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DRINKING WATER AND WASTEWATER INFRASTRUCTURE ACT OF 2021

MAY 10, 2021.—Ordered to be printed

Mr. CARPER, from the Committee on Environment and Public Works, submitted the following

R E P O R T

[To accompany S. 914]

[Including cost estimate of the Congressional Budget Office]

The Committee on Environment and Public Works, to which was referred the bill (S. 914) to amend the Safe Drinking Water Act and the Federal Water Pollution Control Act to reauthorize programs under those Acts, and for other purposes, having considered the same, reports favorably thereon with an amendment in the nature of a substitute and recommends that the bill, as amended, do pass.

GENERAL STATEMENT

The Drinking Water and Wastewater Infrastructure Act of 2021 (DWWIA), creates, updates, and improves Environmental Protection Agency (EPA) programs associated with drinking water infrastructure under the Safe Drinking Water Act (SDWA) and clean water infrastructure under the Federal Water Pollution Control Act (Clean Water Act or CWA).

Title I, focused on drinking water related policy, reauthorizes critical Safe Drinking Water Act programs, including the Drinking Water State Revolving Fund (DWSRF), to protect public health through promoting compliance with drinking water standards, reforming drinking water programs, and promote resilience of drinking water systems from natural hazards, cybersecurity vulnerabilities, or extreme weather events, included those related to climate change. This bill focuses on expanding program eligibility and opportunities for small, rural, tribal, and disadvantaged communities, including programs focused on resilience and sustainability. The bill also creates lead reduction programs and author-

izes grants to assist communities and drinking water systems with Safe Drinking Water Act compliance.

Title II, focused on clean water related policy, authorizes water and wastewater infrastructure programs under the Clean Water Act. These programs focus on financial opportunities, construction, technical assistance, resiliency, and efficiency. This title reauthorizes the important financing mechanism the Water Infrastructure and Finance Innovation Act loan program (WIFIA), and it reauthorizes the Clean Water State Revolving Fund (CWSRF) for the first time since 1987. This title also contains several provisions that focus on the critical need of technical assistance and on-site specialists, including a provision to address challenges facing the sufficiency and sustainability of the water utility workforce. This title contains grant programs to assist small and disadvantaged communities, facilitate water efficiency, and improve water system resiliency. The title also authorizes programs for water reuse, water supply, sewer overflow, and stormwater collection.

Objectives of the Legislation

The objective of S. 914 is to authorize and modify drinking water and wastewater programs to meet the nation's drinking water and wastewater infrastructure needs. It will help sustainably increase access to, and ensure delivery of, safe, reliable drinking water by facilitating critical water infrastructure, resiliency, technical assistance, and financial assistance programs. It will also improve wastewater infrastructure across the country by investing in programs that focus on financial opportunities, construction, technical assistance, resiliency and efficiency for wastewater systems.

Summary of the Major Provisions

To achieve these objectives, S. 914:

- Increases funding authorizations for the Clean Water State Revolving Fund and Drinking Water State Revolving Fund and provides increased program flexibilities for states to invest in community water projects that address aging infrastructure and improve water quality.
- Increases funding for the Assistance for Small and Disadvantaged Communities Grant Program as well as creates an additional discretionary grant program for states with high demonstrated need to help small, rural, disadvantaged, and tribal communities fund drinking water infrastructure projects.
- Addresses water affordability through a needs assessment and the creation of a Rural and Low-Income Drinking Water Assistance Pilot Program that awards grants to eligible entities to develop and implement programs to assist low-income households with need in maintaining access to affordable and reliable drinking water and wastewater treatment.
- Authorizes set asides and grants for technical assistance to nonprofits in order to assist struggling water systems with maintaining compliance.
- Requires states to use 12 percent of its drinking water capitalization grant and 10 percent of its clean water capitalization grant to provide loan forgiveness, negative interest loans, or grants or to buy, refinance, or purchase debt.

- Connects households to public drinking water and wastewater services and decentralized wastewater services and improves sanitation in Alaskan rural and native villages.
- Increases funding for water workforce development through education and apprenticeship programs.
- Authorizes new and existing programs to address lead contamination through lead inventorying and lead abatement, as well as testing and compliance monitoring at schools and childcare facilities.
- Improves the operational sustainability of small public water systems by improving the ability to identify and respond to water infrastructure failures.
- Helps communities combat the effects of natural hazards, cybersecurity vulnerabilities, and extreme weather events, including those due to climate change, by funding Infrastructure Resiliency and Sustainability Grant Programs for drinking water and wastewater infrastructure.
- Provides investment in new technologies across the water sector that can help utilities reduce costs and increase energy efficiency.

Other Noteworthy Provisions

DWWIA reauthorizes the Research, Technical Assistance, Information, Training of Personnel Grant Program for the first time since 2002. Following the terrorist attacks of 9/11, the Public Health Security and Bioterrorism Preparedness and Response Act of 2002 (P.L. 107–188) reauthorized the appropriation for SDWA section 144(b) at the prior authorized level of $35 million, expressing Congressional intent to provide funding for drinking water emergencies, including those that may occur from a subsequent terrorist attack. Given the growing problems with drinking water contaminants, including but not limited to lead, per- and polyfluoroalkyl substances (PFAS), and 1,4-dioxane, as well as the continued response to the COVID–19 pandemic, the Committee included an authorization for this program to ensure adequate resources are available to meet current and future drinking water emergencies.

DWWIA also creates a new Rural and Low-Income Drinking Water Assistance Pilot Program to address the growing concern about water affordability. The pilot program is envisioned to be a logical outgrowth of the findings from the Needs Assessment for Nationwide Rural and Urban Low-Income Community Water Assistance that is also created in this bill. However, in contrast to the existing Low-Income Home Energy Assistance Program run by the Department of Health and Human Services, and the accompanying water program Low-Income Household Drinking Water and Wastewater Emergency Assistance Program created in Consolidated Appropriations Act 2021 (P.L. 116–260), and provided additional funding in the American Rescue Plan Act of 2021 (P.L. 117–2), this program awards grants to a municipality, tribal government, or other entity that owns or operates a community water system or treatment works that services a disproportionate level of low-income households, including low-income renters, as defined in the provision, or that has taken on an unsustainable level of debt due to customer nonpayment.

The pilot program directs the Administrator to establish, not later than 90 days after the Administrator submits the drinking water needs assessment to Congress, a pilot program to address water affordability. The pilot program will award grants to eligible entities to develop and implement programs to assist low-income households with need in maintaining access to affordable and reliable drinking water and wastewater treatment. Types of assistance could include direct financial assistance, a lifeline rate, bill discounting, special hardship provisions, a percentage-of-income payment plan, or debt relief for the eligible entity of the community water system owned by the eligible entity if it is determine by the Administrator to be in the interest of public health.

BACKGROUND

The Federal Water Pollution Control Act (Clean Water Act or CWA) was enacted in 1948, significantly revised in 1972 to take its current form, and amended again in 1987 to create the Clean Water State Revolving Fund. The CWA establishes a framework for protecting water quality based on a comprehensive State-Federal program to control the discharges of pollutants into waterways and to provide Federal financial assistance to improve water quality and comply with the requirements of the Act.

Our nation's wastewater infrastructure currently includes more than 16,000 publicly-owned wastewater treatment plants, 800,000 miles of public sewers, and 500,000 miles of private lateral sewers connecting private property to public sewer lines.[1] Initial efforts under the CWA focused on bringing all communities into compliance with secondary treatment standards for the discharge of sewage. This effort was supported by federal grants totaling more than $53 billion between 1973 and 1990.

The 1987 amendments to the CWA created Clean Water State Revolving Funds, allowing these federal grants to be issued by states to local projects in the form of revolving loans.[2] Under these amendments, Congress provides annual appropriations to the Environmental Protection Agency (EPA), which then distributes a grant to each state to capitalize its own state revolving fund. The states then use these funds to make low-interest loans to assist with CWA compliance and finance water and wastewater infrastructure projects. States are also required by Congress to use a portion of the funding to provide additional subsidies for disadvantaged communities (as defined by the State).

Through Fiscal Year 2020, Congress has provided $48 billion in capitalization grants for the state CWSRFs, including $1.639 billion in FY 2020. States must provide 20 percent in matching funds.

In January 2016, EPA published its Report to Congress on the Agency's 2012 Clean Watersheds Needs Survey—the sixteenth national survey of capital costs to address water quality since the enactment of the CWA in 1972. The Clean Watersheds Needs Survey estimated the clean water infrastructure need at $271 billion over the next 20 years. The clean water infrastructure needs include capital needs for publicly-owned wastewater pipes and treatment

[1] https://infrastructurereportcard.org/wp-content/uploads/2020/12/Wastewater-2021.pdf.

[2] The Water Quality Act of 1987 (P.L. 100–4) amended numerous Clean Water Act provisions and added Title VI, State Water Pollution Control Revolving Funds (33 U.S.C. 1388).

facilities ($197.8 billion), combined sewer overflow infrastructure ($48.0 billion), stormwater management ($19.2 billion), and recycled water treatment and distribution ($6.1 billion).[3]

The Safe Drinking Water Act (SDWA), enacted in 1974, authorizes EPA to promulgate national primary drinking water regulations to control contaminants in drinking water to protect public health.[4] SDWA regulations apply to public water systems that have at least fifteen service connections or regularly serve at least twenty-five individuals.[5]

In 1996, to help communities meet the health-based requirements of the SDWA, the statute was amended to add the Drinking Water State Revolving Fund (DWSRF).[6] Like the CWSRF, the DWSRF provides low-interest loans to community water systems. States are also required use a portion of the funding to provide additional subsidies for disadvantaged communities (as defined by the State).[7]

Through fiscal year 2020, Congress has provided more than $24.4 billion in capitalization grants for the DWSRF, including $1.126 billion in fiscal year 2020.[8] States must provide 20 percent in matching funds.[9]

In March 2018, EPA published its sixth national assessment, Drinking Water Infrastructure Needs Survey, which estimated the infrastructure investment necessary for public water systems to continue to provide safe drinking water. It estimated that the nation's drinking water utilities require $472.6 billion in infrastructure investments over the next 20 years in order to ensure public health, security, and the economic well-being of our cities, towns, and communities.[10]

According to the EPA Needs Survey, the national drinking water 20-year need includes $74.4 billion for small water systems (serving 3,300 or fewer people), $210 billion for medium water systems (serving 3,301 to 100,000), and $174.4 billion for large water systems (serving over 100,000).[11] The needs of water systems serving Indian, Alaskan Native Village, and not-for-profit water systems totals around $8.9 billion.[12]

SECTION-BY-SECTION

Title

To amend the Safe Drinking Water Act and the Federal Water Pollution Control Act to reauthorize programs under those Acts, and for other purposes.

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[3] See EPA, *Clean Watersheds Needs Survey (CWNS) Report to Congress—2012,* 2016, https://www.epa.gov/cwns

[4] SDWA Section 1412(b); 42 U.S.C. 300g–1(b)

[5] Id.

[6] SDWA Section 1452; 42 U.S.C. 300j–12. The Safe Drinking Water Act Amendments of 1996 (P.L. 104–182, Section 130) added the Drinking Water State Revolving Fund to SDWA.

[7] SDWA Section 1452(j); 42 U.S.C. 300j–12(j).

[8] Compiled by CRS from annual appropriations acts.

[9] SDWA Section 1452(e); 42 U.S.C. 300j–12(e).

[10] EPA, *Drinking Water Infrastructure Needs Survey and Assessment: Sixth Report to Congress,* 2018, https://www.epa.gov/dwsrf/epas-6th-drinking-water-infrastructure-needs-survey-and-assessment.

[11] From Exhibit 1.5 p.19 of EPA, *Drinking Water Infrastructure Needs Survey and Assessment: Sixth Report to Congress,* 2018, https://www.epa.gov/dwsrf/epas-6th-drinking-water-infrastructure-needs-survey-and-assessment.

[12] From Exhibit 1.5 p.19 of EPA, *Drinking Water Infrastructure Needs Survey and Assessment: Sixth Report to Congress,* 2018, https://www.epa.gov/dwsrf/epas-6th-drinking-water-infrastructure-needs-survey-and-assessment.

Sec. 1. Short title; Table of Contents

This Act may be cited as the "Drinking Water and Wastewater Infrastructure Act of 2021.

Sec. 2. Definition of Administrator

In this Act, the term "Administrator" means the Administrator of the Environmental Protection Agency.

Title I: Drinking Water

Sec. 101. Technical assistance and grants for emergencies affecting public water systems

This section extends an expired authority in the Safe Drinking Water Act (SDWA), 42 U.S.C. 300j–1, to provide resources to communities that face a public water system emergency. The fund will help mitigate drinking water threats to public health, and is amended to expand the definition of emergency situations to include those resulting from a cybersecurity event or vulnerability and clarifies that the intrusion of lead into the drinking water supply is an allowable use of grant funds. The program is reauthorized at $35 million for each of fiscal years from 2022 through 2026.

In addition, this section also extends the $15 million authorization for technical assistance to public water systems for five years, from fiscal years 2022 through 2026.

The section also makes state-based nonprofit organizations eligible recipients of funding to provide technical assistance to small public water systems in order to achieve compliance with the SDWA. Nonprofits that receive funding under this section are required to consult with the State before carrying out activities utilizing funding.

Sec. 102. Drinking Water State Revolving Loan Funds

This section reauthorizes the Drinking Water State Revolving Funds (DWSRF) and increases the minimum percentage of funds that must go to disadvantaged communities from 6 percent to 12 percent. This section also broadens the discretionary authority of states to assist disadvantaged communities with grants, negative interest loans, forgiveness of principal, and loan forgiveness. States may also use these funds to buy, refinance, or restructure the debt of a disadvantaged community.

Sec. 102 also reauthorizes a provision in SDWA that allows for up to 2 percent of the DWSRF to be used by nonprofit organizations to provide technical assistance for small systems in order to achieve compliance.

This section also makes permanent the American Iron and Steel requirement for the Drinking Water State Revolving Fund, also known as the "Buy America" requirement.

Under this section DWSRF is reauthorized at a level of $2.4 billion in fiscal year 2022, $2.75 billion in fiscal year 2023, $3 billion in fiscal year 2024, and $3.25 billion for fiscal years 2025 and 2026.

Sec. 103. Source Water Petition Program

The section reauthorizes the Source Water Petition Program, which allows owners and operators of community water systems, municipal or local governments, and political subdivisions of a state

to submit a source water quality protection partnership petition to the State requesting that the State assist in the local development of a voluntary, incentive-based partnership among the owner, operator, relevant stakeholder, or government. These petition partnerships are created to help affected parties reduce drinking water contaminants, obtain financial or technical assistance, or develop recommendations for the long-term protection of a community water system's source water.

This section also amends the program to allow states to designate a county to act on behalf of an unincorporated area in the petition, should the unincorporated area voluntarily chose to enter such a partnership, solely for the purpose of pursuing a source water petition for a specific matter.

This program is reauthorized through 2026 at the current funding level of $5 million annually.

Sec. 104. Assistance for Small and Disadvantaged Communities

This section addresses multiple programs that fall under Section 1459A of SDWA (42 U.S.C. 300j–19a).

The first part of this section reauthorizes and modifies the Assistance for Small and Disadvantaged Communities Program. This program provides grants to disadvantaged communities or communities with a population of under 10,000 across the country, including those communities within the United States on our borders, which lack household drinking water or wastewater services, or that are served by a public water system that violates or exceeds a requirement of the national primary drinking water regulations. Grants can be used to assist communities in coming into compliance with drinking water regulations, to provide programs for household water quality testing, or to provide assistance that directly and primarily benefits the disadvantaged community on a per-household basis.

Specifically, this section expands the program to allow for the use of funds to purchase filters that remove contaminants of concern from public drinking water systems and for providing information regarding proper filtration use and maintenance, options regarding replacing lead service lines or other sources of lead from water systems, and for technical assistance. Further, the section lowers the required non-federal match for the grant from 45 percent to 10 percent and allows that 10 percent to be waived at the discretion of the Administrator if the Administrator determines that an eligible entity is unable to pay, or would experience significant financial hardship if required to pay, the non-Federal share. This section authorizes the program for $60 million in fiscal year 2022, $80 million in fiscal year 2023, $100 million in fiscal year 2024, $120 million in fiscal year 2025, and $140 million in fiscal year 2026.

The second part of this section reauthorizes the existing Drinking Water Infrastructure Risk and Resiliency program for small communities. Funds under this program can be used to address threats from natural hazards or extreme weather events (including extreme weather events that are related to climate change). The program is reauthorized from 2022 through 2026 at a level of $25 million per year. The section includes a non-federal cost share of 10 percent that can be waived by the Administrator.

Third, this section instructs the Administrator to create a grant program to provide grants to a utility or nonprofit organization to voluntarily connect a low-income household to a municipal public drinking water system. This program is authorized at $20 million per year for each of fiscal years 2022 through 2026.

These grants are intended to improve the general welfare of low and moderate income individuals without access to drinking water services. Therefore, the Committee believes these funds should not be considered taxable income.

Finally, this section creates an additional competitive grant program administered by the EPA and distributed to states that have demonstrated high numbers of underserved communities, rather than the State Revolving Fund (SRF) formula. This grant program is authorized at $50 million for each of fiscal years 2022 through 2026.

Sec. 105. Reducing Lead in Drinking Water

This section reauthorizes EPA's lead reduction projects grant program under 42 U.S.C. 300j–19b and increases the program's authorization to $100 million annually through fiscal year 2026. This grant money can be used for lead reduction projects, including the replacement of publicly owned lead services lines; testing, planning, or other relevant activities, as determined by the Administrator, to identify and address conditions that contribute to increased concentration of lead in water for human consumption; and providing assistance to low-income homeowners to replace lead service lines.

This section also amends SDWA to create a pilot program to provide grants to carry out lead reduction projects in water systems that, based on available data, information or resources, including existing lead inventorying or mapping, have or are suspected to have, lead in at least 30 percent of their service lines. Two years after the first grant is awarded, the EPA must submit a report to Congress describing the recipients of this grant money, the type of lead inventorying used, and the accuracy and utility of the inventorying in locating lead service lines. The pilot program is authorized for $10 million and the funds are to remain available until expended.

Sec. 106. Operational Sustainability of Small Public Water Systems

This section establishes an operational sustainability program under SDWA for small public water systems, including those owned by a federally-recognized Indian Tribe. The program is designed to help improve the ability of such systems to respond to water infrastructure failures through asset management of drinking water systems, pumps, wells, valves, treatment systems and other pertinent activities. These activities include, but are not limited to, identification and prevention of potable water loss due to leaks, breaks, and other metering or infrastructure or system failures. It also allows for the deployment of strategies, techniques, and technologies to enhance operational sustainability and effective use of water resources though water reuse.

This program has a waivable non-federal share of 10 percent and is authorized at $50 million for each of fiscal years 2022 through 2026.

Sec. 107. Midsize and large drinking water system infrastructure resilience and sustainability program

This section creates a grant program to assist midsize and large drinking water systems with increasing their resilience to natural hazards, cybersecurity vulnerabilities, and extreme weather events.

Funds may be used to promote water conservation, enhance water-efficiency, create desalination facilities, relocate or renovate existing vulnerable water systems, enhance water supply, and implement measures to increase resiliency to natural hazards, cybersecurity vulnerabilities, or extreme weather events, including extreme weather events that are a result of climate change.

Of the funding provided, 50 percent must be used to provide grants to eligible entities serving a population of 10,000 to 100,000. The remaining 50 percent is to be used for eligible entities that serve a population equal to or greater than 100,000.

This program is authorized at $50 million for each of fiscal years 2022 through 2026.

Sec. 108. Needs Assessment for Nationwide Rural and Urban Low-Income Community Water Assistance

This section requires the Administrator, in consultation with relevant stakeholders, to study the prevalence of low-income households in the Unites States that spend a disproportionate amount of household income on public drinking water services to meet household needs. This report to Congress must include recommendations that describe ways to increase access to affordable and reliable drinking water services and the associated costs of each recommendation.

Sec. 109. Rural and Low-Income Drinking Water Assistance pilot program

This section directs the Administrator to establish, not later than 90 days after the Administrator submits the Needs Assessment for Nationwide Rural and Urban Low-Income Community Water Assistance to Congress, a pilot program to award grants to eligible entities to develop and implement programs to assist low-income households with need in maintaining access to affordable and reliable drinking water and wastewater treatment.

Types of assistance could include direct financial assistance, a lifeline rate, bill discounting, special hardship provisions, a percentage-of-income payment plant, or debt relief for the eligible entity of the community water system owned by the eligible entity if it is determined by the Administrator to be in the interest of public health.

The Administrator shall award not more than 40 grants under the pilot program, 10 for eligible entities that own or operate a rural community water system; 10 for eligible entities that own or operate a medium community water system; 10 for eligible entities that own or operate a large community water system; and 10 for eligible entities that own or operate a community water system or treatment works that services a disadvantaged community. For these projects, priority shall be given to eligible entities that serve a predominant number of customers considered to be low-income or moderate-income and that are subject to consent decrees relating to compliance with the Clean Water Act (CWA), or that plan to de-

velop and implement an equivalent program administered separate from the pilot program.

The Administrator is required to submit an annual report that summarizes the use of grant funds by eligible entities not later than two years after the grants are first distributed to eligible entities on the results of the pilot program. Eligible entities must also submit annual reports to the Administrator that summarize key features of the assistance provided by the eligible entities, including rate structures, rebates, discounts, sources of funding used to supplement federal funds, and eligibility criteria.

Sec. 110. Lead contamination in school drinking water

This section amends the existing Voluntary School and Childcare Lead Testing Grant Program to make public water systems and eligible nonprofit organizations that service schools and childcare locations eligible grant recipients in order to assist with this testing.

The program is increased from $25 to $30 million for fiscal years 2022 through 2024, $40 million for fiscal year 2025, and $50 million for fiscal year 2026.

Sec. 111. Indian Reservation Drinking Water Program

This section amends the Tribal Drinking Water Program to require that 50 percent of the program funds be used nationally, while the other 50 percent of the funds, if sufficient projects exist, must be used to fund fifty projects equally divided between the Missouri River Basin, Upper Rio Grande River Basin, the Columbia River Basin, the Lower Colorado River Basin, and the Arkansas-White-Red River Basin. In addition, two projects in the Missouri River Basin must go to a reservation that serves more than one federally-recognized tribe.

The program is authorized for $50 million for each of fiscal years 2022 through 2026.

Sec. 112. Advanced drinking water technologies

This section requires the Administrator to carry out a study, within one year of the date of enactment, to examine the state of existing and emerging technologies that could address cybersecurity vulnerabilities, or enhance or could enhance the treatment, monitoring, affordability, efficiency, and safety of drinking water and wastewater provided by public water systems.

This section also creates a grant program for public water systems that serve a population of 100,000 or fewer people or a disadvantaged community. The grant program is designed to identify and/or deploy drinking water infrastructure technology that is new or emerging, but proven, to enhance the treatment, monitoring, affordability, efficiency, and safety of the drinking water provided. There is a waivable 10 percent non-federal share.

This program is authorized at $10 million for each fiscal year 2022 through 2026.

Title II: Clean Water

Sec. 201. Research, investigations, training, and information

This section increases the authorization of appropriations under the Clean Water Act (CWA), for technical assistance grants to non-

profit agencies assisting rural, small, and tribal municipalities. These activities include providing technical assistance and training on water quality; ways to achieve and maintain compliance with laws and regulations; assisting utilities with financing opportunities; and providing information regarding planning, design, construction, and operation of treatment works and decentralized wastewater systems. Nonprofits that receive funding under this section are required to consult with the State in which the assistance is to be expended or otherwise made available before carrying out activities utilizing funding. It also requires the Administrator to submit a report to Congress describing the implementation of the grants no later than two years after the date of enactment.

This section extends the authorization to fiscal year 2026 and increases authorized appropriations to $75 million annually.

Sec. 202. Wastewater efficiency grant pilot program

This section creates an EPA pilot program to assist with fifteen projects by publicly-owned treatment works to create or improve waste-to-energy systems. Grants may be awarded for sludge collection systems, anaerobic digesters, methane capture or transfer, and other emerging technologies that transform waste to energy. It requires the EPA to submit to Congress a report every two years regarding who received these grants, what activities these funds covered, and the impacts of these projects.

This section authorizes appropriations for the program of $20 million for each of fiscal years 2022 through 2026.

Sec. 203. Pilot programs for alternative water source projects

This section reauthorizes an existing grant program for alternative water source projects. The grants may be used for engineering, design, construction, and final testing of alternative water source projects designed to meet critical water supply needs.

Alternative water source projects include those projects that provide alternative sources of water through conserving, managing, reclaiming or reusing water, stormwater or wastewater.

The program is authorized for $25 million for each of fiscal years 2022 through 2026.

The Committee notes that it is the intent of this language that before switching to a new source of water the systems should be sure to follow proper testing protocols to ensure that the new water chemistry will not result in introduction of new or additional contaminants into the drinking water supply, such as increased amounts of lead based on disruptions to the optimized corrosion control technology that exists or has existed in a system.

Sec. 204. Sewer overflow and stormwater reuse municipal grants

This section reauthorizes the existing sewer overflow and stormwater reuse municipal grants program. These grants may be used for the planning, construction, and design of treatment works for municipal combined sewer overflows, sanitary sewer overflows, or stormwater, and any measures to manage, reduce, or recapture stormwater or subsurface drainage. This section also adds notification systems that provide information on dangerous water conditions to communities as an allowable use for grants.

In addition, the section creates a new 25 percent set-aside for sewer overflow and stormwater projects in rural or financially distressed communities across the country, including those communities within the United States on our borders, to the extent there are sufficient applications. There is also a waivable non-federal share of 10 percent for these projects. Of the 25-percent set-aside, to the extent there are sufficient applications, not less than 60 percent of the set-aside funding shall be used to carry out projects in rural communities.

The program is reauthorized with increased funding of $280 million for fiscal years 2022 through 2026.

Sec. 205. Clean Water Infrastructure Resiliency and Sustainability Program

The section establishes a Clean Water Infrastructure Resiliency and Sustainability Program to address rising threats to clean water infrastructure from climate change or cybersecurity vulnerabilities. An owner or operator of a publicly-owned treatment works can use the grants to assist in the planning, design, construction, implementation, operation, or maintenance of a program or project to increase the resiliency or adaptability of water systems to natural hazards, cybersecurity vulnerabilities, or extreme weather events, including those related to climate change. The section establishes two non-federal cost shares: a 10 percent non-federal cost-share for small or disadvantaged communities and a non-federal cost-share of 25 percent for all other communities.

The program is authorized for $25 million for fiscal years 2022 through 2026.

Sec. 206. Small and medium publicly-owned treatment works circuit rider program

This section creates a circuit rider program that awards grants to provide additional on-site technical assistance to owners and operators of small and medium publicly owned treatment works. The program was created as a result of a decrease in technical assistance grants to local, on-site technical assistance providers.

The section requires nonprofits that receive funding under this section to consult with the State in which the assistance is to be expended or otherwise made available before carrying out activities utilizing funding.

This section also requires the EPA to submit to Congress an annual report regarding grant recipients and activities covered by the grants.

This section authorizes appropriations for the program of $10 million for each of fiscal years 2022 through 2026.

Sec. 207. Small publicly-owned treatment works efficiency grant program

This section creates an EPA grant program, subject to appropriations, to assist small publicly-owned treatment works that serve fewer than 10,000 people, or a disadvantaged community, with replacing or repairing equipment to increase water efficiency or energy efficiency. It also requires that not less than 15 percent of funds made available under the program be used for grants to publicly owned treatment works that serve fewer than 3,300 people.

Owner or operators of small publicly owned treatment works and nonprofit organizations that seek to assist small public owned treatment works are eligible to receive funding under this program.

The Administrator must also submit a report to Congress not later than two years after the Administrator establishes the efficiency grant program describing the recipients of each grant and a summary of the activities carried out under the grant program.

Sec. 208. Grants for construction and refurbishing of individual household decentralized wastewater systems for individuals with low or moderate income

This section creates a grant program that allows nonprofit organizations to receive funds for the construction, repair, or replacement of decentralized wastewater systems for low or moderate income households, or groups of such households. The program gives priority to households that do not have access to sanitary sewer disposal systems.

This section requires that EPA submit a report to Congress on the results of the program within two years of enactment of the Act.

This section authorizes appropriations for the program of $50 million for each of fiscal years 2022 through 2026.

These grants are intended to be used by grantees to improve the general welfare of low and moderate income individuals without access to wastewater services. Therefore, the Committee believes that these funds should not be considered to be taxable income of the grantee or any low and moderate income individuals assisted by the program.

Sec. 209. Connection to publicly-owned treatment works

This section creates a grant program that allows the EPA to provide grants to publicly-owned treatment works or nonprofit organizations to cover the costs incurred from connecting a household to a municipal or private wastewater system.

This section authorizes appropriations for the program of $40 million for each of fiscal years 2022 through 2026.

These grants are intended to be used to improve the general welfare of low and moderate income individuals without access to public treatment works. Therefore, the Committee believes these funds should not be considered to be taxable income of the grantee or any low and moderate income individuals assisted by the program.

Sec. 210. Clean Water State Revolving Funds

This section reauthorizes the Clean Water State Revolving Fund (CWSRF). It also amends the CWA to require, to the extent there are sufficient applications, a minimum of 10 percent of a state's CWSRF to be used for grants, negative interest loans, and loan forgiveness, or to buy, refinance or restructure debt for disadvantaged communities as determined by the state. The amount for additional subsidies may not exceed 30 percent.

This section also allows for up to two percent of a state's CWSRF to be used by nonprofit organizations to provide technical assistance to small, rural, and tribal publicly-owned treatment works.

The CWSRF is reauthorized at $2.4 billion in fiscal year 2022, $2.75 billion in fiscal year 2023, $3 billion in fiscal year 2024, and $3.25 billion for fiscal years 2025 and 2026.

Sec. 211. Innovative water infrastructure workforce development program

This section reauthorizes an existing competitive grant program to promote workforce development in the water utility sector. The section modifies the program to make public works departments and agencies eligible for these grants in addition to schools. It also amends the program to align water and wastewater utility workforce recruitment efforts, including the promotion of diversity, training programs, retention efforts, and community resources with water and wastewater utilities.

This section also directs the Administrator to create a federal interagency working group to address recruitment, training, and retention challenges in the water and wastewater utility workforce. In carrying out the duties of the working group, the working group is required to consult with State operator certification programs.

Not later than one year after the date of enactment, the Administrator, in coordination with the working group, shall submit to Congress a report describing the potential solutions to recruitment, training, and retention challenges in the water and wastewater utility workforce.

This section increases the grant program's authorization to $5 million for fiscal years 2022 through 2026.

Sec. 212. Grants to Alaska to improve sanitation in rural and native villages

This section reauthorizes a program that provides grants to the State of Alaska for the benefit of rural and Native villages in Alaska for development and construction of public water systems and wastewater systems to improve the health and sanitation conditions in the villages.

This section reauthorizes appropriations for the program at $40 million for fiscal years 2022 through 2024, $50 million for fiscal year 2025, and $60 million for fiscal year 2026.

Sec. 213. Water data sharing pilot program

This section amends the CWA to require EPA to establish a pilot program for states to encourage intrastate and interstate information sharing.

The grant program funds information sharing among communities regarding water quality, water infrastructure needs, and water technology. Eligibility for funding is available to states that have either a coastal watershed that has significant pollution levels, a water system with significant pollution levels, a substantive wastewater infrastructure deficit, as well as, a regional consortia of such states.

This section also authorizes funds to assist states in the creation of multi-state consortiums to exchange water data; share information regarding water practices, protocols, technologies, and procedures; and establish regional intended use plans.

Finally, this section requires the Administrator to submit a report to Congress of the awarded grants and recipients.

This section authorizes appropriations for the grant program of $15 million for each of fiscal years 2022 through 2026.

Sec. 214. Final rating opinion letters

This section changes the Water Infrastructure Finance and Innovation Act (WIFIA) requirement that mandates each WIFIA project applicant must provide two final agency rating opinion letters. Under this section, project applicants will only need to provide one final agency rating opinion letter, similar to the requirements of other federal loan programs, prior to final acceptance and financing of the project.

Sec. 215. Water Infrastructure Financing reauthorization

This section reauthorizes WIFIA through 2026 at the current authorization level of $50 million annually. This section also clarifies existing law that projects eligible for WIFIA assistance that are also eligible for scoring under the Federal Credit Reform Act (as defined in the 1990 law) are non-federal and eligible for non-cash budgetary scoring. This section also reauthorizes "SWIFIA" or SRF WIN, which allows smaller water infrastructure projects to bundle their projects into one WIFIA application.

Sec. 216. Small and disadvantaged community analysis

This section requires EPA to do an analysis of the historical distribution of funds to low-income, rural, and minority communities, as well as communities of indigenous peoples, under SDWA and CWA programs. The EPA is also required to analyze new opportunities and methods to improve the distribution of funds under these programs to those same communities. EPA must submit a report to Congress upon completion of the analysis describing the results of the analysis and the methods used by the Administrator.

Sec. 217. Stormwater infrastructure technology

This section creates a grant program to assist research institutions, nonprofits, and institutions of higher education with research on new and emerging stormwater control technology. The goal of the program is to improve the effectiveness, cost efficiencies, and protections of public safety and water quality in their operations. The eligible research includes stormwater and sewer overflow reduction, project enhancement, and other infrastructure.

The section authorizes appropriations of $5 million for each of fiscal years 2022 through 2026 to establish Centers of Excellence for stormwater control infrastructure and create a public website to share the results of the research.

This section also creates a grant program to fund the development of standards, create fee structures, and develop and deliver training and educational materials for stormwater.

This section authorizes appropriations for the grant program of $10 million for each of fiscal years 2022 through 2026 at a 20 percent non-federal cost share.

Sec. 218. Water Reuse Interagency Working Group

This section instructs the EPA to establish a Water Reuse Interagency Working Group to develop and coordinate actions, tools, and resources to advance water reuse across the United States. This in-

cludes establishing a Water Reuse Action Plan that creates opportunities for water reuse in the mission areas of each of the federal agencies. Every two years, the Administrator shall publish a report on the activities and findings of this Working Group. This group shall sunset in six years, unless the Administrator chooses to extend the Working Group.

Sec. 219. Advanced clean water technologies study

This section directs the Administrator within one year after the date of enactment, and subject to the availability of appropriations to carry out a study that examines the state of existing and potential future technology, including technology that could address cybersecurity threats, or that enhances or could enhance the treatment, monitoring, affordability, efficiency, and safety of wastewater services provided by a treatment works. The Administrator shall submit a report on the study to Congress.

Sec. 220. Clean watersheds needs survey

This section requires the Administrator to conduct and complete an assessment of wastewater system capital improvement needs of all treatment works in the United States that are eligible for assistance from state water pollution control revolving funds. A report must be submitted to Congress describing the results of the assessment. The report must be completed not later than 18 months after the date of enactment of this Act, and not less frequently than once every four years thereafter.

This section authorizes $5 million, to remain available until expended, to carry out the initial needs survey.

LEGISLATIVE HISTORY

On March 23, 2021, Senator Tammy Duckworth, Chair of the U.S. Senate Environment and Public Works' (EPW) Subcommittee on Fisheries, Water, and Wildlife, introduced S. 914, Drinking Water and Wastewater Infrastructure Act of 2021. Senators Shelley Moore Capito (R–W.Va.), Ranking Member of the EPW Committee; Tom Carper (D–Del.), Chairman of the EPW Committee; Cynthia Lummis (R–Wyo.), Ranking Member of the Subcommittee on Fisheries, Water, and Wildlife; Ben Cardin (D–Md.), Chair of the Subcommittee on Transportation and Infrastructure; and Kevin Cramer (R–N.D.), Ranking Member of the Subcommittee on Transportation and Infrastructure were joined by Senators Whitehouse (D–R.I.), Inhofe (R–Okla.), Stabenow (D–Mich.), Sullivan (R–Alaska), Kelly (D–Ariz.), and Padilla (D–Calif.) as original cosponsors of the legislation. The bill was referred to the Committee on Environment and Public Works.

On March 24, 2021, the Committee on Environment and Public Works conducted the Business Meeting to consider S. 914. The Committee ordered S. 914 to be favorably reported with an amendment in the nature of a substitute by a unanimous roll call vote of 20 to 0. In addition, the Committee agreed by unanimous consent to make a part of the official Business Meeting record the full record of stakeholder comments and letters of support gathered by the Committee. Due to a reporting error, the vote was reaffirmed on April 14th.

HEARINGS

A water infrastructure related hearing was held by the Committee on Environment and Public Works on March 17th, 2021 entitled *"Examining the Backlog in Drinking Water and Wastewater Infrastructure Projects."* The purpose of this hearing was to conduct oversight of the Drinking Water and Clean Water State Revolving Funds (SRFs), as well as other programs used for drinking water and wastewater infrastructure projects. The hearing provided the Committee with a better understanding of the needed legislative reforms to create new and modify existing programs designed to address drinking water and wastewater infrastructure projects. The Committee also examined additional stresses and challenges placed on state SRFs and other programs used for drinking water and wastewater infrastructure projects in light of the ongoing COVID–19 pandemic and climate change.

ROLL CALL VOTES

The Committee on Environment and Public Works met to consider S. 914 on March 24, 2021. The bill, with an amendment in the nature of a substitute, was ordered to be favorably reported by a roll call vote of 20 to 0.

Amendments approved

The following amendment to the amendment in the nature of a substitute to S. 914 was approved by voice vote:

Carper-Capito #1—This amendment contained technical corrections, additions based on stakeholder feedback, and clarifications of the underlying substitute amendment. The amendment clarified that nonprofit organizations receiving funding through several grant programs or providing technical assistance are required to consult with states before taking action. It also increased the timeline for reports in several sections to 2 years. The amendment made technical corrections to the lead inventorying grant program to clarify that determining whether an eligible entity has, or is suspected to have, 30 percent of its service lines containing lead should be based on available data, information or resources, including existing lead inventorying. It added states and nonprofit organizations as eligible entities under the operational sustainability program and requires grant recipients to submit additional information to the Administrator. It replaced the term "cybersecurity threat" with "cybersecurity vulnerabilities" across several programs. The substitute amended the drinking water and wastewater needs assessment for rural and urban low-income water assistance and created a new EPA pilot program for low-income water assistance. It also made technical corrections to assist schools and childcare facilities in compliance monitoring of lead testing and clarifies that eligible entities may provide either voluntary testing or compliance monitoring with grant dollars. It amended the Tribal Drinking Water Program to add 10 additional tribal projects in the Arkansas-White-Red River Basin. Finally, it required the Federal Agency Working Group created in the Innovative Water Infrastructure Workforce Development Program to consult with state operator certification programs.

Final committee vote to report

S. 914, with an amendment in the nature of a substitute, as amended by Carper-Capito #1, was ordered to be favorably reported by a roll call vote of 20 to 0 (Senators Boozman, Capito, Cardin, Carper, Cramer, Duckworth, Ernst, Graham, Inhofe, Kelly, Lummis, Markey, Merkley, Padilla, Sanders, Shelby, Stabenow, Sullivan, Whitehouse, and Wicker voted aye). The vote was reaffirmed by voice vote on April 14th to address a technical reporting matter.

REGULATORY IMPACT STATEMENT

In compliance with section 11(b) of rule XXVI of the Standing Rules of the Senate, the committee makes evaluation of the regulatory impact of the reported bill.

The bill does not create any additional regulatory burdens, nor will it cause any adverse impact on the personal privacy of individuals.

MANDATES ASSESSMENT

In compliance with the Unfunded Mandates Reform Act of 1995 (Public Law 104–4), the committee finds that S. 914 would impose no Federal intergovernmental unfunded mandates on State, local, or tribal governments.

COST OF LEGISLATION

Section 403 of the Congressional Budget and Impoundment Control Act requires that a statement of the cost of the reported bill, prepared by the Congressional Budget Office, be included in the report. That statement follows:

CBO'S ESTIMATE OF EFFECTS ON REVENUES AND DIRECT SPENDING OF S. 914, THE DRINKING WATER AND WASTEWATER INFRASTRUCTURE ACT OF 2021, AS ORDERED REPORTED BY THE SENATE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS ON MARCH 24, 2021

	By fiscal year, millions of dollars—												
	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2021–2026	2021–2031
Decreases in Revenues													
Estimated Revenues	0	*	−3	−15	−38	−73	−118	−164	−196	−211	−215	−130	−1,035
Increases in Direct Spending													
Estimated Budget Authority	100	0	0	0	0	0	0	0	0	0	0	100	100
Estimated Outlays ..	0	2	8	20	20	30	15	5	0	0	0	80	100
Net Increases in the Deficit From Changes in Direct Spending													
Effect on the Deficit	0	2	11	35	58	103	133	169	196	211	215	210	1,135

Sources: Congressional Budget Office; staff of the Joint Committee on Taxation.
Components may not sum to totals because of rounding; * = between −$500,000 and zero.
For more information see the notes below.

Revenues

The staff of the Joint Committee on Taxation (JCT) expects that some of the funds authorized to be appropriated under S. 914 for grants to state revolving funds would be used by state and local governments to leverage additional funds. Those governments would issue tax-exempt bonds that JCT estimates would reduce federal revenues by about $1 billion over the 2021–2031 period.

Direct spending

S. 914 would limit the criteria used to determine the budgetary treatment of loans or loan guarantees made by the Environmental Protection Agency (EPA) and the Army Corps of Engineers under their Water Infrastructure Finance and Innovation Act (WIFIA) programs. The bill would direct any budgetary effects to be recorded on an accrual basis if the borrower is a nonfederal entity that would repay the obligation with nonfederal funds. That provision would allow the costs or savings of loans for projects that meet those criteria to be recorded on an accrual basis even if the federal government is a counterparty to a project through its ownership, control, or financial contributions.

Recording such federal transactions on an accrual basis is inconsistent with current law and practice, especially if the completion of a project is contingent on future legislative action. Under the proposed direction, EPA and the Corps could make loans and loan guarantees for federal projects or assets and record the costs on an accrual basis rather than on a cash basis. On a cash basis, the full loan amount is recorded at the time an obligation is made; thus, the bill's enactment would result in an understatement of the initial funding amounts required for those commitments when the federal government is a counterparty.

The subsidy costs of loans and loan guarantees for the WIFIA program are funded through annual appropriations. For EPA's loans and loan guarantees under WIFIA, some available balances from previously appropriated budget authority could be used for projects covered by the direction in S. 914. CBO estimates that recording those loans and loan guarantees on an accrual basis would increase the upfront costs of those commitments by $100 million over the 2021–2031 period.

Other spending

In directing a different budgetary treatment for certain WIFIA loans, the bill would cause future loans or loan guarantees to be recorded in the budget at a lower cost than is required under the recording statute, the Federal Credit Reform Act, and current practice. CBO believes that the difference between the costs on a cash basis and on an accrual basis should be recorded as an increase in spending in addition to amounts appropriated in the future for the programs.

Using information about the costs of qualifying projects for which the federal government may be a counterparty, CBO estimates that the change in budgetary treatment could allow the costs of those projects that receive WIFIA loans through EPA and the Corps to be understated by hundreds of millions of dollars in a given year. CBO has not yet determined whether the estimated costs that result from the bill's changes to those programs should be recorded

as direct spending and attributed to S. 914, attributed to future appropriation bills that provide the obligational authority required to make such loans, or to some combination of both.

Uncertainty

The estimated budgetary effects of S. 914 are subject to uncertainty. For instance, the size and nature of future appropriations for the subsidy costs of EPA and Corps WIFIA loan programs, the projects that apply for those programs, and the projects approved for loans all could increase or decrease the pool of projects that would, in CBO's estimation, be eligible for a different budgetary treatment than they would receive under current law.

Spending subject to appropriation

S. 914 would authorize the appropriation of specific amounts for EPA to provide grants and loans to state and local governments, public water systems, nonprofit organizations, and other entities to support various water infrastructure projects and programs to improve water quality. Those authorizations would total about $35 billion over the 2021–2026 period.

In addition, S. 914 would, among other things, authorize EPA to create a pilot program to provide grants to certain qualifying community water systems or treatment works with high amounts of debt attributable to customer nonpayment. The amounts for the pilot program and certain administrative costs are not specified in the bill but that spending would be subject to the availability of appropriated funds. CBO has not completed an analysis of the costs of those provisions.

Increase in long-term deficits

JCT and CBO estimate that enacting the bill would not increase on-budget deficits by more than $5 billion in any of the four consecutive 10-year periods beginning in 2032.

Mandates: None.

CHANGES IN EXISTING LAW

In compliance with section 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill as reported are shown as follows: Existing law proposed to be omitted is enclosed in **[**black brackets**]**, new matter is printed in *italic*, existing law in which no change is proposed is shown in roman:

* * * * * * *

SAFE DRINKING WATER ACT-(TITLE XIV OF PUBLIC HEALTH SERVICE ACT)

* * * * * * *

TITLE XIV—SAFETY OF PUBLIC WATER SYSTEMS

SEC. 1400. This title may be cited as the "Safe Drinking Water Act".

* * * * * * *

SEC. 1442. (a)(1) The Administrator may conduct research, studies, and demonstrations relating to the causes, diagnosis, treat-

ment, control, and prevention of physical and mental diseases and other impairments of man resulting directly or indirectly from contaminants in water, or to the provision of a dependably safe supply of drinking water, including—

(A) * * *

* * * * * * *

(b) The Administrator is authorized to provide technical assistance and to make grants to States, or publicly owned water systems to assist in responding to and alleviating any emergency situation *(including an emergency situation resulting from a cybersecurity event)* affecting public water systems (including sources of water for such systems) which the Administrator determines to present substantial danger to the public health *, including a threat to public health resulting from contaminants, such as, but not limited to, heightened exposure to lead in drinking water*. Grants provided under this subsection shall be used only to support those actions which (i) are necessary for preventing, limiting or mitigating danger to the public health in such emergency situation and (ii) would not, in the judgment of the Administrator, be taken without such emergency assistance. The Administrator may carry out the program authorized under this subparagraph as part of, and in accordance with the terms and conditions of, any other program of assistance for environmental emergencies which the Administrator is authorized to carry out under any other provision of law. No limitation on appropriations for any such other program shall apply to amounts appropriated under this subparagraph.

* * * * * * *

[(d) There are authorized to be appropriated to carry out subsection (b) not more than $35,000,000 for the fiscal year 2002 and such sums as may be necessary for each fiscal year thereafter.**]**

(d) AUTHORIZATION OF APPROPRIATIONS.*—There is authorized to be appropriated to carry out subsection (b) $35,000,000 for each of fiscal years 2022 through 2026.*

(e) TECHNICAL ASSISTANCE TO SMALL PUBLIC WATER SYSTEMS.—

(1) * * *

* * * * * * *

[(5) There are authorized to be appropriated to the Administrator to be used for such technical assistance $15,000,000 for each of the fiscal years 2015 through 2020.**]**

(5) AUTHORIZATION OF APPROPRIATIONS.*—There is authorized to be appropriated to the Administrator to carry out this subsection $15,000,000 for each of fiscal years 2022 through 2026.*

* * * * * * *

(f) STATE-BASED NONPROFIT ORGANIZATIONS.

(1) IN GENERAL.*—The Administrator may provide technical assistance consistent with the authority provided under subsection (e) to State-based nonprofit organizations that are governed by community water systems.*

(2) COMMUNICATION.*—Each State-based nonprofit organization that receives funding under paragraph (1) shall, before using that funding to undertake activities to carry out this subsection, consult with the State in which the assistance is to be expended or otherwise made available.*

[(f)] *(g)* TECHNICAL ASSISTANCE FOR INNOVATIVE WATER TECHNOLOGIES.— * * *

* * * * * * *

STATE REVOLVING LOAN FUNDS

SEC. 1452. (a) GENERAL AUTHORITY.—

(1) * * *

* * * * * * *

(4) AMERICAN IRON AND STEEL PRODUCTS.—

(A) IN GENERAL.—[During fiscal years 2019 through 2023, funds *Funds* made available from a State loan fund established pursuant to this section may not be used for a project for the construction, alteration, or repair of a public water system unless all of the iron and steel products used in the project are produced in the United States.

* * * * * * *

(d) ASSISTANCE FOR DISADVANTAGED COMMUNITIES.—

(1) LOAN SUBSIDY.—Notwithstanding any other provision of this section, in any case in which the State makes a loan pursuant to subsection (a)(2) to a disadvantaged community or to a community that the State expects to become a disadvantaged community as the result of a proposed project, the State may provide additional subsidization (including forgiveness of principal *, grants, negative interest loans, other loan forgiveness, and through buying, refinancing, or restructuring debt*).

(2) TOTAL AMOUNT OF SUBSIDIES.—For each fiscal year, of the amount of the capitalization grant received by the State for the year, the total amount of loan subsidies made by a State pursuant to paragraph (1)—

(A) may not exceed 35 percent; and

[(B) to the extent that there are sufficient applications for loans to communities described in paragraph (1), may not be less than 6 percent.]

(B) to the extent that there are sufficient applications for loans to communities described in paragraph (1), may not be less than 12 percent.

* * * * * * *

(m) AUTHORIZATION OF APPROPRIATIONS.—

(1) There are authorized to be appropriated to carry out the purposes of this section, except for subsections (a)(2)(G) and (t)—

(A) $1,174,000,000 for fiscal year 2019;

(B) $1,300,000,000 for fiscal year 2020; [and]

(C) $1,950,000,000 for fiscal year 2021[.] *;*

(2) To the extent amounts authorized to be appropriated under this subsection in any fiscal year are not appropriated in that fiscal year, such amounts are authorized to be appropriated in a subsequent fiscal year. Such sums shall remain available until expended.

(D) $2,400,000,000 for fiscal year 2022;

(E) $2,750,000,000 for fiscal year 2023;

(F) $3,000,000,000 for fiscal year 2024; and

(G) $3,250,000,000 for each of fiscal years 2025 and 2026.

* * * * * * *

(q) SMALL SYSTEM TECHNICAL ASSISTANCE.—The Administrator may reserve up to 2 percent of the total funds made available to carry out this section for each of fiscal years [2016 through 2021] *2022 through 2026* to carry out the provisions of section 1442(e) (relating to technical assistance for small systems), except that the total amount of funds made available for such purpose in any fiscal year through appropriations (as authorized by section 1442(e)) and reservations made pursuant to this subsection shall not exceed the amount authorized by section 1442(e).

* * * * * * *

SOURCE WATER PETITION PROGRAM

SEC. 1454. (a) PETITION PROGRAM.—

(1) IN GENERAL.—

(A) ESTABLISHMENT.—A State may establish a program under which an owner or operator of a community water system in the State, or a municipal or local government or [political subdivision of a State,] *political subdivision of a State (including a county that is designated by the State to act on behalf of an unincorporated area within that county, with the agreement of that unincorporated area),* may submit a source water quality protection partnership petition to the State requesting that the State assist in the local development of a voluntary, incentive-based partnership, among the owner, operator, or government and other persons likely to be affected by the recommendations of the partnership, to—

* * * * * * *

(4) CONTENTS.—A petition submitted under this subsection shall, at a minimum—

(A) * * *

* * * * * * *

(D) specify the efforts made to establish the voluntary local partnership and obtain the participation of—

(i) the municipal or local government or other political subdivision of the State *(including a county that is designated by the State to act on behalf of an unincorporated area within that county)* with jurisdiction over the source water area delineated under section 1453; and

(5) SAVINGS PROVISION.—*Unless otherwise provided within the agreement, an agreement between an unincorporated area and a county for the county to submit a petition under paragraph (1)(A) on behalf of the unincorporated area shall not authorize the county to act on behalf of the unincorporated area in any matter not within a program under this section.*

* * * * * * *

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $5,000,000 for each of the

fiscal years 2020 through [2021] *2026*. Each State with a plan for a program approved under subsection (b) shall receive an equitable portion of the funds available for any fiscal year.

* * * * * * *

SEC. 1459A. ASSISTANCE FOR SMALL AND DISADVANTAGED COMMUNITIES.

(a) * * *

* * * * * * *

(b) ESTABLISHMENT.—

(1) IN GENERAL.— * * *

* * * * * * *

(2) INCLUSIONS.—Projects and activities under paragraph (1) include—

(A) investments necessary for the public water system to comply with the requirements of this title;

(B) assistance that directly and primarily benefits the disadvantaged community on a per-household basis; [and]

(C) programs to provide household water quality testing, including testing for unregulated contaminants[.]*;*

(D) the purchase of point-of-entry or point-of-use filters that are independently certified using science-based test methods for the removal of contaminants of concern;

(E) investments necessary for providing accurate and current information about—

(i) the need for filtration and filter safety, including proper use and maintenance practices; and

(ii) the options for replacing lead service lines (as defined section 1459B(a)) and removing other sources of lead in water; and

(F) entering into contracts, including contracts with nonprofit organizations that have water system technical expertise, to assist—

(i) an eligible entity; or

(ii) the State of an eligible entity, on behalf of that eligible entity.

(c) ELIGIBLE ENTITIES.—[An eligible entity] *Except for purposes of subsections (j) and (m), an eligible entity*; under this section—

* * * * * * *

(g) COST SHARING.—Before providing a grant to an eligible entity under this section, the Administrator shall enter into a binding agreement with the eligible entity to require the eligible entity—

(1) [to pay not less than 45 percent] *except as provided in subsection (l)(5) and subject to subsection (h), to pay not less than 10 percent*; of the total costs of the project or activity, which may include services, materials, supplies, or other in-kind contributions;

* * * * * * *

[(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out subsections (a) through (j) of this section, $60,000,000 for each of fiscal years 2017 through 2021.]

(k) AUTHORIZATION OF APPROPRIATIONS.—*There are authorized to be appropriated to carry out subsections (a) through (j)—*

(1) $60,000,000 for fiscal year 2022;
(2) $80,000,000 for fiscal year 2023;
(3) $100,000,000 for fiscal year 2024;
(4) $120,000,000 for fiscal year 2025; and
(5) $140,000,000 for fiscal year 2026.

(l) DRINKING WATER INFRASTRUCTURE RESILIENCE AND SUSTAINABILITY.—

(1) RESILIENCE AND NATURAL HAZARD.—The terms "resilience" and "natural hazard" have the meaning given such terms in section 1433(h).

(2) IN GENERAL.—[The Administrator may] *The Administrator shall* establish and carry out a program, to be known as the Drinking Water System Infrastructure Resilience and Sustainability Program, under which the Administrator, subject to the availability of appropriations for such purpose, shall award grants in each of [fiscal years 2019 and 2020] *fiscal years 2022 through 2026* to eligible entities for the purpose of increasing resilience to natural hazards.

* * * * * * *

(4) APPLICATION.—To seek a grant under this subsection, the eligible entity shall submit to the Administrator an application that—

(A) * * *

* * * * * * *

(5) FEDERAL SHARE FOR SMALL, RURAL, AND DISADVANTAGED COMMUNITIES.—

(A) IN GENERAL.—*Subject to subparagraph (B), with respect to a program or project that serves an eligible entity and is carried out using a grant under this subsection, the Federal share of the cost of the program or project shall be 90 percent.*

(B) WAIVER.—*The Administrator may increase the Federal share under subparagraph (A) to 100 percent if the Administrator determines that an eligible entity is unable to pay, or would experience significant financial hardship if required to pay, the non-Federal share.*

[(5)] *(6)* AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection [$4,000,000 for each of fiscal years 2019 and 2020] *$25,000,000 for each of fiscal years 2022 through 2026.*

(m) CONNECTION TO PUBLIC WATER SYSTEMS.—

(1) DEFINITIONS.—*In this subsection:*

(A) ELIGIBLE ENTITY.—*The term 'eligible entity' means—*

(i) an owner or operator of a public water system that assists or is seeking to assist eligible individuals with connecting the household of the eligible individual to the public water system; or

(ii) a nonprofit entity that assists or is seeking to assist eligible individuals with the costs associated with connecting the household of the eligible individual to a public water system.

(B) ELIGIBLE INDIVIDUAL.—*The term 'eligible individual' has the meaning given the term in section 603(j) of the Federal Water Pollution Control Act (33 U.S.C. 1383(j)).*

(C) PROGRAM.—*The term 'program' means the competitive grant program established under paragraph (2).*

(2) ESTABLISHMENT.—*Subject to the availability of appropriations, the Administrator shall establish a competitive grant program for the purpose of improving the general welfare under which the Administrator awards grants to eligible entities to provide funds to assist eligible individuals in covering the costs incurred by the eligible individual in connecting the household of the eligible individual to a public water system.*

(3) APPLICATION.—*An eligible entity seeking a grant under the program shall submit to the Administrator an application at such time, in such manner, and containing such information as the Administrator may require.*

(4) CRITERIA.—*In selecting recipients for grants under the program, the Administrator shall consider—*

(A) how public health would improve by awarding a grant to a particular eligible entity;

(B) the environmental implications of awarding a grant to a particular eligible entity;

(C) whether it is economically feasible for an eligible entity to provide the assistance described in paragraph (2); and

(D) whether it is technically feasible for an eligible entity to provide the assistance described in paragraph (2).

(5) VOLUNTARY CONNECTION.—*Before providing funds to an eligible individual for the costs described in paragraph (2), an eligible entity shall ensure and certify to the Administrator that—*

(A) the eligible individual is voluntarily seeking connection to the public water system;

(B) if the eligible entity is not the owner or operator of the public water system to which the eligible individual seeks to connect, the public water system to which the eligible individual seeks to connect has agreed to the connection; and

(C) the connection of the household of the eligible individual to the public water system meets all applicable local and State regulations, requirements, and codes.

(6) REPORT.—*Not later than 2 years after the date of enactment of the Drinking Water and Wastewater Infrastructure Act of 2021, the Administrator shall submit to Congress a report that describes the implementation of the program, which shall include a description of the use and deployment of amounts made available under the program.*

(7) AUTHORIZATION OF APPROPRIATIONS.—*There is authorized to be appropriated to carry out the program $20,000,000 for each of fiscal years 2022 through 2026.*

(n) STATE COMPETITIVE GRANTS FOR UNDERSERVED COMMUNITIES.—

(1) IN GENERAL.—*In addition to amounts authorized to be appropriated under subsection (k), there is authorized to be appropriated to carry out subsections (a) through (j) $50,000,000 for each of fiscal years 2022 through 2026 in accordance with paragraph (2).*

(2) COMPETITIVE GRANTS.—

(A) IN GENERAL.—*Notwithstanding any other provision of this section, the Administrator shall distribute amounts made available under paragraph (1) to States through a competitive grant program.*

(B) APPLICATIONS.—*To seek a grant under the competitive grant program under subparagraph (A), a State shall submit to the Administrator an application at such time, in such manner, and containing such information as the Administrator may require.*

(C) CRITERIA.—*In selecting recipients of grants under the competitive grant program under subparagraph (A), the Administrator shall establish criteria that give priority to States with a high proportion of underserved communities that meet the condition described in subsection (a)(2)(A).*

(3) REPORT.—*Not later than 2 years after the date of enactment of the Drinking Water and Wastewater Infrastructure Act of 2021, the Administrator shall submit to Congress a report that describes the implementation of the competitive grant program under paragraph (2)(A), which shall include a description of the use and deployment of amounts made available under the competitive grant program.*

(4) SAVINGS PROVISION.—*Nothing in this paragraph affects the distribution of amounts made available under subsection (k), including any methods used by the Administrator for distribution of amounts made available under that subsection as in effect on the day before the date of enactment of this subsection.*

SEC. 1459B. REDUCING LEAD IN DRINKING WATER.

(a) DEFINITIONS.—In this section:

(1) ELIGIBLE ENTITY.— * * *

* * * * * * *

(c) LIMITATION ON USE OF FUNDS.— * * *

* * * * * * *

(d) LEAD INVENTORYING UTILIZATION GRANT PILOT PROGRAM.—

(1) DEFINITIONS.—*In this subsection:*

(A) ELIGIBLE ENTITY.—*The term 'eligible entity' means a municipality that is served by a community water system or a nontransient noncommunity water system in which not less than 30 percent of the service lines are known, or suspected, to contain lead, based on available data, information, or resources, including existing lead inventorying.*

(B) PILOT PROGRAM.—*The term 'pilot program' means the pilot program established under paragraph (2).*

(2) ESTABLISHMENT.—*The Administrator shall establish a pilot program under which the Administrator shall provide grants to eligible entities to carry out lead reduction projects that are demonstrated to exist or are suspected to exist, based on available data, information, or resources, including existing lead inventorying of those eligible entities.*

(3) SELECTION.—

(A) APPLICATION.—*To be eligible to receive a grant under the pilot program, an eligible entity shall submit to the Administrator an application at such time, in such manner,*

and containing such information as the Administrator may require.

(B) PRIORITIZATION.—*In selecting recipients under the pilot program, the Administrator shall give priority to—*

(i) an eligible entity that meets the affordability criteria of the applicable State established under section 1452(d)(3); and

(ii) an eligible entity that is located in an area other than a State that has established affordability criteria under section 1452(d)(3).

(4) REPORT.—*Not later 2 years after the Administrator first awards a grant under the pilot program, the Administrator shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Energy and Commerce of the House of Representatives a report describing—*

(A) the recipients of grants under the pilot program;

(B) the existing lead inventorying that was available to recipients of grants under the pilot program; and

(C) how useful and accurate the lead inventorying described in subparagraph (B) was in locating lead service lines of the eligible entity.

(5) AUTHORIZATION OF APPROPRIATIONS.—*There is authorized to be appropriated to carry out the pilot program $10,000,000, to remain available until expended.*

[(d)**]** *(e)* AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section *(except for subsection (d))* **[**$60,000,000 for each of fiscal years 2017 through 2021**]** *$100,000,000 for each of fiscal years 2022 through 2026*

[(e)**]** *(f)* SAVINGS CLAUSE.—Nothing in this section affects whether a public water system is responsible for the replacement of a lead service line that is—

(1) subject to the control of the public water system; and

(2) located on private property.

SEC. 1459C. STUDY ON INTRACTABLE WATER SYSTEMS.

(a) DEFINITION OF INTRACTABLE WATER SYSTEM.— * * *

* * * * * * *

SEC. 1459E. OPERATIONAL SUSTAINABILITY OF SMALL PUBLIC WATER SYSTEMS.

(a) DEFINITIONS.—*In this section:*

(1) ELIGIBLE ENTITY.—*The term 'eligible entity' means—*

(A) a State;

(B) a unit of local government;

(C) a public corporation established by a unit of local government to provide water service;

(D) a nonprofit corporation, public trust, or cooperative association that owns or operates a public water system;

(E) an Indian Tribe that owns or operates a public water system;

(F) a nonprofit organization that provides technical assistance to public water systems; and

(G) a Tribal consortium.

(2) OPERATIONAL SUSTAINABILITY.—*The term 'operational sustainability' means the ability to improve the operation of a small system through the identification and prevention of pota-*

ble water loss due to leaks, breaks, and other metering or infrastructure failures.

(3) PROGRAM.—*The term 'program' means the grant program established under subsection (b).*

(4) SMALL SYSTEM.—*The term 'small system' means a public water system that—*

(A) serves fewer than 10,000 people; and

(B) is owned or operated by—

(i) a unit of local government;

(ii) a public corporation;

(iii) a nonprofit corporation;

(iv) a public trust;

(v) a cooperative association; or

(vi) an Indian Tribe.

(b) ESTABLISHMENT.—*Subject to the availability of appropriations, the Administrator shall establish a program to award grants to eligible entities for the purpose of improving the operational sustainability of 1 or more small systems.*

(c) APPLICATIONS.—*To be eligible to receive a grant under the program, an eligible entity shall submit to the Administrator an application at such time, in such manner, and containing such information as the Administrator may require, including—*

(1) a proposal of the project to be carried out using grant funds under the program;

(2) documentation prepared by the eligible entity describing the deficiencies or suspected deficiencies in operational sustainability of 1 or more small systems that are to be addressed through the proposed project;

(3) a description of how the proposed project will improve the operational sustainability of 1 or more small systems;

(4) a description of how the improvements described in paragraph (3) will be maintained beyond the life of the proposed project, including a plan to maintain and update any asset data collected as a result of the proposed project; and

(5) any additional information the Administrator may require.

(d) ADDITIONAL REQUIRED INFORMATION.—*Before awarding funds for a grant under the program to a grant recipient, the grant recipient shall submit to the Administrator—*

(1) if the grant recipient is located in a State that has established a State drinking water treatment revolving loan fund under section 1452, a copy of a written agreement between the grant recipient and the State in which the grant recipient agrees to provide a copy of any data collected under the proposed project to the State agency administering the State drinking water treatment revolving loan fund (or a designee); or

(2) if the grant recipient is located in an area other than a State that has established a State drinking water treatment revolving loan fund under section 1452, a copy of a written agreement between the grant recipient and the Administrator in which the eligible entity agrees to provide a copy of any data collected under the proposed project to the Administrator (or a designee).

(e) USE OF FUNDS.—*An eligible entity that receives a grant under the program shall use the grant funds to carry out projects that im-*

prove the operational sustainability of 1 or more small systems through—

(1) the development of a detailed asset inventory, which may include drinking water sources, wells, storage, valves, treatment systems, distribution lines, hydrants, pumps, controls, and other essential infrastructure;

(2) the development of an infrastructure asset map, including a map that uses technology such as—

(A) geographic information system software; and

(B) global positioning system software;

(3) the deployment of leak detection technology;

(4) the deployment of metering technology;

(5) training in asset management strategies, techniques, and technologies for appropriate staff employed by—

(A) the eligible entity; or

(B) the small systems for which the grant was received;

(6) the deployment of strategies, techniques, and technologies to enhance the operational sustainability and effective use of water resources through water reuse; and

(7) the development or deployment of other strategies, techniques, or technologies that the Administrator may determine to be appropriate under the program.

(f) COST SHARE.—

(1) IN GENERAL.—*Subject to paragraph (2), the Federal share of the cost of a project carried out using a grant under the program shall be 90 percent of the total cost of the project.*

(2) WAIVER.—*The Administrator may increase the Federal share under paragraph (1) to 100 percent.*

(g) REPORT.—Not later than 2 years after the date of enactment of the Drinking Water and Wastewater Infrastructure Act of 2021, the Administrator shall submit to Congress a report that describes the implementation of the program, which shall include a description of the use and deployment of amounts made available under the program.

(h) AUTHORIZATION OF APPROPRIATIONS.—*There is authorized to be appropriated to carry out this section $50,000,000 for each of fiscal years 2022 through 2026.*

SEC. 1459F. MIDSIZE AND LARGE DRINKING WATER SYSTEM INFRASTRUCTURE RESILIENCE AND SUSTAINABILITY PROGRAM.

(a) DEFINITIONS.—*In this section:*

(1) ELIGIBLE ENTITY.—*The term 'eligible entity' means a public water system that serves a community with a population of greater than 10,000.*

(2) NATURAL HAZARD; RESILIENCE.—*The terms 'resilience' and 'natural hazard' have the meanings given those terms in section 1433(h).*

(3) RESILIENCE AND SUSTAINABILITY PROGRAM.—*The term 'resilience and sustainability program' means the Midsize and Large Drinking Water System Infrastructure Resilience and Sustainability Program established under subsection (b).*

(b) ESTABLISHMENT.—*The Administrator shall establish and carry out a program, to be known as the 'Midsize and Large Drinking Water System Infrastructure Resilience and Sustainability Program', under which the Administrator, subject to the availability of*

appropriations for the resilience and sustainability program, shall award grants to eligible entities for the purpose of—

(1) increasing resilience to natural hazards and extreme weather events; and

(2) reducing cybersecurity vulnerabilities.

(c) USE OF FUNDS.—*An eligible entity may only use grant funds received under the resilience and sustainability program to assist in the planning, design, construction, implementation, operation, or maintenance of a program or project that increases resilience to natural hazards and extreme weather events, or reduces cybersecurity vulnerabilities, through—*

(1) the conservation of water or the enhancement of water-use efficiency;

(2) the modification or relocation of existing drinking water system infrastructure made, or that is at risk of being, significantly impaired by natural hazards or extreme weather events, including risks to drinking water from flooding;

(3) the design or construction of new or modified desalination facilities to serve existing communities;

(4) the enhancement of water supply through the use of watershed management and source water protection;

(5) the enhancement of energy efficiency or the use and generation of renewable energy in the conveyance or treatment of drinking water;

(6) the development and implementation of measures—

(A) to increase the resilience of the eligible entity to natural hazards and extreme weather events; or

(B) to reduce cybersecurity vulnerabilities; or

(7) the conservation of water or the enhancement of a water supply through the implementation of water reuse measures.

(d) APPLICATION.—*To seek a grant under the resilience and sustainability program, an eligible entity shall submit to the Administrator an application at such time, in such manner, and containing such information as the Administrator may require, including—*

(1) a proposal of the program or project to be planned, designed, constructed, implemented, operated, or maintained by the eligible entity;

(2) an identification of the natural hazard risks, extreme weather events, or potential cybersecurity vulnerabilities, as applicable, to be addressed by the proposed program or project;

(3) documentation prepared by a Federal, State, regional, or local government agency of the natural hazard risk, potential cybersecurity vulnerability, or risk for extreme weather events to the area where the proposed program or project is to be located;

(4) a description of any recent natural hazards, cybersecurity events, or extreme weather events that have affected the community water system of the eligible entity;

(5) a description of how the proposed program or project would improve the performance of the community water system of the eligible entity under the anticipated natural hazards, cybersecurity vulnerabilities, or extreme weather events; and

(6) an explanation of how the proposed program or project is expected—

(A) to enhance the resilience of the community water system of the eligible entity to the anticipated natural hazards or extreme weather events; or

(B) to reduce cybersecurity vulnerabilities.

(e) REPORT.—*Not later than 2 years after the date of enactment of the Drinking Water and Wastewater Infrastructure Act of 2021, the Administrator shall submit to Congress a report that describes the implementation of the resilience and sustainability program, which shall include a description of the use and deployment of amounts made available to carry out the resilience and sustainability program.*

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—*There is authorized to be appropriated to carry out the resilience and sustainability program $50,000,000 for each of fiscal years 2022 through 2026.*

(2) USE OF FUNDS.—*Of the amounts made available under paragraph (1) for grants to eligible entities under the resilience and sustainability program—*

(A) 50 percent shall be used to provide grants to eligible entities that serve a population of—

(i) greater than 10,000; and

(ii) fewer than 100,000; and

(B) 50 percent shall be used to provide grants to eligible entities that serve a population equal to or greater than 100,000.

(3) ADMINISTRATIVE COSTS.—*Of the amounts made available under paragraph (1), not more than 2 percent may be used by the Administrator for the administrative costs of carrying out the resilience and sustainability program.*

SEC. 1459G. NEEDS ASSESSMENT FOR NATIONWIDE RURAL AND URBAN LOW-INCOME COMMUNITY WATER ASSISTANCE.

(a) DEFINITIONS.—*In this section:*

(1) LARGE COMMUNITY WATER SYSTEM.—The term 'large community water system' means a community water system or treatment works that serves a population of more than 100,000 inhabitants.

(2) LOW-INCOME HOUSEHOLD.—*The term 'low-income household' means a household that has an income that, as determined by the State in which the household is located, does not exceed the greater of—*

(A) an amount equal to 150 percent of the poverty level of that State; and

(B) an amount equal to 60 percent of the State median income for that State.

(3) MEDIUM COMMUNITY WATER SYSTEM.—*The term 'medium community water system' means a community water system or treatment works that serves a population of more than 10,000 inhabitants and not more than 100,000 inhabitants.*

(4) NEED.—*The term 'need', with respect to a household, means the expenditure of a disproportionate amount of household income on access to public drinking water or wastewater services.*

(5) RURAL COMMUNITY WATER SYSTEM.—*The term 'rural community water system' means a community water system or*

treatment works that serves a population of not more than 10,000 inhabitants.

(6) TREATMENT WORKS.—*The term 'treatment works' has the meaning given the term in section 212 of the Federal Water Pollution Control Act (33 U.S.C. 1292).*

(b) STUDY; REPORT.—

(1) IN GENERAL.—*The Administrator shall conduct, and submit to Congress a report describing the results of, a study regarding the prevalence throughout the United States of municipalities, public entities, or Tribal governments that—*

(A) own or operate rural community water systems, medium community water systems, or large community water systems that service a disproportionate level of low-income households with need, including low-income renters with need or a community water system or treatment works that provides services to a disadvantaged community (as defined in section 1452(d)(3)); or

(B) have taken on an unsustainable level of debt due to customer nonpayment for the services provided by a community water system or treatment works.

(2) INCLUSIONS.—*The report under paragraph (1) shall include—*

(A) recommendations of the Administrator regarding the best methods to increase access to affordable and reliable drinking water and wastewater services;

(B) a description of the cost of each method described in subparagraph (A); and

(C) with respect to the development of the report, a consultation with all relevant stakeholders.

(3) AGREEMENTS.—*The Administrator may enter into an agreement with another Federal agency to carry out the study under paragraph (1).*

SEC. 1459H. RURAL AND LOW-INCOME DRINKING WATER ASSISTANCE PILOT PROGRAM.

(a) DEFINITIONS.—*In this section:*

(1) ELIGIBLE ENTITY.—*The term 'eligible entity' means a municipality, Tribal government, or other entity that—*

(A) owns or operates a community water system or treatment works that services a disproportionate level of low-income households (as defined in section 1459E(a)), including low-income renters; or

(B) has taken on an unsustainable level of debt due to customer nonpayment for the services provided by a community water system or treatment works.

(2) LARGE COMMUNITY WATER SYSTEM.—*The term 'large community water system' means a community water system or treatment works that serves a population of more than 100,000 inhabitants.*

(3) MEDIUM COMMUNITY WATER SYSTEM.—*The term 'medium community water system' means a community water system or treatment works that serves a population of more than 10,000 inhabitants and not more than 100,000 inhabitants.*

(4) NEED.—*The term 'need', with respect to a household, means the expenditure of a disproportionate amount of house-*

hold income on access to public drinking water or wastewater services.

(5) PILOT PROGRAM.—*The term 'pilot program' means the pilot program established by the Administrator under subsection (b)(1).*

(6) RURAL COMMUNITY WATER SYSTEM.—*The term 'rural community water system' means a community water system or treatment works that serves a population of not more than 10,000 inhabitants.*

(7) TREATMENT WORKS.—*The term 'treatment works' has the meaning given the term in section 212 of the Federal Water Pollution Control Act (33 U.S.C. 1292).*

(8) WATER SERVICES NEEDS ASSESSMENT.—*The term 'water services needs assessment' means the report required under section 1459G(b)(1).*

(b) ESTABLISHMENT.—

(1) IN GENERAL.—*Not later than 90 days after the date on which the Administrator submits the drinking water needs assessment to Congress, the Administrator shall establish a pilot program to award grants to eligible entities to develop and implement programs to assist low-income households with need in maintaining access to affordable and reliable drinking water and wastewater treatment.*

(2) REQUIREMENT.—*In establishing the pilot program, the Administrator shall ensure that the water services needs assessment directly contributes to the structure of the pilot program by informing the types of assistance and criteria used for priority consideration with the demonstrated need from the study conducted under section 1459G(b)(1) and the water services needs assessment.*

(3) USE OF FUNDS LIMITATIONS.—*A grant under the pilot program—*

(A) shall not be used to replace funds for any existing similar program; but

(B) may be used to supplement or enhance an existing program, including a program that receives assistance from other Federal grants.

(4) TERM.—*The term of a grant awarded under the pilot program shall be subject to the availability of appropriations.*

(5) TYPES OF ASSISTANCE.—*In establishing the pilot program, the Administrator may include provisions for—*

(A) direct financial assistance;

(B) a lifeline rate;

(C) bill discounting;

(D) special hardship provisions;

(E) a percentage-of-income payment plan; or

(F) debt relief for the eligible entity or the community water system owned by the eligible entity for debt that is due to customer nonpayment for the services provided by the eligible entity or the community water system that is determined by the Administrator to be in the interest of public health.

(6) REQUIREMENT.—*The Administrator shall award not more than 40 grants under the pilot program, of which—*

(A) 10 shall be to eligible entities that own or operate a rural community water system;

(B) 10 shall be to eligible entities that own or operate a medium community water system;

(C) 10 shall be to eligible entities that own or operate a large community water system; and

(D) 10 shall be to eligible entities that own or operate a community water system or treatment works that services a disadvantaged community (as defined in section 1452(d)(3)).

(7) CRITERIA.—*In addition to any priority criteria established by the Administrator in response to the findings in the water services needs assessment, in awarding grants under the pilot program, the Administrator shall give priority consideration to eligible entities that—*

(A)(i) serve a predominant number of customers considered to be low-income or moderate-income, as identified in the drinking water needs assessment; and

(ii) are subject to consent decrees relating to compliance with the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) or this title; or

(B) develop an equivalent program, as determined by the Administrator, that is administered separately by the eligible entity.

(8) REPORTING REQUIREMENTS.—

(A) IN GENERAL.—*In addition to any other applicable Federal or agency-specific grant reporting requirements, as a condition of receiving a grant under the pilot program, an eligible entity (or a State, on behalf of an eligible entity) shall submit to the Administrator an annual report that summarizes, in a manner determined by the Administrator, the use of grant funds by the eligible entity, including—*

(i) key features of the assistance provided by the eligible entity, including rate structures, rebates, discounts, and related initiatives that assist households, including—

(I) budget billing;

(II) bill timing; and

(III) pretermination protections;

(ii) sources of funding used to supplement Federal funds; and

(iii) eligibility criteria.

(B) PUBLICATION.—*The Administrator shall publish each report submitted under subparagraph (A).*

(c) TECHNICAL ASSISTANCE.—*The Administrator shall provide technical assistance to each eligible entity, and each State, on behalf of an eligible entity, that receives a grant under the pilot program to ensure full implementation of the program.*

(d) REPORT.—*Not later than 2 years after the date on which grant funds are first disbursed to an eligible entity (or a State, on behalf of an eligible entity) under the program, and every year thereafter for the duration of the terms of the grants, the Administrator shall submit to Congress a report on the results of the pilot program.*

SEC. 1459I. ADVANCED DRINKING WATER TECHNOLOGIES.

(a) STUDY.—

(1) IN GENERAL.—*Subject to the availability of appropriations, not later than 1 year after the date of enactment of the Drinking Water and Wastewater Infrastructure Act of 2021, the Administrator shall carry out a study that examines the state of existing and potential future technology, including technology that could address cybersecurity vulnerabilities, that enhances or could enhance the treatment, monitoring, affordability, efficiency, and safety of drinking water provided by a public water system.*

(2) REPORT.—*The Administrator shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Energy and Commerce of the House of Representatives a report that describes the results of the study under paragraph (1).*

(b) ADVANCED DRINKING WATER TECHNOLOGY GRANT PROGRAM.—

(1) DEFINITIONS.—*In this subsection:*

(A) ELIGIBLE ENTITY.—*The term 'eligible entity' means the owner or operator of a public water system that—*

(i) serves—

(I) a population of not more than 100,000 people; or

(II) an underserved community;

(ii) has plans to identify or has identified opportunities in the operations of the public water system to employ new, existing, or emerging, yet proven, technologies, including technology that could address cybersecurity vulnerabilities, as determined by the Administrator, that enhance treatment, monitoring, affordability, efficiency, or safety of the drinking water provided by the public water system, including technologies not identified in the study conducted under subsection (a)(1); and

(iii) has expressed an interest in the opportunities in the operation of the public water system to employ new, existing, or emerging, yet proven, technologies, including technology that could address cybersecurity vulnerabilities, as determined by the Administrator, that enhance treatment, monitoring, affordability, efficiency, or safety of the drinking water provided by the public water system, including technologies not identified in the study conducted under subsection (a)(1).

(B) PROGRAM.—*The term 'program' means the competitive grant program established under paragraph (2).*

(C) UNDERSERVED COMMUNITY.—*The term 'underserved community' means a political subdivision of a State that, as determined by the Administrator, has an inadequate system for obtaining drinking water.*

(2) ESTABLISHMENT.—*The Administrator shall establish a competitive grant program under which the Administrator shall award grants to eligible entities for the purpose of identifying, deploying, or identifying and deploying technologies described in paragraph (1)(A)(ii).*

(3) REQUIREMENTS.—

(A) APPLICATIONS.—*To be eligible to receive a grant under the program, an eligible entity shall submit to the Administrator an application at such time, in such manner, and containing such information as the Administrator may require.*

(B) FEDERAL SHARE.—

(i) IN GENERAL.—*Subject to clause (ii), the Federal share of the cost of a project carried out using a grant under the program shall not exceed 90 percent of the total cost of the project.*

(ii) WAIVER.—*The Administrator may increase the Federal share under clause (i) to 100 percent if the Administrator determines that an eligible entity is unable to pay, or would experience significant financial hardship if required to pay, the non-Federal share.*

(4) REPORT.—*Not later than 2 years after the date on which Administrator first awards a grant under the program, and annually thereafter, the Administrator shall submit to Congress a report describing—*

(A) each recipient of a grant under the program during the previous 1-year period; and

(B) a summary of the activities carried out using grants awarded under the program.

(5) FUNDING.—

(A) AUTHORIZATION OF APPROPRIATIONS.—*There is authorized to be appropriated to carry out the program $10,000,000 for each of fiscal years 2022 through 2026, to remain available until expended.*

(B) ADMINISTRATIVE COSTS.—Not more than 2 percent of the amount made available for a fiscal year under subparagraph (A) to carry out the program may be used by the Administrator for the administrative costs of carrying out the program.

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LEAD CONTAMINATION IN SCHOOL DRINKING WATER

SEC. 1464. (a) DISTRIBUTION OF DRINKING WATER COOLER LIST.—
* * *

* * * * * * *

(b) GUIDANCE DOCUMENT AND TESTING PROTOCOL.—The Administrator shall publish a guidance document and a testing protocol to assist *public water systems and* schools in determining the source and degree of lead contamination in school drinking water supplies and in remedying such contamination. The guidance document shall include guidelines for sample preservation. The guidance document shall also include guidance to assist States, schools, *public water systems,* and the general public in ascertaining the levels of lead contamination in drinking water coolers and in taking appropriate action to reduce or eliminate such contamination. The guidance document shall contain a testing protocol for the identification of drinking water coolers which contribute to lead contamination in drinking water. Such document and protocol may be revised, republished and redistributed as the Administrator deems necessary. The Administrator shall distribute the guidance

document and testing protocol to the States within 100 days after the enactment of this section.

* * * * * * *

(d) VOLUNTARY SCHOOL AND CHILD CARE PROGRAM LEAD TESTING GRANT PROGRAM.—

(1) DEFINITIONS.— * * *

* * * * * * *

(2) ESTABLISHMENT.—

(A) IN GENERAL.—Not later than 180 days after the date of enactment of the Water and Waste Act of 2016, the Administrator shall establish a voluntary school and child care program lead testing grant program to make [grants available to States] *grants available to*—

(i) States to assist local educational agencies [in voluntary testing] *, public water systems that serve schools and child care programs under the jurisdiction of those local educational agencies, and qualified nonprofit organizations in voluntary testing or compliance monitoring*

(II) by striking the period at the end and inserting "; and"; for lead contamination in drinking water at schools and child care programs under the jurisdiction of the local educational agencies[.] *;and*

(ii) tribal consortia to assist tribal education agencies (as defined in section 3 of the National Environmental Education Act (20 U.S.C. 5502)) in voluntary testing for lead contamination in drinking water at schools and child care programs under the jurisdiction of the tribal education agency.

(B) DIRECT GRANTS TO LOCAL EDUCATIONAL AGENCIES.—The Administrator may make a grant for the voluntary testing described in subparagraph (A) directly available to—

(i) any local educational agency described in clause (i) or (iii) of paragraph (1)(B) located in a State that does not participate in the voluntary grant program established under subparagraph (A); [or]

(ii) any local educational agency described in clause (ii) of paragraph (1)(B)[.] *;*

(iii) any public water system that is located in a State that does not participate in the voluntary grant program established under subparagraph (A) that—

(I) assists schools or child care programs in lead testing;

(II) assists schools or child care programs with compliance monitoring; or

(III) provides technical assistance to schools or child care programs in carrying out lead testing; or

(iv) a qualified nonprofit organization, as determined by the Administrator.

(3) APPLICATION.—To be eligible to receive a grant under this subsection, a [State or local educational agency] *State, local*

educational agency, public water system, tribal consortium, or qualified nonprofit organization shall submit to the Administrator an application at such time, in such manner, and containing such information as the Administrator may require.

(4) PRIORITY.—In making grants under this subsection, the Administrator shall give priority to [States and local educational agencies] *States, local educational agencies, public water systems, tribal consortia, and qualified nonprofit organizations* that will assist in voluntary testing for lead contamination in drinking water at schools and child care programs that are in low-income areas.

(5) LIMITATION ON USE OF FUNDS.—Not more than 4 percent of grant funds accepted by a [State or local educational agency] *State, local educational agency, public water system, tribal consortium, or qualified nonprofit organization* for a fiscal year under this subsection shall be used to pay the administrative costs of carrying out this subsection.

(6) GUIDANCE; PUBLIC AVAILABILITY.—As a condition of receiving a grant under this subsection, the recipient [State or local educational agency] *State, local educational agency, public water system, tribal consortium, or qualified nonprofit organization* shall ensure that each local educational agency *, public water system, tribal consortium, or qualified nonprofit organization* to which grant funds are distributed shall—

(A) expend grant funds in accordance with—

(i) the guidance of the Environmental Protection Agency entitled "3Ts for Reducing Lead in Drinking Water in Schools: Revised Technical Guidance" and dated October 2006 (or any successor guidance); or

(ii) applicable State *or tribal* regulations or guidance regarding reducing lead in drinking water in schools and child care programs that are not less stringent than the guidance referred to in clause (i); and

(B)(i) make available, if applicable, in the administrative offices and, to the extent practicable, on the Internet website of the *applicable* local educational agency for inspection by the public (including teachers, other school personnel, and parents) a copy of the results of any voluntary testing for lead contamination in school and child care program drinking water carried out using grant funds under this subsection; and

(ii) notify parent, teacher, and employee organizations of the availability of the results described in clause (i).

(7) MAINTENANCE OF EFFORT.—If resources are available to a [State or local educational agency] *State, local educational agency, public water system, tribal consortium, or qualified nonprofit organization* from any other Federal agency, a State, or a private foundation for testing for lead contamination in drinking water, the State or local educational agency shall demonstrate that the funds provided under this subsection will not displace those resources.

[(8) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection $20,000,000 for each of fiscal years 2017 through 2019, and $25,000,000 for each of fiscal years 2020 and 2021.]

(8) AUTHORIZATION OF APPROPRIATIONS.—*There are authorized to be appropriated to carry out this subsection—*

(A) $30,000,000 for each of fiscal years 2022 through 2024;

(B) $40,000,000 for fiscal year 2025; and

(C) $50,000,000 for fiscal year 2026.

* * * * * * *

America's Water Infrastructure Act of 2018

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SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) [33 U.S.C. 2201 note] SHORT TITLE.—This Act may be cited as "America's Water Infrastructure Act of 2018".

(b) TABLE OF CONTENTS.— * * *

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TITLE II—DRINKING WATER SYSTEM IMPROVEMENT

SEC. 2001. [42 U.S.C. 300j-3c note] INDIAN RESERVATION DRINKING WATER PROGRAM.

(a) IN GENERAL.—[Subject to the availability of appropriations, the Administrator of the Environmental Protection Agency] *The Administrator of the Environmental Protection Agency (referred to in this section as the 'Administrator')* shall carry out a program[to implement—*to implement eligible projects described in subsection (b).*

[(1) 10 eligible projects described in subsection (b) that are within the Upper Missouri River Basin; and

[(2) 10 eligible projects described in subsection (b) that are within the Upper Rio Grande Basin.]

* * * * * * *

[(c) REQUIREMENT.—In carrying out the program under subsection (a)(1), the Administrator of the Environmental Protection Agency shall select not less than one eligible project for a reservation that serves more than one federally recognized Indian Tribe.]

(c) REQUIRED PROJECTS.—

(1) IN GENERAL.—*If sufficient projects exist, of the funds made available to carry out this section, the Administrator shall use 50 percent to carry out—*

(A) 10 eligible projects described in subsection (b) that are within the Upper Missouri River Basin;

(B) 10 eligible projects described in subsection (b) that are within the Upper Rio Grande Basin;

(C) 10 eligible projects described in subsection (b) that are within the Columbia River Basin;

(D) 10 eligible projects described in subsection (b) that are within the Lower Colorado River Basin; and

(E) 10 eligible projects described in subsection (b) that are within the Arkansas-White-Red River Basin.

(2) REQUIREMENT.—*In carrying out paragraph (1)(A), the Administrator shall select not fewer than 2 eligible projects for a*

reservation that serves more than 1 federally recognized Indian Tribe.

(d) FEDERAL SHARE.—*The Federal share of the cost of a project carried out under this section shall be 100 percent.*

(e) REPORT.—*Not later than 2 years after the date of enactment of the Drinking Water and Wastewater Infrastructure Act of 2021, the Administrator shall submit to Congress a report that describes the implementation of the program established under subsection (a), which shall include a description of the use and deployment of amounts made available under that program.*

[(d)**]** *(f)* AUTHORIZATION OF APPROPRIATIONS.—**[**There is**]** *There are* authorized to be appropriated to carry out the program under **[**subsection (a) $20,000,000**]** *subsection (a)*—

(1) $20,000,000 for each of fiscal years 2019 through **[**2022**]** *2021; and*

(2) $50,000,000 for each of fiscal years 2022 through 2026.

* * * * * * *

TITLE IV—OTHER MATTERS

Subtitle A—Clean Water

SEC. 4101. STORMWATER INFRASTRUCTURE FUNDING TASK FORCE.

(a) IN GENERAL.— * * *

* * * * * * *

SEC. 4304. WATER INFRASTRUCTURE AND WORKFORCE INVESTMENT.

(a) DEFINITION OF PUBLIC WORKS DEPARTMENT OR AGENCY.—*In this section, the term 'public works department or agency' means a political subdivision of a local, county, or regional government that designs, builds, operates, and maintains water infrastructure, sewage and refuse disposal systems, and other public water systems and facilities.*

[(a)**]** *(b)***]** SENSE OF CONGRESS.—It is the sense of Congress that—

(1) * * *

* * * * * * *

(3) to further the goal of ensuring a strong pipeline of skilled and diverse workers in the water and wastewater utilities sector, Congress urges—

(A) increased collaboration among Federal, State, *Tribal,* and local governments; and

(B) institutions of higher education, apprentice programs, high schools, and other **[**community-based organizations to align workforce training programs and community resources with water and wastewater utilities to accelerate career pipelines and provide access to workforce opportunities.**]** *community-based organizations and public works departments or agencies to align water and wastewater utility workforce recruitment efforts, training programs, retention efforts, and community resources with water and wastewater utilities—*

(i) to accelerate career pipelines;

(ii) to ensure the sustainability of the water and wastewater utility workforce; and

(iii) to provide access to workforce opportunities.

[(b)] (c) INNOVATIVE WATER INFRASTRUCTURE WORKFORCE DEVELOPMENT PROGRAM.—

(1) GRANTS AUTHORIZED.—The Administrator of the Environmental Protection Agency (referred to in this section as the "Administrator"), in consultation with the Secretary of Agriculture, shall establish a competitive grant [program—

[(A) to assist] *program to assist* the development and utilization of innovative activities relating to workforce development and career opportunities in the water utility sector[; and] *, which may include—*

(A) expanding the use and availability of activities and resources that relate to the recruitment, including the promotion of diversity within that recruitment, of individuals to careers in the water and wastewater utility sector;

(B) expanding the availability of training opportunities for—

(i) individuals entering into the water and wastewater utility sector; and

(ii) individuals seeking to advance careers within the water and wastewater utility sector; and

(C) expanding the use and availability of activities and strategies, including the development of innovative activities and strategies, that relate to the maintenance and retention of a sustainable workforce in the water and wastewater utility sector.

[(B) to expand public awareness about water utilities and connect individuals to careers in the water utility sector.]

(2) SELECTION OF GRANT RECIPIENTS.—In awarding grants under paragraph (1), the Administrator shall, to the extent practicable, select nonprofit professional or service organizations, labor organizations, community colleges, institutions of higher education, or other training and educational [institutions—] *institutions, or public works departments and agencies—*

(A) that have qualifications and experience—

(i) in the development of educational or recruitment materials and activities, including those materials and activities that specifically promote diversity within recruitment, for the water and wastewater utility workforce;

[(i)] *(ii)* in the development of training programs and curricula relevant to workforce needs of water utilities; *or*

[(ii) working in cooperation with water utilities; or

[(iii) developing public education materials appropriate for communicating with groups of different ages and educational backgrounds; and]

(iii) developing activities and strategies that relate to the maintenance and retention of a sustainable workforce in the water and wastewater utility sector; and

* * * * * * *

(3) USE OF FUNDS.—Grants awarded under paragraph (1) may be used for activities such as—

(A) targeted internship, apprenticeship, pre-apprenticeship, and post-secondary bridge programs for skilled water utility trades that provide—

(i) * * *

* * * * * * *

(D) integrated learning laboratories in secondary educational institutions that provide students with—

(i) hands-on, contextualized learning opportunities;

(ii) dual enrollment credit for post-secondary education and training *or certification* programs; and

(E) leadership development, occupational training, mentoring, or cross-training programs that **[**ensure that incumbent water and waste water utilities workers**]** *are designed to retain incumbent water and wastewater utility workforce workers by ensuring that those workers* are prepared for higher level supervisory or management-level positions.

[(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $1,000,000 for each of fiscal years 2019 and 2020.**]**

(4) WORKING GROUP; REPORT.—

(A) IN GENERAL.—*The Administrator shall establish and coordinate a Federal interagency working group to address recruitment, training, and retention challenges in the water and wastewater utility workforce, which shall include representatives from—*

(i) the Department of Education;

(ii) the Department of Labor;

(iii) the Department of Agriculture;

(iv) the Department of Veterans Affairs; and

(v) other Federal agencies, as determined to be appropriate by the Administrator.

(B) REPORT.—*Not later than 2 years after the date of enactment of the Drinking Water and Wastewater Infrastructure Act of 2021, the Administrator, in coordination with the working group established under subparagraph (A), shall submit to Congress a report describing potential solutions to recruitment, training, and retention challenges in the water and wastewater utility workforce.*

(C) CONSULTATION.—*In carrying out the duties of the working group established under subparagraph (A), the working group shall consult with State operator certification programs.*

(5) AUTHORIZATION OF APPROPRIATIONS.—*There is authorized to be appropriated to carry out this subsection $5,000,000 for each of fiscal years 2022 through 2026.*

* * * * * * *

Federal Water Pollution Control Act

* * * * * * *

TITLE I—RESEARCH AND RELATED PROGRAMS

DECLARATION OF GOALS AND POLICY

SEC. 101. (a) * * *

* * * * * * *

RESEARCH, INVESTIGATIONS, TRAINING, AND INFORMATION

SEC. 104. (a) The Administrator shall establish national programs for the prevention, reduction, and elimination of pollution and as part of such programs shall—

(1) * * *

* * * * * * *

(u) There is authorized to be appropriated (1) not to exceed $100,000,000 per fiscal year for the fiscal year ending June 30, 1973, the fiscal year ending June 30, 1974, and the fiscal year ending June 30, 1975, not to exceed $14,039,000 for the fiscal year ending September 30, 1980, not to exceed $20,697,000 for the fiscal year ending September 30, 1981, not to exceed $22,770,000 for the fiscal year ending September 30, 1982, such sums as may be necessary for fiscal years 1983 through 1985, and not to exceed $22,770,000 per fiscal year for each of the fiscal years 1986 through 1990, for carrying out the provisions of this section, other than subsections (g)(1) and (2), (p), (r), and (t), except that such authorizations are not for any research, development, or demonstration activity pursuant to such provisions; (2) not to exceed $7,500,000 for fiscal years 1973, 1974, and 1975, $2,000,000 for fiscal year 1977, $3,000,000 for fiscal year 1978, $3,000,000 for fiscal year 1979, $3,000,000 for fiscal year 1980, $3,000,000 for fiscal year 1981, $3,000,000 for fiscal year 1982, such sums as may be necessary for fiscal years 1983 through 1985, and $3,000,000 per fiscal year for each of the fiscal years 1986 through 1990, for carrying out the provisions of subsection (g)(1); (3) not to exceed $2,500,000 for fiscal years 1973, 1974, and 1975, $1,000,000 for fiscal year 1977, $1,500,000 for fiscal year 1978, $1,500,000 for fiscal year 1979, $1,500,000 for fiscal year 1980, $1,500,000 for fiscal year 1981, $1,500,000 for fiscal year 1982, such sums as may be necessary for fiscal years 1983 through 1985, and $1,500,000 per fiscal year for each of the fiscal years 1986 through 1990, for carrying out the provisions of subsection (g)(2); (4) not to exceed $10,000,000 for each of the fiscal years ending June 30, 1973, June 30, 1974, and June 30, 1975, for carrying out the provisions of subsection (p); (5) not to exceed $15,000,000 per fiscal year for the fiscal years ending June 30, 1973, June 30, 1974, and June 30, 1975, for carrying out the provisions of subsection (r); (6) not to exceed $10,000,000 per fiscal year for the fiscal years ending June 30, 1973, June 30, 1974, and June 30, 1975, for carrying out the provisions of subsection (t); **[**and (7)**]** *(7)* not to exceed $25,000,000 for each of fiscal years 2019 through **[**2023**]** *2021* for carrying out subsections (b)(3), (b)(8), and (g)**[**.**]** *; and (8) not to exceed $75,000,000 for each of fiscal years 2022 through 2026 for carrying out subsections (b)(3), (b)(8), and (g), of which not less than $50,000,000 each fiscal year shall be used to carry out subsection (b)(8).*

* * * * * * *

(w) NONPROFIT ORGANIZATION.—For purposes of subsection (b)(8), the term "nonprofit organization" means a nonprofit organization that the Administrator determines, after consultation with the States regarding what small publicly owned [treatments works] *treatment works* in the State find to be most beneficial and effective, is qualified and experienced in providing on-site training and technical assistance to small publicly owned treatment works.

* * * * * * *

TITLE II—GRANTS FOR CONSTRUCTION OF TREATMENT WORKS

PURPOSE

SEC. 201. (a) * * *

* * * * * * *

SEC. 220. PILOT PROGRAM FOR ALTERNATIVE WATER SOURCE PROJECTS.

(a) POLICY.— * * *

* * * * * * *

[(i)] *(b)* DEFINITIONS.—In this section[, the following definitions apply]:

(1) ALTERNATIVE WATER SOURCE PROJECT.—The term "alternative water source project" means a project designed to provide municipal, industrial, and agricultural water supplies in an environmentally sustainable manner by conserving, managing, reclaiming, or reusing [water or wastewater or by treating wastewater] *water, wastewater, or stormwater or by treating wastewater or stormwater*. Such term does not include water treatment or distribution facilities.

(2) CRITICAL WATER SUPPLY NEEDS.—The term "critical water supply needs" means existing or reasonably anticipated future water supply needs that cannot be met by existing water supplies, as identified in a comprehensive statewide or regional water supply plan or assessment projected over a planning period of at least 20 years.

[(b)] *(c)* [In General]ESTABLISHMENT.—The Administrator may establish a pilot program to make grants to State, interstate, and intrastate water resource development agencies (including water management districts and water supply authorities), local government agencies, private utilities, and nonprofit entities for alternative water source projects to meet critical water supply needs.

[(c)] *(d)* ELIGIBLE ENTITY.—The Administrator may make grants under this section to an entity only if the entity has authority under State law to develop or provide water for municipal, industrial, and agricultural uses in an area of the State that is experiencing critical water supply needs.

[(d)] *(e)* SELECTION OF PROJECTS.—

(1) LIMITATION.—A project that has received funds under the reclamation and reuse program conducted under the Reclamation Projects Authorization and Adjustment Act of 1992 (43 U.S.C. 390h et seq.) shall not be eligible for grant assistance under this section.

[(2) ADDITIONAL CONSIDERATION.—In making grants under this section, the Administrator shall consider whether the project is located within the boundaries of a State or area referred to in section 1 of the Reclamation Act of June 17, 1902 (32 Stat. 385), and within the geographic scope of the reclamation and reuse program conducted under the Reclamation Projects Authorization and Adjustment Act of 1992 (43 U.S.C. 390h et seq.).]

[(3)] *(2)* GEOGRAPHICAL DISTRIBUTION.—Alternative water source projects selected by the Administrator under this section shall reflect a variety of geographical and environmental conditions.

[(e) COMMITTEE RESOLUTION PROCEDURE.—

[(1) IN GENERAL.—No appropriation shall be made for any alternative water source project under this section, the total Federal cost of which exceeds $3,000,000, if such project has not been approved by a resolution adopted by the Committee on Transportation and Infrastructure of the House of Representatives or the Committee on Environment and Public Works of the Senate.

[(2) REQUIREMENTS FOR SECURING CONSIDERATION.—For purposes of securing consideration of approval under paragraph (1), the Administrator shall provide to a committee referred to in paragraph (1) such information as the committee requests and the non-Federal sponsor shall provide to the committee information on the costs and relative needs for the alternative water source project.]

* * * * * * *

[(j)] *(i)* AUTHORIZATION OF APPROPRIATIONS.—[There is]

(1) IN GENERAL—THERE IS authorized to be appropriated to carry out this section [a total of $75,000,000 for fiscal years 2002 through 2004. Such sums shall] *$25,000,000 for each of fiscal years 2022 through 2026, to* remain available until expended.

(2) LIMITATION ON USE OF FUNDS.—*Of the amounts made available for grants under paragraph (1), not more than 2 percent may be used to pay the administrative costs of the Administrator.*

* * * * * * *

SEC. 221. SEWER OVERFLOW AND STORMWATER REUSE MUNICIPAL GRANTS.

(a) IN GENERAL.—

(1) GRANTS TO STATES.—The Administrator may make grants to States for the purpose of providing grants to a municipality or municipal entity for planning, design, and construction of—

(A) treatment works to intercept, transport, control, treat, or reuse municipal combined sewer overflows, sanitary sewer overflows, or stormwater; [and]

(B) notification systems to inform the public of combined sewer or sanitary overflows that result in sewage being released into rivers and other waters; and

[(B)] *(C)* any other measures to manage, reduce, treat, or recapture stormwater or subsurface drainage water eligible for assistance under section 603(c).

(2) DIRECT MUNICIPAL GRANTS.—Subject to subsection (g), the Administrator may make a direct grant to a municipality or municipal entity for the purposes described in paragraph (1).

* * * * * * *

(d) COST-SHARING.—[The Federal]

(1) IN GENERAL.—*Subject to paragraph (2), the Federal* share of the cost of activities carried out using amounts from a grant made under subsection (a) shall be not less than 55 percent of the cost. [The non-Federal share of the cost]

(2) FEDERAL SHARE FOR RURAL OR FINANCIALLY DISTRESSED COMMUNITIES.—

(A) IN GENERAL.—*Subject to subparagraph (B), the Federal share of the cost of an activity carried out using amounts from a grant under subsection (a) in a rural community or a financially distressed community (as those terms are defined in subsection (f)(2)(B)(i)) shall be 90 percent.*

(B) WAIVER.—*The Administrator may increase the Federal share under subparagraph (A) to 100 percent.*

(3) TYPES OF NON-FEDERAL SHARE.—*The applicable non-Federal share of the cost under this subsection* may include, in any amount, public and private funds and in-kind services, and may include, notwithstanding section 603(h), financial assistance, including loans, from a State water pollution control revolving fund.

* * * * * * *

(f) AUTHORIZATION OF APPROPRIATIONS.—

[(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $225,000,000 for each of fiscal years 2019 through 2020.]

(1) IN GENERAL.—*There is authorized to be appropriated to carry out this section $280,000,000 for each of fiscal years 2022 through 2026.*

(2) MINIMUM ALLOCATIONS.—[To the extent]

(A) GREEN PROJECTS—*To the extent* there are sufficient eligible project applications, the Administrator shall ensure that a State uses not less than 20 percent of the amount of the grants made to the State under subsection (a) in a fiscal year to carry out projects to intercept, transport, control, treat, or reuse municipal combined sewer overflows, sanitary sewer overflows, or stormwater through the use of green infrastructure, water and energy efficiency improvements, and other environmentally innovative activities.

(B) RURAL OR FINANCIALLY DISTRESSED COMMUNITY ALLOCATION.—

(i) DEFINITIONS.—*In this subparagraph:*

(I) FINANCIALLY DISTRESSED COMMUNITY.—*The term 'financially distressed community' has the meaning given the term in subsection (c)(1).*

(II) RURAL COMMUNITY.—*The term 'rural community' means a city, town, or unincorporated area that has a population of not more than 10,000 inhabitants.*

(ii) ALLOCATION.—

(I) IN GENERAL.—*To the extent there are sufficient eligible project applications, the Administrator shall ensure that a State uses not less than 25 percent of the amount of the grants made to the State under subsection (a) in a fiscal year to carry out projects in rural communities or financially distressed communities for the purpose of planning, design, and construction of—*

(aa) treatment works to intercept, transport, control, treat, or reuse municipal sewer overflows, sanitary sewer overflows, or stormwater; or

(bb) any other measures to manage, reduce, treat, or recapture stormwater or subsurface drainage water eligible for assistance under section 603(c).

(II) RURAL COMMUNITIES.—*Of the funds allocated under subclause (I) for the purposes described in that subclause, to the extent there are sufficient eligible project applications, the Administrator shall ensure that a State uses not less than 60 percent to carry out projects in rural communities.*

* * * * * * *

(i) REPORTS.—**[**Not later**]**

(1) RECOMMENDED FUNDING LEVELS.—

(A) IN GENERAL.—*Not later* than December 31, 2003, and periodically thereafter, the Administrator shall transmit to Congress a report containing recommended funding levels for grants under this section. **[**The recommended funding levels**]**

(B) REQUIREMENT.—*The funding levels recommended under subparagraph (A)*; shall be sufficient to ensure the continued expeditious implementation of municipal combined sewer overflow and sanitary sewer overflow controls nationwide.

(2) USE OF FUNDS.—*Not later than 2 years after the date of enactment of the Drinking Water and Wastewater Infrastructure Act of 2021, the Administrator 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 that describes the implementation of the grant program under this section, which shall include a description of the grant recipients and grant amounts made available under the program.*

SEC. 222. CLEAN WATER INFRASTRUCTURE RESILIENCY AND SUSTAINABILITY PROGRAM.

(a) DEFINITIONS.—*In this section:*

(1) ELIGIBLE ENTITY.—*The term 'eligible entity' means—*

(A) a municipality; or

(B) an intermunicipal, interstate, or State agency.

(2) NATURAL HAZARD.—*The term 'natural hazard' means a hazard caused by natural forces, including extreme weather events, sea-level rise, and extreme drought conditions.*

(3) PROGRAM.—*The term 'program' means the clean water infrastructure resilience and sustainability program established under subsection (b).*

(b) ESTABLISHMENT.—*Subject to the availability of appropriations, the Administrator shall establish a clean water infrastructure resilience and sustainability program under which the Administrator shall award grants to eligible entities for the purpose of increasing the resilience of publicly owned treatment works to a natural hazard or cybersecurity vulnerabilities.*

(c) USE OF FUNDS.—*An eligible entity that receives a grant under the program shall use the grant funds for planning, designing, or constructing projects (on a system-wide or area-wide basis) that increase the resilience of a publicly owned treatment works to a natural hazard or cybersecurity vulnerabilities through—*

(1) the conservation of water;

(2) the enhancement of water use efficiency;

(3) the enhancement of wastewater and stormwater management by increasing watershed preservation and protection, including through the use of—

(A) natural and engineered green infrastructure; and

(B) reclamation and reuse of wastewater and stormwater, such as aquifer recharge zones;

(4) the modification or relocation of an existing publicly owned treatment works, conveyance, or discharge system component that is at risk of being significantly impaired or damaged by a natural hazard;

(5) the development and implementation of projects to increase the resilience of publicly owned treatment works to a natural hazard or cybersecurity vulnerabilities, as applicable; or

(6) the enhancement of energy efficiency or the use and generation of recovered or renewable energy in the management, treatment, or conveyance of wastewater or stormwater.

(d) APPLICATION.—*To be eligible to receive a grant under the program, an eligible entity shall submit to the Administrator an application at such time, in such manner, and containing such information as the Administrator may require, including—*

(1) a proposal of the project to be planned, designed, or constructed using funds under the program;

(2) an identification of the natural hazard risk of the area where the proposed project is to be located or potential cybersecurity vulnerability, as applicable, to be addressed by the proposed project;

(3) documentation prepared by a Federal, State, regional, or local government agency of the natural hazard risk of the area where the proposed project is to be located or potential cybersecurity vulnerability, as applicable, of the area where the proposed project is to be located;

(4) a description of any recent natural hazard risk of the area where the proposed project is to be located or potential cybersecurity vulnerabilities that have affected the publicly owned treatment works;

(5) a description of how the proposed project would improve the performance of the publicly owned treatment works under an anticipated natural hazard or natural hazard risk of the area where the proposed project is to be located or a potential cybersecurity vulnerability, as applicable; and

(6) an explanation of how the proposed project is expected to enhance the resilience of the publicly owned treatment works to a natural hazard risk of the area where the proposed project is to be located or a potential cybersecurity vulnerability, as applicable.

(e) GRANT AMOUNT AND OTHER FEDERAL REQUIREMENTS.—

(1) COST SHARE.—*Except as provided in paragraph (2), a grant under the program shall not exceed 75 percent of the total cost of the proposed project.*

(2) EXCEPTION.—

(A) IN GENERAL.—*Except as provided in subparagraph (B), a grant under the program shall not exceed 90 percent of the total cost of the proposed project if the project serves a community that—*

(i) has a population of fewer than 10,000 individuals; or

(ii) meets the affordability criteria established by the State in which the community is located under section 603(i)(2).

(B) WAIVER.—*At the discretion of the Administrator, a grant for a project described in subparagraph (A) may cover 100 percent of the total cost of the proposed project.*

(3) REQUIREMENTS.—*The requirements of section 608 shall apply to a project funded with a grant under the program.*

(f) REPORT.—*Not later than 2 years after the date of enactment of the Drinking Water and Wastewater Infrastructure Act of 2021, the Administrator shall submit to Congress a report that describes the implementation of the program, which shall include an accounting of all grants awarded under the program, including a description of each grant recipient and each project funded using a grant under the program.*

(g) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—*There is authorized to be appropriated to carry out this section $25,000,000 for each of fiscal years 2022 through 2026.*

(2) LIMITATION ON USE OF FUNDS.—*Of the amounts made available for grants under paragraph (1), not more than 2 percent may be used to pay the administrative costs of the Administrator.*

SEC. 223. SMALL AND MEDIUM PUBLICLY OWNED TREATMENT WORKS CIRCUIT RIDER PROGRAM.

(a) ESTABLISHMENT.—*Subject to the availability of appropriations, not later than 180 days after the date of enactment of this section, the Administrator shall establish a circuit rider program (referred to in this section as the 'circuit rider program') under which the Administrator shall award grants to qualified nonprofit entities, as determined by the Administrator, to provide assistance to owners and operators of small and medium publicly owned treatment works to carry out the activities described in section 602(b)(13).*

(b) LIMITATION.—*A grant provided under the circuit rider program shall be in an amount that is not more than $75,000.*

(c) COMMUNICATION.—*Each qualified nonprofit entity that receives funding under this section shall, before using that funding to undertake activities to carry out this section, consult with the State in which the assistance is to be expended or otherwise made available.*

(d) REPORT.—*Not later than 2 years after the date on which the Administrator establishes the circuit rider program, and every 2 years thereafter, the Administrator shall submit to Congress a report describing—*

(1) each recipient of a grant under the circuit rider program; and

(2) a summary of the activities carried out under the circuit rider program.

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—*There is authorized to be appropriated to carry out this section $10,000,000 for the period of fiscal years 2022 through 2026.*

(2) LIMITATION ON USE OF FUNDS.—*Of the amounts made available for grants under paragraph (1), not more than 2 percent may be used to pay the administrative costs of the Administrator.*

SEC. 224. SMALL PUBLICLY OWNED TREATMENT WORKS EFFICIENCY GRANT PROGRAM.

(a) ESTABLISHMENT.—*Subject to the availability of appropriations, not later than 180 days after the date of enactment of this section, the Administrator shall establish an efficiency grant program (referred to in this section as the 'efficiency grant program') under which the Administrator shall award grants to eligible entities for the replacement or repair of equipment that improves water or energy efficiency of small publicly owned treatment works, as identified in an efficiency audit.*

(b) ELIGIBLE ENTITIES.—*The Administrator may award a grant under the efficiency grant program to—*

(1) an owner or operator of a small publicly owned treatment works that serves—

(A) a population of not more than 10,000 people; or

(B) a disadvantaged community; or

(2) a nonprofit organization that seeks to assist a small publicly owned treatment works described in paragraph (1) to carry out the activities described in subsection (a).

(c) REPORT.—*Not later than 2 years after the date on which the Administrator establishes the efficiency grant program, and every 2 years thereafter, the Administrator shall submit to Congress a report describing—*

(1) each recipient of a grant under the efficiency grant program; and

(2) a summary of the activities carried out under the efficiency grant program.

(d) USE OF FUNDS.—

(1) SMALL SYSTEMS.—*Of the amounts made available for grants under this section, to the extent that there are sufficient applications, not less than 15 percent shall be used for grants*

to publicly owned treatment works that serve fewer than 3,300 people.

(2) LIMITATION ON USE OF FUNDS.—*Of the amounts made available for grants under this section, not more than 2 percent may be used to pay the administrative costs of the Administrator.*

SEC. 225. GRANTS FOR CONSTRUCTION AND REFURBISHING OF INDIVIDUAL HOUSEHOLD DECENTRALIZED WASTEWATER SYSTEMS FOR INDIVIDUALS WITH LOW OR MODERATE INCOME.

(a) DEFINITION OF ELIGIBLE INDIVIDUAL.—*In this section, the term 'eligible individual' means a member of a low-income or moderate-income household, the members of which have a combined income (for the most recent 12-month period for which information is available) equal to not more than 50 percent of the median nonmetropolitan household income for the State or territory in which the household is located, according to the most recent decennial census.*

(b) GRANT PROGRAM.—

(1) IN GENERAL.—*Subject to the availability of appropriations, the Administrator shall establish a program under which the Administrator shall provide grants to private nonprofit organizations for the purpose of improving general welfare by providing assistance to eligible individuals—*

(A) for the construction, repair, or replacement of an individual household decentralized wastewater treatment system; or

(B) for the installation of a larger decentralized wastewater system designed to provide treatment for 2 or more households in which eligible individuals reside, if—

(i) site conditions at the households are unsuitable for the installation of an individually owned decentralized wastewater system;

(ii) multiple examples of unsuitable site conditions exist in close geographic proximity to each other; and

(iii) a larger decentralized wastewater system could be cost-effectively installed.

(2) APPLICATION.—*To be eligible to receive a grant under this subsection, a private nonprofit organization shall submit to the Administrator an application at such time, in such manner, and containing such information as the Administrator determines to be appropriate.*

(3) PRIORITY.—*In awarding grants under this subsection, the Administrator shall give priority to applicants that have substantial expertise and experience in promoting the safe and effective use of individual household decentralized wastewater systems.*

(4) ADMINISTRATIVE EXPENSES.—*A private nonprofit organization may use amounts provided under this subsection to pay the administrative expenses associated with the provision of the services described in paragraph (1), as the Administrator determines to be appropriate.*

(c) GRANTS.—

(1) IN GENERAL.—*Subject to paragraph (2), a private nonprofit organization shall use a grant provided under subsection*

(b) for the services described in paragraph (1) of that subsection.

(2) APPLICATION.—*To be eligible to receive the services described in subsection (b)(1), an eligible individual shall submit to the private nonprofit organization serving the area in which the individual household decentralized wastewater system of the eligible individuals is, or is proposed to be, located an application at such time, in such manner, and containing such information as the private nonprofit organization determines to be appropriate.*

(3) PRIORITY.—*In awarding grants under this subsection, a private nonprofit organization shall give priority to any eligible individual who does not have access to a sanitary sewage disposal system.*

(d) REPORT.—*Not later than 2 years after the date of enactment of this section, the Administrator 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 describing the recipients of grants under the program under this section and the results of the program under this section.*

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—*There is authorized to be appropriated to the Administrator to carry out this section $50,000,000 for each of fiscal years 2022 through 2026.*

(2) LIMITATION ON USE OF FUNDS.—*Of the amounts made available for grants under paragraph (1), not more than 2 percent may be used to pay the administrative costs of the Administrator.*

SEC. 226. CONNECTION TO PUBLICLY OWNED TREATMENT WORKS.

(a) DEFINITIONS.—In this section:

(1) ELIGIBLE ENTITY.—*The term 'eligible entity' means—*

(A) an owner or operator of a publicly owned treatment works that assists or is seeking to assist low-income or moderate-income individuals with connecting the household of the individual to the publicly owned treatment works; or

(B) a nonprofit entity that assists low-income or moderate-income individuals with the costs associated with connecting the household of the individual to a publicly owned treatment works.

(2) PROGRAM.—*The term 'program' means the competitive grant program established under subsection (b).*

(3) QUALIFIED INDIVIDUAL.—*The term 'qualified individual' has the meaning given the term 'eligible individual' in section 603(j).*

(b) ESTABLISHMENT.—*Subject to the availability of appropriations, the Administrator shall establish a competitive grant program with the purpose of improving general welfare, under which the Administrator awards grants to eligible entities to provide funds to assist qualified individuals in covering the costs incurred by the qualified individual in connecting the household of the qualified individual to a publicly owned treatment works.*

(c) APPLICATION.—

(1) IN GENERAL.—*An eligible entity seeking a grant under the program shall submit to the Administrator an application at*

such time, in such manner, and containing such information as the Administrator may by regulation require.

(2) REQUIREMENT.—*Not later than 90 days after the date on which the Administrator receives an application from an eligible entity under paragraph (1), the Administrator shall notify the eligible entity of whether the Administrator will award a grant to the eligible entity under the program.*

(d) SELECTION CRITERIA.—*In selecting recipients of grants under the program, the Administrator shall use the following criteria:*

(1) Whether the eligible entity seeking a grant provides services to, or works directly with, qualified individuals.

(2) Whether the eligible entity seeking a grant—

(A) has an existing program to assist in covering the costs incurred in connecting a household to a publicly owned treatment works; or

(B) seeks to create a program described in subparagraph (A).

(e) REQUIREMENTS.—

(1) VOLUNTARY CONNECTION.—*Before providing funds to a qualified individual for the costs described in subsection (b), an eligible entity shall ensure that—*

(A) the qualified individual has connected to the publicly owned treatment works voluntarily; and

(B) if the eligible entity is not the owner or operator of the publicly owned treatment works to which the qualified individual has connected, the publicly owned treatment works to which the qualified individual has connected has agreed to the connection.

(2) REIMBURSEMENTS FROM PUBLICLY OWNED TREATMENT WORKS.—*An eligible entity that is an owner or operator of a publicly owned treatment works may reimburse a qualified individual that has already incurred the costs described in subsection (b) by—*

(A) reducing the amount otherwise owed by the qualified individual to the owner or operator for wastewater or other services provided by the owner or operator; or

(B) providing a direct payment to the qualified individual.

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—*There is authorized to be appropriated to carry out the program $40,000,000 for each of fiscal years 2022 through 2026.*

(2) LIMITATIONS ON USE OF FUNDS.—

(A) SMALL SYSTEMS.—*Of the amounts made available for grants under paragraph (1), to the extent that there are sufficient applications, not less than 15 percent shall be used to make grants to—*

(i) eligible entities described in subsection (a)(1)(A) that are owners and operators of publicly owned treatment works that serve fewer than 3,300 people; and

(ii) eligible entities described in subsection (a)(1)(B) that provide the assistance described in that subsection in areas that are served by publicly owned treatment works that serve fewer than 3,300 people.

(B) ADMINISTRATIVE COSTS.—*Of the amounts made available for grants under paragraph (1), not more than 2 percent may be used to pay the administrative costs of the Administrator.*

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TITLE VI—STATE WATER POLLUTION CONTROL REVOLVING FUNDS

SEC. 601. GRANTS TO STATES FOR ESTABLISHMENT OF REVOLVING FUNDS.

(a) GENERAL AUTHORITY.— * * *

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SEC. 603. WATER POLLUTION CONTROL REVOLVING LOAN FUNDS.

(a) REQUIREMENTS FOR OBLIGATION OF GRANT FUNDS.— * * *

* * * * * * *

(d) TYPES OF ASSISTANCE.—Except as otherwise limited by State law *and provided in subsection (k)*, a water pollution control revolving fund of a State under this section may be used only— * * *

* * * * * * *

(i) ADDITIONAL SUBSIDIZATION.—

(1) IN GENERAL.—In any case in which a State provides assistance to an eligible recipient under subsection (d), the State may provide additional subsidization[, including forgiveness of principal and negative interest loans] *(including forgiveness of principal, grants, negative interest loans, other loan forgiveness, and through buying, refinancing, or restructuring debt)*—

* * * * * * *

(3) LIMITATIONS.—

(A) IN GENERAL.—A State may provide additional subsidization in a fiscal year under this subsection only if the total amount appropriated for making capitalization grants to all States under this title for the fiscal year exceeds $1,000,000,000.

[(B) ADDITIONAL LIMITATION.—

[(i) GENERAL RULE.—Subject to clause (ii), a State may use not more than 30 percent of the total amount received by the State in capitalization grants under this title for a fiscal year for providing additional subsidization under this subsection.

[(ii) EXCEPTION.—If, in a fiscal year, the amount appropriated for making capitalization grants to all States under this title exceeds $1,000,000,000 by a percentage that is less than 30 percent, clause (i) shall be applied by substituting that percentage for 30 percent.]

(B) Total amount of subsidization.—For each fiscal year, of the amount of the capitalization grant received by the State under this title, the total amount of additional subsidization made available by a State under paragraph (1)—

(i) may not exceed 30 percent; and

(ii) to the extent that there are sufficient applications for assistance to communities described in that paragraph, may not be less than 10 percent.

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(j) DEFINITION OF ELIGIBLE INDIVIDUAL.— * * *

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(k) Additional Use of Funds.—A State may use an additional 2 percent of the funds annually allotted to each State under this section for nonprofit organizations (as defined in section 104(w)) to provide technical assistance to rural, small, and tribal publicly owned treatment works (within the meaning of section 104(b)(8)(B)) in the State.

* * * * * * *

[SEC. 607. AUTHORIZATION OF APPROPRIATIONS.

[There is authorized to be appropriated to carry out the purposes of this title the following sums:

[(1) $1,200,000,000 per fiscal year for each of fiscal year 1989 and 1990;

[(2) $2,400,000,000 for fiscal year 1991;

[(3) $1,800,000,000 for fiscal year 1992;

[(4) $1,200,000,000 for fiscal year 1993; and

[(5) $600,000,000 for fiscal year 1994.]

SEC. 607. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out the purposes of this title—

(1) $2,400,000,000 for fiscal year 2022;

(2) $2,750,000,000 for fiscal year 2023;

(3) $3,000,000,000 for fiscal year 2024; and

(4) $3,250,000,000 for each of fiscal years 2025 and 2026.

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SEC. 609. CLEAN WATERSHEDS NEEDS SURVEY.

(a) REQUIREMENT.—Not later than 2 years after the date of enactment of the Drinking Water and Wastewater Infrastructure Act of 2021, and not less frequently than once every 4 years thereafter, the Administrator shall—

(1) conduct and complete an assessment of capital improvement needs for all projects that are eligible under section 603(c) for assistance from State water pollution control revolving funds; and

(2) submit to Congress a report describing the results of the assessment completed under paragraph (1).

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out the initial needs survey under subsection (a) $5,000,000, to remain available until expended.

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SAFE DRINKING WATER ACT AMENDMENTS OF 1996

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SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.— * * *

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SEC. 303. [33 U.S.C. 1263a] GRANTS TO ALASKA TO IMPROVE SANITATION IN RURAL AND NATIVE VILLAGES.

(a) IN GENERAL.— * * *

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(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out [this section $40,000,000 for each of fiscal years 2001 through 2005.] *this section—*

(1) $40,000,000 for each of fiscal years 2022 through 2024;

(2) $50,000,000 for fiscal year 2025; and

(3) $60,000,000 for fiscal year 2026.

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Water Resources Reform and Development Act of 2014

* * * * * * *

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) [33 U.S.C. 2201 note] SHORT TITLE.—This Act may be cited as the "Water Resources Reform and Development Act of 2014".

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SEC. 5023. [33 U.S.C. 3902] AUTHORITY TO PROVIDE ASSISTANCE.

(a) IN GENERAL.—The Secretary and the Administrator may provide financial assistance under this subtitle to carry out projects, which shall be selected to ensure a diversity of project types and geographical locations.

(b) RESPONSIBILITY.— * * *

* * * * * * *

(c) Budgetary Treatment.—If the recipient of financial assistance under this subtitle is an eligible entity other than a Federal entity, agency, or instrumentality and the dedicated sources of repayment of that financial assistance are non-Federal revenue sources, the project or asset for which financial assistance is being provided shall, for purposes of budgetary treatment under the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.)—

(1) be deemed to be non-Federal; and

(2) be treated as a direct loan or loan guarantee.

* * * * * * *

SEC. 5028. [33 U.S.C. 3907] DETERMINATION OF ELIGIBILITY AND PROJECT SELECTION.

(a) ELIGIBILITY REQUIREMENTS.—To be eligible to receive financial assistance under this subtitle, a project shall meet the following criteria, as determined by the Secretary or Administrator, as applicable:

(1) CREDITWORTHINESS.—

(A) IN GENERAL.— * * *

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(D) RATING OPINION LETTERS.—

(i) PRELIMINARY RATING OPINION LETTER.— * * *

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(ii) FINAL RATING OPINION LETTERS.—The Secretary or the Administrator, as applicable, shall require each project applicant to provide, prior to final acceptance and financing of the project, [final rating opinion letters from at least 2 rating agencies] *a final rating opinion letter from at least 1 rating agency*. indicating that the senior obligations of the project have an investment-grade rating.

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SEC. 5033. [33 U.S.C. 3912] FUNDING.

(a) IN GENERAL.—

(1) FISCAL YEARS 2015 THROUGH 2019.— * * *

* * * * * * *

(3) Fiscal years 2022 through 2026.—There is authorized to be appropriated to the Administrator to carry out this subtitle $50,000,000 for each of fiscal years 2022 through 2026, to remain available until expended.

(b) ADMINISTRATIVE COSTS.—

(1) FISCAL YEARS 2015 THROUGH 2019.—Of the funds made available to carry out this subtitle, the Secretary or the Administrator, as applicable, may use for the administration of this subtitle, 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] AFTER 2019.—Of the funds made available to carry out this subtitle, the Administrator may use for the administration of this subtitle, 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] *2022 through 2026*.

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(e) ASSISTANCE FOR STATE INFRASTRUCTURE FINANCING AUTHORITIES.—

(1) IN GENERAL.—With respect to fiscal years [2020 and 2021] *2022 through 2026*, 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 5026(9) to State infrastructure financing authorities.

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