

117TH CONGRESS
2D SESSION

H. R. 8127

To reauthorize the Water Infrastructure Finance and Innovation Act of 2014,
and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 16, 2022

Ms. SCHRIER (for herself, Mr. LAMALFA, Mr. GARAMENDI, Mr. NEWHOUSE, Mr. COSTA, and Ms. DAVIDS of Kansas) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To reauthorize the Water Infrastructure Finance and
Innovation Act of 2014, 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 “Water Infrastructure
5 Finance and Innovation Act Amendments of 2022”.

1 **SEC. 2. CLARIFICATION REGARDING SMALL COMMUNITIES.**

2 (a) DEFINITIONS.—Section 5022 of the Water Re-
3 sources Reform and Development Act of 2014 (33 U.S.C.
4 3901) is amended—

5 (1) by redesignating paragraphs (11) through
6 (15) as paragraphs (13) through (17), respectively;

7 (2) by redesignating paragraph (10) as para-
8 graph (11);

9 (3) by inserting after paragraph (9) the fol-
10 lowing:

11 “(10) RURAL WATER PROJECT.—The term
12 ‘rural water project’ includes—

13 “(A) a rural water supply project author-
14 ized under the Reclamation Rural Water Sup-
15 ply Act of 2006 (43 U.S.C. 2401);

16 “(B) any project authorized under part III
17 of subtitle A of title X of the Omnibus Public
18 Land Management Act of 2009 (Public Law
19 111–11), for a federally recognized Indian
20 Tribe; and

21 “(C) any rural water project or rural water
22 supply project authorized under—

23 “(i) section 1110 of title XI of divi-
24 sion FF of the Consolidated Appropria-
25 tions Act, 2021 (Public Law 116–260); or

26 “(ii) any other Federal law.”; and

1 (4) by inserting after paragraph (11), as so re-
 2 designated, the following:

3 “(12) SMALL COMMUNITY.—The term ‘small
 4 community’ means a city, town, or unincorporated
 5 area that has a population of not more than 25,000
 6 inhabitants.”.

7 (b) CONFORMING AMENDMENT.—Section
 8 5028(a)(2)(B) of the Water Resources Reform and Devel-
 9 opment Act of 2014 (33 U.S.C. 3907(a)(2)(B)) is amend-
 10 ed by striking “a community of not more than 25,000 in-
 11 dividuals” and inserting “a small community”.

12 **SEC. 3. CLARIFYING ELIGIBILITY FOR CERTAIN PROJECTS.**

13 The Water Infrastructure Finance and Innovation
 14 Act of 2014 (33 U.S.C. 3901 et seq.) is amended—

15 (1) in section 5023(b)(3) (33 U.S.C.
 16 3902(b)(3)), by striking “under paragraph (8) or
 17 (10)” and inserting “under paragraphs (8), (10),
 18 (11), (12), or (13)”; and

19 (2) in section 5026 (33 U.S.C. 3905)—

20 (A) in paragraph (10), by striking “or (8)”
 21 and inserting “(8), (11), (12), or (13)”; and

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

23 “(11) A State-led storage project (as such term
 24 is defined in section 4007(a) of the Water Infra-

1 structure Improvements for the Nation Act (43
2 U.S.C. 390b note)).

3 “(12) Transferred works (as such term is de-
4 fined in section 9601 of the Omnibus Public Land
5 Management Act of 2009 (43 U.S.C. 510)).

6 “(13) A congressionally authorized water re-
7 sources development project that is owned or oper-
8 ated by a non-Federal entity.”.

9 **SEC. 4. COLLABORATIVE PROJECT DELIVERY METHODS.**

10 (a) IN GENERAL.—Section 5028 of the Water Infra-
11 structure Finance and Innovation Act of 2014 (33 U.S.C.
12 3907) is amended—

13 (1) by redesignating subsection (c) as sub-
14 section (d); and

15 (2) by inserting after subsection (b) the fol-
16 lowing:

17 “(c) COLLABORATIVE PROJECT DELIVERY METH-
18 ODS.—

19 “(1) AUTHORIZATION.—The Secretary or the
20 Administrator, as applicable, may select, in accord-
21 ance with this section, a project to be carried out
22 using a collaborative project delivery method (con-
23 sistent with any applicable State or local law), in-
24 cluding a construction management at-risk method
25 and a design-build method.

1 “(2) DEFINITIONS.—In this subsection:

2 “(A) COLLABORATIVE PROJECT DELIVERY
3 METHOD.—The term ‘collaborative project de-
4 livery method’ means a method for carrying out
5 a capital project that involves close collabora-
6 tion among the eligible entity, the owner of the
7 project (if different from the eligible entity), the
8 designer of the project, and the contractor for
9 the project, from design through completion of
10 construction.

11 “(B) CONSTRUCTION MANAGEMENT AT-
12 RISK METHOD.—The term ‘construction man-
13 agement at-risk method’ means a collaborative
14 project delivery method in which an engineering
15 firm and a construction management at-risk
16 firm are retained under 2 separate contracts for
17 design and construction, respectively.

18 “(C) DESIGN-BUILD METHOD.—The term
19 ‘design-build method’ means a collaborative
20 project delivery method under which a single
21 lead contract is entered into with a design-
22 builder for design and construction.”.

23 (b) STUDY ON THE USE OF COLLABORATIVE
24 PROJECT DELIVERY METHODS.—Not later than 180 days
25 after the date of enactment of this Act, the Administrator

1 of the Environmental Protection Agency, in coordination
2 with the Regional Administrators, and the Secretary of the
3 Army, acting through the Chief of Engineers, shall carry
4 out, and make public the results of, a study that—

5 (1) evaluates the use of collaborative project de-
6 livery methods in projects carried out using assist-
7 ance received under the Water Infrastructure Fi-
8 nance and Innovation Act of 2014 (33 U.S.C. 3901
9 et seq.);

10 (2) determines barriers to increased use of col-
11 laborative project delivery methods in such projects;

12 (3) assesses the potential benefits of using col-
13 laborative project delivery methods in such projects;
14 and

15 (4) identifies areas of need to educate agency
16 staff in collaborative project delivery method imple-
17 mentation and best practices.

18 **SEC. 5. MATURITY DATE.**

19 Section 5029(b)(5) of the Water Infrastructure Fi-
20 nance and Innovation Act of 2014 (33 U.S.C. 3908(b)(5))
21 is amended—

22 (1) in subparagraph (B), by striking “The final
23 maturity date” and inserting “Notwithstanding sub-
24 paragraphs (A) and (B), the final maturity date”;

1 (2) by redesignating subparagraph (B) as sub-
2 paragraph (C); and

3 (3) by inserting after subparagraph (A) the fol-
4 lowing:

5 “(B) PROJECTS WITH A USEFUL LIFE OF
6 MORE THAN 35 YEARS.—Notwithstanding sub-
7 paragraph (A), for a project with a useful life
8 of more than 35 years (as determined by the
9 Secretary or the Administrator, as applicable),
10 the final maturity date of a secured loan under
11 this section shall be not later than the earlier
12 of—

13 “(i) the date that is 55 years after the
14 date of substantial completion of the rel-
15 evant project (as determined by the Sec-
16 retary or the Administrator, as applicable);
17 and

18 “(ii) if the useful life of the project is
19 less than 55 years, the useful life of the
20 project.”.

21 **SEC. 6. REAUTHORIZATION OF CORPS OF ENGINEERS**
22 **WATER INFRASTRUCTURE FINANCING FUND-**
23 **ING.**

24 Section 5033 of the Water Resources Reform and De-
25 velopment Act of 2014 (33 U.S.C. 3912) is amended—

1 (1) by amending subsection (a)(3) to read as
 2 follows:

3 “(3) FISCAL YEARS 2022 THROUGH 2026.—

4 There is authorized to be appropriated to carry out
 5 this subtitle, to remain available until expended—

6 “(A) \$50,000,000 to the Administrator for
 7 each of fiscal years 2022 through 2026; and

8 “(B) such sums as may be necessary to the
 9 Secretary for each of fiscal years 2022 through
 10 2026.”; and

11 (2) in subsection (b)(2), by striking “the Ad-
 12 ministrator” and inserting “the Secretary or the Ad-
 13 ministrator, as applicable,”.

14 **SEC. 7. BUDGETARY TREATMENT OF CERTAIN AMOUNTS**
 15 **OF FINANCIAL ASSISTANCE.**

16 The Water Infrastructure Finance and Innovation
 17 Act of 2014 (33 U.S.C. 3901 et seq.) is amended by add-
 18 ing at the end the following:

19 **“SEC. 5037. BUDGETARY TREATMENT OF CERTAIN**
 20 **AMOUNTS OF FINANCIAL ASSISTANCE.**

21 “If the recipient of financial assistance for a project
 22 under this subtitle is an eligible entity other than a Fed-
 23 eral entity, agency, or instrumentality, and the dedicated
 24 sources of repayment of that financial assistance are non-
 25 Federal revenue sources, such financial assistance shall,

1 for purposes of budgetary treatment under the Federal
2 Credit Reform Act of 1990 (2 U.S.C. 661 et seq.)—

3 “(1) be deemed to be non-Federal; and

4 “(2) be treated as a direct loan or loan guar-
5 antee (as such terms are defined, respectively, in
6 such Act).”.

7 **SEC. 8. CORPS WATER INFRASTRUCTURE FINANCING PRO-**
8 **GRAM REGULATIONS.**

9 Not later than 1 year after the date of enactment
10 of this Act, the Secretary of the Army, acting through the
11 Chief of Engineers, shall publish in the Federal Register
12 a final rule, pursuant to section 5032 of the Water Infra-
13 structure Finance and Innovation Act of 2014 (33 U.S.C.
14 3911), to carry out such Act (33 U.S.C. 3901 et seq.).

15 **SEC. 9. REPORTS TO CONGRESS.**

16 (a) EPA REPORT.—Not later than 1 year after the
17 date of enactment of this Act, the Administrator of the
18 Environmental Protection Agency shall submit to Con-
19 gress a report on the implementation of—

20 (1) section 4301 of America’s Water Infrastruc-
21 ture Act of 2018 (33 U.S.C. 3909 note); and

22 (2) any agreement entered into under section
23 5030(g) of the Water Infrastructure Finance and
24 Innovation Act of 2014 (33 U.S.C. 3909(g)) pursu-
25 ant to such section 4301.

1 (b) CORPS OF ENGINEERS REPORT.—Not later than
2 1 year after the date of enactment of this Act, the Sec-
3 retary of the Army, acting through the Chief of Engineers,
4 shall submit to Congress a report on the implementation
5 of the Corps Water Infrastructure Financing Program
6 carried out pursuant to the Water Infrastructure Finance
7 and Innovation Act of 2014 (33 U.S.C. 3901 et seq.), in-
8 cluding issues pertaining to such implementation with re-
9 spect to levees and congressionally authorized projects de-
10 scribed in section 5026(1) of such Act.

11 (c) GAO REPORT.—Section 5034(b) of the Water In-
12 frastructure Finance and Innovation Act of 2014 (33
13 U.S.C. 3913(b)) is amended—

14 (1) in paragraph (1), by striking “Not later
15 than 3 years after the date of enactment of the
16 Water Resources Development Act of 2018” and in-
17 serting “Not later than 4 years after the date of en-
18 actment of the Water Infrastructure Finance and
19 Innovation Act Amendments of 2022”; and

20 (2) in paragraph (2)—

21 (A) by redesignating subparagraphs (B)
22 and (C) as subparagraphs (C) and (D), respec-
23 tively, and inserting after subparagraph (A) the
24 following:

1 “(B) an evaluation of the implementation
2 of this subtitle by the Secretary;” and

3 (B) in subparagraph (D) (as so redesign-
4 nated)—

5 (i) by inserting “evaluations and” be-
6 fore “recommendations”; and

7 (ii) by striking “subparagraphs (A)
8 and (B)” and inserting “subparagraphs
9 (A), (B), and (C)”.

10 **SEC. 10. TECHNICAL AND CONFORMING AMENDMENTS.**

11 The Water Resources Reform and Development Act
12 of 2014 (33 U.S.C. 2201 et seq.) is amended—

13 (1) in section 1(b)—

14 (A) in the item relating to the heading for
15 subtitle C of title V, by striking “Pilot”;

16 (B) in the item relating to section 5034, by
17 striking “pilot”; and

18 (C) by inserting after the item relating to
19 section 5035 the following:

“5036. Outreach plan.

“5037. Budgetary treatment of certain amounts of financial assistance.”;

20 (2) in the heading for subtitle C of title V, by
21 striking “**Pilot**”; and

22 (3) in section 5022(12), by striking “et.” and
23 inserting “et”.

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