

116TH CONGRESS  
1ST SESSION

# S. 2466

To provide supplemental appropriations for safe and secure water, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

SEPTEMBER 11, 2019

Mr. SCHUMER (for Ms. HARRIS) introduced the following bill; which was read twice and referred to the Committee on Finance

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## A BILL

To provide supplemental appropriations for safe and secure water, and for other purposes.

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

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) **SHORT TITLE.**—This Act may be cited as the  
5 “Water Justice Act”.

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

Sec. 1. Short title; table of contents.

### TITLE I—DRINKING WATER INFRASTRUCTURE EMERGENCY

Sec. 101. Findings.

Sec. 102. Definitions.

Sec. 103. Supplemental appropriations for the drinking water infrastructure emergency.

TITLE II—WATER ACCESSIBILITY AND AFFORDABILITY

Sec. 201. Findings.

Sec. 202. Drinking water, wastewater, and stormwater services assistance needs-based program.

Sec. 203. Establishment of Federal grant program for drinking water treatment works operation and maintenance.

TITLE III—INVESTMENTS IN NATIONWIDE WATER INFRASTRUCTURE AND SUSTAINABILITY

Sec. 301. Findings.

Sec. 302. Reclamation infrastructure finance and innovation pilot program.

Sec. 303. Water recycling and reuse projects.

Sec. 304. Mandatory spending for water infrastructure programs.

Sec. 305. Expanding and increasing funding for rural individual and connected water systems programs.

Sec. 306. Increased funding for water management improvement.

Sec. 307. Water Efficiency and Conservation Block Grant Program.

Sec. 308. Rural water supply program reauthorization.

Sec. 309. Combating PFAS.

Sec. 310. Multi-benefit projects to improve watershed health.

1           **TITLE I—DRINKING WATER**  
2           **INFRASTRUCTURE EMERGENCY**

3           **SEC. 101. FINDINGS.**

4           Congress finds that—

5                   (1)(A) everyone has the right to clean and safe  
6           drinking water and appropriate sanitation services;  
7           and

8                   (B) the Federal Government has the responsi-  
9           bility to ensure that the rights described in subpara-  
10          graph (A) are realized;

11                   (2) the American Society of Civil Engineers as-  
12          signed a “D” grade to the drinking water infrastruc-  
13          ture of the United States and the American Water  
14          Works           Association           estimated           that

1       \$1,000,000,000,000 is necessary to maintain and ex-  
2       pand service during the 25-year period beginning on  
3       the date of enactment of this Act;

4           (3) deterioration and aging of the water infra-  
5       structure of the United States has resulted in mil-  
6       lions of people of the United States being exposed to  
7       unsafe drinking water, including lead contamination;

8           (4) exposure to lead can cause serious health  
9       problems, especially to young children and pregnant  
10      women, including damage to the brain and nervous  
11      system, kidney problems, and high blood pressure;

12          (5) the Government Accountability Office esti-  
13      mates that 43 percent of school districts, serving  
14      35,000,000 students, tested for lead in school drink-  
15      ing water in 2016 or 2017;

16          (6) of the schools that tested for lead as de-  
17      scribed in paragraph (5), an estimated 37 percent  
18      found levels of lead above the threshold of the school  
19      district for taking remedial action;

20          (7) according to the American Water Works As-  
21      sociation, approximately 30 percent of surveyed com-  
22      munity water systems in the United States reported  
23      having some lead-containing service lines;

24          (8) the continuing emergency of drinking water  
25      contamination in communities like Flint, Michigan,

1 demonstrates the severity of this crisis across the  
2 United States;

3 (9) many rural areas across the United States  
4 also face severe drinking water challenges, as the  
5 community water systems serving small populations  
6 in the United States often lack sufficient financial  
7 and technical resources;

8 (10) boil water advisories are a daily occurrence  
9 in the United States, and those advisories dispro-  
10 portionately impact small drinking water systems, with  
11 some advisories in rural areas lasting for years;

12 (11) it is estimated that 13,000,000 households  
13 in the United States rely on well water, with no Fed-  
14 eral regulation or testing of contaminants;

15 (12) past appropriations for the Environmental  
16 Protection Agency grant programs that address  
17 school drinking water and drinking water contami-  
18 nation in high-risk communities are not sufficient to  
19 address the tremendous need throughout the United  
20 States;

21 (13) investments in infrastructure create jobs  
22 while fulfilling critical needs in communities  
23 throughout the United States;

24 (14) it is estimated that nearly 17,200,000  
25 workers, about 12 percent of the United States

1 workforce, were employed in infrastructure jobs in  
2 2018;

3 (15) infrastructure occupations often provide  
4 more competitive and equitable wages in comparison  
5 to all jobs nationally, consistently paying up to 30  
6 percent more to workers at lower ends of the income  
7 scale;

8 (16) the sixth national assessment by the Envi-  
9 ronmental Protection Agency of drinking water in-  
10 frastructure needs shows a total 20-year capital im-  
11 provement need of \$472,600,000,000 for public  
12 water systems;

13 (17) emergency supplemental appropriations for  
14 the Environmental Protection Agency, provided in  
15 addition to other appropriations and not subject to  
16 sequestration, will improve drinking water in schools  
17 and high-risk communities and create jobs through-  
18 out the United States without reducing funding for  
19 other domestic priorities;

20 (18) appropriating \$50,000,000,000 in fiscal  
21 year 2020 for the Environmental Protection Agency,  
22 and allowing the funds to remain available for 5  
23 years, will enable States to begin to immediately ex-  
24 pand investments in addressing drinking water

1 needs in schools and in high-risk communities  
2 throughout the United States;

3 (19) a \$50,000,000,000 investment in drinking  
4 water infrastructure could create 1,250,000 jobs;

5 (20) an emergency supplemental appropriation  
6 of \$50,000,000,000 for the Environmental Protec-  
7 tion Agency, to be made available in fiscal year  
8 2020, and to remain available for 5 years, will allow  
9 States to begin immediately to distribute funds to el-  
10 igible schools and high-risk communities to develop  
11 and implement plans to improve drinking water in-  
12 frastructure, through accelerated and expanded re-  
13 placement of lead-based service lines and other crit-  
14 ical infrastructure improvements, ensuring an effi-  
15 cient use of funds and timely job creation;

16 (21) emergency supplemental appropriations for  
17 remediating the drinking water infrastructure emer-  
18 gency in the United States can be leveraged—

19 (A) to create high-quality union jobs; and

20 (B) to expand minority-owned businesses  
21 to support the next generation of water infra-  
22 structure contractors; and

23 (22) an emergency supplemental appropriation  
24 of \$50,000,000,000 for the Environmental Protec-  
25 tion Agency would allow numerous communities to

1 address the water infrastructure needs of those com-  
2 munities and begin to combat the crisis in the  
3 United States.

4 **SEC. 102. DEFINITIONS.**

5 In this title:

6 (1) ADMINISTRATOR.—The term “Adminis-  
7 trator” means the Administrator of the Environ-  
8 mental Protection Agency.

9 (2) DISADVANTAGED COMMUNITY.—The term  
10 “disadvantaged community” has the meaning given  
11 the term in section 1452(d)(3) of the Safe Drinking  
12 Water Act (42 U.S.C. 300j–12(d)(3)).

13 (3) HIGH-RISK COMMUNITY.—The term “high-  
14 risk community” means—

15 (A) a disadvantaged community in which  
16 drinking water has tested for levels of contami-  
17 nants, such as lead, copper, mercury, organic  
18 chemicals, and other substances, above the con-  
19 taminant levels allowed under the applicable na-  
20 tional primary drinking water regulations (as  
21 defined in section 1401 of the Safe Drinking  
22 Water Act (42 U.S.C. 300f)); or

23 (B) in States in which State drinking  
24 water contaminant requirements are stricter  
25 than the applicable national primary drinking

1 water regulations (as defined in section 1401 of  
2 the Safe Drinking Water Act (42 U.S.C.  
3 300f)), a disadvantaged community in which  
4 drinking water has tested for levels of contami-  
5 nants at levels higher than allowed under the  
6 applicable State contaminant requirement.

7 **SEC. 103. SUPPLEMENTAL APPROPRIATIONS FOR THE**  
8 **DRINKING WATER INFRASTRUCTURE EMER-**  
9 **GENCY.**

10 Out of any funds in the Treasury not otherwise ap-  
11 propriated, for the fiscal year ending September 30, 2020,  
12 \$50,000,000,000, to remain available until September 30,  
13 2024, is appropriated to the Administrator for an addi-  
14 tional amount for lead reduction investments through the  
15 Environmental Protection Agency (including programs  
16 such as the State response to contaminants grant program  
17 under section 1459A(j) of the Safe Drinking Water Act  
18 (42 U.S.C. 300j–19a(j)), the voluntary school and child  
19 care program lead testing grant program under section  
20 1464(d) of the Safe Drinking Water Act (42 U.S.C. 300j–  
21 24(d)), and the drinking water fountain replacement for  
22 schools program under section 1465 of the Safe Drinking  
23 Water Act (42 U.S.C. 300j–25)), or additional grant pro-  
24 grams (either in existence or to be developed) for projects  
25 that protect high-risk communities from lead contamina-



1 tion in drinking water; provide for technical assistance or  
2 mitigation efforts; allow for replacement of lead-tainted in-  
3 frastructure; provide funds for the purchase of filters cer-  
4 tified by NSF International and the Water Quality Asso-  
5 ciation for the removal of contaminants of concern in pub-  
6 lic water systems; or address lead testing in school and  
7 child care programs for which filtration of water systems  
8 in those school and child care programs has already been  
9 performed: *Provided*, That the amount under this heading  
10 is designated by the Congress as an emergency require-  
11 ment pursuant to section 251(b)(2)(A)(i) of the Balanced  
12 Budget and Emergency Deficit Control Act of 1985 (2  
13 U.S.C. 901(b)(2)(A)(i)), except that such amount shall be  
14 available only if the President subsequently so designates  
15 such amount and transmits such designation to Congress.

## 16 **TITLE II—WATER ACCESSIBILITY** 17 **AND AFFORDABILITY**

### 18 **SEC. 201. FINDINGS.**

19 Congress finds the following:

20 (1) Obtaining reliable and affordable water  
21 service is becoming increasingly difficult due to  
22 aging infrastructure, climate change, and population  
23 changes.

24 (2) Household water rates have increased by  
25 approximately 41 percent since 2010. Over the last

1 several decades, the cost for drinking water and  
2 wastewater services has risen much more rapidly  
3 than other household expenses.

4 (3) According to the Environmental Protection  
5 Agency, low-income households are particularly im-  
6 pacted by water affordability challenges when drink-  
7 ing water, wastewater, and stormwater rates are  
8 raised.

9 (4) Across the United States, water and waste-  
10 water bills have been increasing at more than twice  
11 the rate of inflation for nearly 2 decades. Addition-  
12 ally, incomes have barely kept up with inflation over  
13 the same period. It is anticipated that rates for  
14 water and wastewater services will continue to in-  
15 crease to meet the need for billions of dollars of  
16 overdue investment in our Nation's water and waste-  
17 water systems.

18 (5) The Environmental Protection Agency re-  
19 ports that approximately 15 percent of residential  
20 water customers nationally are low-income house-  
21 holds that are constantly at risk of being unable to  
22 pay their water bills.

23 (6) Low-income households are 3 times more  
24 likely than other households to have their utility  
25 service disconnected for unpaid or overdue bills.

1           (7) An estimated 15,000,000 people in the  
2 United States experienced a water shutoff in 2016  
3 with the highest shutoff rates in lower-income cities  
4 with higher rates of poverty and unemployment.

5           (8) In 2017, total appropriations to the Envi-  
6 ronmental Protection Agency for water infrastruc-  
7 ture were 35 percent lower than the corresponding  
8 2001 appropriations (adjusted for inflation) despite  
9 massive capital investments being needed for drink-  
10 ing water and wastewater systems.

11           (9) Water accessibility is a fundamental ele-  
12 ment of public health, safety, welfare, and security.

13 **SEC. 202. DRINKING WATER, WASTEWATER, AND**  
14 **STORMWATER SERVICES ASSISTANCE NEEDS-**  
15 **BASED PROGRAM.**

16 (a) DEFINITIONS.—In this section:

17           (1) ENVIRONMENTALLY AT-RISK HOUSE-  
18 HOLD.—The term “environmentally at-risk house-  
19 hold” means such a household, as defined by the  
20 Secretary after consultation with the Administrator  
21 of the Environmental Protection Agency, considering  
22 factors such as—

23                   (A) the proximity of the household to an  
24 environmentally hazardous site, including a  
25 Superfund site or coal ash site (as such sites

1 are defined by the Administrator of the Envi-  
2 ronmental Protection Administration), or  
3 brownfield site (as defined in section 101 of the  
4 Comprehensive Environmental Response, Com-  
5 pensation, and Liability Act of 1980 (42 U.S.C.  
6 9601));

7 (B) whether the household is in an area  
8 that is affected by a consent decree relating to  
9 compliance with the Federal Water Pollution  
10 Control Act (33 U.S.C. 1251 et seq.);

11 (C) whether the household is in an area  
12 that has been found to be in violation of the  
13 Safe Drinking Water Act (42 U.S.C. 300f et  
14 seq.) maximum contaminant level for any con-  
15 taminant; and

16 (D) whether the household is located with-  
17 in 5 miles of a pollution hotspot.

18 (2) HOUSEHOLD.—The term “household”  
19 means any individual or group of individuals who  
20 are living together as 1 economic unit.

21 (3) LOW-INCOME HOUSEHOLD.—The term  
22 “low-income household” means a household—

23 (A) in which 1 or more individuals are re-  
24 ceiving—

1 (i) assistance under a State program  
2 funded under part A of title IV of the So-  
3 cial Security Act (42 U.S.C. 601 et seq.);

4 (ii) payments under the supplemental  
5 security income program established under  
6 title XVI of the Social Security Act (42  
7 U.S.C. 1381 et seq.);

8 (iii) benefits under the supplemental  
9 nutrition assistance program under the  
10 Food and Nutrition Act of 2008 (7 U.S.C.  
11 2011 et seq.); or

12 (iv) payments under—

13 (I) section 1315, 1521, 1541, or  
14 1542 of title 38, United States Code;

15 or

16 (II) section 306 of the Veterans'  
17 and Survivors' Pension Improvement  
18 Act of 1978 (38 U.S.C. 1521 note;  
19 Public Law 95–588); or

20 (B) that, subject to subsection (f), has an  
21 income that, as determined by the State in  
22 which the household is located, does not exceed  
23 the greater of—

24 (i) an amount equal to 150 percent of  
25 the poverty level (as defined in section

1                   2603 of the Low-Income Home Energy As-  
2                   sistance Act of 1981 (42 U.S.C. 8622)) for  
3                   that State; and

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

6                   (4) POLLUTION HOTSPOT.—The term “pollu-  
7                   tion hotspot” means a location where pollution from  
8                   specific sources may expose an individual or commu-  
9                   nity to an elevated risk of adverse health and safety  
10                  effects, as determined by the Administrator of the  
11                  Environmental Protection Agency.

12                  (5) SECRETARY.—The term “Secretary” means  
13                  the Secretary of Health and Human Services.

14                  (6) STATE.—The term “State” means each of  
15                  the several States, the District of Columbia, the  
16                  Commonwealth of Puerto Rico, Guam, the United  
17                  States Virgin Islands, American Samoa, the Com-  
18                  monwealth of the Northern Mariana Islands, and an  
19                  Indian tribe (as defined in section 4 of the Indian  
20                  Self-Determination and Education Assistance Act  
21                  (25 U.S.C. 5304)).

22                  (7) WATER BURDEN.—The term “water bur-  
23                  den” means the expenditures of a household for  
24                  drinking water, wastewater, and stormwater services,  
25                  divided by the income of the household.

1           (8) WATER CRISIS.—The term “water crisis”  
2 means weather-related and supply shortage emer-  
3 gencies, stormwater flooding, and other household  
4 water-related emergencies, relating to drinking  
5 water, wastewater, or stormwater services.

6           (b) ESTABLISHMENT.—

7           (1) IN GENERAL.—The Secretary is authorized  
8 to make grants, in accordance with the provisions of  
9 this section, to States to assist low-income house-  
10 holds (particularly those with the lowest incomes re-  
11 lative to State poverty levels and median incomes,  
12 that pay a high proportion of household income for  
13 home drinking water, wastewater, and stormwater  
14 services), including environmentally at-risk house-  
15 holds that are also low-income households, primarily  
16 in meeting their immediate home drinking water,  
17 wastewater, and stormwater service needs. The Sec-  
18 retary shall make the grants in the amounts of the  
19 allotments made under paragraph (2).

20           (2) STATE ALLOTMENTS.—Not later than 1  
21 year after the date of enactment of this Act, the  
22 Secretary shall issue a rule to establish a formula  
23 under which the Secretary shall make allotments to  
24 States, from the amount authorized under sub-  
25 section (h) for a fiscal year, for the grants described

1 in paragraph (1). The Secretary shall issue the rule  
2 after consultation with States, local and Tribal gov-  
3 ernments, community stakeholders, and other appro-  
4 priate entities, in order to develop a formula that al-  
5 lots grant funds based on need to States.

6 (3) PUBLIC HEARINGS.—After the expiration of  
7 the first fiscal year for which a State receives funds  
8 under this section, no funds shall be allotted to such  
9 State for any fiscal year under this section unless  
10 such State conducts public hearings with respect to  
11 the proposed use and distribution of funds to be pro-  
12 vided under this section for such fiscal year.

13 (c) APPLICATIONS.—

14 (1) IN GENERAL.—Each State desiring to re-  
15 ceive an allotment for any fiscal year under this sec-  
16 tion shall submit an application to the Secretary.  
17 Each such application shall be in such form as the  
18 Secretary shall require.

19 (2) CERTIFICATIONS.—As part of the annual  
20 application of a State required by paragraph (1), the  
21 chief executive officer of the State shall certify that  
22 the State agrees—

23 (A) to use the funds available under this  
24 section—



1 (i) to conduct outreach activities and  
2 provide assistance to low-income house-  
3 holds and environmentally at-risk house-  
4 holds that are also low-income households  
5 in meeting their home drinking water,  
6 stormwater, and wastewater service costs,  
7 particularly those households with the low-  
8 est incomes that pay a high proportion of  
9 household income for home drinking water,  
10 stormwater, and wastewater service;

11 (ii) to intervene in water crisis situa-  
12 tions;

13 (iii) to provide cost-effective water ef-  
14 ficiency-related and other water needs-re-  
15 lated home repair;

16 (iv) to plan, develop, and administer  
17 the State's program under this section, in-  
18 cluding leveraging programs;

19 (v) to develop technical assistance  
20 plans in coordination with parties, agen-  
21 cies, or governments referred to in sub-  
22 section (d)(6) or program beneficiaries;

23 (vi) to prioritize applicants for sub-  
24 grants or contracts that include program

1 beneficiaries in design and implementation  
2 of the program; and

3 (vii) but not more than 5 percent of  
4 such funds, to support community engage-  
5 ment in the design and implementation of  
6 the program;

7 (B) not to use such funds for any purposes  
8 other than those specified in this section;

9 (C) to make payments under this section  
10 only with respect to—

11 (i) low-income households; and

12 (ii) environmentally at-risk households  
13 that are also low-income households;

14 (D) to conduct outreach activities and de-  
15 velop materials (in a language understandable  
16 to targeted households) designed to assure that  
17 eligible households (especially households with  
18 children, elderly individuals, or individuals with  
19 disabilities) and households with high water  
20 burdens, are made aware of the assistance  
21 available under this section, and any similar  
22 water-related assistance;

23 (E) to coordinate its activities under this  
24 section with similar and related programs ad-  
25 ministered by the Federal Government and such

1 State, particularly water-related programs for  
2 low-income individuals;

3 (F) to provide, in a timely manner, that  
4 the highest level of assistance will be furnished  
5 to those households which have the lowest in-  
6 comes and the highest costs or needs for home  
7 drinking water, wastewater, or stormwater serv-  
8 ices in relation to income, taking into account  
9 family size;

10 (G) to the extent it is necessary, to des-  
11 ignate local administrative agencies or Tribal  
12 governments in order to carry out the objectives  
13 of this section; and

14 (H) to the extent it is necessary, to deliver  
15 services specified in the application through  
16 community-based nonprofit entities in such  
17 State, by awarding subgrants to, or entering  
18 into contracts with, such entities for the pur-  
19 pose of providing such services and payments  
20 under this section directly to households eligible  
21 for assistance under this section.

22 (3) PLAN.—As part of the annual application  
23 required by paragraph (1), the chief executive officer  
24 of the State shall include, in such format as the Sec-  
25 retary may require, a plan which—

1 (A) describes the eligibility requirements to  
2 be used by the State for each type of assistance  
3 to be provided under this section;

4 (B) describes the benefit levels to be used  
5 by the State for each type of assistance includ-  
6 ing assistance to be provided for drinking  
7 water, wastewater, and stormwater service  
8 needs;

9 (C) contains estimates of the amount of  
10 funds the State will use for each of the pro-  
11 grams under such plan;

12 (D) describes water efficiency-related and  
13 other water needs-related home repair the State  
14 will provide under subsection (d)(6), including  
15 any steps the State will take to address the  
16 water efficiency-related home repair needs of  
17 households that have high water burdens;

18 (E) in the absence of being able to directly  
19 measure and quantify water use at the house-  
20 hold level, provide a reasonable, unified ap-  
21 proach such as using a fixed consumption level  
22 for calculating assistance for household drink-  
23 ing water, wastewater, and stormwater service  
24 costs; and

1 (F) identifies the types of assistance, such  
2 as types described in subsection (d), that may  
3 be included in the program of assistance carried  
4 out by the State under this section.

5 (d) TYPES OF ASSISTANCE.—A State that receives  
6 a grant under this section may use the grant funds to pro-  
7 vide, through a State program required in subsection (b)  
8 a type of assistance that may include—

9 (1) direct financial assistance;

10 (2) a lifeline rate;

11 (3) bill discounting;

12 (4) assistance under special hardship provi-  
13 sions;

14 (5) assistance through a percentage-of-income  
15 payment plan; or

16 (6) water efficiency-related and water needs-re-  
17 lated home repair, including direct installation of  
18 water-efficient fixtures and leak repair, which may  
19 be completed by a third party under a subgrant or  
20 contract awarded by the State or by a local adminis-  
21 trative agency or Tribal government designated by  
22 the State.

23 (e) ASSISTANCE EXEMPT FROM TAXATION.—Not-  
24 withstanding any other provision of law, assistance pro-  
25 vided to a low-income household or an environmentally at-

1 risk household that is also a low-income household under  
2 a program carried out by the State, a local administrative  
3 agency, Tribal government, or a community-based non-  
4 profit entity (on behalf of households), using a grant  
5 under this section shall be exempt from income tax under  
6 the Internal Revenue Code of 1986.

7 (f) LOWER INCOME LIMIT.—For purposes of this sec-  
8 tion, a State may adopt an income limit that is lower than  
9 the limit described in subsection (a)(3)(B), except that the  
10 State may not exclude a household from eligibility in a  
11 fiscal year based solely on household income if that income  
12 is less than 110 percent of the poverty level for the State.

13 (g) REPORTING REQUIREMENTS.—

14 (1) IN GENERAL.—In addition to meeting any  
15 other applicable reporting requirements, as a condi-  
16 tion of receiving a grant under this section, a State  
17 shall prepare and submit to the Secretary an annual  
18 report that summarizes, in a manner determined by  
19 the Secretary, the program carried out by the State  
20 (including any portions carried out through designa-  
21 tion of a local administrative agency or Tribal gov-  
22 ernment or the award of a subgrant or contract to  
23 a community-based nonprofit entity) under the  
24 grant, including—

25 (A) key features;

- 1 (B) sources of funding;  
2 (C) eligibility criteria;  
3 (D) participation rates;  
4 (E) the monetary benefit per participant;  
5 (F) program costs;  
6 (G) the demonstrable impacts of the pro-  
7 gram on arrearage and service disconnection for  
8 households, to the maximum extent practicable;  
9 and  
10 (H) other relevant information required by  
11 the Secretary.

12 (2) PUBLICATION.—The Secretary shall make  
13 available to the general public each report submitted  
14 under paragraph (1).

15 (h) AUTHORIZATION.—There is authorized to be ap-  
16 propriated to carry out this section \$2,000,000,000 for  
17 each of fiscal years 2020 through 2024.

18 **SEC. 203. ESTABLISHMENT OF FEDERAL GRANT PROGRAM**  
19 **FOR DRINKING WATER TREATMENT WORKS**  
20 **OPERATION AND MAINTENANCE.**

21 (a) IN GENERAL.—Not later than 2 years after the  
22 date of enactment of this Act, the Administrator of the  
23 Environmental Protection Agency (referred to in this sec-  
24 tion as the “Administrator”) shall establish a grant pro-  
25 gram (referred to in this section as the “program”) to help

1 communities that serve environmentally at-risk households  
2 and low-income households (as those terms are defined in  
3 section 202) afford operations and maintenance costs of  
4 drinking water treatment.

5 (b) ELIGIBLE USES.—A grant provided under the  
6 program shall be used—

7 (1) to help water systems provide adequate and  
8 affordable supplies of safe drinking water in both  
9 the near- and long-term future; and

10 (2) to provide support to help public water sys-  
11 tems (as defined in section 1401 of the Safe Drink-  
12 ing Water Act (42 U.S.C. 300f) provide safe and af-  
13 fordable drinking water.

14 (c) AUTHORIZATION OF APPROPRIATIONS.—There is  
15 authorized to be appropriated to carry out the program  
16 \$150,000,000 for each of fiscal years 2020 through 2024.

17 **TITLE III—INVESTMENTS IN NA-**  
18 **TIONWIDE WATER INFRA-**  
19 **STRUCTURE AND SUSTAIN-**  
20 **ABILITY**

21 **SEC. 301. FINDINGS.**

22 Congress finds that—

23 (1) water is an essential resource for farms, cit-  
24 ies, and the environment;



1           (2) in order to responsibly and sustainably  
2 manage water, all different types of water, including  
3 water that is stored, drinking water, flood waters,  
4 wastewater, recycled water, and other types, should  
5 be taken into account;

6           (3) according to a survey by the Government  
7 Accountability Office of State water managers, at  
8 least 40 States anticipate water shortages by 2024,  
9 pointing to the need to conserve and sustainably  
10 manage water;

11           (4) climate change is likely to increase the vul-  
12 nerability of water supplies for communities and the  
13 environment by—

14                 (A) increasing the frequency and mag-  
15 nitude of droughts and extreme precipitation  
16 events;

17                 (B) increasing air temperatures; and

18                 (C) changing the patterns and volume of  
19 precipitation;

20           (5) the water infrastructure of the United  
21 States needs additional investment given the age of  
22 the infrastructure and emerging issues, such as cli-  
23 mate change;

1           (6) according to the American Society of Civil  
2 Engineers, more than \$105,000,000,000 is needed  
3 for drinking water and wastewater investment needs;

4           (7) a diverse portfolio of water management,  
5 storage, recycling, and reuse techniques can help to  
6 sustainably and responsibly manage water in the  
7 United States;

8           (8) reducing water diversions from rivers and  
9 lakes is important to sustain—

10                   (A) native fish and wildlife; and

11                   (B) the communities and Native American  
12 tribes that depend on a healthy environment;

13           (9) a sustainable water supply relies on—

14                   (A) the ability for environmentally sound  
15 water storage projects;

16                   (B) protection of clean water programs;

17                   (C) financing for new technologies;

18                   (D) developments and funding for water  
19 recycling and reuse projects;

20                   (E) improvements to wastewater systems  
21 and flood management;

22                   (F) increased conservation programs and  
23 water efficiency; and

1 (G) instream flows of adequate quality and  
2 quantity that protect native fish and wildlife  
3 and the environment;

4 (10) the 16th Clean Watersheds Needs Survey  
5 of the Environmental Protection Agency shows a  
6 total 20-year capital improvement need of  
7 \$271,000,000 to address the water quality objectives  
8 of the Federal Water Pollution Control Act (33  
9 U.S.C. 1251 et seq.);

10 (11) more than 21,000,000 households lack ac-  
11 cess to a sewer system and instead rely on expensive  
12 septic tanks or cesspools;

13 (12) more than 1,700,000 households lack ac-  
14 cess to basic plumbing in the United States; and

15 (13) exposure to raw sewage inside or outside  
16 of the home due to inadequate or failing wastewater  
17 systems is a severe public health risk.

18 **SEC. 302. RECLAMATION INFRASTRUCTURE FINANCE AND**

19 **INNOVATION PILOT PROGRAM.**

20 (a) ESTABLISHMENT.—The Secretary of the Interior  
21 (referred to in this section as the “Secretary”) shall estab-  
22 lish and carry out a pilot program under which the Sec-  
23 retary shall provide to eligible entities described in sub-  
24 section (c) financial assistance in accordance with this sec-

1 tion to carry out eligible projects described in subsection  
2 (b).

3 (b) ELIGIBLE PROJECTS AND ELIGIBLE PROJECT  
4 COSTS.—

5 (1) IN GENERAL.—A project eligible to receive  
6 assistance under the pilot program under this sec-  
7 tion is a water supply project described in paragraph  
8 (2) that, as determined by the Secretary—

9 (A) is located in—

10 (i) the State of Alaska;

11 (ii) the State of Hawaii; or

12 (iii) a Reclamation State (as defined  
13 in section 4014 of the Water Infrastruc-  
14 ture Improvements for the Nation Act (43  
15 U.S.C. 390b note; Public Law 114–322));

16 (B) would contribute directly or indirectly  
17 (including through groundwater recharge) to a  
18 safe, adequate water supply for domestic, agri-  
19 cultural, environmental, municipal, or industrial  
20 use;

21 (C) complies with all applicable State and  
22 Federal laws;

23 (D) would provide net ecosystem benefits  
24 in excess of required environmental mitigation  
25 measures or compliance obligations pursuant to

1 State and Federal law, as described in para-  
2 graph (6);

3 (E) uses natural infrastructure and na-  
4 ture-based solutions where practicable;

5 (F) is economically feasible; and

6 (G) is otherwise eligible for assistance  
7 under this section.

8 (2) WATER SUPPLY PROJECTS.—A water sup-  
9 ply project referred to in paragraph (1) is—

10 (A) a project for the reclamation and reuse  
11 of municipal, industrial, domestic, and agricul-  
12 tural wastewater, and naturally impaired  
13 ground water, which the Secretary, acting  
14 through the Commissioner of Reclamation, is  
15 authorized to undertake;

16 (B) any water infrastructure project not  
17 specifically authorized by law that—

18 (i) the Secretary determines, through  
19 the completion of an appraisal investiga-  
20 tion and feasibility study, would contribute  
21 to a safe, adequate water supply for do-  
22 mestic, agricultural, environmental, munic-  
23 ipal, or industrial use; and

24 (ii) is otherwise eligible for assistance  
25 under this section;

1 (C) a new water infrastructure facility  
2 project, including a water conduit, pipeline,  
3 canal, pumping, power, and any associated fa-  
4 cility;

5 (D) a project for enhanced energy effi-  
6 ciency in the operation of a water system;

7 (E) a project for accelerated repair and re-  
8 placement of all or a portion of an aging water  
9 distribution or conveyance facility;

10 (F) a brackish desalination project;

11 (G) a project for the acquisition of real  
12 property or an interest in real property for  
13 water storage, reclaimed or recycled water, or  
14 wastewater, if the acquisition is integral to a  
15 project described in subparagraphs (A) through  
16 (F);

17 (H) a project to deliver water to wildlife  
18 refuges;

19 (I) a stormwater capture project; or

20 (J) a combination of projects, each of  
21 which is eligible under subparagraphs (A)  
22 through (I), for which an eligible entity submits  
23 a single application.

1           (3) ELIGIBLE PROJECT COSTS.—An eligible  
2 project cost that is eligible for assistance under this  
3 section—

4           (A) shall be limited to a nonreimbursable  
5 cost for elements of a project that would  
6 achieve public benefits under the reclamation  
7 laws; and

8           (B) includes the cost of—

9           (i) development-phase activities, in-  
10 cluding planning, feasibility analysis, rev-  
11 enue forecasting, environmental review,  
12 permitting, transaction costs, preliminary  
13 engineering and design work, and other  
14 preconstruction activities;

15           (ii) construction, reconstruction, reha-  
16 bilitation, and replacement activities;

17           (iii) the acquisition of real property  
18 (including water rights, land relating to  
19 the eligible project, and improvements to  
20 land), environmental mitigation, construc-  
21 tion contingencies, and acquisition of  
22 equipment;

23           (iv) capitalized interest necessary to  
24 meet market requirements, reasonably re-  
25 quired reserve funds, capital issuance ex-

1                   penses, and other carrying costs during  
2                   construction;

3                   (v) refinancing interim construction  
4                   funding, long-term project obligations, or a  
5                   secured loan, loan guarantee, or other  
6                   credit enhancement made under this sec-  
7                   tion;

8                   (vi) refinancing long-term project obli-  
9                   gations or Federal credit instruments, if  
10                  that refinancing provides additional fund-  
11                  ing capacity for the completion, enhance-  
12                  ment, or expansion of any eligible project  
13                  selected for assistance under this section;

14                  (vii) reimbursement or success pay-  
15                  ments to any public or private entity that  
16                  achieves predetermined outcomes on a pay-  
17                  for-performance or pay-for-success basis;  
18                  and

19                  (viii) grants, loans, or credit enhance-  
20                  ment for community development financial  
21                  institutions, green banks, and other finan-  
22                  cial intermediaries providing ongoing fi-  
23                  nance for eligible projects that meet the  
24                  purposes of this section.



1           (4) SMALL COMMUNITY PROJECTS.—For  
2 projects eligible for assistance under this section and  
3 section 5028(a)(2)(B) of the Water Resources Re-  
4 form and Development Act of 2014 (33 U.S.C.  
5 3907(a)(2)(B)), the Secretary may assist applicants  
6 in combining 1 or more projects into a single appli-  
7 cation in order to meet the minimum project cost of  
8 \$5,000,000 required under that section.

9           (5) COST-SHARING REQUIREMENT; CERTAIN  
10 USES.—

11           (A) COST SHARING.—The Federal share of  
12 the eligible costs of a water supply project  
13 under this section shall be not more than 25  
14 percent.

15           (B) CERTAIN USES.—A water supply  
16 project that receives assistance under this sec-  
17 tion may use not more than 5 percent of  
18 amounts made available under this section to  
19 carry out activities to demonstrate progress to-  
20 ward the goals of the water supply project.

21           (6) DETERMINATION OF NET ECOSYSTEM BEN-  
22 EFITS.—

23           (A) DRAFT REPORT.—

24           (i) IN GENERAL.—Using the best  
25 available scientific information and data,

1 the Director of the United States Fish and  
2 Wildlife Service shall prepare a draft re-  
3 port that evaluates the ecosystem impacts  
4 and benefits of each proposed water supply  
5 project being considered for financial as-  
6 sistance under this section.

7 (ii) COORDINATION.—A draft report  
8 required under clause (i) shall be prepared  
9 in coordination with the head of the State  
10 agency with jurisdiction over the fish and  
11 wildlife resources of the State in which the  
12 water supply project is proposed to be car-  
13 ried out.

14 (iii) APPLICABLE LAW; REQUIRE-  
15 MENTS.—A draft report prepared under  
16 clause (i) shall—

17 (I) meet the requirements of sec-  
18 tion 2(b) of the Fish and Wildlife Co-  
19 ordination Act (16 U.S.C. 662(b));

20 (II) quantify and estimate the  
21 ecosystem benefits and adverse im-  
22 pacts to native fish and wildlife from  
23 the proposed water supply project;  
24 and

1 (III) evaluate whether the eco-  
2 system benefits of the proposed water  
3 supply project are likely to exceed the  
4 ecosystem impacts of the proposed  
5 water supply project.

6 (iv) REVIEW; AVAILABILITY.—The Di-  
7 rector of the United States Fish and Wild-  
8 life Service shall ensure that a draft report  
9 prepared under clause (i) is—

10 (I) reviewed by independent sci-  
11 entists; and

12 (II) made available for a public  
13 review and comment period of not less  
14 than 30 days.

15 (B) FINAL REPORT.—

16 (i) IN GENERAL.—The Director of the  
17 United States Fish and Wildlife Service  
18 shall prepare a final report based on the  
19 applicable draft report prepared under sub-  
20 paragraph (A)(i), after considering the re-  
21 sults of the independent scientific peer re-  
22 view and public comment processes under  
23 subparagraph (A)(iv).

1 (ii) TRANSMISSION; AVAILABILITY.—A  
2 final report prepared under clause (i) shall  
3 be—

4 (I) transmitted to—  
5 (aa) the project applicant;  
6 (bb) the relevant State agen-  
7 cy; and  
8 (cc) relevant congressional  
9 committees; and

10 (II) made available to the public.

11 (iii) DETERMINATION.—If a final re-  
12 port prepared under clause (i) determines  
13 that the water supply project provides net  
14 ecosystem benefits, the proposed water  
15 supply project shall be eligible for financial  
16 assistance under this section.

17 (iv) RECOMMENDATIONS.—If a final  
18 report determines that the proposed water  
19 supply project fails to provide a net eco-  
20 system improvement, the final report may  
21 identify potential recommendations to re-  
22 duce adverse environmental impacts and  
23 improve environmental benefits of the pro-  
24 posed water supply project.

1 (v) FINAL AGENCY ACTION.—A final  
2 report prepared under clause (i) shall be  
3 considered to be a final agency action for  
4 purposes of section 704 of title 5, United  
5 States Code.

6 (vi) JUDICIAL REVIEW.—A final re-  
7 port prepared under clause (i) shall be sub-  
8 ject to review in the Federal district court  
9 of the State in which the project is pro-  
10 posed to be constructed if a petition for re-  
11 view is filed with the court not later than  
12 180 days after the date on which the final  
13 report is transmitted under clause (ii).

14 (c) ELIGIBLE ENTITIES.—The following entities are  
15 eligible to receive assistance under this section:

16 (1) An entity described in section 5025 of the  
17 Water Resources Reform and Development Act of  
18 2014 (33 U.S.C. 3904).

19 (2) A conservancy district, Reclamation district,  
20 or irrigation district.

21 (3) A canal company or mutual water company.

22 (4) A water users' association.

23 (5) An agency established by an interstate com-  
24 pact.

1           (6) Any other individual or entity that has the  
2 capacity to contract with the United States under  
3 the reclamation laws.

4           (d) REQUIREMENTS.—

5           (1) PROJECT SELECTION.—In selecting eligible  
6 projects to receive assistance under the pilot pro-  
7 gram under this section, the Secretary shall ensure  
8 diversity with respect to—

9                   (A) project type; and

10                   (B) geographical location within the States  
11 referred to in subsection (b)(1)(A).

12           (2) PRIORITY.—In selecting eligible projects to  
13 receive assistance under this section, the Secretary  
14 shall prioritize projects that—

15                   (A) would benefit—

16                           (i) low-income communities; or

17                           (ii)(I) communities particularly at-risk  
18 to climate change; and

19                           (II) environmentally at-risk commu-  
20 nities;

21                   (B) to the maximum extent practicable, in-  
22 corporate green and natural infrastructure com-  
23 ponents; and

24                   (C) achieve multiple public benefits.

1           (3) IMPORTATION OF OTHER REQUIREMENTS.—

2           The following provisions of law shall apply to the  
3           pilot program under this section:

4                   (A) Sections 5022, 5024, 5027, 5028,  
5                   5029, 5030, 5031, 5032, and 5034(a) of the  
6                   Water Resources Reform and Development Act  
7                   of 2014 (33 U.S.C. 3901, 3903, 3906, 3907,  
8                   3908, 3909, 3910, 3911, and 3913(a)), except  
9                   that—

10                           (i) any reference contained in those  
11                           sections to the Secretary of the Army shall  
12                           be considered to be a reference to the Sec-  
13                           retary;

14                           (ii) any reference contained in those  
15                           sections to an eligible project shall be con-  
16                           sidered to be a reference to an eligible  
17                           project described in subsection (b);

18                           (iii) paragraphs (1)(E) and (6)(B) of  
19                           subsection (a), and subsection (b)(3), of  
20                           section 5028 of that Act (33 U.S.C. 3907)  
21                           shall not apply with respect to this section;  
22                           and

23                           (iv) subsections (e) and (f) of section  
24                           5030 of that Act (33 U.S.C. 3909) shall  
25                           not apply with respect to this section.

1           (B) The agreement between the Adminis-  
2           trator of the Environmental Protection Agency  
3           and the Commissioner of Reclamation required  
4           under section 4301 of the America’s Water In-  
5           frastructure Act of 2018 (Public Law 115–  
6           270).

7           (C) Other applicable environmental laws,  
8           including the National Environmental Policy  
9           Act of 1969 (42 U.S.C. 4321 et seq.).

10       (e) AUTHORIZATION OF APPROPRIATIONS.—

11           (1) IN GENERAL.—There is authorized to be  
12           appropriated to the Secretary to carry out the pilot  
13           program under this section \$150,000,000 for each of  
14           fiscal years 2020 through 2024, to remain available  
15           until expended.

16           (2) ADMINISTRATIVE COSTS.—Of the funds  
17           made available under paragraph (1), the Secretary  
18           may use for administrative costs of carrying out the  
19           pilot program under this section (including for the  
20           provision of technical assistance to project sponsors  
21           pursuant to paragraph (3), to obtain any necessary  
22           approval, and for transfer to the Administrator of  
23           the Environmental Protection Agency to provide as-  
24           sistance in administering and servicing Federal cred-



1 it instruments under the pilot program) not more  
2 than \$5,000,000 for each applicable fiscal year.

3 (3) SMALL COMMUNITY PROJECTS.—

4 (A) IN GENERAL.—Subject to subpara-  
5 graph (B), the Commissioner may use the  
6 funds made available under paragraph (2) to  
7 provide assistance, including assistance to pay  
8 the costs of acquiring the rating opinion letters  
9 under paragraph (1)(D) of section 5028(a) of  
10 the Water Resources Reform and Development  
11 Act of 2014 (33 U.S.C. 3907(a)), to assist  
12 project sponsors in obtaining the necessary ap-  
13 provals for small community projects that are  
14 eligible for assistance under paragraph (2)(B)  
15 of that section or subsection (b)(3).

16 (B) LIMITATION.—Assistance provided to  
17 a project sponsor under subparagraph (A) may  
18 not exceed an amount equal to 75 percent of  
19 the total administrative costs incurred by the  
20 project sponsor in securing financial assistance  
21 under this section.

22 (f) LIMITATION.—No eligible project that receives as-  
23 sistance under this section may be financed (directly or  
24 indirectly), in whole or in part, with proceeds of any obli-  
25 gation the interest on which is exempt from the tax im-

1 posed under chapter 1 of the Internal Revenue Code of  
2 1986.

3 (g) EFFECT.—Nothing in this section affects the au-  
4 thority of a State or a political subdivision of a State to  
5 apply and enforce any environmental laws (including regu-  
6 lations) with respect to an eligible project provided assist-  
7 ance under this section.

8 **SEC. 303. WATER RECYCLING AND REUSE PROJECTS.**

9 (a) COMPETITIVE GRANT PROGRAM FOR THE FUND-  
10 ING OF WATER RECYCLING AND REUSE PROJECTS.—Sec-  
11 tion 1602(f) of the Reclamation Wastewater and Ground-  
12 water Study and Facilities Act (43 U.S.C. 390h(f)) is  
13 amended by striking paragraphs (2) and (3) and inserting  
14 the following:

15 “(2) PRIORITY.—In providing grants under  
16 paragraph (1), the Secretary shall give priority to  
17 projects that—

18 “(A) are likely to provide a more reliable  
19 water supply for a unit of State, local, or Tribal  
20 government;

21 “(B) are likely to increase the water man-  
22 agement flexibility and reduce impacts on envi-  
23 ronmental resources;

24 “(C) are regional in nature;

25 “(D) involve multiple stakeholders;

1           “(E) provide multiple benefits, including  
2           water supply reliability, ecosystem benefits,  
3           groundwater management and enhancements,  
4           and water quality improvements;

5           “(F) would benefit low-income commu-  
6           nities; or

7           “(G) would protect communities particu-  
8           larly at-risk to climate change and environ-  
9           mental degradation.”.

10       (b) AUTHORIZATION OF APPROPRIATIONS.—Section  
11 1602(g) of the Reclamation Wastewater and Groundwater  
12 Study and Facilities Act (43 U.S.C. 390h(g)) is amend-  
13 ed—

14           (1) in paragraph (1), by striking  
15           “\$50,000,000” and inserting “\$500,000,000”; and

16           (2) in paragraph (2), by striking “if enacted  
17           appropriations legislation designates funding to  
18           them by name,”.

19       (c) LIMITATION ON FUNDING.—Section 1631(d)(1)  
20 of the Reclamation Wastewater and Groundwater Study  
21 and Facilities Act (43 U.S.C. 390h–13(d)(1)) is amended  
22 by striking “\$20,000,000 (October 1996 prices)” and in-  
23       serting “\$30,000,000 (January 2019 prices)”.

1 (d) DURATION.—Section 4013 of the Water Infra-  
 2 structure Improvements for the Nation Act (43 U.S.C.  
 3 390b note; Public Law 114–322) is amended—

4 (1) in paragraph (1), by striking “and”;

5 (2) in paragraph (2), by striking the period and  
 6 inserting “; and”; and

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

8 “(3) the amendment made by section 4009(c).”.

9 (e) PROGRAMS FOR ALTERNATIVE WATER SOURCE  
 10 PROJECTS.—Section 220 of the Federal Water Pollution  
 11 Control Act (33 U.S.C. 1300) is amended to read as fol-  
 12 lows:

13 **“SEC. 220. PROGRAM FOR ALTERNATIVE WATER SOURCE**  
 14 **PROJECTS.**

15 “(a) DEFINITIONS.—In this section:

16 “(1) ALTERNATIVE WATER SOURCE PROJECT.—

17 “(A) IN GENERAL.—The term ‘alternative  
 18 water source project’ means a project that—

19 “(i) is designed to provide municipal,  
 20 industrial, or agricultural water supplies in  
 21 an environmentally sustainable manner by  
 22 conserving, managing, reclaiming, or  
 23 reusing water, wastewater, or stormwater,  
 24 or by treating wastewater or stormwater;  
 25 and

1           “(ii) provides an alternative to tradi-  
2           tional water projects that divert or store  
3           water from natural aquatic ecosystems, in-  
4           cluding rivers, lakes, streams, and estu-  
5           aries.

6           “(B) EXCLUSION.—The term ‘alternative  
7           water source project’ does not include any  
8           water treatment or distribution facility.

9           “(2) CRITICAL WATER SUPPLY NEEDS.—The  
10          term ‘critical water supply needs’ means existing or  
11          reasonably anticipated future water supply needs  
12          that cannot be met by existing water supplies, as  
13          identified in a comprehensive statewide or regional  
14          water supply plan or assessment projected over a pe-  
15          riod of not less than 20 years.

16          “(b) ESTABLISHMENT.—The Administrator shall es-  
17          tablish a program to make grants to State, interstate, and  
18          intrastate water resource development agencies (including  
19          water management districts and water supply authorities),  
20          local government agencies, Tribal governments, private  
21          utilities, and nonprofit entities for alternative water source  
22          projects to meet critical water supply needs.

23          “(c) ELIGIBLE ENTITY.—The Administrator may  
24          award a grant under this section to an entity only if the  
25          entity has authority under State law to develop or provide

1 water for municipal, industrial, and agricultural uses in  
2 an area of the State that is experiencing critical water  
3 supply needs.

4 “(d) SELECTION OF PROJECTS.—

5 “(1) LIMITATION.—A project that has received  
6 funds for construction under the Reclamation  
7 Projects Authorization and Adjustment Act of 1992  
8 (43 U.S.C. 390h et seq.) shall not be eligible for a  
9 grant under this section.

10 “(2) GEOGRAPHICAL DISTRIBUTION.—Alter-  
11 native water source projects selected by the Adminis-  
12 trator for a grant under this section shall reflect a  
13 variety of geographical and environmental condi-  
14 tions.

15 “(e) USES OF GRANT FUNDS.—

16 “(1) IN GENERAL.—Subject to paragraph (2), a  
17 grant received under this section may be used for  
18 engineering, design, construction, and final testing  
19 of an alternative water source project designed to  
20 meet critical water supply needs.

21 “(2) EXCLUSION.—A grant received under this  
22 section may not be used for planning, a feasibility  
23 study, operation, maintenance, replacement, repair,  
24 or rehabilitation.

1       “(f) COST SHARING.—The Federal share of the eligi-  
 2 ble costs of an alternative water source project carried out  
 3 using a grant under this section shall be not more than  
 4 50 percent.

5       “(g) REPORT.—Not later than September 30, 2023,  
 6 the Administrator shall submit to Congress a report de-  
 7 scribing the results of the grant program established  
 8 under subsection (b), including progress toward meeting  
 9 the critical water supply needs of the grant recipients.

10       “(h) AUTHORIZATION OF APPROPRIATIONS.—There  
 11 is authorized to be appropriated to carry out this section  
 12 \$500,000,000 for fiscal year 2020 and each fiscal year  
 13 thereafter, to remain available until expended.

14       “(i) POLICY.—Nothing in this section affects the ap-  
 15 plication of section 101(g) and all of the provisions of this  
 16 section shall be carried out in accordance with that sec-  
 17 tion.”.

18 **SEC. 304. MANDATORY SPENDING FOR WATER INFRA-**  
 19 **STRUCTURE PROGRAMS.**

20       (a) CLEAN WATER PROGRAMS.—

21               (1) IN GENERAL.—At the beginning of each fis-  
 22 cal year, the Administrator shall obligate for the fis-  
 23 cal year—

24                       (A) \$174,250,000 to make grants to non-  
 25 profit organizations to provide technical assist-

1           ance and disseminate information under section  
2           104(b)(8) of the Federal Water Pollution Con-  
3           trol Act (33 U.S.C. 1254(b)(8));

4                 (B) \$522,750,000 to make grants for pol-  
5           lution control programs under section 106 of  
6           the Federal Water Pollution Control Act (33  
7           U.S.C. 1256);

8                 (C) \$871,250,000 to make grants for the  
9           implementation of management programs under  
10          section 319(h)(1) of the Federal Water Pollu-  
11          tion Control Act (33 U.S.C. 1329(h)(1)); and

12                (D) \$1,000,000 to assist in the planning,  
13          development, strengthening, improving, or car-  
14          rying out of programs or projects for the prepa-  
15          ration of undergraduate students to enter an  
16          occupation which involves the design, operation,  
17          and maintenance of treatment works and other  
18          facilities under section 109 of the Federal  
19          Water Pollution Control Act (33 U.S.C. 1259).

20          (2) PRIORITIES.—Notwithstanding any other  
21          provision of law, in using the funds obligated under  
22          paragraph (1), the Administrator shall give priority  
23          to projects or programs that—

24                 (A) benefit low-income communities;



1 (B) benefit communities that are subject to  
2 a consent decree in an action brought under the  
3 Federal Water Pollution Control Act (33 U.S.C.  
4 1251 et seq.);

5 (C) reflect a variety of geographic condi-  
6 tions; and

7 (D) benefit communities with a history of  
8 degraded environmental conditions.

9 (3) FUNDING.—

10 (A) IN GENERAL.—On October 1 of each  
11 fiscal year, out of any funds in the Treasury  
12 not otherwise appropriated, the Secretary of the  
13 Treasury shall transfer to the Administrator to  
14 carry out this subsection \$1,569,250,000, to re-  
15 main available until expended.

16 (B) RECEIPT AND ACCEPTANCE.—The Ad-  
17 ministrator shall be entitled to receive, shall ac-  
18 cept, and shall use to carry out this section the  
19 funds transferred under subparagraph (A),  
20 without further appropriation.

21 (b) SAFE DRINKING WATER PROGRAMS.—

22 (1) IN GENERAL.—At the beginning of each fis-  
23 cal year, the Administrator shall obligate for the fis-  
24 cal year—

1 (A) \$174,250,000 to provide technical as-  
2 sistance to small public water systems to enable  
3 those systems to achieve and maintain compli-  
4 ance with applicable national primary drinking  
5 water regulations under section 1442(e) of the  
6 Safe Drinking Water Act (42 U.S.C. 300j-  
7 1(e)); and

8 (B) \$1,045,500,000 to make grants under  
9 the voluntary school and child care program  
10 lead testing grant program under section  
11 1464(d) of the Safe Drinking Water Act (42  
12 U.S.C. 300j-24(d)).

13 (2) PRIORITIES.—Notwithstanding any other  
14 provision of law, in using the funds obligated under  
15 paragraph (1), the Administrator shall give priority  
16 to projects or programs that—

17 (A) benefit low-income communities;

18 (B) benefit communities that are subject to  
19 a consent decree in an action brought under the  
20 Safe Drinking Water Act (42 U.S.C. 300f et  
21 seq.);

22 (C) reflect a variety of geographic condi-  
23 tions; and

24 (D) benefit communities with a history of  
25 degraded environmental conditions.

## 1 (3) FUNDING.—

2 (A) IN GENERAL.—On October 1 of each  
3 fiscal year, out of any funds in the Treasury  
4 not otherwise appropriated, the Secretary of the  
5 Treasury shall transfer to the Administrator to  
6 carry out this subsection \$1,219,750,000, to re-  
7 main available until expended.

8 (B) RECEIPT AND ACCEPTANCE.—The Ad-  
9 ministrator shall be entitled to receive, shall ac-  
10 cept, and shall use to carry out this section the  
11 funds transferred under subparagraph (A),  
12 without further appropriation.

## 13 (c) STATE REVOLVING FUNDS.—

14 (1) IN GENERAL.—At the beginning of each fis-  
15 cal year, the Administrator shall obligate for the fis-  
16 cal year—

17 (A) \$15,682,500,000 for making capital-  
18 ization grants for State water pollution control  
19 revolving funds established under title VI of the  
20 Federal Water Pollution Control Act (33 U.S.C.  
21 1381 et seq.); and

22 (B) \$15,159,750,000 for making capital-  
23 ization grants for State drinking water treat-  
24 ment revolving loan funds established under

1 section 1452 of the Safe Drinking Water Act  
2 (42 U.S.C. 300j-12).

3 (2) FUNDING.—

4 (A) IN GENERAL.—On October 1 of each  
5 fiscal year, out of any funds in the Treasury  
6 not otherwise appropriated, the Secretary of the  
7 Treasury shall transfer to the Administrator to  
8 carry out this subsection \$30,842,250,000, to  
9 remain available until expended.

10 (B) RECEIPT AND ACCEPTANCE.—The Ad-  
11 ministrator shall be entitled to receive, shall ac-  
12 cept, and shall use to carry out this section the  
13 funds transferred under subparagraph (A),  
14 without further appropriation.

15 (3) SENSE OF CONGRESS.—It is the sense of  
16 Congress that States should use the funding pro-  
17 vided under this subsection to give priority to  
18 projects that—

19 (A) benefit low-income communities;

20 (B) benefit communities that are subject to  
21 a consent decree in an action brought under the  
22 Safe Drinking Water Act (42 U.S.C. 300f et  
23 seq.);

24 (C) reflect a variety of geographic condi-  
25 tions; and

1 (D) benefit communities with a history of  
2 degraded environmental conditions.

3 (d) MINIMUM ALLOCATION OF ADDITIONAL SUB-  
4 SIDIZATION OF DRINKING WATER STATE REVOLVING  
5 FUNDS.—Section 603(i)(3) of the Federal Water Pollu-  
6 tion Control Act (33 U.S.C. 1383(i)(3)) is amended—

7 (1) by redesignating subparagraphs (C) and  
8 (D) as subparagraphs (D) and (E), respectively; and

9 (2) by inserting after subparagraph (B) the fol-  
10 lowing:

11 “(C) MINIMUM ALLOCATION OF ADDI-  
12 TIONAL SUBSIDIZATION.—To the extent that  
13 there are sufficient applications for the assist-  
14 ance described in paragraph (1)(A), in each fis-  
15 cal year, a State shall use not less than 6 per-  
16 cent of the total amount received by the State  
17 in capitalization grants under this title to pro-  
18 vide additional subsidization under this sub-  
19 section.”.

20 **SEC. 305. EXPANDING AND INCREASING FUNDING FOR**  
21 **RURAL INDIVIDUAL AND CONNECTED WATER**  
22 **SYSTEMS PROGRAMS.**

23 (a) IN GENERAL.—At the beginning of each fiscal  
24 year, the Secretary of Agriculture (referred to in this sec-  
25 tion as the “Secretary”) shall obligate for the fiscal year—

1 (1) \$871,250,000 in additional funding—

2 (A) to make grants for individual house-  
3 hold water well systems and individually owned  
4 household decentralized wastewater systems, in-  
5 cluding drainage fields, under section 306E of  
6 the Consolidated Farm and Rural Development  
7 Act (7 U.S.C. 1926e); and

8 (B) for water or waste disposal grants  
9 under section 306(a)(2) of the Consolidated  
10 Farm and Rural Development Act (7 U.S.C.  
11 1926(a)(2)); and

12 (2) \$100,000,000 in additional funding to make  
13 grants under the Special Evaluation Assistance for  
14 Rural Communities and Households program under  
15 section 306(a)(2)(C) of the Consolidated Farm and  
16 Rural Development Act (7 U.S.C. 1926(a)(2)(C)).

17 (b) FUNDING.—

18 (1) IN GENERAL.—On October 1 of each fiscal  
19 year, out of any funds in the Treasury not otherwise  
20 appropriated, the Secretary of the Treasury shall  
21 transfer to the Secretary to carry out this section  
22 \$971,250,000, to remain available until expended.

23 (2) RECEIPT AND ACCEPTANCE.—The Sec-  
24 retary shall be entitled to receive, shall accept, and  
25 shall use to carry out this section the funds trans-

1       ferred under paragraph (1), without further appro-  
2       priation.

3       (c) RURAL DECENTRALIZED WATER SYSTEMS.—Sec-  
4       tion 306E(b)(1) of the Consolidated Farm and Rural De-  
5       velopment Act (7 U.S.C. 1926e(b)(1)) is amended—

6               (1) by inserting “replacement, repairing,” after  
7       “construction,”; and

8               (2) by inserting “, including drainage fields,”  
9       after “wastewater systems”.

10   **SEC. 306. INCREASED FUNDING FOR WATER MANAGEMENT**  
11                           **IMPROVEMENT.**

12       Section 9504(e) of the Omnibus Public Land Man-  
13       agement Act of 2009 (42 U.S.C. 10364(e)) is amended  
14       by striking “\$480,000,000” and inserting  
15       “\$550,000,000”.

16   **SEC. 307. WATER EFFICIENCY AND CONSERVATION BLOCK**  
17                           **GRANT PROGRAM.**

18       (a) DEFINITIONS.—In this section:

19               (1) ELIGIBLE ENTITY.—The term “eligible enti-  
20       ty” means—

21                       (A) a State;

22                       (B) a unit of local government;

23                       (C) an entity established by an interstate  
24       compact; and

25                       (D) an Indian tribe.

1           (2) INDIAN TRIBE.—The term “Indian tribe”  
2           has the meaning given the term in section 4 of the  
3           Indian Self-Determination and Education Assistance  
4           Act (25 U.S.C. 5304).

5           (3) PROGRAM.—The term “program” means  
6           the program established under subsection (b).

7           (4) SECRETARY.—The term “Secretary” means  
8           the Secretary of Energy.

9           (5) STATE.—The term “State” means—

10                   (A) a State;

11                   (B) the District of Columbia;

12                   (C) the Commonwealth of Puerto Rico;

13                   and

14                   (D) any other territory or possession of the  
15           United States.

16           (b) ESTABLISHMENT.—The Secretary shall establish  
17           a program, to be known as the “Water Efficiency and  
18           Conservation Block Grant Program”, under which the  
19           Secretary shall provide grants to eligible entities to carry  
20           out activities to achieve the purpose of the program de-  
21           scribed in subsection (c).

22           (c) PURPOSE.—The purpose of the program is to as-  
23           sist eligible entities in implementing strategies—

24                   (1) to reduce water use in a manner that—

25                           (A) is environmentally sustainable;



1 (B) improves the affordability of water and  
2 sanitation for disadvantaged communities; and

3 (C) maximizes benefits for local and re-  
4 gional communities;

5 (2) to reduce the total water use of the people,  
6 businesses, farms, and institutions located within the  
7 jurisdiction of eligible entities receiving grants under  
8 the program;

9 (3) to improve water efficiency in the agricul-  
10 tural sector, building sector, or any other appro-  
11 priate sector operating within the jurisdictions of the  
12 eligible entities receiving grants under the program;  
13 and

14 (4) to reduce the energy required to pump,  
15 transport, treat, and heat water.

16 (d) ACTIVITIES.—An eligible entity may use a grant  
17 under the program to carry out activities that include—

18 (1) developing and implementing a water effi-  
19 ciency and conservation strategy;

20 (2) retaining technical consultant services to as-  
21 sist in the development of the strategy described in  
22 paragraph (1), including services to assist with—

23 (A) the formulation of water efficiency,  
24 water conservation, and water usage goals;

1 (B) the engagement of water users and  
2 other stakeholders in the identification of goals  
3 and priorities for water efficiency and conserva-  
4 tion;

5 (C) the identification of strategies to  
6 achieve the goals formulated under subpara-  
7 graphs (A) and (B)—

8 (i) through investments in physical  
9 measures to increase water efficiency and  
10 reduce water consumption;

11 (ii) by encouraging water conservation  
12 practices by—

13 (I) the population served by the  
14 eligible entity; and

15 (II) the suppliers of water and  
16 sanitation services operating within  
17 the jurisdiction of the eligible entity;  
18 and

19 (iii) by collecting any revenues that  
20 may be required to support the implemen-  
21 tation of those strategies through fair and  
22 transparent mechanisms that encourage ef-  
23 ficient water use and support the afford-  
24 ability of water and sanitation services for  
25 low-income households;

1 (D) the development of methods to meas-  
2 ure progress in achieving the goals formulated  
3 under subparagraphs (A) and (B);

4 (E) the development and publication of an-  
5 nual reports, made available to the population  
6 served by the eligible entity, describing—

7 (i) the goals formulated under sub-  
8 paragraphs (A) and (B) and the strategies  
9 identified under subparagraph (C); and

10 (ii) the progress made in achieving  
11 those goals and strategies during the pre-  
12 ceding calendar year; and

13 (F) any other activities appropriate to im-  
14 plement the strategy described in paragraph  
15 (1);

16 (3) conducting residential and commercial  
17 building water audits;

18 (4) conducting water loss audits of public water  
19 distribution systems, securing validation of the audit  
20 reports, and conducting component analyses of any  
21 leaks and losses described in an audit report;

22 (5) establishing a financial incentive program  
23 for water efficiency improvements;

24 (6) providing grants to nonprofit organizations,  
25 governmental agencies, and Tribal governments for

1 the purpose of performing water efficiency upgrades  
2 that result in quantifiable savings;

3 (7) developing and implementing water effi-  
4 ciency and conservation programs for buildings and  
5 facilities within the jurisdiction of the eligible entity,  
6 including programs that—

7 (A) identify the most effective methods for  
8 achieving maximum participation rates and ad-  
9 ministrative efficiency;

10 (B) effectively engage the owners and ten-  
11 ants of affordable housing;

12 (C) have a public education component;

13 (D) use measurement and verification pro-  
14 tocols; and

15 (E) identify water efficient technologies;

16 (8) developing and implementing building codes  
17 and inspection services to promote building water ef-  
18 ficiency;

19 (9) adopting ordinances for the annual  
20 benchmarking of the water use of large buildings  
21 and the public posting of water benchmark reports;

22 (10) implementing water distribution tech-  
23 nologies that significantly increase water efficiency,  
24 including—

1 (A) customer service meters with enhanced  
2 accuracy at low flow levels;

3 (B) automated meter infrastructure for  
4 data collection, analysis, and display;

5 (C) pressure monitoring and management  
6 to mitigate excessive pressure;

7 (D) agricultural water distribution im-  
8 provements, including—

9 (i) water measurement devices of suf-  
10 ficient accuracy to use for billing purposes;

11 (ii) enclosure and pressurization of  
12 agricultural water delivery systems; and

13 (iii) addition of regulatory storage and  
14 automated controls within distribution sys-  
15 tems to enable fulfillment of irrigation de-  
16 livery requests in not more than 24 hours;  
17 and

18 (E) other activities that may have water  
19 conservation and efficiency benefits; and

20 (11) any other appropriate activities, as deter-  
21 mined by the Secretary, in consultation with—

22 (A) the Administrator of the Environ-  
23 mental Protection Agency;

24 (B) the Secretary of Transportation;

25 (C) the Secretary of Agriculture; and

1 (D) the Secretary of Housing and Urban  
2 Development.

3 (e) AUTHORIZATION OF APPROPRIATIONS.—There is  
4 authorized to be appropriated to the Secretary to carry  
5 out this section \$2,000,000,000 for each of fiscal years  
6 2020 through 2024.

7 **SEC. 308. RURAL WATER SUPPLY PROGRAM REAUTHORIZA-**  
8 **TION.**

9 (a) AUTHORIZATION OF APPROPRIATION.—Section  
10 109(a) of the Rural Water Supply Act of 2006 (43 U.S.C.  
11 2408(a)) is amended by striking “2016” and inserting  
12 “2026”.

13 (b) TERMINATION OF AUTHORITY.—Section 110 of  
14 the Rural Water Supply Act of 2006 (43 U.S.C. 2409)  
15 is amended by striking “2016” and inserting “2026”.

16 **SEC. 309. COMBATING PFAS.**

17 Section 1412 of the Safe Drinking Water Act (42  
18 U.S.C. 300g–1) is amended by adding at the end the fol-  
19 lowing:

20 “(f) PERFLUOROALKYL AND POLYFLUOROALKYL  
21 SUBSTANCES.—

22 “(1) IN GENERAL.—Notwithstanding any other  
23 provision of this Act and subject to paragraph (3),  
24 the Administrator shall promulgate under subsection

1 (b)(1)(D) an interim national primary drinking  
2 water regulation—

3 “(A) for each perfluoroalkyl or  
4 polyfluoroalkyl substance described in para-  
5 graph (2) for which the Administrator has es-  
6 tablished a health advisory under subsection  
7 (b)(1)(F) or a toxicity value, not later than 2  
8 years after the date of enactment of this sub-  
9 section; and

10 “(B) for the class of perfluoroalkyl and  
11 polyfluoroalkyl substances described in para-  
12 graph (2) for which the Administrator has not  
13 established a health advisory under subsection  
14 (b)(1)(F) or a toxicity value, not later than 4  
15 years after the date of enactment of this sub-  
16 section.

17 “(2) PERFLUOROALKYL AND  
18 POLYFLUOROALKYL SUBSTANCE DESCRIBED.—A  
19 perfluoroalkyl and polyfluoroalkyl substance referred  
20 to in paragraph (1) is a perfluoroalkyl or  
21 polyfluoroalkyl substance for which the Adminis-  
22 trator has validated a method to measure the level  
23 of that substance in drinking water.

1           “(3) REQUIREMENT.—An interim national pri-  
 2           mary drinking water regulation promulgated pursu-  
 3           ant to paragraph (1) shall be—

4                   “(A) protective of the health of vulnerable  
 5           populations, including pregnant women, infants,  
 6           and children; and

7                   “(B) shall be as stringent as feasible (as  
 8           defined in subsection (b)(4)(D)).”.

9   **SEC. 310. MULTI-BENEFIT PROJECTS TO IMPROVE WATER-**  
 10                   **SHED HEALTH.**

11           (a) IN GENERAL.—Not later than 1 year after the  
 12           date of enactment of this Act, the Secretary of the Inte-  
 13           rior, in consultation with the heads of relevant agencies,  
 14           shall establish a competitive grant program for habitat  
 15           restoration projects that accomplish 1 or more of the fol-  
 16           lowing:

17                   (1) Improve watershed health.

18                   (2) Mitigate against the impacts of climate  
 19           change.

20                   (3) Benefit ecosystems.

21                   (4) Protect against endemic species.

22                   (5) Restore aspects of the natural ecosystem.

23                   (6) Enhance commercial and recreational fish-  
 24           ing.

25           (b) REQUIREMENTS.—



1           (1) IN GENERAL.—In awarding a grant under  
2 subsection (a), the Secretary—

3           (A) shall give priority to a project that  
4 achieves more than 1 of the benefits described  
5 in that subsection; and

6           (B) may not provide a grant for a project  
7 that is for the purpose of meeting existing envi-  
8 ronmental mitigation or compliance obligations.

9           (2) COMPLIANCE.—A project awarded a grant  
10 under subsection (a) shall comply with all applicable  
11 Federal and State laws.

12          (c) AUTHORIZATION OF APPROPRIATIONS.—There is  
13 authorized to be appropriated to carry out this section  
14 \$150,000,000 for each of fiscal years 2020 through 2024.

○