

people incarcerated for drug offenses is African American or Latino. That is a fact.

More than three decades ago—and I remember this well as I served in the House at the time—Congress responded to the dramatic rise in the use of crack cocaine by dramatically increasing sentences for nonviolent drug offenders; for example, with a sentencing guideline for crack cocaine as compared to powder cocaine of 100 to 1. Well, that was it. We were going to get tough. We were going to send a message. It didn't work. The overall use of illegal drugs actually increased after we increased these penalties between 1990 and 2014, and the availability of drugs like heroin and methamphetamine, instead of going down, increased.

Senator CORY BOOKER is the chair of the Criminal Justice and Counterterrorism Subcommittee of the Senate Judiciary. He has brought these concerns to the floor of the Senate time and again. I was proud to join him as well as Senator GRASSLEY and Senator LEE. We authored the FIRST STEP Act to begin reforming our criminal justice system from the previous effort with our War on Drugs.

Senator BOOKER has raised serious concerns about extending the DEA's order when it comes to these fentanyl analogs. For example, he notes the significant racial disparity in fentanyl analog prosecutions. People of color comprise 68 percent of those being sentenced. He also notes that addiction is, in fact, a public health crisis and that we cannot prosecute ourselves out of the opioid epidemic, a lesson we should have learned with the War on Drugs.

So there is an important debate to be had about how to effectively combat the abuse of fentanyl, but we cannot resolve it today on the floor of the Senate. The DEA's authority is scheduled to expire next week, and we will be gone. Last week, the House passed a bill extending the scheduling order until October 22. Senator BOOKER has agreed not to object to the House bill so that the Senate will have an opportunity to debate the future of this DEA authority and consider other important reforms to our criminal justice system.

Mr. President, at this point, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 2630, which was received from the House and is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (H.R. 2630) to amend the Temporary Reauthorization and Study of the Emergency Scheduling of Fentanyl Analogues Act to extend until October 2021, a temporary order for fentanyl-related substances.

There being no objection, the Senate proceeded to consider the bill.

Mr. DURBIN. I ask unanimous consent that the bill be considered read a third time.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill was ordered to a third reading and was read the third time.

Mr. DURBIN. I know of no further debate on the bill.

The PRESIDING OFFICER. Is there further debate?

If not, the bill having been read the third time, the question is, Shall the bill pass?

The bill (H.R. 2630) was passed.

Mr. DURBIN. I ask unanimous consent that the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### DRINKING WATER AND WASTEWATER INFRASTRUCTURE ACT OF 2021—Continued

Ms. LUMMIS. Mr. President, I rise today to speak in strong support of the Drinking Water and Wastewater Infrastructure Act of 2021. I want to thank Environment and Public Works Ranking Member CAPITO, full committee Chairman CARPER, Chairman DUCKWORTH, and their staffs for their hard work and cooperation on this bill.

While many issues divide this Senate, clean water is not one of them. As ranking member of the Fisheries, Water, and Wildlife Subcommittee under which drinking water and wastewater jurisdiction lies, I am proud to see the work our committee has done to bring this bill to the floor today, and I especially want to thank Senator DUCKWORTH for all of her efforts to serve our communities by shepherding this bill through the Senate.

On May 17th, our committee and subcommittee held a hearing to examine the challenges facing drinking water and wastewater infrastructure throughout the Nation. We heard from witnesses that many obstacles remain in America's water quality. High among those obstacles is the lagging funding related to an aging infrastructure. The primary mechanism for financing water infrastructure is from State and local sources, including the collection of user fees, but funding has not kept pace with the growing need to address an aging system. Only 20 percent of very large utilities and 10 percent of small utilities report that they will be able to provide full-cost service in 5 years. I am proud to be a part of the team that has come together to find a solution to these problems.

While working on this issue, I learned something that might surprise a lot of Americans: The majority of our Nation's drinking water and wastewater utilities are small. Over 90 percent of the country's roughly 50,000 community water systems serve populations fewer than 10,000 people. Roughly 80 percent of America's 17,000 wastewater utilities serve populations fewer than 10,000 people. Rural and small communities like many found in my

State of Wyoming have greater difficulty affording public wastewater service due to low population density and lack of economies of scale. Rural communities also have lower median household incomes and often have higher rates of poverty, only compounding the challenge. The mandates and requirements given under the Clean Water Act and Safe Drinking Water Act can be burdensome on these small and rural communities. This bill reauthorizes a number of programs that will provide technical assistance, funding, research, and expertise for these small communities. The Circuit Rider Program, for example, has long been among our Nation's most successful public-private partnerships. The Wyoming Association of Rural Water Systems and organizations like it across the country are doing yeomen's work in delivering for our rural communities.

The Drinking Water and Wastewater Infrastructure Act unanimously passed our committee by a vote of 21 to 0. Similar legislation worked on by then-Chairman BARRASSO and Ranking Member CARPER likewise passed without any opposition last Congress.

Mr. President, I have the unique privilege of being the only Senator to sit on all three committees of jurisdiction over transportation and infrastructure. All three committees are hard at work considering the recent infrastructure plan put forward by President Biden. Let me give a brief history of the bipartisan nature of this topic.

In 2019, the EPW Committee under my fellow Senator from Wyoming JOHN BARRASSO, passed a 5-year highway funding bill unanimously out of committee. In 2018, President Trump signed the bipartisan America's Water Infrastructure Act into law. In 2016, President Obama signed the bipartisan Water Infrastructure Improvements for the Nation Act into law. In 2015 we had two bipartisan transportation bills pass into law, and in 2014 we had another bipartisan water resources bill become law.

President Biden mentioned last night that infrastructure is historically a bipartisan issue. He applauded my Republican colleagues for putting forward a good infrastructure plan of our own just last week. Our Republican bill is based on ideas that have garnered bipartisan support in the past, which makes it a perfect foundation upon which to build an infrastructure plan that could pass into law. I urge President Biden and my colleagues on the other side of the aisle to remember this as we move to an infrastructure bill.

I am proud of the work that my colleagues and I did on today's Drinking Water and Wastewater Infrastructure Act. I would like to thank my colleagues on the EPW Committee for their work, and I urge all Senators to support it.

Mrs. FEINSTEIN. Mr. President, I rise today in support of the Drinking Water and Wastewater Infrastructure

Act, S. 914, introduced by my colleague Senator DUCKWORTH. This bill would provide much needed funding for drinking water and wastewater cleanup across the country, addressing climate change and assisting underserved communities.

Millions of Americans do not have access to clean water. In California alone, it is estimated that nearly 1 million Californians do not have access to clean water from their tap. California faces unique water challenges, and in the face of climate change, drought per- and polyfluoroalkyl substances contamination, and population growth, my State's aging water infrastructure, like many others, is in need of support.

The Drinking Water and Wastewater Infrastructure Act authorizes more than \$35 billion for updating and repairing aging infrastructure, and also assisting historically underserved and marginalized communities.

Communities of color and low-income communities are more likely to lack the infrastructure to provide safe drinking water to households and prevent water contamination. For example, the farming communities of the San Joaquin Valley face a frequent danger of drought that threatens to dry up their groundwater supply.

These predominantly Latino communities also face the threat of growing nitrate levels in their ground water supplies, forcing families to forego using tap water for drinking, cooking, and even showering.

This bill would fix these disparities by funding investments and advancements in infrastructure to ensure that families have access to clean water, no matter where they live.

I am pleased that my amendment to Section 203 was included in the substitute bill. Section 203 of the base bill creates a new EPA grant program for water recycling and other sustainable water supplies that will complement the existing Bureau of Reclamation water recycling program.

In the base bill, section 203 prohibits water recycling projects that have received any Bureau of Reclamation funding from receiving EPA funding. I think it is reasonable to prohibit water districts that have received Bureau of Reclamation construction funding from also receiving construction funding from EPA.

But the base bill would also prohibit water districts from applying for EPA grants if they received even preliminary Reclamation funding years ago for feasibility studies, planning, or design.

The new EPA program is needed precisely because there is a backlog of \$800 million to \$1 billion for water recycling projects under the Bureau of Reclamation's program.

I don't believe it makes sense to prohibit water districts from accessing available EPA funding to build needed water recycling projects just because they got a little Reclamation study funding years ago.

My amendment, which Senators PADILLA and KELLY cosponsored, would ensure that water recycling projects that received Bureau of Reclamation funding for studies would still be eligible to apply for EPA funding.

I thank the bill managers for accepting this amendment into the substitute bill.

I am also pleased to vote for Senator SHAHEEN's bill and thank the Senator for her efforts to improve our nation's water infrastructure.

The PRESIDING OFFICER. The Senator from West Virginia.

Mrs. CAPITO. Mr. President, this week on the Senate floor, my colleagues and I have explained how the Drinking Water and Wastewater Infrastructure Act of 2021 would make significant improvements to our country's water infrastructure.

After a bipartisan, regular order legislative and amendment process, we move to final consideration.

This legislation makes meaningful progress on our drinking water and wastewater challenges that will benefit the States represented by every single one of us.

It invests heavily in the State revolving loan funds to give our States that flexibility they need in their funding.

It creates a new grant program specifically for small and disadvantaged communities to upgrade their systems, fix leaky pipes, and prevent water loss.

It helps connect low-income households to public water systems or helps them to get new and better septic tanks.

It supports water infrastructure projects on Indian reservation lands and in Alaskan Native villages.

It provides assistance to remove and replace lead pipes, as well as lead testing in schools and childcare centers.

It encourages the next generation to be a part of that water infrastructure workforce that is so critical.

All of the investments represent the EPW's shared goals of improving public health and fostering economic growth in all of our communities.

These are just a few of the provisions which I wanted to highlight and which are informed by particular challenges facing our water systems in the State of West Virginia, but based on the feedback from all of our colleagues in both parties and the groundswell of support we have seen from various water advocacy groups, it is clear that these provisions will have broad applicability to help communities all across the United States. It is why we have such a diverse and growing coalition of more than 70 supporters, from water systems to local governments, to industry, to labor, to environmental organizations.

Before I wrap up, I would like to thank my colleague and chairman of our committee and West Virginia-born Chairman TOM CARPER.

This legislation represents, I think, a fantastic first effort for our ongoing work together to address the major concerns of the American people when

it comes to infrastructure and the environment, and in a thoughtful and fiscally responsible fashion.

His staff has been engaged and candid with mine throughout this entire process. So, in particular, I would like to thank John Kane, the lead for Chairman CARPER's water team, and his colleague Annie D'Amato, as well as Tyler Hoffman-Reardon and Mackie McIntosh, who provided support throughout these negotiations. So thank you. Chairman CARPER's team is led by staff director Mary Frances Repko, who brought her wealth of experience to bear on this process as well.

I would certainly like to take time to highlight the members of my team, who worked long hours, nights and weekends, to deliver this legislation—Jess Kramer, EPW Republican water counsel, and Travis Cone, who is here with me today, my Republican deputy staff director and lead for our environmental team. They led the negotiations on our side and brought us to where we are today.

They had strong assistance from our staff director, Adam Tomlinson, as well as chief counsel Elizabeth Horner, as well as Max Hyman, one of our policy staff who contributed to the language we see today in this bill.

I would like to also thank and congratulate Fisheries, Water, and Wildlife Subcommittee Chair TAMMY DUCKWORTH and Ranking Member CYNTHIA LUMMIS and their staffs for their hard work on this bill. They are two of my colleagues from my House days, and I am so glad that all of us are working together again on the same committee, no less, here in the U.S. Senate.

I also appreciate Transportation and Infrastructure Subcommittee Chair BEN CARDIN, whom I have worked with on a lot of these issues previously, and also my good friend Ranking Member KEVIN CRAMER for providing a lot of input into this legislation.

This has absolutely been a team effort. It is what we are here for, to work together. I look forward to our team racking up a lot more wins in infrastructure and beyond over the course of the 117th Congress.

In closing, I just want to reiterate again that passing this bipartisan bill in a bipartisan way is also very important. We know it is more than symbolic, but there is symbolism, I think, here because it shows the American people what we hear all the time when we go home: that their elected officials in Congress can work together and collaboratively on issues such as infrastructure. The bill represents the solid work that comes out of good-faith negotiations.

Chairman CARPER and I worked together and never took our eye off of the mutual goal—a bipartisan bill that can pass both Chambers and be signed into law. We are here today with that bill. I am proud to be Chairman CARPER's partner, and I appreciate his leadership.

I hope that as we move forward with other infrastructure packages, we remember this moment. We know the next couple of weeks and months are going to be tough, but we can do tough things to deliver for the American people. That is what we were sent here to do.

So, again, I urge my colleagues to vote yes on this legislation, and I hope we continue in this spirit.

I yield the floor, or I yield to my partner, Chairman CARPER.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Mr. President, I don't want to trivialize this important moment, but I am tempted to say: I am TOM CARPER, and I approve this message. But I won't say that, but I certainly do approve this message.

So pretty remarkable. We have three Members of our body who were born in West Virginia, and one is the daughter of a former Governor of our State and maybe the mother of a future Governor of our State. We will have to wait and see.

We have another former Governor of West Virginia who serves here with us and whose wife Gayle actually was in the same high school graduating class with my first cousin Dan Patton. It is really kind of incestuous. But people ask why we get along so well, and I am reminded of the words of Joe Biden. He and I rode the train together a lot of years to Delaware and back when I joined him in the Senate and in the House before that. Joe likes to say—the President likes to say that all politics is personal. He says that all diplomacy is personal as well. And I think you see a little bit of that at work here, and it is just a good reminder for all of us.

Before we vote here in a couple minutes, I just want to express once again my support for the legislation before us, the Drinking Water and Wastewater Infrastructure Act of 2021.

I am a firm believer that actions do speak louder than words, so before we move to a vote, let me close by saluting the unanimous action taken by the Committee on Environment and Public Works on this bill.

Every member of the committee, all of us, every one of us, had a hand in crafting the legislation with the help of our staff—half of us Democrats, half of us Republicans.

First of all, the committee members worked together to formulate legislation that would reauthorize critical financing mechanisms for drinking water and wastewater infrastructure across our country.

In bipartisan negotiations, we addressed the fundamental needs of the communities that have been left behind by our past efforts to address clean water, and we have—or at least we sought to try to ensure with this bill that rural and disadvantaged and Tribal communities will have the needed resources they need to access the same safe water that the rest of us

really take for granted most of the time.

After all those efforts involving members on both sides of our committee dais and many of our colleagues throughout this body, we reported this much needed legislation to the full Senate by unanimous vote, 20 to 0. That is right, 20 to 0. The bill we hope to take up today passed out of our committee unanimously. In fact, the Republicans like this bipartisan bill so much that they included it in their infrastructure proposal, and President Biden supports this legislation as a good first step forward. He reminded us of that last night in his address.

We just don't see this kind of bipartisanship often enough, and I think—I talked earlier about how we are leaders. We have a responsibility to lead by example. That is what I was trained to do in the Navy and a lot of us as well—lead by example. We are trying to do that here today.

That remarkable consensus is why this bill is so worthy of our support. The benefit that it provides will reach all corners of our Nation. This legislation will be a boon not just to our towns and not just to our cities but also to our rural communities. It will help ensure the healthy environment necessary for our collective happiness, vitality, and long-term success, no matter where we live. You know what it says in the Declaration of Independence. Life, liberty, and the pursuit of happiness. This is part of that. Without water, we just don't have any of those things.

Not only does the Drinking Water and Wastewater Infrastructure Act of 2021 provide the resources we need to build, the resources we need to upgrade, the resources we need to expand critical infrastructure, but it also ensures that we make a substantial investment in projects that will withstand the increasingly harsh weather events—be they storms, be they floods, freezing cold snaps, droughts—that have plagued places like Texas and Mississippi in recent weeks and months.

As all my colleagues in this body are aware, the ravages of changing climate in the form of devastating weather could hit any of our communities at any time and in many cases already have.

There is a good reason why groups like the U.S. Conference of Mayors on the one hand, the U.S. Chamber of Commerce on the other hand, and the National Wildlife Federation support this legislation.

I mentioned earlier on the floor the American Society of Civil Engineers, which gave our water systems a D—I think a D-minus average grade on the 2021 report card on the state of our Nation's infrastructure. This is what they say about this bill after giving us I think a D-minus average grade on our Nation's infrastructure. Here is what they said about this legislation. Senator CAPITO, here is what they said:

... critical if we are to improve our nation's aging water systems and ensure that they continue to provide and protect public health, welfare, and safety.

There is plenty in it to inspire the Rural Community Assistance Partnership to say the organization is "proud to support this bill because Americans deserve clean, safe, reliable, and affordable drinking water, regardless of their community's size or zip code." Colleagues, I couldn't agree more.

This measure reauthorizes and increases funding for the bedrock Federal water and wastewater infrastructure financing problems—the drinking water and clean water State revolving funds. In the case of the Clean Water Fund, this is the first reauthorization of the Clean Water Fund in 35 years—35 years.

Local government leaders, policy experts, and advocates from all parts of our country and all political stripes also support our bill because it would invest \$500 billion to ensure water infrastructure systems are more resilient in the face of extreme weather events.

These leaders are urging us to pass this legislation because it expands the government's role in researching and developing the water technologies of tomorrow, opening the door to economic opportunity and jobs across this country.

Finally, millions of Americans—too many Americans, millions of them—cannot trust the water when they turn on their taps. Most of us turned on our tap water this morning either at our homes or our bathrooms or wherever and maybe in our offices and we drank the water and we didn't think anything of it. We knew it was fine and it was safe. Too many people in this country—millions of them, in fact—don't have that benefit.

I think we have a moral responsibility to help make sure that everyone in our Nation—it doesn't matter what their ZIP Code is. It doesn't matter their race. It doesn't matter what their income is. We have a moral obligation to make sure they have access to clean, safe water.

The Golden Rule—treat other people the way we want to be treated—very much is part of this and guides, I think, all of us.

With this legislation, we can move forward on that effort and, in doing so, create jobs, foster innovation, and protect our public health all at once.

I am proud of our bill. I am proud of all the work that has gone into it and proud of the bipartisan process to produce it with our colleagues that led us here. I hope our colleagues agree that it is worthy of the same bipartisan support on the Senate floor as it received in committee.

Nothing is perfect. What do they say in the Constitution? What did the Framers say? In order to form a more perfect Union? Well, I have never been part of writing or co-writing a perfect bill. This was not perfect, and there are obviously some changes that—we can make it better—some changes that we

will discuss with our colleagues on the committee, off the committee, and with our friends in the House and the administration. But this is a good start. This is a very good start. And we look forward to the next step in this process, and I would ask everyone to please join us in voting yes.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The majority leader.

Mr. SCHUMER. First, Mr. President, it was good when I walked in—it felt really good when I walked in a few hours ago as we were voting, and I saw Mr. CARPER, Senator CARPER, the chairman of the EPW Committee, sitting here and Senator CAPITO, the ranking member, sitting there, working together to make sure that this bill passed and working together to defeat some amendments that might have hurt the whole bill's chance of passing. That is how it used to be around here all the time, and it is good to see it. And I thank both the chair and the ranking member for doing that as well as the whole Senate as well, including Leader MCCONNELL. We are trying to work in a bipartisan way whenever we can, and this bill is a classic example.

First, its importance, of course, is paramount—and I will get to that in a minute—but, second, the fact that we can come together on an important bill that is a part of the Build Back Better plan is something that I think Members on both sides of the aisle can be very happy about, and Americans should be happy about as well.

It doesn't mean that we will be able to do the whole thing bipartisan, but we will do as much as we can—as much as we can.

And this bill is an important one. Clean water is vital to the American people and to their health, and for too long we have tolerated lead in the water of too many. When lead gets into the water of young people, it can certainly cause health problems in later years. All too often, it occurs in poorer communities and communities of color.

This bill, in a bipartisan way, says we are going to come together and get the lead out—get the lead out of our pipes, get the lead out of our faucets, get the lead out of our water. That is an important part of this bill.

And the second part of the bill is, you know, water is very, very important to bringing businesses. Upstate New York, we are trying to attract businesses. One of the first things a business will ask is: Do you have some land available that has water and sewer? When you can say yes, you have a much better chance of attracting businesses to

those communities that definitely need new jobs.

And, finally, of course, we all depend on water in our daily lives, and many of the systems are old. They are a century old. Many of our local governments no longer have the dollars to do this on their own. So having a bill that is robust, that helps them, is very, very important.

I would finally note that the bill that we are voting on today is very much—very similar to the proposal made by some of the Republican leaders when they put together a proposal to President Biden.

So, again, closing on the note I opened with, the happy bipartisanship that marks this bill is a very good thing, and I hope it can continue.

I yield the floor, and I ask unanimous consent that the rollcall vote begin now.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

#### VOTE ON S. 914, AS AMENDED

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill, as amended, pass?

Mr. SCHUMER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Washington (Ms. CANTWELL), the Senator from Maryland (Mr. CARDIN), and the Senator from Maryland (Mr. VAN HOLLEN) are necessarily absent.

Mr. THUNE. The following Senators are necessarily absent: the Senator from North Dakota (Mr. CRAMER), the Senator from Kansas (Mr. MORAN), the Senator from Kentucky (Mr. PAUL), the Senator from South Dakota (Mr. ROUNDS), the Senator from Alabama (Mr. SHELBY), and the Senator from North Carolina (Mr. TILLIS).

The result was announced—yeas 89, nays 2, as follows:

[Rollcall Vote No. 178 Leg.]

#### YEAS—89

Baldwin  
Barrasso  
Bennet  
Blackburn  
Blumenthal  
Blunt  
Booker  
Boozman  
Braun  
Brown  
Burr  
Capito  
Carper  
Casey  
Cassidy  
Collins  
Coons  
Cornyn  
Cortez Masto  
Cotton

Crapo  
Daines  
Duckworth  
Durbin  
Ernst  
Feinstein  
Fischer  
Gillibrand  
Graham  
Grassley  
Hagerty  
Hassan  
Hawley  
Heinrich  
Hickenlooper  
Hirono  
Hoeven  
Hyde-Smith  
Inhofe  
Johnson

Kaine  
Kelly  
Kennedy  
King  
Klobuchar  
Lankford  
Leahy  
Lujan  
Lummis  
Manchin  
Markley  
Marshall  
McConnell  
Menendez  
Merkley  
Murkowski  
Murphy  
Murray  
Ossoff  
Padilla

Peters  
Portman  
Reed  
Risch  
Romney  
Rosen  
Rubio  
Sanders  
Sasse  
Schatz

Schumer  
Scott (FL)  
Scott (SC)  
Shaheen  
Sinema  
Smith  
Stabenow  
Sullivan  
Tester  
Thune

Toomey  
Tuberville  
Warner  
Warnock  
Warren  
Whitehouse  
Wicker  
Wyden  
Young

#### NAYS—2

Cruz

Lee

#### NOT VOTING—9

Cantwell  
Cardin  
Cramer

Moran  
Paul  
Rounds

Shelby  
Tillis  
Van Hollen

The PRESIDING OFFICER (Ms. ROSEN). On this vote, the yeas are 89, the nays are 2.

The 60-vote threshold having been achieved, the bill is passed, as amended.

The bill (S. 914), as amended, was passed, as follows:

#### S. 914

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Drinking Water and Wastewater Infrastructure Act of 2021”.

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

Sec. 1. Short title; table of contents.

Sec. 2. Definition of Administrator.

#### TITLE I—DRINKING WATER

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

Sec. 102. Drinking water State revolving loan funds.

Sec. 103. Source water petition program.

Sec. 104. Assistance for small and disadvantaged communities.

Sec. 105. Reducing lead in drinking water.

Sec. 106. Operational sustainability of small public water systems.

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

Sec. 108. Needs assessment for nationwide rural and urban low-income community water assistance.

Sec. 109. Rural and low-income water assistance pilot program.

Sec. 110. Lead contamination in school drinking water.

Sec. 111. Indian reservation drinking water program.

Sec. 112. Advanced drinking water technologies.

Sec. 113. Cybersecurity support for public water systems.

Sec. 114. State response to contaminants.

Sec. 115. Annual study on boil water advisories.

#### TITLE II—CLEAN WATER

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

Sec. 202. Wastewater efficiency grant pilot program.

Sec. 203. Pilot program for alternative water source projects.

Sec. 204. Sewer overflow and stormwater reuse municipal grants.

Sec. 205. Clean water infrastructure resilience and sustainability program.

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

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

- Sec. 208. Grants for construction and refurbishing of individual household decentralized wastewater systems for individuals with low or moderate income.
- Sec. 209. Connection to publicly owned treatment works.
- Sec. 210. Clean water State revolving funds.
- Sec. 211. Water infrastructure and workforce investment.
- Sec. 212. Grants to Alaska to improve sanitation in rural and Native villages.
- Sec. 213. Water data sharing pilot program.
- Sec. 214. Final rating opinion letters.
- Sec. 215. Water infrastructure financing reauthorization.
- Sec. 216. Small and disadvantaged community analysis.
- Sec. 217. Stormwater infrastructure technology.
- Sec. 218. Water Reuse Interagency Working Group.
- Sec. 219. Advanced clean water technologies study.
- Sec. 220. Clean watersheds needs survey.
- Sec. 221. Water Resources Research Act amendments.
- Sec. 222. Enhanced aquifer use and recharge.

## 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.

Section 1442 of the Safe Drinking Water Act (42 U.S.C. 300j-1) is amended—

(1) in subsection (a), by adding at the end the following:

“(11) COMPLIANCE EVALUATION.—

“(A) IN GENERAL.—Not later than 1 year after the date of enactment of the Drinking Water and Wastewater Infrastructure Act of 2021, the Administrator shall—

“(i) evaluate, based on the compliance data found in the Safe Drinking Water Information System of the Administrator, the compliance of community water systems and wastewater systems with environmental, health, and safety requirements under this title, including water quality sampling, testing, and reporting requirements; and

“(ii) submit to Congress a report describing trends seen as a result of the evaluation under clause (i), including trends that demonstrate how the characteristics of community water systems and wastewater systems correlate to trends in compliance or non-compliance with the requirements described in that clause.

“(B) REQUIREMENT.—To the extent practicable, in carrying out subparagraph (A), the Administrator shall determine whether, in aggregate, community water systems and wastewater systems maintain asset management plans.”;

(2) in subsection (b), in the first sentence—

(A) by inserting “(including an emergency situation resulting from a cybersecurity event)” after “emergency situation”; and

(B) by inserting “, including a threat to public health resulting from contaminants, such as, but not limited to, heightened exposure to lead in drinking water” after “public health”;

(3) by striking subsection (d) and inserting the following:

“(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.”;

(4) in subsection (e), by striking paragraph (5) and inserting the following:

“(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.”;

(5) by redesignating subsection (f) as subsection (g); and

(6) by inserting after subsection (e) the following:

“(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.”.

### SEC. 102. DRINKING WATER STATE REVOLVING LOAN FUNDS.

(a) DRINKING WATER STATE REVOLVING FUNDS CAPITALIZATION GRANT REAUTHORIZATION.—Section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j-12) is amended—

(1) in subsection (a)(4)(A), by striking “During fiscal years 2019 through 2023, funds” and inserting “Funds”;

(2) in subsection (m)(1)—

(A) in subparagraph (B), by striking “and”;

(B) in subparagraph (C), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

“(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.”;

(3) in subsection (q), by striking “2016 through 2021” and inserting “2022 through 2026”.

(b) ASSISTANCE FOR DISADVANTAGED COMMUNITIES.—Section 1452(d) of the Safe Drinking Water Act (42 U.S.C. 300j-12(d)) is amended—

(1) in paragraph (1)—

(A) by striking “Notwithstanding any” and inserting the following:

“(A) IN GENERAL.—Notwithstanding any”;

(B) in subparagraph (A) (as so designated), by inserting “, grants, negative interest loans, other loan forgiveness, and through buying, refinancing, or restructuring debt” after “forgiveness of principal”; and

(C) by adding at the end the following:

“(B) EXCLUSION.—A loan from a State loan fund with an interest rate equal to or greater than 0 percent shall not be considered additional subsidization for purposes of this subsection.”; and

(2) in paragraph (2), by striking subparagraph (B) and inserting the following:

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

### SEC. 103. SOURCE WATER PETITION PROGRAM.

Section 1454 of the Safe Drinking Water Act (42 U.S.C. 300j-14) is amended—

(1) in subsection (a)—

(A) in paragraph (1)(A), in the matter preceding clause (i), by striking “political subdivision of a State,” and inserting “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),”;

(B) in paragraph (4)(D)(i), by inserting “(including a county that is designated by the State to act on behalf of an unincorporated area within that county)” after “of the State”; and

(C) by adding at the end the following:

“(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.”; and

(2) in subsection (e), in the first sentence, by striking “2021” and inserting “2026”.

### SEC. 104. ASSISTANCE FOR SMALL AND DISADVANTAGED COMMUNITIES.

(a) EXISTING PROGRAMS.—Section 1459A of the Safe Drinking Water Act (42 U.S.C. 300j-19a) is amended—

(1) in subsection (b)(2)—

(A) in subparagraph (B), by striking “and” at the end;

(B) in subparagraph (C), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

“(D) the purchase of point-of-entry or point-of-use filters and filtration systems that are certified by a third party 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.”;

(2) in subsection (c), in the matter preceding paragraph (1), by striking “An eligible entity” and inserting “Except for purposes of subsections (j) and (m), an eligible entity”;

(3) in subsection (g)(1), by striking “to pay not less than 45 percent” and inserting “except as provided in subsection (1)(5) and subject to subsection (h), to pay not less than 10 percent”;

(4) by striking subsection (k) and inserting the following:

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

“(1) \$70,000,000 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.”; and

(5) in subsection (1)—

(A) in paragraph (2)—

(i) by striking “The Administrator may” and inserting “The Administrator shall”; and

(ii) by striking “fiscal years 2019 and 2020” and inserting “fiscal years 2022 through 2026”;

(B) in paragraph (5), by striking “\$4,000,000 for each of fiscal years 2019 and 2020” and inserting “\$25,000,000 for each of fiscal years 2022 through 2026”;

(C) by redesignating paragraph (5) as paragraph (6); and

(D) by inserting after paragraph (4) the following:

“(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.”

(b) CONNECTION TO PUBLIC WATER SYSTEMS.—Section 1459A of the Safe Drinking Water Act (42 U.S.C. 300j-19a) is amended by adding at the end the following:

“(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) 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.

“(5) REPORT.—Not later than 3 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.

“(6) 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.”

(c) COMPETITIVE GRANT PILOT PROGRAM.—Section 1459A of the Safe Drinking Water Act (42 U.S.C. 300j-19a) (as amended by subsection (b)) is amended by adding at the end the following:

“(n) STATE COMPETITIVE GRANTS FOR UNDERSERVED COMMUNITIES.—

“(1) IN GENERAL.—In addition to amounts authorized to be appropriated under sub-

section (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. 105. REDUCING LEAD IN DRINKING WATER.

Section 1459B of the Safe Drinking Water Act (42 U.S.C. 300j-19b) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking subparagraph (D) and inserting the following:

“(D) a qualified nonprofit organization with experience in lead reduction, as determined by the Administrator; and”;

(B) in paragraph (2)(A)—

(i) in clause (i), by striking “publicly owned”; and

(ii) by striking clause (iii) and inserting the following:

“(iii) providing assistance to eligible entities to replace lead service lines, with priority for disadvantaged communities based on the affordability criteria established by the applicable State under section 1452(d)(3), low-income homeowners, and landlords or property owners providing housing to low-income renters.”; and

(C) in paragraph (3), by striking “an individual provided”;

(2) in subsection (b)—

(A) in paragraph (5)—

(i) in subparagraph (A), by striking “to provide assistance” and all that follows through the period at the end and inserting “to replace lead service lines, with first priority given to assisting disadvantaged communities based on the affordability criteria established by the applicable State under section 1452(d)(3), low-income homeowners, and landlords or property owners providing housing to low-income renters.”; and

(ii) in subparagraph (B), by striking “line” and inserting “lines”; and

(B) in paragraph (6)—

(i) in subparagraph (A), by striking “any publicly owned portion of”;

(ii) in subparagraph (C), in the matter preceding clause (i)—

(I) by striking “may” and inserting “shall”;

(II) by inserting “and may, for other homeowners,” after “low-income homeowner.”; and

(III) by striking “a cost that” and all that follows through the semicolon at the end of clause (ii) and inserting “no cost to the homeowner”;

(iii) in subparagraph (D), by striking “and” at the end;

(iv) in subparagraph (E), by striking “other options” and all that follows through the period at the end and inserting “feasible alternatives for reducing the concentration of lead in drinking water, such as corrosion control; and”;

(v) by adding at the end the following:

“(F) shall notify the State of any planned replacement of lead service lines under this program and coordinate, where practicable, with other relevant infrastructure projects.”;

(3) in subsection (d)—

(A) by inserting “(except for subsection (d))” after “this section”; and

(B) by striking “\$60,000,000 for each of fiscal years 2017 through 2021” and inserting “\$100,000,000 for each of fiscal years 2022 through 2026”;

(4) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively; and

(5) by inserting after subsection (c) the following:

“(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 than 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.”.

**SEC. 106. OPERATIONAL SUSTAINABILITY OF SMALL PUBLIC WATER SYSTEMS.**

Part E of the Safe Drinking Water Act (42 U.S.C. 300j et seq.) is amended by adding at the end the following:

**“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 potable 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’, for the purposes of this section, 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 provided 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 the award of 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 improve 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. 107. MIDSIZE AND LARGE DRINKING WATER SYSTEM INFRASTRUCTURE RESILIENCE AND SUSTAINABILITY PROGRAM.**

Part E of the Safe Drinking Water Act (42 U.S.C. 300j et seq.) (as amended by section 106) is amended by adding at the end the following:

**“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 10,000 or more.

“(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;

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

“(8) the formation of regional water partnerships to collaboratively address documented water shortages.

“(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) equal to or 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. 108. NEEDS ASSESSMENT FOR NATIONWIDE RURAL AND URBAN LOW-INCOME COMMUNITY WATER ASSISTANCE.**

(a) DEFINITIONS.—In this section and section 109:

(1) COMMUNITY WATER SYSTEM.—The term “community water system” has the meaning given the term in section 1401 of the Safe Drinking Water Act (42 U.S.C. 300f).

(2) LARGE WATER SERVICE PROVIDER.—The term “large water service provider” means a community water system, treatment works, or municipal separate storm sewer system that serves more than 100,000 people.

(3) MEDIUM WATER SERVICE PROVIDER.—The term “medium water service provider” means a community water system, treatment works, or municipal separate storm sewer system that serves more than 10,000 people and not more than 100,000 people.

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

(5) QUALIFYING HOUSEHOLD.—The term “qualifying household” means a household that—

(A) includes an individual who is—

(i) the holder of an account for drinking water or wastewater service that is provided to that household by a large water service provider, a medium water service provider, or a rural water service provider; or

(ii) separately billed by a landlord that holds an account with a large water service provider, a medium water service provider, or a rural water service provider for the cost of drinking water or wastewater service pro-

vided to that household by the respective large water service provider, medium water service provider, or rural water service provider; and

(B) is determined—

(i) by a large water service provider, a medium water service provider, or a rural water service provider to be eligible for assistance through a low-income ratepayer assistance program;

(ii) by the Governor of the State in which the household is located to be low-income, based on the affordability criteria established by the State under section 1452(d)(3) of the Safe Drinking Water Act (42 U.S.C. 300j-12(d)(3));

(iii) by the Administrator to experience drinking water and wastewater service costs that exceed the metrics of affordability established in the most recent guidance of the Administrator entitled “Financial Capability Assessment Guidance”; or

(iv) in the case of a household serviced by a rural water service provider, by the State in which the household is located to have an annual income that does not exceed the greater of—

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

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

(6) RURAL WATER SERVICE PROVIDER.—The term “rural water service provider” means a community water system, treatment works, or municipal separate storm sewer system that serves not more than 10,000 people.

(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).

(b) STUDY; REPORT.—

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

(A) are serviced by rural water service providers, medium water service providers, or large water service providers that service a disproportionate percentage, as determined by the Administrator, of qualifying households with need; or

(B) as determined by the Administrator, have taken on an unsustainable level of debt due to customer nonpayment for the services provided by a large water service provider, a medium water service provider, or a rural water service provider.

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

(A) a definition of the term “affordable access to water services”;;

(B) a description of the criteria used in defining “affordable access to water services” under subparagraph (A);

(C) a definition of the term “lack of affordable access to water services”;;

(D) a description of the methodology and criteria used in defining “lack of affordable access to water services” under subparagraph (C);

(E) a determination of the prevalence of a lack of affordable access to water services, as defined under subparagraph (C);

(F) the methodology and criteria used to determine the prevalence of a lack of affordable access to water services under subparagraph (E);

(G) any additional information with respect to the affordable access to water services, as defined under subparagraph (A), provided by rural water service providers, medium water service providers, and large water service providers;

(H) with respect to the development of the report, a consultation with all relevant

stakeholders, including rural advocacy associations;

(I) recommendations of the Administrator regarding the best methods to reduce the prevalence of a lack of affordable access to water services, as defined under subparagraph (C); and

(J) a description of the cost of each method described in subparagraph (I).

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

#### **SEC. 109. RURAL AND LOW-INCOME WATER ASSISTANCE PILOT PROGRAM.**

(a) DEFINITIONS.—In this section:

(1) ELIGIBLE ENTITY.—The term “eligible entity” means—

(A) a municipality, Tribal government, or other entity that—

(i) owns or operates a community water system, treatment works, or municipal separate storm sewer system; or

(ii) as determined by the Administrator, has taken on an unsustainable level of debt due to customer nonpayment for the services provided by a community water system, treatment works, or municipal separate storm sewer system; and

(B) a State exercising primary enforcement responsibility over a rural water service provider under the Safe Drinking Water Act (42 U.S.C. 300f et seq.) or the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), as applicable.

(2) PILOT PROGRAM.—The term “pilot program” means the pilot program established by the Administrator under subsection (b)(1).

(3) WATER SERVICES NEEDS ASSESSMENT.—The term “water services needs assessment” means the report required under section 108(b)(1).

(b) ESTABLISHMENT.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Administrator shall establish a pilot program to award grants to eligible entities to develop and implement programs to assist qualifying households with need in maintaining access to drinking water and wastewater treatment.

(2) REQUIREMENT.—In establishing the pilot program, the Administrator shall ensure that data from 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 108(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) not more than 8 shall be to eligible entities that own, operate, or exercise primary enforcement responsibility over a rural water service provider under the Safe Drinking Water Act (42 U.S.C. 300f et seq.) or the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), as applicable;

(B) not more than 8 shall be to eligible entities that own or operate a medium water service provider;

(C) not more than 8 shall be to eligible entities that own or operate a large water service provider that serves not more than 500,000 people;

(D) not more than 8 shall be to eligible entities that own or operate a large water service provider that serves more than 500,000 people; and

(E) not more than 8 shall be to eligible entities that own or operate a community water system, treatment works, or municipal separate storm sewer system that services a disadvantaged community (consistent with the affordability criteria established by the applicable State under section 1452(d)(3) of the Safe Drinking Water Act (42 U.S.C. 300j-12(d)(3)) or section 603(i)(2) of the Federal Water Pollution Control Act (33 U.S.C. 1383(i)(2)), as applicable).

(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) serve a disproportionate percentage, as determined by the Administrator, of qualifying households with need, as identified in the water services needs assessment;

(B) are subject to State or Federal enforcement actions relating to compliance with the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) or the Safe Drinking Water Act (42 U.S.C. 300f et seq.); or

(C) maintain or participate in an existing community assistance program with objectives similar to the objectives of the pilot program, as determined by the Administrator.

(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;

(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 support 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. 110. LEAD CONTAMINATION IN SCHOOL DRINKING WATER.

Section 1464 of the Safe Drinking Water Act (42 U.S.C. 300j-24) is amended—

(1) in subsection (b)—

(A) in the first sentence, by inserting “public water systems and” after “to assist”; and

(B) in the third sentence, by inserting “public water systems,” after “schools,”; and

(2) in subsection (d)—

(A) in the subsection heading, by inserting “AND REDUCTION” after “LEAD TESTING”; and

(B) in paragraph (2)—

(i) in subparagraph (A), by striking “the Administrator” and all that follows through the period at the end and inserting the following: “the Administrator shall establish a voluntary school and child care program lead testing, compliance monitoring, and lead reduction grant program to make grants available to—

“(i) States to assist local educational agencies, 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 for and remediation of lead contamination in drinking water at schools and child care programs under the jurisdiction of those 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)), public water systems that serve schools and child care programs under the jurisdiction of those tribal education agencies, and qualified nonprofit organizations in voluntary testing or compliance monitoring for and remediation of lead contamination in drinking water at schools and child care programs under the jurisdiction of those tribal education agencies.”; and

(ii) in subparagraph (B)—

(I) in the matter preceding clause (i), by inserting “or compliance monitoring for or remediation of lead contamination” after “voluntary testing”; and

(II) in clause (i), by striking “or” at the end;

(III) in clause (ii), by striking the period at the end and inserting a semicolon; and

(IV) by adding at the end the following:

“(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;

“(III) assists schools with carrying out projects to remediate lead contamination in drinking water; or

“(IV) 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.”;

(C) in paragraphs (3), (5), (6), and (7), by striking “State or local educational agency” each place it appears and inserting “State, local educational agency, public water system, tribal consortium, or qualified nonprofit organization”;

(D) in paragraph (4)—

(i) by striking “States and local educational agencies” and inserting “States, local educational agencies, public water systems, tribal consortia, and qualified nonprofit organizations”; and

(ii) by inserting “or the remediation of” after “testing for”;

(E) in paragraph (6)—

(i) in the matter preceding subparagraph (A)—

(I) by striking “State or local educational agency” and inserting “State, local educational agency, public water system, tribal consortium, or qualified nonprofit agency”; and

(II) by inserting “, public water system, tribal consortium, or qualified nonprofit organization” after “each local educational agency”;

(ii) in subparagraph (A)(ii)—

(I) by inserting “or tribal” after “applicable State”; and

(II) by striking “reducing lead” and inserting “voluntary testing or compliance monitoring for and remediation of lead contamination”; and

(iii) in subparagraph (B)(i), by inserting “applicable” before “local educational agency”;

(F) in paragraph (7), by striking “testing for” and inserting “testing or compliance monitoring for or remediation of”; and

(G) by striking paragraph (8) and inserting the following:

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

“(A) \$30,000,000 for fiscal year 2022;

“(B) \$35,000,000 for fiscal year 2023;

“(C) \$40,000,000 for fiscal year 2024;

“(D) \$45,000,000 for fiscal year 2025; and

“(E) \$50,000,000 for fiscal year 2026.”.

## SEC. 111. INDIAN RESERVATION DRINKING WATER PROGRAM.

Section 2001 of the America's Water Infrastructure Act of 2018 (42 U.S.C. 300j-3c note; Public Law 115-270) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking “Subject to the availability of appropriations, the Administrator of the Environmental Protection Agency” and inserting “The Administrator of the Environmental Protection Agency (referred to in this section as the ‘Administrator’)”; and

(B) by striking “to implement” in the matter preceding paragraph (1) and all that follows through the period at the end of paragraph (2) and inserting “to implement eligible projects described in subsection (b).”;

(2) in subsection (b), by striking paragraph (2) and inserting the following:

“(2) that will—

“(A) improve water quality, water pressure, or water services through means such as connecting to, expanding, repairing, improving, or obtaining water from a public water system (as defined in section 1401 of the Safe Drinking Water Act (42 U.S.C. 300f)); or

“(B) improve water quality or sanitation or wastewater services at a treatment works (as defined in section 212 of the Federal Water Pollution Control Act (33 U.S.C. 1292)).”;

(3) by redesignating subsection (d) as subsection (g);

(4) by striking subsection (c) and inserting the following:

“(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) PRIORITY.—In selecting projects to carry out under this section, the Administrator shall give priority to projects that—

“(1) respond to emergency situations occurring due to or resulting in a lack of access to clean drinking water that threatens the health of Tribal populations;

“(2) would serve a Tribal population that would qualify as a disadvantaged community based on the affordability criteria established by the applicable State under section 1452(d)(3) of the Safe Drinking Water Act (42 U.S.C. 300j–12(d)(3)); or

“(3) would address the underlying factors contributing to—

“(A) an enforcement action commenced pursuant to the Safe Drinking Water Act (42 U.S.C. 300f et seq.) against the applicable public water system (as defined in section 1401 of that Act (42 U.S.C. 300f)) as of the date of enactment of the Drinking Water and Wastewater Infrastructure Act of 2021; or

“(B) an enforcement action commenced pursuant to the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) against the applicable treatment works (as defined in section 212 of that Act (33 U.S.C. 1292)) as of the date of enactment of the Drinking Water and Wastewater Infrastructure Act of 2021.

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

“(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 established under subsection (a), which shall include a description of the use and deployment of amounts made available under that program.”; and

(5) in subsection (g) (as so redesignated)—  
(A) by striking “There is” and inserting “There are”;

(B) by striking “subsection (a) \$20,000,000” and inserting the following: “subsection (a)—  
“(1) \$20,000,000”;

(C) in paragraph (1) (as so designated), by striking “2022.” and inserting “2021; and”;

(D) by adding at the end the following:  
“(2) \$50,000,000 for each of fiscal years 2022 through 2026.”.

#### SEC. 112. ADVANCED DRINKING WATER TECHNOLOGIES.

Part E of the Safe Drinking Water Act (42 U.S.C. 300j et seq.) (as amended by section 107) is amended by adding at the end the following:

#### “SEC. 1459G. 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) a community described in section 1459A(c)(2);

“(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 the 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.”.

#### SEC. 113. CYBERSECURITY SUPPORT FOR PUBLIC WATER SYSTEMS.

Part B of the Safe Drinking Water Act (42 U.S.C. 300g et seq.) is amended by adding at the end the following:

#### “SEC. 1420A. CYBERSECURITY SUPPORT FOR PUBLIC WATER SYSTEMS.

“(a) DEFINITIONS.—In this section:

“(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ‘appropriate Congressional committees’ means—

“(A) the Committee on Environment and Public Works of the Senate;

“(B) the Committee on Homeland Security and Governmental Affairs of the Senate;

“(C) the Committee on Energy and Commerce of the House of Representatives; and

“(D) the Committee on Homeland Security of the House of Representatives.

“(2) DIRECTOR.—The term ‘Director’ means the Director of the Cybersecurity and Infrastructure Security Agency.

“(3) INCIDENT.—The term ‘incident’ has the meaning given the term in section 3552 of title 44, United States Code.

“(4) PRIORITIZATION FRAMEWORK.—The term ‘Prioritization Framework’ means the prioritization framework developed by the Administrator under subsection (b)(1)(A).

“(5) SUPPORT PLAN.—The term ‘Support Plan’ means the Technical Cybersecurity Support Plan developed by the Administrator under subsection (b)(2)(A).

“(b) IDENTIFICATION OF AND SUPPORT FOR PUBLIC WATER SYSTEMS.—

“(1) PRIORITIZATION FRAMEWORK.—

“(A) IN GENERAL.—Not later than 180 days after the date of enactment of the Drinking Water and Wastewater Infrastructure Act of 2021, the Administrator, in coordination with the Director, shall develop a prioritization framework to identify public water systems (including sources of water for those public water systems) that, if degraded or rendered inoperable due to an incident, would lead to significant impacts on the health and safety of the public.

“(B) CONSIDERATIONS.—In developing the Prioritization Framework, to the extent practicable, the Administrator shall incorporate consideration of—

“(i) whether cybersecurity vulnerabilities for a public water system have been identified under section 1433;

“(ii) the capacity of a public water system to remediate a cybersecurity vulnerability without additional Federal support;

“(iii) whether a public water system serves a defense installation or critical national security asset; and

“(iv) whether a public water system, if degraded or rendered inoperable due to an incident, would cause a cascading failure of other critical infrastructure.

“(2) TECHNICAL CYBERSECURITY SUPPORT PLAN.—

“(A) IN GENERAL.—Not later than 270 days after the date of enactment of the Drinking Water and Wastewater Infrastructure Act of 2021, the Administrator, in coordination with the Director and using existing authorities of the Administrator and the Director for providing voluntary support to public water systems and the Prioritization Framework, shall develop a Technical Cybersecurity Support Plan for public water systems.

“(B) REQUIREMENTS.—The Support Plan—

“(i) shall establish a methodology for identifying specific public water systems for

which cybersecurity support should be prioritized;

“(ii) shall establish timelines for making voluntary technical support for cybersecurity available to specific public water systems;

“(iii) may include public water systems identified by the Administrator, in coordination with the Director, as needing technical support for cybersecurity;

“(iv) shall include specific capabilities of the Administrator and the Director that may be utilized to provide support to public water systems under the Support Plan, including—

“(I) site vulnerability and risk assessments;

“(II) penetration tests; and

“(III) any additional support determined to be appropriate by the Administrator; and

“(v) shall only include plans for providing voluntary support to public water systems.

“(3) CONSULTATION REQUIRED.—In developing the Prioritization Framework pursuant to paragraph (1) and the Support Plan pursuant to paragraph (2), the Administrator shall consult with such Federal or non-Federal entities as determined to be appropriate by the Administrator.

“(4) REPORTS REQUIRED.—

“(A) PRIORITIZATION FRAMEWORK.—Not later than 190 days after the date of enactment of the Drinking Water and Wastewater Infrastructure Act of 2021, the Administrator shall submit to the appropriate Congressional committees a report describing the Prioritization Framework.

“(B) TECHNICAL CYBERSECURITY SUPPORT PLAN.—Not later than 280 days after the date of enactment of the Drinking Water and Wastewater Infrastructure Act of 2021, the Administrator shall submit to the appropriate Congressional committees—

“(i) the Support Plan; and

“(ii) a list describing any public water systems identified by the Administrator, in coordination with the Director, as needing technical support for cybersecurity during the development of the Support Plan.

“(c) RULES OF CONSTRUCTION.—Nothing in this section—

“(1) alters the existing authorities of the Administrator; or

“(2) compels a public water system to accept technical support offered by the Administrator.”.

#### SEC. 114. STATE RESPONSE TO CONTAMINANTS.

Section 1459A(j)(1) of the Safe Drinking Water Act (42 U.S.C. 300j-19a(j)(1)) is amended—

(1) in the matter preceding subparagraph (A), by striking “an underserved community” and inserting “a community described in subsection (c)(2)”; and

(2) in subparagraph (A)(i), by striking “such underserved” and inserting “that”.

#### SEC. 115. ANNUAL STUDY ON BOIL WATER ADVISORIES.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Administrator shall conduct a study on the prevalence of boil water advisories issued in the United States.

(b) REPORT.—

(1) IN GENERAL.—The Administrator shall submit to Congress a report describing the results of the most recent study conducted under subsection (a) as part of the annual budget request transmitted to Congress under section 1105(a) of title 31, United States Code.

(2) REQUIREMENT.—In the annual report required under paragraph (1), the Administrator shall include a description of the reasons for which boil water advisories were issued during the year covered by the report.

### TITLE II—CLEAN WATER

#### SEC. 201. RESEARCH, INVESTIGATIONS, TRAINING, AND INFORMATION.

(a) REAUTHORIZATION.—Section 104(u) of the Federal Water Pollution Control Act (33 U.S.C. 1254(u)) is amended—

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

(2) in paragraph (7)—

(A) by striking “2023” and inserting “2021”; and

(B) by striking the period at the end and inserting “; 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).”.

(b) COMMUNICATION.—Each nonprofit organization that receives funding under paragraph (8) of section 104(b) of the Federal Water Pollution Control Act (33 U.S.C. 1254(b)) shall, before using that funding to undertake activities to carry out that paragraph, consult with the State in which the assistance is to be expended or otherwise made available.

(c) REPORT.—Not later than 2 years after the date of enactment of this Act, the Administrator shall submit to Congress a report that describes the implementation of the grants authorized under subsections (b)(3), (b)(8), and (g) of section 104 of the Federal Water Pollution Control Act (33 U.S.C. 1254), which shall include a description of the grant recipients and grant amounts made available to carry out those subsections.

#### SEC. 202. WASTEWATER EFFICIENCY GRANT PILOT PROGRAM.

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

##### “SEC. 222. WASTEWATER EFFICIENCY GRANT PILOT PROGRAM.

“(a) ESTABLISHMENT.—Subject to the availability of appropriations, the Administrator shall establish a wastewater efficiency grant pilot program (referred to in this section as the ‘pilot program’) to award grants to owners or operators of publicly owned treatment works to carry out projects that create or improve waste-to-energy systems.

“(b) SELECTION.—

“(1) APPLICATIONS.—To be eligible to receive a grant under the pilot program, an owner or operator of a treatment works shall submit to the Administrator an application at such time, in such manner, and containing such information as the Administrator may require.

“(2) NUMBER OF RECIPIENTS.—The Administrator shall select not more than 15 recipients of grants under the pilot program from applications submitted under paragraph (1).

“(c) USE OF FUNDS.—

“(1) IN GENERAL.—Subject to paragraph (2), a recipient of a grant under the pilot program may use grant funds for—

“(A) sludge collection;

“(B) installation of anaerobic digesters;

“(C) methane capture;

“(D) methane transfer;

“(E) facility upgrades and retrofits necessary to create or improve waste-to-energy systems; and

“(F) other new and emerging, but proven, technologies that transform waste to energy.

“(2) LIMITATION.—A grant to a recipient under the pilot program shall be not more than \$4,000,000.

“(d) REPORTS.—

“(1) REPORT TO THE ADMINISTRATOR.—Not later than 2 years after receiving a grant under the pilot program and each year thereafter for which amounts are made available for the pilot program under subsection (e), the recipient of the grant shall submit to the

Administrator a report describing the impact of that project on the communities within 3 miles of the treatment works.

“(2) REPORT TO CONGRESS.—Not later than 1 year after first awarding grants under the pilot program and each year thereafter for which amounts are made available for the pilot program under subsection (e), the Administrator shall submit to Congress a report describing—

“(A) the applications received by the Administrator for grants under the pilot program; and

“(B) the projects for which grants were awarded under the pilot program.

“(e) AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—There is authorized to be appropriated to carry out the pilot program \$20,000,000 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. 203. PILOT PROGRAM FOR ALTERNATIVE WATER SOURCE PROJECTS.

Section 220 of the Federal Water Pollution Control Act (33 U.S.C. 1300) is amended—

(1) in subsection (b), in the heading, by striking “IN GENERAL” and inserting “ESTABLISHMENT”;

(2) in subsection (d)—

(A) in paragraph (1), by inserting “construction” before “funds”;

(B) by striking paragraph (2); and

(C) by redesignating paragraph (3) as paragraph (2);

(3) by striking subsection (e);

(4) in subsection (i)—

(A) in the matter preceding paragraph (1), by striking “, the following definitions apply”; and

(B) in paragraph (1), in the first sentence, by striking “water or wastewater or by treating wastewater” and inserting “water, wastewater, or stormwater or by treating wastewater or stormwater for groundwater recharge, potable reuse, or other purposes”;

(5) in subsection (j)—

(A) in the first sentence, by striking “There is” and inserting the following:

“(1) IN GENERAL.—There is”;

(B) in paragraph (1) (as so designated), by striking “a total of \$75,000,000 for fiscal years 2002 through 2004. Such sums shall” and inserting “\$25,000,000 for each of fiscal years 2022 through 2026, to”; and

(C) by adding at the end the following:

“(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.”; and

(6) by redesignating subsections (b), (c), (d), (i), and (j) as subsections (c), (d), (e), (b), and (i), respectively, and moving those subsections so as to appear in alphabetical order.

#### SEC. 204. SEWER OVERFLOW AND STORMWATER REUSE MUNICIPAL GRANTS.

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

(1) in subsection (a)(1)—

(A) in subparagraph (A), by striking “and” at the end;

(B) by redesignating subparagraph (B) as subparagraph (C); and

(C) by inserting after subparagraph (A) the following:

“(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”;

(2) in subsection (d)—

(A) in the second sentence, by striking “The non-Federal share of the cost” and inserting the following:

“(3) TYPES OF NON-FEDERAL SHARE.—The applicable non-Federal share of the cost under this subsection”;

(B) in the first sentence, by striking “The Federal” and inserting the following:

“(1) IN GENERAL.—The Federal”;

(C) by inserting after paragraph (1) (as so designated) the following:

“(2) RURAL AND FINANCIALLY DISTRESSED COMMUNITIES.—To the maximum extent practicable, the Administrator shall work with States to prevent the non-Federal share requirements under this subsection from being passed on to rural communities and financially distressed communities (as those terms are defined in subsection (f)(2)(B)(i)).”;

(3) in subsection (f)—

(A) by striking paragraph (1) and inserting the following:

“(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.”; and

(B) in paragraph (2)—

(i) by striking “To the extent” and inserting the following:

“(A) GREEN PROJECTS.—To the extent”;

(ii) by adding at the end the following:

“(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.”; and

(4) in subsection (i)—

(A) in the second sentence, by striking “The recommended funding levels” and inserting the following:

“(B) REQUIREMENT.—The funding levels recommended under subparagraph (A)(i)”;

(B) in the first sentence, by striking “Not later” and inserting the following:

“(1) PERIODIC REPORTS.—

“(A) IN GENERAL.—Not later”;

(C) in paragraph (1)(A) (as so designated)—

(i) by striking the period at the end and inserting “; and”;

(ii) by striking “containing recommended” and inserting the following: “containing—

“(i) recommended”;

(iii) by adding at the end the following:

“(ii) a description of the extent to which States pass costs associated with the non-Federal share requirements under subsection (d) to local communities, with a focus on

rural communities and financially distressed communities (as those terms are defined in subsection (f)(2)(B)(i)).”;

(D) by adding at the end the following:

“(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, sources of funds for non-Federal share requirements under subsection (d), and grant amounts made available under the program.”.

#### **SEC. 205. CLEAN WATER INFRASTRUCTURE RESILIENCY AND SUSTAINABILITY PROGRAM.**

Title II of the Federal Water Pollution Control Act (33 U.S.C. 1281 et seq.) (as amended by section 202) is amended by adding at the end the following:

#### **“SEC. 223. 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. 206. SMALL AND MEDIUM PUBLICLY OWNED TREATMENT WORKS CIRCUIT RIDER PROGRAM.**

Title II of the Federal Water Pollution Control Act (33 U.S.C. 1281 et seq.) (as

amended by section 205) is amended by adding at the end the following:

**“SEC. 224. 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) **PRIORITIZATION.**—In selecting recipients of grants under the circuit rider program, the Administrator shall give priority to qualified nonprofit entities, as determined by the Administrator, that would serve a community that—

“(1) has a history, for not less than the 10 years prior to the award of the grant, of unresolved wastewater issues, stormwater issues, or a combination of wastewater and stormwater issues;

“(2) is considered financially distressed;

“(3) faces the cumulative burden of stormwater and wastewater overflow issues; or

“(4) has previously failed to access Federal technical assistance due to cost-sharing requirements.

“(d) **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.

“(e) **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.

“(f) **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. 207. SMALL PUBLICLY OWNED TREATMENT WORKS EFFICIENCY GRANT PROGRAM.**

Title II of the Federal Water Pollution Control Act (33 U.S.C. 1281 et seq.) (as amended by section 206) is amended by adding at the end the following:

**“SEC. 225. 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. 208. GRANTS FOR CONSTRUCTION AND RE-FURBISHING OF INDIVIDUAL HOUSEHOLD DECENTRALIZED WASTEWATER SYSTEMS FOR INDIVIDUALS WITH LOW OR MODERATE INCOME.**

Title II of the Federal Water Pollution Control Act (33 U.S.C. 1281 et seq.) (as amended by section 207) is amended by adding at the end the following:

**“SEC. 226. GRANTS FOR CONSTRUCTION AND RE-FURBISHING 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 informa-

tion 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. 209. CONNECTION TO PUBLICLY OWNED TREATMENT WORKS.**

Title II of the Federal Water Pollution Control Act (33 U.S.C. 1281 et seq.) (as amended by section 208) is amended by adding at the end the following:

**“SEC. 227. 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.”.

**SEC. 210. CLEAN WATER STATE REVOLVING FUNDS.**

(a) USE OF FUNDS.—

(1) IN GENERAL.—Section 603 of the Federal Water Pollution Control Act (33 U.S.C. 1383) is amended—

(A) in subsection (d), in the matter preceding paragraph (1), by inserting “and provided in subsection (k)” after “State law”; and

(B) in subsection (i)—

(i) in paragraph (1), in the matter preceding subparagraph (A), by striking “, including forgiveness of principal and negative interest loans” and inserting “(including forgiveness of principal, grants, negative interest loans, other loan forgiveness, and through buying, refinancing, or restructuring debt)”; and

(ii) in paragraph (3), by striking subparagraph (B) and inserting the following:

“(B) TOTAL AMOUNT OF SUBSIDIZATION.—

“(i) IN GENERAL.—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.

“(ii) EXCLUSION.—A loan from the water pollution control revolving fund of a State with an interest rate equal to or greater than 0 percent shall not be considered additional subsidization for purposes of this subparagraph.”; and

(C) by adding at the end the following:

“(k) ADDITIONAL USE OF FUNDS.—A State may use an additional 2 percent of the funds annually awarded to each State under this title for nonprofit organizations (as defined in section 104(w)) or State, regional, interstate, or municipal entities 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.”.

(2) TECHNICAL AMENDMENT.—Section 104(w) of the Federal Water Pollution Control Act (33 U.S.C. 1254(w)) is amended by striking “treatment works” and inserting “treatment works”.

(b) CAPITALIZATION GRANT REAUTHORIZATION.—Section 607 of the Federal Water Pollution Control Act (33 U.S.C. 1387) is amended to read as follows:

**“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.”.

**SEC. 211. WATER INFRASTRUCTURE AND WORKFORCE INVESTMENT.**

Section 4304 of the America's Water Infrastructure Act of 2018 (42 U.S.C. 300j-19e) is amended—

(1) in subsection (a)(3)—

(A) in subparagraph (A), by inserting “Tribal,” after “State,”; and

(B) in subparagraph (B), by striking “community-based organizations” and all that follows through the period at the end and inserting the following: “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.”;

(2) in subsection (b)—

(A) in paragraph (1)—

(i) by striking subparagraph (B);

(ii) in subparagraph (A), by striking “; and” at the end and inserting “, which may include—”

(iii) in the matter preceding subparagraph (A), by striking “program—” and all that follows through “to assist” in subparagraph (A) and inserting “program to assist”; and

(iv) by adding at the end the following:

“(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) in paragraph (2)—

(i) in the matter preceding subparagraph (A), by striking “institutions—” and inserting “institutions, or public works departments and agencies—”; and

(ii) in subparagraph (A)—

(I) by striking clauses (ii) and (iii);

(II) in clause (i), by adding “or” at the end;

(III) by redesignating clause (i) as clause (ii);

(IV) by inserting before clause (ii) (as so redesignated) the following:

“(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”; and

(V) by adding at the end the following:

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

(C) in paragraph (3)—

(i) in subparagraph (D)(ii), by inserting “or certification” after “training”; and

(ii) in subparagraph (E), by striking “ensure that incumbent water and waste water utilities workers” and inserting “are designed to retain incumbent water and wastewater utility workforce workers by ensuring that those workers”; and

(D) by striking paragraph (4) and inserting the following:

“(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.”;

(3) by redesignating subsections (a) and (b) as subsections (b) and (c), respectively; and

(4) by inserting before subsection (b) (as so redesignated) the following:

“(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.”.

#### SEC. 212. GRANTS TO ALASKA TO IMPROVE SANITATION IN RURAL AND NATIVE VILLAGES.

Section 303 of the Safe Drinking Water Act Amendments of 1996 (33 U.S.C. 1263a) is amended—

(1) in subsection (b), by striking “50 percent” and inserting “75 percent”; and

(2) in subsection (e), by striking “this section” and all that follows through the period at the end and inserting the following: “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.”.

#### SEC. 213. WATER DATA SHARING PILOT PROGRAM.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—Subject to the availability of appropriations, the Administrator shall establish a competitive grant pilot program (referred to in this section as the “pilot program”) under which the Administrator may award grants to eligible entities under subsection (b) to establish systems that improve the sharing of information concerning water quality, water infrastructure needs, and water technology, including cybersecurity technology, between States or among counties and other units of local government within a State, which may include—

(A) establishing a website or data hub to exchange water data, including data on water quality or water technology, including new and emerging, but proven, water technology; and

(B) intercounty communications initiatives related to water data.

(2) REQUIREMENTS.—

(A) DATA SHARING.—The Internet of Water principles developed by the Nicholas Institute for Environmental Policy Solutions shall, to the extent practicable, guide any water data sharing efforts under the pilot program.

(B) USE OF EXISTING DATA.—The recipient of a grant under the pilot program to establish a website or data hub described in paragraph (1)(A) shall, to the extent practicable, leverage existing data sharing infrastructure.

(b) ELIGIBLE ENTITIES.—An entity eligible for a grant under the pilot program is—

(1) a State, county, or other unit of local government that—

(A) has a coastal watershed with significant pollution levels;

(B) has a water system with significant pollution levels; or

(C) has significant individual water infrastructure deficits; or

(2) a regional consortium established under subsection (d).

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

(d) REGIONAL CONSORTIA.—

(1) ESTABLISHMENT.—States may establish regional consortia in accordance with this subsection.

(2) REQUIREMENTS.—A regional consortium established under paragraph (1) shall—

(A) include not fewer than 2 States that have entered into a memorandum of understanding—

(i) to exchange water data, including data on water quality; or

(ii) to share information, protocols, and procedures with respect to projects that evaluate, demonstrate, or install new and emerging, but proven, water technology;

(B) carry out projects—

(i) to exchange water data, including data on water quality; or

(ii) that evaluate, demonstrate, or install new and emerging, but proven, water technology; and

(C) develop a regional intended use plan, in accordance with paragraph (3), to identify projects to carry out, including projects using grants received under this section.

(3) REGIONAL INTENDED USE PLAN.—A regional intended use plan of a regional consortium established under paragraph (1)—

(A) shall identify projects that the regional consortium intends to carry out, including projects that meet the requirements of paragraph (2)(B); and

(B) may include—

(i) projects included in an intended use plan of a State prepared under section 606(c) of the Federal Water Pollution Control Act (33 U.S.C. 1386(c)) within the regional consortium; and

(ii) projects not included in an intended use plan of a State prepared under section 606(c) of the Federal Water Pollution Control Act (33 U.S.C. 1386(c)) within the regional consortium.

(e) REPORT.—Not later than 2 years after the date of enactment of this Act, the Administrator shall submit to Congress a report that describes the implementation of the pilot program, which shall include—

(1) a description of the use and deployment of amounts made available under the pilot program; and

(2) 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 pilot program.

(f) FUNDING.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out the pilot program \$15,000,000 for each of fiscal years 2022 through 2026, to remain available until expended.

(2) REQUIREMENT.—Of the funds made available under paragraph (1), not more than 35 percent may be used to provide grants to regional consortia established under subsection (d).

#### SEC. 214. FINAL RATING OPINION LETTERS.

Section 5028(a)(1)(D)(ii) of the Water Infrastructure Finance and Innovation Act of 2014 (33 U.S.C. 3907(a)(1)(D)(ii)) is amended by striking “final rating opinion letters from at least 2 rating agencies” and inserting “a final rating opinion letter from at least 1 rating agency”.

#### SEC. 215. WATER INFRASTRUCTURE FINANCING REAUTHORIZATION.

(a) IN GENERAL.—Section 5033 of the Water Infrastructure Finance and Innovation Act of 2014 (33 U.S.C. 3912) is amended—

(1) in subsection (a), by adding at the end the following:

“(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.”;

(2) in subsection (b)(2)—

(A) in the paragraph heading, by striking “2020 AND 2021” and inserting “AFTER 2019”; and

(B) by striking “2020 and 2021” and inserting “2022 through 2026”; and

(3) in subsection (e)(1), by striking “2020 and 2021” and inserting “2022 through 2026”.

(b) OUTREACH PLAN.—The Water Infrastructure Finance and Innovation Act of 2014 (33 U.S.C. 3901 et seq.) is amended by adding at the end the following:

#### “SEC. 5036. OUTREACH PLAN.

“(a) DEFINITION OF RURAL COMMUNITY.—In this section, the term ‘rural community’ means a city, town, or unincorporated area that has a population of not more than 10,000 inhabitants.

“(b) OUTREACH REQUIRED.—Not later than 180 days after the date of enactment of this section, the Administrator, in consultation with relevant Federal agencies, shall develop and begin implementation of an outreach plan to promote financial assistance available under this subtitle to small communities and rural communities.”.

#### SEC. 216. SMALL AND DISADVANTAGED COMMUNITY ANALYSIS.

(a) ANALYSIS.—Not later than 2 years after the date of enactment of this Act, using environmental justice data of the Environmental Protection Agency, including data from the environmental justice mapping and screening tool of the Environmental Protection Agency, the Administrator shall carry out an analysis under which the Administrator shall assess the programs under title VI of the Federal Water Pollution Control Act (33 U.S.C. 1381 et seq.) and section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j-12) to identify historical distributions of funds to small and disadvantaged communities and new opportunities and methods to improve on the distribution of funds under those programs to low-income communities, rural communities, minority communities, and communities of indigenous peoples, in accordance with Executive Order 12898 (42 U.S.C. 4321 note; 60 Fed. Reg. 6381; relating to Federal actions to address environmental justice in minority populations and low-income populations).

(b) REQUIREMENT.—The analysis under subsection (a) shall include an analysis, to the extent practicable, of communities in the United States that do not have access to drinking water or wastewater services.

(c) REPORT.—On completion of the analysis under subsection (a), the Administrator shall submit to the Committee on Environment and Public Works of the Senate and the Committees on Energy and Commerce and Transportation and Infrastructure of the House of Representatives a report describing—

(1) the results of the analysis; and

(2) the criteria the Administrator used in carrying out the analysis.

#### SEC. 217. STORMWATER INFRASTRUCTURE TECHNOLOGY.

(a) DEFINITIONS.—In this section:

(1) CENTER.—The term “center” means a center of excellence for stormwater control infrastructure established under subsection (b)(1).

(2) **ELIGIBLE ENTITY.**—The term “eligible entity” means—

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

(B) a local, regional, or other public entity that manages stormwater or wastewater resources or other related water infrastructure.

(3) **ELIGIBLE INSTITUTION.**—The term “eligible institution” means an institution of higher education, a research institution, or a nonprofit organization—

(A) that has demonstrated excellence in researching and developing new and emerging stormwater control infrastructure technologies; and

(B) with respect to a nonprofit organization, the core mission of which includes water management, as determined by the Administrator.

(b) **CENTERS OF EXCELLENCE FOR STORMWATER CONTROL INFRASTRUCTURE TECHNOLOGIES.**—

(1) **ESTABLISHMENT OF CENTERS.**—

(A) **IN GENERAL.**—Subject to the availability of appropriations, the Administrator shall provide grants, on a competitive basis, to eligible institutions to establish and maintain not less than 3, and not more than 5, centers of excellence for new and emerging stormwater control infrastructure technologies, to be located in various regions throughout the United States.

(B) **GENERAL OPERATION.**—Each center shall—

(i) conduct research on new and emerging stormwater control infrastructure technologies that are relevant to the geographical region in which the center is located, including stormwater and sewer overflow reduction, other approaches to water resource enhancement, alternative funding approaches, and other environmental, economic, and social benefits, with the goal of improving the effectiveness, cost efficiency, and protection of public safety and water quality;

(ii) maintain a listing of—

(I) stormwater control infrastructure needs; and

(II) an analysis of new and emerging stormwater control infrastructure technologies that are available;

(iii) analyze whether additional financial programs for the implementation of new and emerging, but proven, stormwater control infrastructure technologies would be useful;

(iv) provide information regarding research conducted under clause (i) to the national electronic clearinghouse center for publication on the Internet website established under paragraph (3)(B)(i) to provide to the Federal Government and State, Tribal, and local governments and the private sector information regarding new and emerging, but proven, stormwater control infrastructure technologies;

(v) provide technical assistance to State, Tribal, and local governments to assist with the design, construction, operation, and maintenance of stormwater control infrastructure projects that use innovative technologies;

(vi) collaborate with institutions of higher education and private and public organizations, including community-based public-private partnerships and other stakeholders, in the geographical region in which the center is located; and

(vii) coordinate with the other centers to avoid duplication of efforts.

(2) **APPLICATION.**—To be eligible to receive a grant under this subsection, an eligible institution shall prepare and submit to the Administrator an application at such time, in such form, and containing such information as the Administrator may require.

(3) **NATIONAL ELECTRONIC CLEARINGHOUSE CENTER.**—Of the centers established under paragraph (1)(A), 1 shall—

(A) be designated as the “national electronic clearinghouse center”; and

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

(i) develop, operate, and maintain an Internet website and a public database that contains information relating to new and emerging, but proven, stormwater control infrastructure technologies; and

(ii) post to the website information from all centers.

(4) **AUTHORIZATION OF APPROPRIATIONS.**—

(A) **IN GENERAL.**—There is authorized to be appropriated to carry out this subsection \$5,000,000 for each of fiscal years 2022 through 2026.

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

(C) **STORMWATER CONTROL INFRASTRUCTURE PROJECT GRANTS.**—

(1) **GRANT AUTHORITY.**—Subject to the availability of appropriations, the Administrator shall provide grants, on a competitive basis, to eligible entities to carry out stormwater control infrastructure projects that incorporate new and emerging, but proven, stormwater control technologies in accordance with this subsection.

(2) **STORMWATER CONTROL INFRASTRUCTURE PROJECTS.**—

(A) **PLANNING AND DEVELOPMENT GRANTS.**—The Administrator may make planning and development grants under this subsection for the following projects:

(i) Planning and designing stormwater control infrastructure projects that incorporate new and emerging, but proven, stormwater control technologies, including engineering surveys, landscape plans, maps, long-term operations and maintenance plans, and implementation plans.

(ii) Identifying and developing standards necessary to accommodate stormwater control infrastructure projects, including those projects that incorporate new and emerging, but proven, stormwater control technologies.

(iii) Identifying and developing fee structures to provide financial support for design, installation, and operations and maintenance of stormwater control infrastructure, including new and emerging, but proven, stormwater control infrastructure technologies.

(iv) Developing approaches for community-based public-private partnerships for the financing and construction of stormwater control infrastructure technologies, including feasibility studies, stakeholder outreach, and needs assessments.

(v) Developing and delivering training and educational materials regarding new and emerging, but proven, stormwater control infrastructure technologies for distribution to—

(I) individuals and entities with applicable technical knowledge; and

(II) the public.

(B) **IMPLEMENTATION GRANTS.**—The Administrator may make implementation grants under this subsection for the following projects:

(i) Installing new and emerging, but proven, stormwater control infrastructure technologies.

(ii) Protecting or restoring interconnected networks of natural areas that protect water quality.

(iii) Monitoring and evaluating the environmental, economic, or social benefits of stormwater control infrastructure technologies that incorporate new and emerging, but proven, stormwater control technology.

(iv) Implementing a best practices standard for stormwater control infrastructure programs.

(3) **APPLICATION.**—Except as otherwise provided in this section, to be eligible to receive a grant under this subsection, an eligible entity shall prepare and submit to the Administrator an application at such time, in such form, and containing such information as the Administrator may require, including, as applicable—

(A) a description of the stormwater control infrastructure project that incorporates new and emerging, but proven, technologies;

(B) a plan for monitoring the impacts and pollutant load reductions associated with the stormwater control infrastructure project on the water quality and quantity;

(C) an evaluation of other environmental, economic, and social benefits of the stormwater control infrastructure project; and

(D) a plan for the long-term operation and maintenance of the stormwater control infrastructure project and a tracking system, such as asset management practices.

(4) **PRIORITY.**—In making grants under this subsection, the Administrator shall give priority to applications submitted on behalf of—

(A) a community that—

(i) has municipal combined storm and sanitary sewers in the collection system of the community; or

(ii) is a small, rural, or disadvantaged community, as determined by the Administrator; or

(B) an eligible entity that will use not less than 15 percent of the grant to provide service to a small, rural, or disadvantaged community, as determined by the Administrator.

(5) **MAXIMUM AMOUNTS.**—

(A) **PLANNING AND DEVELOPMENT GRANTS.**—

(i) **SINGLE GRANT.**—The amount of a single planning and development grant provided under this subsection shall be not more than \$200,000.

(ii) **AGGREGATE AMOUNT.**—The total amount of all planning and development grants provided under this subsection for a fiscal year shall be not more than 1/3 of the total amount made available to carry out this subsection.

(B) **IMPLEMENTATION GRANTS.**—

(i) **SINGLE GRANT.**—The amount of a single implementation grant provided under this subsection shall be not more than \$2,000,000.

(ii) **AGGREGATE AMOUNT.**—The total amount of all implementation grants provided under this subsection for a fiscal year shall be not more than 2/3 of the total amount made available to carry out this subsection.

(6) **FEDERAL SHARE.**—

(A) **IN GENERAL.**—Except as provided in subparagraph (C), the Federal share of a grant provided under this subsection shall not exceed 80 percent of the total project cost.

(B) **CREDIT FOR IMPLEMENTATION GRANTS.**—The Administrator shall credit toward the non-Federal share of the cost of an implementation project carried out under this subsection the cost of planning, design, and construction work completed for the project using funds other than funds provided under this section.

(C) **EXCEPTION.**—The Administrator may waive the Federal share limitation under subparagraph (A) for an eligible entity that has adequately demonstrated financial need.

(d) **REPORT TO CONGRESS.**—Not later than 2 years after the date on which the Administrator first awards a grant under this section, the Administrator shall submit to Congress a report that includes, with respect to the period covered by the report—

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

(2) a detailed description of—  
(A) the projects supported by those grants; and

(B) the outcomes of those projects;  
(3) a description of the improvements in technology, environmental benefits, resources conserved, efficiencies, and other benefits of the projects funded under this section;

(4) recommendations for improvements to promote and support new and emerging, but proven, stormwater control infrastructure, including research into new and emerging technologies, for the centers, grants, and activities under this section; and

(5) a description of existing challenges concerning the use of new and emerging, but proven, stormwater control infrastructure.

**(e) AUTHORIZATION OF APPROPRIATIONS.—**

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section (except for subsection (b)) \$10,000,000 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. 218. WATER REUSE INTERAGENCY WORKING GROUP.**

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator shall establish a Water Reuse Interagency Working Group (referred to in this section as the “Working Group”).

(b) PURPOSE.—The purpose of the Working Group is to develop and coordinate actions, tools, and resources to advance water reuse across the United States, including through the implementation of the February 2020 National Water Reuse Action Plan, which creates opportunities for water reuse in the mission areas of each of the Federal agencies included in the Working Group under subsection (c) (referred to in this section as the “Action Plan”).

(c) CHAIRPERSON; MEMBERSHIP.—The Working Group shall be—

(1) chaired by the Administrator; and  
(2) comprised of senior representatives from such Federal agencies as the Administrator determines to be appropriate.

(d) DUTIES OF THE WORKING GROUP.—In carrying out this section, the Working Group shall—

(1) with respect to water reuse, leverage the expertise of industry, the research community, nongovernmental organizations, and government;

(2) seek to foster water reuse as an important component of integrated water resources management;

(3) conduct an assessment of new opportunities to advance water reuse and annually update the Action Plan with new actions, as necessary, to pursue those opportunities;

(4) seek to coordinate Federal programs and policies to support the adoption of water reuse;

(5) consider how each Federal agency can explore and identify opportunities to support water reuse through the programs and activities of that Federal agency; and

(6) consult, on a regular basis, with representatives of relevant industries, the research community, and nongovernmental organizations.

(e) REPORT.—Not less frequently than once every 2 years, the Administrator shall submit to Congress a report on the activities and findings of the Working Group.

**(f) SUNSET.—**

(1) IN GENERAL.—Subject to paragraph (2), the Working Group shall terminate on the date that is 6 years after the date of enactment of this Act.

(2) EXTENSION.—The Administrator may extend the date of termination of the Working Group under paragraph (1).

**SEC. 219. ADVANCED CLEAN WATER TECHNOLOGIES STUDY.**

(a) IN GENERAL.—Subject to the availability of appropriations, not later than 2 years after the date of enactment of this Act, 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 wastewater services provided by a treatment works (as defined in section 212 of the Federal Water Pollution Control Act (33 U.S.C. 1292)).

(b) 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 subsection (a).

**SEC. 220. CLEAN WATERSHEDS NEEDS SURVEY.**

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

**“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.”.

**SEC. 221. WATER RESOURCES RESEARCH ACT AMENDMENTS.**

(a) CLARIFICATION OF RESEARCH ACTIVITIES.—Section 104(b)(1) of the Water Resources Research Act of 1984 (42 U.S.C. 10303(b)(1)) is amended—

(1) in subparagraph (B)(ii), by striking “water-related phenomena” and inserting “water resources”; and

(2) in subparagraph (D), by striking the period at the end and inserting “; and”.

(b) COMPLIANCE REPORT.—Section 104 of the Water Resources Research Act of 1984 (42 U.S.C. 10303) is amended by striking subsection (c) and inserting the following:

**“(c) GRANTS.—**

“(1) IN GENERAL.—From the sums appropriated pursuant to subsection (f), the Secretary shall make grants to each institute to be matched on a basis of no less than 1 non-Federal dollar for every 1 Federal dollar.

“(2) REPORT.—Not later than December 31 of each fiscal year, the Secretary shall submit to the Committee on Environment and Public Works of the Senate, the Committee on the Budget of the Senate, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on the Budget of the House of Representatives a report regarding the compliance of each funding recipient with this subsection for the immediately preceding fiscal year.”.

(c) EVALUATION OF WATER RESOURCES RESEARCH PROGRAM.—Section 104 of the Water Resources Research Act of 1984 (42 U.S.C. 10303) is amended by striking subsection (e) and inserting the following:

**“(e) EVALUATION OF WATER RESOURCES RESEARCH PROGRAM.—**

“(1) IN GENERAL.—The Secretary shall conduct a careful and detailed evaluation of

each institute at least once every 5 years to determine—

“(A) the quality and relevance of the water resources research of the institute;

“(B) the effectiveness of the institute at producing measured results and applied water supply research; and

“(C) whether the effectiveness of the institute as an institution for planning, conducting, and arranging for research warrants continued support under this section.

“(2) PROHIBITION ON FURTHER SUPPORT.—If, as a result of an evaluation under paragraph (1), the Secretary determines that an institute does not qualify for further support under this section, no further grants to the institute may be provided until the qualifications of the institute are reestablished to the satisfaction of the Secretary.”.

(d) AUTHORIZATION OF APPROPRIATIONS.—Section 104(f)(1) of the Water Resources Research Act of 1984 (42 U.S.C. 10303(f)(1)) is amended by striking “fiscal years 2007 through 2011” and inserting “fiscal years 2022 through 2025”.

(e) ADDITIONAL APPROPRIATIONS WHERE RESEARCH FOCUSED ON WATER PROBLEMS OF INTERSTATE NATURE.—Section 104(g)(1) of the Water Resources Research Act of 1984 (42 U.S.C. 10303(g)(1)) is amended in the first sentence by striking “\$6,000,000 for each of fiscal years 2007 through 2011” and inserting “\$3,000,000 for each of fiscal years 2022 through 2025”.

**SEC. 222. ENHANCED AQUIFER USE AND RECHARGE.**

Title I of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) is amended by adding at the end the following:

**“SEC. 124. ENHANCED AQUIFER USE AND RECHARGE.**

“(a) IN GENERAL.—Subject to the availability of appropriations, the Administrator shall provide funding to carry out groundwater research on enhanced aquifer use and recharge in support of sole-source aquifers, of which—

“(1) not less than 50 percent shall be used to provide 1 grant to a State, unit of local government, or Indian Tribe to carry out activities that would directly support that research; and

“(2) the remainder shall be provided to 1 appropriate research center.

“(b) COORDINATION.—As a condition of accepting funds under subsection (a), the State, unit of local government, or Indian Tribe and the appropriate research center that receive funds under that subsection shall establish a formal research relationship for the purpose of coordinating efforts under this section.

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

The PRESIDING OFFICER. The Senator from Illinois.

**EXECUTIVE SESSION**

**EXECUTIVE CALENDAR**

Ms. DUCKWORTH. Madam President, I ask unanimous consent that the Senate proceed to executive session and resume consideration of Executive Calendar No. 65, Cynthia Minette Marten, to be Deputy Secretary of Education.

The PRESIDING OFFICER. Without objection, it is so ordered.

**TRIBUTE TO KAITLIN FAHEY**

Ms. DUCKWORTH. Madam President, first it was 5 minutes. Then it was 10.