

116TH CONGRESS
1ST SESSION

S. 1837

To require the Administrator of the Environmental Protection Agency to establish a discretionary grant program for drinking water and wastewater infrastructure projects, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 13, 2019

Mrs. GILLIBRAND introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To require the Administrator of the Environmental Protection Agency to establish a discretionary grant program for drinking water and wastewater infrastructure projects, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Protecting Infrastruc-
5 ture and Promoting the Economy Act” or the “PIPE
6 Act”.

1 **SEC. 2. DRINKING WATER AND WASTEWATER INFRASTRUC-**
2 **TURE DISCRETIONARY GRANT PROGRAM.**

3 (a) DEFINITIONS.—In this section:

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

7 (2) PROGRAM.—The term “program” means
8 the drinking water and wastewater infrastructure
9 discretionary grant program established under sub-
10 section (b).

11 (b) ESTABLISHMENT OF PROGRAM.—Not later than
12 1 year after the date of enactment of this Act, the Admin-
13 istrator shall establish a drinking water and wastewater
14 discretionary grant program to provide grants on a com-
15 petitive basis to eligible entities for investments in drink-
16 ing water and wastewater infrastructure projects.

17 (c) ELIGIBLE ENTITIES.—An entity eligible to re-
18 ceive a grant under the program is—

19 (1) a State;

20 (2) a unit of local government;

21 (3) a federally recognized Indian Tribe; or

22 (4) a public or nonprofit water utility.

23 (d) ELIGIBLE PROJECTS.—A project eligible to be
24 carried out with funds under the program includes—

1 (1) 1 or more activities that are eligible for as-
2 sistance under section 603(c) of the Federal Water
3 Pollution Control Act (33 U.S.C. 1383(c));

4 (2) 1 or more activities described in section
5 1452(a)(2) of the Safe Drinking Water Act (42
6 U.S.C. 300j-12(a)(2)); and

7 (3) any other drinking water infrastructure
8 project or wastewater infrastructure project that the
9 Administrator determines to appropriate.

10 (e) APPLICATION.—

11 (1) IN GENERAL.—To be eligible to receive a
12 grant under the program, an eligible entity shall
13 submit to the Administrator an application in such
14 manner and containing such information as the Ad-
15 ministrator may require.

16 (2) BUNDLING OF PROJECTS.—An eligible enti-
17 ty may include more than 1 project in a single appli-
18 cation.

19 (3) DEADLINE.—An application shall be sub-
20 mitted to the Administrator not later than 180 days
21 after the date on which the notice of funding oppor-
22 tunity and the selection criteria are issued under
23 subsection (f)(1)(B).

24 (f) SELECTION.—

25 (1) CRITERIA.—

1 (A) IN GENERAL.—The Administrator
2 shall establish criteria in accordance with this
3 subsection to use in selecting projects to receive
4 a grant under the program.

5 (B) PUBLICATION.—Not later than 60
6 days after the date on which funds are made
7 available to carry out the program for each fis-
8 cal year, the Administrator shall—

9 (i) issue a notice of funding oppor-
10 tunity for the program; and

11 (ii) include in the notice the selection
12 criteria established under subparagraph
13 (A).

14 (2) PRIORITY.—In selecting projects to receive
15 a grant under the program, the Administrator shall
16 give priority to projects—

17 (A) for which a Federal grant would assist
18 in completing an overall financing package for
19 the project; and

20 (B) that would help bring—

21 (i) public water systems (as defined in
22 section 1401 of the Safe Drinking Water
23 Act (42 U.S.C. 300f)) into compliance with
24 the Safe Drinking Water Act (42 U.S.C.
25 300f et seq.); or

1 (ii) publicly owned treatment works
2 (as defined in section 212 of the Federal
3 Water Pollution Control Act (33 U.S.C.
4 1292)) into compliance with the Federal
5 Water Pollution Control Act (33 U.S.C.
6 1251 et seq.).

7 (3) GEOGRAPHICAL DISTRIBUTION.—For each
8 fiscal year, in providing grants under the program,
9 the Administrator shall ensure that the funds are
10 distributed—

11 (A) on an equitable geographical basis; and

12 (B) in a manner that balances the needs of
13 urban, suburban, and rural communities.

14 (4) DEADLINE.—Not later than 1 year after
15 the date on which funds are made available to carry
16 out the program for each fiscal year, the Adminis-
17 trator shall select projects to receive grants under
18 the program.

19 (g) REQUIREMENTS.—

20 (1) TOTAL STATE LIMIT.—For each fiscal year,
21 the total amount provided under the program for
22 projects in a single State shall not exceed 20 percent
23 of the total amount made available to carry out the
24 program.

1 (2) FEDERAL SHARE.—The Federal share of
2 the cost of a project carried out with a grant under
3 the program shall not exceed 100 percent.

4 (h) REGULATIONS.—The Administrator may promul-
5 gate such regulations as may be necessary to carry out
6 this section.

7 (i) DAVIS-BACON.—

8 (1) IN GENERAL.—Notwithstanding any other
9 provision of law, all laborers and mechanics em-
10 ployed by contractors or subcontractors on projects
11 carried out in whole or in part using a grant under
12 the program shall be paid wages at rates not less
13 than those prevailing on projects of a similar char-
14 acter in the locality as determined by the Secretary
15 of Labor in accordance with subchapter IV of chap-
16 ter 31 of title 40, United States Code (commonly
17 known as the “Davis-Bacon Act”).

18 (2) AUTHORITY.—With respect to the labor
19 standards specified in paragraph (1), the Secretary
20 of Labor shall have the authority and functions set
21 forth in Reorganization Plan Numbered 14 of 1950
22 (64 Stat. 1267; 5 U.S.C. App.) and section 3145 of
23 title 40, United States Code.

24 (j) BUY AMERICA.—Notwithstanding any other pro-
25 vision of law, the Administrator may not provide a grant

1 under the program for a project unless the project meets
2 the requirements described in section 1452(a)(4) of the
3 Safe Drinking Water Act (42 U.S.C. 300j-12(a)(4)).

4 (k) REPORTS.—Not later than 2 years after the date
5 of enactment of this Act, the Administrator shall submit
6 to Congress and make publicly available a report on the
7 implementation of the program.

8 (l) FUNDING.—

9 (1) AUTHORIZATION OF APPROPRIATIONS.—

10 There is authorized to be appropriated to carry out
11 this section \$500,000,000 for each of fiscal years
12 2020 through 2029.

13 (2) AVAILABILITY.—Funds made available to
14 carry out this section shall be available until ex-
15 pended.

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