federal Water Pollution Control Act*
16 *(33 U.S.C. 1383) is amended—*

17 (1) *in subsection (c)(10), by inserting “, includ-*
18 *ing measures to identify and address cybersecurity*
19 *vulnerabilities of such treatment works” before the*
20 *semicolon; and*

21 (2) *in subsection (i)—*

22 (A) *in paragraph (1)—*

23 (i) *in the matter preceding subpara-*
24 *graph (A), by striking “, including forgive-*
25 *ness of principal and negative interest*

1 *loans” and inserting “(including in the*
 2 *form of forgiveness of principal, negative*
 3 *interest loans, or grants)”;* and

4 *(ii) in subparagraph (A)—*

5 *(I) in the matter preceding clause*

6 *(i), by striking “in assistance”;* and

7 *(II) in clause (ii)(III), by striking*

8 *“to such ratepayers” and inserting “to*

9 *help such ratepayers maintain access*

10 *to wastewater (including stormwater)*

11 *treatment services”;* and

12 *(B) by amending paragraph (3) to read as*

13 *follows:*

14 *“(3) SUBSIDIZATION AMOUNTS.—*

15 *“(A) IN GENERAL.—A State may use for*

16 *providing additional subsidization in a fiscal*

17 *year under this subsection an amount that does*

18 *not exceed the greater of—*

19 *“(i) 50 percent of the total amount re-*

20 *ceived by the State in capitalization grants*

21 *under this title for the fiscal year; or*

22 *“(ii) the annual average over the pre-*

23 *vious 10 fiscal years of the amounts depos-*

24 *ited by the State in the State water pollu-*

25 *tion control revolving fund from State mon-*

1 *neys that exceed the amounts required to be*
2 *so deposited under section 602(b)(2).*

3 *“(B) MINIMUM.—To the extent there are*
4 *sufficient applications for additional subsidiza-*
5 *tion under this subsection that meet the criteria*
6 *under paragraph (1)(A), a State shall use for*
7 *providing additional subsidization in a fiscal*
8 *year under this subsection an amount that is not*
9 *less than 20 percent of the total amount received*
10 *by the State in capitalization grants under this*
11 *title for the fiscal year.”.*

12 **SEC. 16. ALLOTMENT OF FUNDS.**

13 *(a) FORMULA.—Section 604(a) of the Federal Water*
14 *Pollution Control Act (33 U.S.C. 1384(a)) is amended by*
15 *striking “each of fiscal years 1989 and 1990” and inserting*
16 *“each fiscal year”.*

17 *(b) WASTEWATER INFRASTRUCTURE WORKFORCE DE-*
18 *VELOPMENT.—Section 604 of the Federal Water Pollution*
19 *Control Act (33 U.S.C. 1384) is amended by adding at the*
20 *end the following:*

21 *“(d) WASTEWATER INFRASTRUCTURE WORKFORCE*
22 *DEVELOPMENT.—Each fiscal year, a State may reserve up*
23 *to 1 percent of the sums allotted to the State under this*
24 *section for the fiscal year to carry out workforce develop-*

1 *ment, training, and retraining activities described in sec-*
2 *tion 104(g).”.*

3 *(c) NEEDS SURVEY.—Section 604 of the Federal Water*
4 *Pollution Control Act (33 U.S.C. 1384) is further amended*
5 *by adding at the end the following:*

6 *“(e) NEEDS SURVEY.—Each fiscal year, a State may*
7 *reserve up to 0.5 percent of the sums allotted to the State*
8 *under this section for the fiscal year to carry out activities*
9 *under section 516(b)(1)(B).”.*

10 *(d) FUNDS ALLOTTED TO PUERTO RICO.—Section 604*
11 *of the Federal Water Pollution Control Act (33 U.S.C.*
12 *1384) is further amended by adding at the end the fol-*
13 *lowing:*

14 *“(f) FUNDS ALLOTTED TO PUERTO RICO.—Notwith-*
15 *standing any other provision of law, no funds allotted to*
16 *the Commonwealth of Puerto Rico under this section may*
17 *be counted as income or an asset of the owner or operator*
18 *of a publicly owned treatment works receiving such funds,*
19 *or be used, set aside, or otherwise made available for the*
20 *purposes of payment of debt restructuring under the Puerto*
21 *Rico Oversight, Management, and Economic Stability Act*
22 *(48 U.S.C. 2101 et seq.) by the Puerto Rico Financial Over-*
23 *sight and Management Board.”.*

1 **SEC. 17. RESERVATION OF FUNDS FOR TERRITORIES OF**
2 **THE UNITED STATES.**

3 *Title VI of the Federal Water Pollution Control Act*
4 *(33 U.S.C. 1381 et seq.) is amended by striking section 607*
5 *and inserting the following:*

6 **“SEC. 607. RESERVATION OF FUNDS FOR TERRITORIES OF**
7 **THE UNITED STATES.**

8 *“(a) IN GENERAL.—*

9 *“(1) RESERVATION.—For each fiscal year, the*
10 *Administrator shall reserve 1.5 percent of available*
11 *funds, as determined under paragraph (2).*

12 *“(2) AVAILABLE FUNDS.—For purposes of para-*
13 *graph (1), the amount of available funds for a fiscal*
14 *year is—*

15 *“(A) the amount of funds made available to*
16 *carry out this title for the fiscal year (before al-*
17 *lotments to the States under section 604(a)); less*

18 *“(B) the amount of any funds reserved*
19 *under section 518(c) for the fiscal year.*

20 *“(b) USE OF FUNDS.—Funds reserved under this sec-*
21 *tion shall be available only for grants to American Samoa,*
22 *the Commonwealth of the Northern Mariana Islands,*
23 *Guam, and the Virgin Islands for projects and activities*
24 *eligible for assistance under section 603(c).*

25 *“(c) LIMITATION.—American Samoa, the Common-*
26 *wealth of the Northern Mariana Islands, Guam, and the*

1 *Virgin Islands may not receive funds allotted under section*
2 *604(a).”.*

3 **SEC. 18. AUTHORIZATION OF APPROPRIATIONS.**

4 *Title VI of the Federal Water Pollution Control Act*
5 *(33 U.S.C. 1381 et seq.) is amended by adding at the end*
6 *the following:*

7 **“SEC. 609. AUTHORIZATION OF APPROPRIATIONS.**

8 *“There are authorized to be appropriated to carry out*
9 *this title the following sums:*

10 *“(1) \$8,000,000,000 for fiscal year 2022.*

11 *“(2) \$8,000,000,000 for fiscal year 2023.*

12 *“(3) \$8,000,000,000 for fiscal year 2024.*

13 *“(4) \$8,000,000,000 for fiscal year 2025.*

14 *“(5) \$8,000,000,000 for fiscal year 2026.”.*

15 **SEC. 19. TECHNICAL ASSISTANCE BY MUNICIPAL OMBUDS-**
16 **MAN.**

17 *Section 4(b)(1) of the Water Infrastructure Improve-*
18 *ment Act (42 U.S.C. 4370j(b)(1)) is amended to read as*
19 *follows:*

20 *“(1) technical and planning assistance to sup-*
21 *port municipalities, including municipalities that are*
22 *rural, small, economically disadvantaged, or Tribal*
23 *communities, in achieving and maintaining compli-*
24 *ance with enforceable deadlines, goals, and require-*

1 (3) *examine whether the distribution of waste-*
2 *water infrastructure funds during the period covered*
3 *by the study has been in accordance with any appli-*
4 *cable executive order or policy regarding environ-*
5 *mental justice;*

6 (4) *examine how wastewater infrastructure funds*
7 *have been distributed with respect to the identified*
8 *needs of rural communities, economically disadvan-*
9 *taged communities, and Tribal communities, and*
10 *whether such funds have addressed the needs of such*
11 *communities equitably when compared to how such*
12 *funds have been distributed with respect to the identi-*
13 *fied needs of communities that are not rural, eco-*
14 *nomically disadvantaged, or Tribal; and*

15 (5) *consider any additional factors that the Ad-*
16 *ministrator determines necessary or appropriate to*
17 *determine whether rural communities, economically*
18 *disadvantaged communities, and Tribal communities*
19 *have equitable access to wastewater infrastructure*
20 *funds to comply with applicable requirements of the*
21 *Federal Water Pollution Control Act (33 U.S.C. 1251*
22 *et seq.).*

23 (c) *REPORT TO CONGRESS.—Not later than 2 years*
24 *after the date of enactment of this Act, the Administrator*
25 *shall submit to Congress a report describing—*

1 (1) *the results of the study carried out under this*
2 *section; and*

3 (2) *any recommendations to Congress, or to*
4 *State, local, and Tribal governments, to ensure that*
5 *rural communities, economically disadvantaged com-*
6 *munities, and Tribal communities can equitably ac-*
7 *cess wastewater infrastructure funds in amounts suf-*
8 *ficient to address local wastewater infrastructure*
9 *needs and local water quality challenges.*

10 *(d) DEFINITIONS.—In this section:*

11 (1) *ECONOMICALLY DISADVANTAGED COMMU-*
12 *NITY.—The term “economically disadvantaged com-*
13 *munity” means—*

14 (A) *a municipality that meets the afford-*
15 *ability criteria of a State established under sec-*
16 *tion 603(i)(2) of the Federal Water Pollution*
17 *Control Act (33 U.S.C. 1383(i)(2));*

18 (B) *a community with respect to which a*
19 *municipality can demonstrate that households in*
20 *the community experience significant economic*
21 *hardship related to wastewater infrastructure; or*

22 (C) *a community that is located in an area*
23 *that meets the criteria described in paragraph*
24 *(1) or (2) of section 301(a) of the Public Works*

1 *and Economic Development Act of 1965 (42*
2 *U.S.C. 3161(a)).*

3 (2) *MUNICIPALITY; TREATMENT WORKS.—The*
4 *terms “municipality” and “treatment works” have*
5 *the meanings given those terms in section 502 of the*
6 *Federal Water Pollution Control Act (33 U.S.C.*
7 *1362).*

8 (3) *WASTEWATER INFRASTRUCTURE FUNDS.—*
9 *The term “wastewater infrastructure funds” means*
10 *funds made available for projects or activities under*
11 *or pursuant to—*

12 (A) *title VI of the Federal Water Pollution*
13 *Control Act (33 U.S.C. 1381 et seq.);*

14 (B) *section 122 of the Federal Water Pollu-*
15 *tion Control Act (33 U.S.C. 1274);*

16 (C) *section 220 of the Federal Water Pollu-*
17 *tion Control Act (33 U.S.C. 1300); and*

18 (D) *section 221 of the Federal Water Pollu-*
19 *tion Control Act (33 U.S.C. 1301).*

20 **SEC. 21. WATER REUSE INTERAGENCY WORKING GROUP.**

21 (a) *IN GENERAL.—Not later than 180 days after the*
22 *date of enactment of this Act, the Administrator shall estab-*
23 *lish a Water Reuse Interagency Working Group to develop*
24 *and coordinate actions, tools, and resources to encourage*
25 *water reuse across the United States, including through the*

1 *implementation of the National Water Reuse Action Plan,*
2 *consistent with the mission of each Federal agency that is*
3 *a member of the working group.*

4 (b) *CHAIRPERSON; MEMBERSHIP.—The working group*
5 *shall be—*

6 (1) *chaired by the Administrator; and*

7 (2) *comprised of senior representatives from any*
8 *Federal agency the Administrator determines to be*
9 *appropriate.*

10 (c) *DUTIES OF THE WORKING GROUP.—The working*
11 *group shall—*

12 (1) *annually review the National Water Reuse*
13 *Action Plan and, as necessary, update such plan;*

14 (2) *encourage the consideration of water reuse as*
15 *part of integrated water resources management and*
16 *planning;*

17 (3) *conduct, and submit to Congress and make*
18 *public, an assessment of opportunities to encourage*
19 *water reuse and actions necessary to pursue such op-*
20 *portunities;*

21 (4) *seek to coordinate Federal programs and*
22 *policies to encourage water reuse;*

23 (5) *consider how each Federal agency that is a*
24 *member of the working group can explore and iden-*
25 *tify opportunities to encourage water reuse through*

1 *the programs and activities of each such Federal*
2 *agency; and*

3 (6) *consult, on a regular basis, with representa-*
4 *tives of the water reuse industry, research community,*
5 *and nongovernmental organizations.*

6 (d) *REPORT.*—*Not less frequently than once every 2*
7 *years, the Administrator shall submit to Congress a report*
8 *on the activities and findings of the working group.*

9 (e) *SUNSET.*—*The working group shall terminate on*
10 *the date that is 6 years after the date of enactment of this*
11 *Act.*

12 (f) *DEFINITIONS.*—*In this section:*

13 (1) *ADMINISTRATOR.*—*The term “Adminis-*
14 *trator” means the Administrator of the Environ-*
15 *mental Protection Agency.*

16 (2) *NATIONAL WATER REUSE ACTION PLAN.*—*The*
17 *term “National Water Reuse Action Plan” means the*
18 *document published by the Administrator entitled*
19 *“National Water Reuse Action Plan: Collaborative*
20 *Implementation (Version 1)”, dated February 2020,*
21 *and noticed in the Federal Register on March 3, 2020*
22 *(85 Fed. Reg. 12552), as updated pursuant to this*
23 *section.*

1 (3) *WORKING GROUP.*—*The term “working*
2 *group” means the Water Reuse Interagency Working*
3 *Group established under this section.*

Union Calendar No. 48

117TH CONGRESS
1ST Session

H. R. 1915

[Report No. 117-69]

A BILL

To amend the Federal Water Pollution Control Act to reauthorize certain water pollution control programs, and for other purposes.

JUNE 22, 2021

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed