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(Original Signature of Member)

117TH CONGRESS
1ST SESSION

H. R.

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

IN THE HOUSE OF REPRESENTATIVES

Mr. ROUZER (for himself, Mr. GRAVES of Missouri, and Mr. YOUNG) introduced the following bill; which was referred to the Committee on

A BILL

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

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Wastewater Infrastruc-
5 ture Improvement Act of 2021”.

1 **SEC. 2. WASTEWATER INFRASTRUCTURE WORKFORCE IN-**
2 **VESTMENT.**

3 Section 104(g) of the Federal Water Pollution Con-
4 trol Act (33 U.S.C. 1254(g)) is amended—

5 (1) in paragraph (1), by striking “manpower”
6 each place it appears and inserting “workforce”; and

7 (2) by amending paragraph (4) to read as fol-
8 lows:

9 “(4) REPORT TO CONGRESS ON PUBLICLY
10 OWNED TREATMENT WORKS WORKFORCE DEVELOP-
11 MENT.—Not later than 2 years after the date of en-
12 actment of the Wastewater Infrastructure Improve-
13 ment Act of 2021, the Administrator shall submit to
14 the Committee on Transportation and Infrastructure
15 of the House of Representatives and the Committee
16 on Environment and Public Works of the Senate a
17 report containing—

18 “(A) an assessment of the current and fu-
19 ture workforce needs for publicly owned treat-
20 ment works, including an estimate of the num-
21 ber of future positions needed for such treat-
22 ment works and the technical skills and edu-
23 cation needed for such positions;

24 “(B) a summary of actions taken by the
25 Administrator, including Federal investments

1 under this Act, that promote workforce develop-
2 ment to address such needs; and

3 “(C) any recommendations of the Adminis-
4 trator to address such needs.”.

5 **SEC. 3. STATE MANAGEMENT ASSISTANCE.**

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

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

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

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

15 “(4) \$240,000,000 for fiscal year 2022;

16 “(5) \$250,000,000 for fiscal year 2023;

17 “(6) \$260,000,000 for fiscal year 2024;

18 “(7) \$270,000,000 for fiscal year 2025; and

19 “(8) \$275,000,000 for fiscal year 2026;”.

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

1 **SEC. 4. WATERSHED, WET WEATHER, AND RESILIENCY**
2 **PROJECTS.**

3 (a) INCREASED RESILIENCE OF TREATMENT
4 WORKS.—Section 122(a)(6) of the Federal Water Pollu-
5 tion Control Act (33 U.S.C. 1274(a)(6)) is amended to
6 read as follows:

7 “(6) INCREASED RESILIENCE OF TREATMENT
8 WORKS.—Efforts—

9 “(A) to assess future risks and
10 vulnerabilities of publicly owned treatment
11 works to manmade or natural disasters, includ-
12 ing extreme weather events and sea level rise;
13 and

14 “(B) to carry out the planning, designing,
15 or constructing of projects, on a systemwide or
16 areawide basis, to increase the resilience of pub-
17 licly owned treatment works through—

18 “(i) the conservation of water or the
19 enhancement of water use efficiency;

20 “(ii) the enhancement of wastewater
21 (including stormwater) management by in-
22 creasing watershed preservation and pro-
23 tection, including through—

24 “(I) the use of green infrastruc-
25 ture; or

1 “(II) the reclamation and reuse
2 of wastewater (including stormwater),
3 such as through aquifer recharge
4 zones;

5 “(iii) the modification or relocation of
6 an existing publicly owned treatment works
7 at risk of being significantly impaired or
8 damaged by a manmade or natural dis-
9 aster; or

10 “(iv) the enhancement of energy effi-
11 ciency, or the use or generation of recov-
12 ered or renewable energy, in the manage-
13 ment, treatment, or conveyance of waste-
14 water (including stormwater).”.

15 (b) REQUIREMENTS; AUTHORIZATION OF APPRO-
16 PRIATIONS.—Section 122 of the Federal Water Pollution
17 Control Act (33 U.S.C. 1274) is amended by striking sub-
18 section (c) and inserting the following:

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

23 “(d) ASSISTANCE.—The Administrator shall use not
24 less than 15 percent of the amounts appropriated pursu-
25 ant to this section in a fiscal year to provide assistance

1 to municipalities with a population of less than 10,000,
2 to the extent there are sufficient eligible applications.

3 “(e) AUTHORIZATION OF APPROPRIATIONS.—There
4 is authorized to be appropriated to carry out this section
5 \$110,000,000, to remain available until expended.”.

6 (c) TECHNICAL AND CONFORMING AMENDMENTS.—

7 (1) WATERSHED PILOT PROJECTS.—Section
8 122 of the Federal Water Pollution Control Act (33
9 U.S.C. 1274) is amended—

10 (A) in the section heading, by striking
11 “**WATERSHED PILOT PROJECTS**” and insert-
12 ing “**WATERSHED, WET WEATHER, AND RE-**
13 **SILIENCY PROJECTS**”; and

14 (B) by striking “pilot” each place it ap-
15 pears.

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

20 **SEC. 5. PILOT PROGRAM FOR ALTERNATIVE WATER**
21 **SOURCE PROJECTS.**

22 (a) SELECTION OF PROJECTS.—Section 220(d) of
23 the Federal Water Pollution Control Act (33 U.S.C.
24 1300(d)) is amended—

1 (1) by amending paragraph (1) to read as fol-
2 lows:

3 “(1) LIMITATION ON ELIGIBILITY.—A project
4 that has received construction funds under the Rec-
5 lamation Projects Authorization and Adjustment Act
6 of 1992 shall not be eligible for grant assistance
7 under this section.”; and

8 (2) by striking paragraph (2) and redesignating
9 paragraph (3) as paragraph (2).

10 (b) COMMITTEE RESOLUTION PROCEDURE; ASSIST-
11 ANCE.—Section 220 of the Federal Water Pollution Con-
12 trol Act (33 U.S.C. 1300) is amended by striking sub-
13 section (e) and inserting the following:

14 “(e) ASSISTANCE.—The Administrator shall use not
15 less than 15 percent of the amounts appropriated pursu-
16 ant to this section in a fiscal year to provide assistance
17 to eligible entities for projects designed to serve fewer than
18 10,000 individuals, to the extent there are sufficient eligi-
19 ble applications.”.

20 (c) COST SHARING.—Section 220(g) of the Federal
21 Water Pollution Control Act (33 U.S.C. 1300(g)) is
22 amended—

23 (1) by striking “The Federal share” and insert-
24 ing the following:

1 “(1) IN GENERAL.—Except as provided in para-
2 graph (2), the Federal share”; and

3 (2) by adding at the end the following:

4 “(2) RECLAMATION AND REUSE PROJECTS.—
5 For an alternative water source project that has re-
6 ceived funds under the Reclamation Projects Author-
7 ization and Adjustment Act of 1992 (other than
8 funds referred to in subsection (d)(1)), the total
9 Federal share of the costs of the project shall not
10 exceed 25 percent or \$20,000,000, whichever is
11 less.”.

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

17 “(i) REQUIREMENTS.—The requirements of section
18 608 shall apply to any construction of an alternative water
19 source project carried out using assistance made available
20 under this section.”.

21 (e) DEFINITIONS.—Section 220(j)(1) of the Federal
22 Water Pollution Control Act (as redesignated by sub-
23 section (d) of this section) is amended by striking “or
24 wastewater or by treating wastewater” and inserting “,

1 wastewater, or stormwater or by treating wastewater or
2 stormwater”.

3 (f) AUTHORIZATION OF APPROPRIATIONS.—Section
4 220(k) of the Federal Water Pollution Control Act (as re-
5 designated by subsection (d) of this section) is amended
6 by striking “\$75,000,000 for fiscal years 2002 through
7 2004” and inserting “\$150,000,000”.

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

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

12 (1) in subsection (c), by striking “subsection
13 (b),” each place it appears and inserting “this sec-
14 tion,”;

15 (2) in subsection (d)—

16 (A) by striking “The Federal share” and
17 inserting the following:

18 “(1) FEDERAL SHARE.—

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

21 (B) by striking “The non-Federal share”
22 and inserting the following:

23 “(B) FINANCIALLY DISTRESSED COMMU-
24 NITIES.—The Federal share of the cost of ac-
25 tivities carried out using amounts from a grant

1 made to a financially distressed community
2 under subsection (a) shall be not less than 75
3 percent of the cost.

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

6 (3) in subsection (e), by striking “section 513”
7 and inserting “section 513, or the requirements of
8 section 608,”; and

9 (4) in subsection (f)—

10 (A) in paragraph (1), by striking “2020”
11 and inserting “2026”; and

12 (B) by adding at the end the following:

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

19 **SEC. 7. NATIONAL POLLUTANT DISCHARGE ELIMINATION**
20 **SYSTEM PERMIT TERM.**

21 Section 402(b)(1)(B) of the Federal Water Pollution
22 Control Act (33 U.S.C. 1342(b)(1)(B)) is amended to read
23 as follows:

24 “(B) are for fixed terms—

1 “(i) not exceeding 10 years, for a permit
2 issued to a State or municipality; and

3 “(ii) not exceeding 5 years, for a permit
4 issued to any person not described in clause (i);
5 and”.

6 **SEC. 8. REPORTS TO CONGRESS.**

7 Section 516(b)(1) of the Federal Water Pollution
8 Control Act (33 U.S.C. 1375(b)(1)) is amended—

9 (1) by striking “, of the cost of construction”
10 and inserting “, of (i) the cost of construction”; and

11 (2) by striking “each of the States;” and insert-
12 ing “each of the States, and (ii) the costs to imple-
13 ment measures necessary to address the resilience
14 and sustainability of publicly owned treatment works
15 to manmade or natural disasters;”.

16 **SEC. 9. INDIAN TRIBES.**

17 Section 518(c) of the Federal Water Pollution Con-
18 trol Act (33 U.S.C. 1377(c)) is amended—

19 (1) by striking paragraphs (1) and (2) and in-
20 serting the following:

21 “(1) IN GENERAL.—For each fiscal year, the
22 Administrator shall reserve, of the funds made avail-
23 able to carry out title VI (before allotments to the
24 States under section 604(a)), the greater of—

25 “(A) 2 percent of such funds; or

1 “(B) \$30,000,000.

2 “(2) USE OF FUNDS.—

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

6 “(i) projects and activities eligible for
7 assistance under section 603(c); and

8 “(ii) training, technical assistance,
9 and educational programs relating to the
10 operation and management of treatment
11 works eligible for assistance pursuant to
12 section 603(c).

13 “(B) LIMITATION.—Not more than
14 \$2,000,000 of the reserved funds may be used
15 for grants under subparagraph (A)(ii).”; and
16 (2) in paragraph (3)—

17 (A) in the header, by striking “USE OF
18 FUNDS” and inserting “ELIGIBLE ENTITIES”;
19 and

20 (B) by striking “for projects and activities
21 eligible for assistance under section 603(c) to
22 serve” and inserting “to”.

23 **SEC. 10. CAPITALIZATION GRANTS.**

24 Section 602(b) of the Federal Water Pollution Con-
25 trol Act (33 U.S.C. 1382(b)) is amended—

1 (1) in paragraph (13)(B)—

2 (A) in the matter preceding clause (i), by
3 striking “and energy conservation” and insert-
4 ing “and efficient energy use (such as through
5 the implementation of technologies to recapture
6 and reuse energy produced in the treatment of
7 wastewater)”; and

8 (B) in clause (iii), by striking “; and” and
9 inserting a semicolon;

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

12 (3) by adding at the end the following:

13 “(15) to the extent there are sufficient applica-
14 tions for projects or activities that are eligible for as-
15 sistance from the fund and are consistent with the
16 State’s intended use plan under section 606(c), and
17 with respect to which the applicant meets the min-
18 imum financial requirements to qualify for assist-
19 ance under this title, the State will use not less than
20 10 percent of the funds received by the State in cap-
21 italization grants under this title in a fiscal year for
22 projects or activities, or components thereof, to im-
23 prove the resiliency, including water and energy effi-
24 ciency, of treatment works, or to implement environ-

1 mentally innovative activities such as green infra-
2 structure.”.

3 **SEC. 11. WATER POLLUTION CONTROL REVOLVING LOAN**
4 **FUNDS.**

5 Section 603(i) of the Federal Water Pollution Control
6 Act (33 U.S.C. 1383(i)) is amended—

7 (1) in paragraph (1)—

8 (A) in the matter preceding subparagraph
9 (A), by striking “, including forgiveness of prin-
10 cipal and negative interest loans” and inserting
11 “(including in the form of forgiveness of prin-
12 cipal, negative interest loans, or grants)”; and

13 (B) in subparagraph (A)—

14 (i) in the matter preceding clause (i),
15 by striking “in assistance”; and

16 (ii) in clause (ii)(III), by striking “to
17 such ratepayers” and inserting “to help
18 such ratepayers maintain access to waste-
19 water and stormwater treatment services”;

20 (2) by amending paragraph (3) to read as fol-
21 lows:

22 “(3) **SUBSIDIZATION AMOUNTS.—**

23 “(A) **IN GENERAL.—**A State may use for
24 providing additional subsidization in a fiscal
25 year under this subsection an amount that does

1 not exceed 30 percent of the total amount re-
2 ceived by the State in capitalization grants
3 under this title for the fiscal year.

4 “(B) MINIMUM.—For each of fiscal years
5 2022 through 2026, to the extent there are suf-
6 ficient applications for additional subsidization
7 under this subsection that meet the criteria
8 under paragraph (1)(A), a State shall use for
9 providing additional subsidization in a fiscal
10 year under this subsection an amount that is
11 not less than 10 percent of the total amount re-
12 ceived by the State in capitalization grants
13 under this title for the fiscal year.”; and

14 (3) by adding at the end the following:

15 “(k) ADDITIONAL USE OF FUNDS.—

16 “(1) TECHNICAL ASSISTANCE.—A State may
17 use for providing technical assistance to publicly
18 owned treatment works serving 10,000 or fewer indi-
19 viduals in the State an amount that does not exceed
20 2 percent of the total amount allotted to the State
21 under this title for each fiscal year.

22 “(2) NEEDS SURVEY.—A State may use for ac-
23 tivities associated with the Clean Watershed Needs
24 Survey conducted pursuant to section 516(b), in-
25 cluding data collection, an amount that does not ex-

1 ceed 0.5 percent of the total amount allotted to the
2 State under this title for each fiscal year.”.

3 **SEC. 12. ALLOTMENT OF FUNDS.**

4 (a) FORMULA.—Section 604(a) of the Federal Water
5 Pollution Control Act (33 U.S.C. 1384(a)) is amended by
6 striking “each of fiscal years 1989 and 1990” and insert-
7 ing “each fiscal year”.

8 (b) WASTEWATER INFRASTRUCTURE WORKFORCE
9 DEVELOPMENT.—Section 604 of the Federal Water Pollu-
10 tion Control Act (33 U.S.C. 1384) is amended by adding
11 at the end the following:

12 “(d) WASTEWATER INFRASTRUCTURE WORKFORCE
13 DEVELOPMENT.—

14 “(1) IN GENERAL.—In each of fiscal years
15 2022 through 2026, a State may reserve up to 0.5
16 percent of the sums allotted to the State under this
17 section for the fiscal year to carry out workforce de-
18 velopment, training, and retraining activities de-
19 scribed in section 104(g).

20 “(2) REPORT TO CONGRESS.—Not later than 3
21 years after the date of enactment of this subsection,
22 the Administrator shall submit to the Committee on
23 Transportation and Infrastructure of the House of
24 Representatives and the Committee on Environment

1 and Public Works of the Senate a report con-
2 taining—

3 “(A) a list of the States that reserved and
4 used funds under paragraph (1);

5 “(B) a summary of the amounts of such
6 funds so used by such States;

7 “(C) an identification and assessment of
8 the types of efforts of such States, and the ef-
9 fectiveness of such efforts, in promoting and ac-
10 complishing workforce development, training,
11 and retraining, including the number of treat-
12 ment works operators who are certified pursu-
13 ant to such efforts; and

14 “(D) any recommendations of the Adminis-
15 trator regarding how States may improve the
16 effective use of such funds.”.

17 **SEC. 13. RESERVATION OF FUNDS FOR TERRITORIES OF**
18 **THE UNITED STATES.**

19 Title VI of the Federal Water Pollution Control Act
20 (33 U.S.C. 1381 et seq.) is amended by striking section
21 607 and inserting the following:

22 **“SEC. 607. RESERVATION OF FUNDS FOR TERRITORIES OF**
23 **THE UNITED STATES.**

24 “(a) IN GENERAL.—

1 “(1) RESERVATION.—For each fiscal year, the
2 Administrator shall reserve 1.5 percent of available
3 funds, as calculated in accordance with paragraph
4 (2).

5 “(2) CALCULATION OF AVAILABLE FUNDS.—
6 The amount of available funds shall be calculated by
7 subtracting the amount of any funds reserved under
8 section 518(c) from the amount of funds made avail-
9 able to carry out this title (before allotments to the
10 States under section 604(a)).

11 “(b) USE OF FUNDS.—Funds reserved under this
12 section shall be available only for grants to American
13 Samoa, the Commonwealth of the Northern Mariana Is-
14 lands, Guam, and the Virgin Islands for projects and ac-
15 tivities eligible for assistance under section 603(c).

16 “(c) LIMITATION.—American Samoa, the Common-
17 wealth of the Northern Mariana Islands, Guam, and the
18 Virgin Islands may not receive funds allotted under sec-
19 tion 604(a).”.

20 **SEC. 14. AUTHORIZATION OF APPROPRIATIONS.**

21 Title VI of the Federal Water Pollution Control Act
22 (33 U.S.C. 1381 et seq.) is amended by adding at the end
23 the following:

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

2 “There are authorized to be appropriated to carry out
3 this title the following sums:

4 “(1) \$2,400,000,000 for fiscal year 2022.

5 “(2) \$2,600,000,000 for fiscal year 2023.

6 “(3) \$2,800,000,000 for fiscal year 2024.

7 “(4) \$3,000,000,000 for fiscal year 2025.

8 “(5) \$3,200,000,000 for fiscal year 2026.”.

9 **SEC. 15. TECHNICAL ASSISTANCE BY MUNICIPAL OMBUDS-**
10 **MAN.**

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

14 “(1) technical and planning assistance to sup-
15 port municipalities, including municipalities that are
16 rural, small, and tribal communities, in achieving
17 and maintaining compliance with enforceable dead-
18 lines, goals, and requirements of the Federal Water
19 Pollution Control Act; and”.