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

IN THE HOUSE OF REPRESENTATIVES

Mr. Rouzer (for himself, Mr. Graves of Missouri, and Mr. Young) introduced the following bill; which was referred to the Committee on

A BILL

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

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Wastewater Infrastructure Improvement Act of 2021”.

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SEC. 2. WASTEWATER INFRASTRUCTURE WORKFORCE INVESTMENT.

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

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

(2) by amending paragraph (4) to read as follows:

“(4) REPORT TO CONGRESS ON PUBLICLY OWNED TREATMENT WORKS WORKFORCE DEVELOPMENT.—Not later than 2 years after the date of enactment of the Wastewater Infrastructure Improvement Act of 2021, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report containing—

“(A) an assessment of the current and future workforce needs for publicly owned treatment works, including an estimate of the number of future positions needed for such treatment works and the technical skills and education needed for such positions;

“(B) a summary of actions taken by the Administrator, including Federal investments
under this Act, that promote workforce develop-
ment to address such needs; and
“(C) any recommendations of the Adminis-
trator to address such needs.”.

SEC. 3. STATE MANAGEMENT ASSISTANCE.

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

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

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

“(3) such sums as may be necessary for each
of fiscal years 1991 through 2021;
“(4) $240,000,000 for fiscal year 2022;
“(5) $250,000,000 for fiscal year 2023;
“(6) $260,000,000 for fiscal year 2024;
“(7) $270,000,000 for fiscal year 2025; and
“(8) $275,000,000 for fiscal year 2026;”.

(b) TECHNICAL AMENDMENT.—Section 106(e) of the
Federal Water Pollution Control Act (33 U.S.C. 1256(e))
is amended by striking “Beginning in fiscal year 1974
the” and inserting “The”.
SEC. 4. WATERSHED, WET WEATHER, AND RESILIENCY PROJECTS.

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

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

“(A) to assess future risks and vulnerabilities of publicly owned treatment works to manmade or natural disasters, including extreme weather events and sea level rise; and

“(B) to carry out the planning, designing, or constructing of projects, on a systemwide or areawide basis, to increase the resilience of publicly owned treatment works through—

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

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

“(I) the use of green infrastructure; or
“(II) the reclamation and reuse of wastewater (including stormwater), such as through aquifer recharge zones;

“(iii) the modification or relocation of an existing publicly owned treatment works at risk of being significantly impaired or damaged by a manmade or natural disaster; or

“(iv) the enhancement of energy efficiency, or the use or generation of recovered or renewable energy, in the management, treatment, or conveyance of wastewater (including stormwater).”.

(b) REQUIREMENTS; AUTHORIZATION OF APPROPRIATIONS.—Section 122 of the Federal Water Pollution Control Act (33 U.S.C. 1274) is amended by striking subsection (c) and inserting the following:

“(c) REQUIREMENTS.—The requirements of section 608 shall apply to any construction, alteration, maintenance, or repair of treatment works receiving a grant under this section.

“(d) ASSISTANCE.—The Administrator shall use not less than 15 percent of the amounts appropriated pursuant to this section in a fiscal year to provide assistance
to municipalities with a population of less than 10,000,
to the extent there are sufficient eligible applications.

“(e) Authorization of Appropriations.—There
is authorized to be appropriated to carry out this section
$110,000,000, to remain available until expended.”.

(c) Technical and Conforming Amendments.—

(1) Watershed Pilot Projects.—Section
122 of the Federal Water Pollution Control Act (33
U.S.C. 1274) is amended—

(A) in the section heading, by striking

“WATERSHED PILOT PROJECTS” and insert-

ing “WATERSHED, WET WEATHER, AND RE-

SILIENCY PROJECTS”; and

(B) by striking “pilot” each place it ap-

pears.

(2) Water Pollution Control Revolving
Loan Funds.—Section 603(c)(7) of the Federal
Water Pollution Control Act (33 U.S.C. 1383(c)(7))
is amended by striking “watershed”.

SEC. 5. PILOT PROGRAM FOR ALTERNATIVE WATER
SOURCE PROJECTS.

(a) Selection of Projects.—Section 220(d) of
the Federal Water Pollution Control Act (33 U.S.C.
1300(d)) is amended—
(1) by amending paragraph (1) to read as follows:

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

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

(b) COMMITTEE RESOLUTION PROCEDURE; ASSISTANCE.—Section 220 of the Federal Water Pollution Control Act (33 U.S.C. 1300) is amended by striking subsection (e) and inserting the following:

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

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

(1) by striking “The Federal share” and inserting the following:
“(1) IN GENERAL.—Except as provided in paragraph (2), the Federal share”; and

(2) by adding at the end the following:

“(2) RECLAMATION AND REUSE PROJECTS.—
For an alternative water source project that has received funds under the Reclamation Projects Authorization and Adjustment Act of 1992 (other than funds referred to in subsection (d)(1)), the total Federal share of the costs of the project shall not exceed 25 percent or $20,000,000, whichever is less.”.

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

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

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

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

SEC. 6. 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 (c), by striking “subsection (b),” each place it appears and inserting “this section,”;

(2) in subsection (d)—

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

“(1) FEDERAL SHARE.—

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

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

“(B) FINANCIALLY DISTRESSED COMMUNITIES.—The Federal share of the cost of activities carried out using amounts from a grant
made to a financially distressed community
under subsection (a) shall be not less than 75
percent of the cost.

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

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

(4) in subsection (f)—

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

(B) by adding at the end the following:

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

SEC. 7. NATIONAL POLLUTANT DISCHARGE ELIMINATION
SYSTEM PERMIT TERM.

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

“(B) are for fixed terms—
“(i) not exceeding 10 years, for a permit issued to a State or municipality; and “(ii) not exceeding 5 years, for a permit issued to any person not described in clause (i); and”.

SEC. 8. REPORTS TO CONGRESS.

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

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

(2) by striking “each of the States;” and inserting “each of the States, and (ii) the costs to implement measures necessary to address the resilience and sustainability of publicly owned treatment works to manmade or natural disasters;”.

SEC. 9. INDIAN TRIBES.

Section 518(c) of the Federal Water Pollution Control Act (33 U.S.C. 1377(c)) is amended—

(1) by striking paragraphs (1) and (2) and inserting the following:

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

“(A) 2 percent of such funds; or
“(B) $30,000,000.

“(2) USE OF FUNDS.—

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

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

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

“(B) LIMITATION.—Not more than $2,000,000 of the reserved funds may be used for grants under subparagraph (A)(ii).”;

(2) in paragraph (3)—

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

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

SEC. 10. CAPITALIZATION GRANTS.

Section 602(b) of the Federal Water Pollution Control Act (33 U.S.C. 1382(b)) is amended—
(1) in paragraph (13)(B)—

(A) in the matter preceding clause (i), by striking “and energy conservation” and inserting “and efficient energy use (such as through the implementation of technologies to recapture and reuse energy produced in the treatment of wastewater)”;

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

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

(3) by adding at the end the following:

“(15) to the extent there are sufficient applications for projects or activities that are eligible for assistance from the fund and are consistent with the State’s intended use plan under section 606(e), and with respect to which the applicant meets the minimum financial requirements to qualify for assistance under this title, the State will use not less than 10 percent of the funds received by the State in capitalization grants under this title in a fiscal year for projects or activities, or components thereof, to improve the resiliency, including water and energy efficiency, of treatment works, or to implement environ-
mentally innovative activities such as green infrastructure.”.

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

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

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking “‘including forgiveness of principal and negative interest loans’” and inserting “‘(including in the form of forgiveness of principal, negative interest loans, or grants)’”; and

(B) in subparagraph (A)—

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

(ii) in clause (ii)(III), by striking “to such ratepayers” and inserting “to help such ratepayers maintain access to wastewater and stormwater treatment services”;

(2) by amending paragraph (3) to read as follows:

“(3) **SUBSIDIZATION AMOUNTS.**—

“(A) **IN GENERAL.**—A State may use for providing additional subsidization in a fiscal year under this subsection an amount that does
not exceed 30 percent of the total amount received by the State in capitalization grants under this title for the fiscal year.

“(B) MINIMUM.—For each of fiscal years 2022 through 2026, to the extent there are sufficient applications for additional subsidization under this subsection that meet the criteria under paragraph (1)(A), a State shall use for providing additional subsidization in a fiscal year under this subsection an amount that is not less than 10 percent of the total amount received by the State in capitalization grants under this title for the fiscal year.”; and

(3) by adding at the end the following:

“(k) ADDITIONAL USE OF FUNDS.—

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

“(2) NEEDS SURVEY.—A State may use for activities associated with the Clean Watershed Needs Survey conducted pursuant to section 516(b), including data collection, an amount that does not ex-
ceed 0.5 percent of the total amount allotted to the State under this title for each fiscal year.”.

SEC. 12. ALLOTMENT OF FUNDS.

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

(b) WASTEWATER INFRASTRUCTURE WORKFORCE DEVELOPMENT.—Section 604 of the Federal Water Pollution Control Act (33 U.S.C. 1384) is amended by adding at the end the following:

“(d) WASTEWATER INFRASTRUCTURE WORKFORCE DEVELOPMENT.—

“(1) IN GENERAL.—In each of fiscal years 2022 through 2026, a State may reserve up to 0.5 percent of the sums allotted to the State under this section for the fiscal year to carry out workforce development, training, and retraining activities described in section 104(g).

“(2) REPORT TO CONGRESS.—Not later than 3 years after the date of enactment of this subsection, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment
and Public Works of the Senate a report containing—

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

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

“(C) an identification and assessment of the types of efforts of such States, and the effectiveness of such efforts, in promoting and accomplishing workforce development, training, and retraining, including the number of treatment works operators who are certified pursuant to such efforts; and

“(D) any recommendations of the Administrator regarding how States may improve the effective use of such funds.”.

SEC. 13. RESERVATION OF FUNDS FOR TERRITORIES OF THE UNITED STATES.

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

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

“(a) In General.—
“(1) Reservation.—For each fiscal year, the Administrator shall reserve 1.5 percent of available funds, as calculated in accordance with paragraph (2).

“(2) Calculation of Available Funds.—The amount of available funds shall be calculated by subtracting the amount of any funds reserved under section 518(c) from the amount of funds made available to carry out this title (before allotments to the States under section 604(a)).

“(b) Use of Funds.—Funds reserved under this section shall be available only for grants to American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, and the Virgin Islands for projects and activities eligible for assistance under section 603(c).

“(c) Limitation.—American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, and the Virgin Islands may not receive funds allotted under section 604(a).”.

SEC. 14. AUTHORIZATION OF APPROPRIATIONS.

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. AUTHORIZATION OF APPROPRIATIONS.

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

“(1) $2,400,000,000 for fiscal year 2022.
“(2) $2,600,000,000 for fiscal year 2023.
“(3) $2,800,000,000 for fiscal year 2024.
“(4) $3,000,000,000 for fiscal year 2025.
“(5) $3,200,000,000 for fiscal year 2026.”.

SEC. 15. TECHNICAL ASSISTANCE BY MUNICIPAL OMBUDSMAN.

Section 4(b)(1) of the Water Infrastructure Improvement Act (42 U.S.C. 4370j(b)(1)) is amended to read as follows:

“(1) technical and planning assistance to support municipalities, including municipalities that are rural, small, and tribal communities, in achieving and maintaining compliance with enforceable deadlines, goals, and requirements of the Federal Water Pollution Control Act; and”.