

# BUSINESS MEETING

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## MEETING OF THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS UNITED STATES SENATE ONE HUNDRED SEVENTEENTH CONGRESS

FIRST SESSION

MARCH 24, 2021

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COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

ONE HUNDRED SEVENTEENTH CONGRESS

FIRST SESSION

THOMAS R. CARPER, Delaware, *Chairman*

BENJAMIN L. CARDIN, Maryland

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SHELDON WHITEHOUSE, Rhode Island

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EDWARD J. MARKEY, Massachusetts

TAMMY DUCKWORTH, Illinois

DEBBIE STABENOW, Michigan

MARK KELLY, Arizona

ALEX PADILLA, California

SHELLEY MOORE CAPITO, West Virginia,

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RICHARD SHELBY, Alabama

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ADAM TOMLINSON, *Republican Staff Director*

# C O N T E N T S

	Page
<b>MARCH 24, 2021</b>	
OPENING STATEMENTS	
Carper, Hon. Thomas R., U.S. Senator from the State of Delaware .....	1
Capito, Hon. Shelley Moore, U.S. Senator from the State of West Virginia .....	3
LEGISLATION	
Nomination Reference and Report, PN 79-7, Brenda Mallory, of Maryland, to be a Member of the Council on Environmental Quality .....	61
Nomination Reference and Report, PN 79-8, Janet Garvin McCabe, of Indiana, to be Deputy Administrator of the Environmental Protection Agency ...	62
S. 400, To designate the headquarters building of the Department of Transportation located at 1200 New Jersey Avenue, SE, in Washington, DC, as the “William T. Coleman, Jr., Federal Building” .....	63
Amendment in the nature of a substitute, S. 914, To amend the Safe Drinking Water Act and the Federal Water Pollution Control Act to reauthorize programs under those Acts, and for other purposes .....	65
ADDITIONAL MATERIAL	
Letter to:	
Senators Carper and Capito from the American Public Works Association, March 23, 2021 .....	15
Senators Carper and Capito from the Council of Infrastructure Financing Authorities, March 23, 2021 .....	17
Senators Carper and Capito from the National Association of Sewer Service Companies, March 23, 2021 .....	20
Senators Carper and Capito from the U.S. Conference of Mayors et al., March 23, 2021 .....	23
Senators Carper and Capito from the National Onsite Wastewater Recycling Association, March 23, 2021 .....	25
Senators Carper and Capito from the Water Environment Federation, March 23, 2021 .....	26
Senators Carper and Capito from the WateReuse Association, March 22, 2021 .....	31
Senators Carper and Capito from the National Rural Water Association, March 23, 2021 .....	33
Senators Carper and Capito from the American Water Works Association, March 23, 2021 .....	35
Senators Carper and Capito from the Portland Cement Association, March 23, 2021 .....	38
Senators Carper and Capito from the Association of Metropolitan Water Agencies, March 23, 2021 .....	40
Senators Carper and Capito from the National Wildlife Federation, March 23, 2021 .....	42
Senator Carper et al., from the National Association of Clean Water Agencies, March 23, 2021 .....	45
Senator Carper et al., from the Natural Resources Defense Council, March 23, 2021 .....	49
Senators Carper and Capito from Clean Water Action, March 23, 2021 ....	50
Senators Carper and Capito from the Healing Our Waters—Great Lakes Coalition, March 23, 2021 .....	51

# IV

—Continued	Page
Senator Charles E. Schumer et al., from the Water Equity and Climate Resilience Caucus, March 23, 2021 .....	53
Senator Carper et al., from the Rural Community Assistance Partnership, March 24, 2021 .....	56
Senators Carper and Capito from the National Stone, Sand & Gravel Association, March 24, 2021 .....	58
Senators Carper and Capito from the Association of Equipment Manufacturers, March 24, 2021 .....	174



## **BUSINESS MEETING**

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**WEDNESDAY, MARCH 24, 2021**

U.S. SENATE,  
COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS,  
*Washington, DC.*

The Committee, met, pursuant to notice, at 9:34 a.m. in room 406, Dirksen Senate Office Building, Hon. Thomas R. Carper (Chairman of the Committee) presiding.

Present: Senators Carper, Capito, Cardin, Sanders, Whitehouse, Merkley, Markey, Duckworth, Stabenow, Kelly, Padilla, Cramer, Lummis, Boozman, Wicker, and Ernst.

### **OPENING STATEMENT OF HON. THOMAS R. CARPER, U.S. SENATOR FROM THE STATE OF DELAWARE**

Senator CARPER. Good morning, everybody. I am pleased to join Senator Capito in calling this business meeting to order as we prepare to consider two nominations, a water infrastructure bill, and legislation to honor a barrier breaking leader in transportation.

First, let me say that I am delighted and grateful that we are voting today on important water legislation that is the result of months of collaboration by members of this Committee on both sides of the aisle and the hard work of the members of both staffs. The Drinking Water and Wastewater Infrastructure Act increases our Government's commitment to providing safe and resilient water systems to cities and communities, both large and small.

I especially want to thank some of the members of the water staff, the water team on the majority side, John Kane, Annie D'Amato, Mackie McIntosh, Lizzy Olsen, Lizzy with Senator Duckworth. On the minority side, Travis, thank you; Jess Kramer, and Adam Stewart, who I believe, work for Senator Lummis, I think.

This bill authorizes funding for the EPA's Clean Water and Safe Drinking Water State Revolving Funds and directs resources, particularly to disadvantaged, rural, and tribal communities. This bill helps to ensure that the drinking water coming out of the faucets across the country is safe to drink, regardless of a neighborhood's zip code or the economic status of its citizens.

I especially want to thank Senators Capito, Duckworth, Lummis, and Cardin for their partnership and leadership on this legislation. Senators Cardin and Wicker have helped to address water affordability for people who are struggling to pay their water bills. We especially appreciate their efforts.

I am also proud that we are considering a bipartisan bill to name the Department of Transportation headquarters here in Wash-

ington, DC, after the late William T. Coleman, the first African American ever to lead that agency. Mr. Coleman brought to the USDOT a special focus on improving life in our cities and lowering air pollution from our transportation systems. Today, we come together to recognize his lifetime of service to this country.

Today, we are also considering a couple of the President's nominees. Up first is Brenda Mallory, who has been nominated to serve as Chair of the White House Council on Environmental Quality, or CEQ. No stranger to CEQ, Ms. Mallory served there for a number of years after an impressive tenure of more than a decade at EPA, including under President George W. Bush. She has earned respect from both sides of the aisle and would be the first African American to lead CEQ, if confirmed.

I am confident that Ms. Mallory will ensure that bedrock protections for the National Environmental Policy Act are being fairly and adequately deployed to safeguard clean air and water throughout our country. She is an effective and proven leader who brings people together to find lasting solutions to some of the most pressing challenges. Thirteen, no fewer than 13 past Republican CEQ chairs and EPA appointees recently sent us a letter supporting Ms. Mallory's nomination, and I will be proud to vote for her today.

Shelley said, are any Democrats for her? And I said, well, a few. A few are, but we have a ton of Republicans, so we will see how it works out.

Next, we are considering our President's choice for Deputy Director of the EPA, and that would be Janet McCabe. We would be hard pressed to find many others with Ms. McCabe's level of experience and understanding of the inner workings of this agency. After the chaos of the past 4 years, I have every confidence that Ms. McCabe is the kind of steady hand we need working with Administrator Michael Regan to rebuild morale and restore scientific integrity in this agency.

Another leader who enjoys support from across the political spectrum, Ms. McCabe has been recommended by no less than nine people who have previously served in the role for which she is been nominated, five are Democrats and four are Republicans.

Members of this Committee have heard me say more than a few times that true leaders are humble, not haughty. They have the hearts of a servant and understand that their job is to serve, not be served. Brenda Mallory and Janet McCabe will each be that kind of leader. I am confident that they will serve the American people with integrity and humility.

Let me just close, if I could, by noting how proud I am today to lead this Committee with our Ranking Member, Senator Capito. I believe collectively we have shown again today that we can come together across the aisle to help meet the pressing water infrastructure needs of the American people.

We can do that with our nominations before us, too. Throughout this entire process, Brenda Mallory and Janet McCabe have conducted themselves with dignity and honor. Neither of them have uttered a partisan or divisive word during the confirmation process. I urge our colleagues to join me in supporting them today.

In the unlikely event that they prove to be unreasonable or unresponsive, should they be confirmed, we will invite them to come

back before this Committee again and answer bipartisan questions, although I highly doubt that that need will arise.

Just as this Committee comes together on water, I hope we can come together to confirm these highly qualified nominees. I am proud to support all measures before us today, and I am grateful to everyone who has worked on them. I hope all of our colleagues will join me in that support.

With that said, let me turn to our Ranking Member, Senator Capito, and again, my thanks for all of your help and that of your staff.

Thank you.

**OPENING STATEMENT OF HON. SHELLEY MOORE CAPITO,  
U.S. SENATOR FROM THE STATE OF WEST VIRGINIA**

Senator CAPITO. Thank you, Mr. Chairman.

I want to thank the members of the Committee, and thank you for your partnership in developing this water infrastructure bill, and the Subcommittees that have worked on this.

When you said if they decided to be unresponsive or unresponsive, I thought you were talking about us. That is how bad it is. Actually you were making a reference to if our nominees are not responsive, to bring them in front of the Committee, so excuse me for my thought.

Anyway, only 2 months into this Congress, this Committee is passing bipartisan common sense legislation through regular order. I think that is terrific. I look forward at that same path that we are working on now on our surface transportation reauthorization bill.

I want to talk about the two nominees. I don't think you will be surprised, you and I have talked about this. I strongly support this legislation, but I do oppose the two nominees, Janet McCabe and Brenda Mallory. I do appreciate their willingness to serve, and I certainly don't question their integrity. The problem is, I have concerns about the policy vision as it relates to my State and our country.

As the architect of the Clean Power Plan, Ms. McCabe has not shied away from her support for this overreaching policy. Just the opposite; Ms. McCabe has basically doubled down.

In 2019, McCabe wrote an op-ed with Gina McCarthy and Joe Goffman, who is now running the Air Office at EPA. We know that Gina McCarthy is the climate czar in the White House. McCabe supported rulemaking to "deepen and accelerate CO<sub>2</sub> reductions" a continuation of policies beyond the Clean Power Plan. That is right, in her opinion, this op-ed, the Clean Power Plan did not go far enough.

West Virginia's Attorney General, Patrick Morrissey, wrote a letter to Chairman Carper and me in opposition of Ms. McCabe's nomination. As the Attorney General stated, "There is a right and wrong path, and a bipartisan rejection of this nomination is one of the ways we can steer the right course going forward rather than return to the mistakes of the past." I agree with our Attorney General.

In 2019, my colleagues Joe Manchin and Kyrsten Sinema voted against reinstating the Clean Power Plan. Opposition to the Clean

Power Plan was and is bipartisan. I expect policies that would be created by EPA under Janet McCabe's leadership would also have tough sledding. I think a fresh start with a vision of achieving environmental goals while weighing impacts would be a better start, so I cannot support Janet McCabe.

I also can't support Brenda Mallory, and I appreciate her openness. We have had several conversations, as I have had with Ms. McCabe, as well. Ms. Mallory has stood against long overdue reforms of environmental reviews under the National Environmental Policy Act, known as NEPA. She voiced outright opposition to the Trump administration's NEPA rule, saying, "You almost don't have a choice but to remove the whole thing." She did not commit to a presumptive 2 year time limit for completing environmental impact statements.

We simply cannot be content with an average of 7 years to complete an environmental impact statement for a highway project. Most in Congress agree that the NEPA process needs significant improvement. The truth is there is broad support for NEPA reform, from State governments to the American Road and Transportation Builders Association, to North America's building trade unions. Those who want to address our transportation backlogs, grow our economy, and secure financing know certainty and clarity are needed.

As I have said before, if we want to build back better, we have to be able to actually build.

My opposition to Ms. McCabe and Ms. Mallory is based on fundamental differences of opinion I have with them about the direction of the country.

Where I do agree with you, Mr. Chairman, is on the legislation we have in front of us today. Together, we can be an example for our Nation of what bipartisan, thoughtful, and common sense policies look like.

During last week's hearing, we heard from a panel of experts about challenges facing this country's drinking water and wastewater infrastructure. We also received testimony on solutions.

I want to highlight just a couple of the themes that I heard from our witnesses. First, continued and additional funding is necessary for both the maintenance of existing drinking water and wastewater infrastructure and for the construction of our new projects. That said, funding must be targeted so that it reaches the communities with the greatest needs and maximizes return on our taxpayers' dollar.

Second, investment in our Nation's water work force is vital to ensuring the effectiveness and longevity of water infrastructure investments. We heard about that from every single witness that we heard. I am pleased that the bipartisan provisions in this bill that I have championed with Senator Booker, actually, are these two issues that are included.

Also high in importance to me, and included in the bill, is funding for decentralized wastewater systems. So many of our rural communities rely on these septic systems. This bill also invests in the operational sustainability and physical resilience of our water systems. We address the growing challenges posed by cybersecurity vulnerabilities to our drinking water supplies.

Today's bipartisan package addresses these themes, and I urge approval by my colleagues. I am also proudly supporting and co-sponsoring S. 400, Senator Wicker's bill to name the main Department of Transportation building in Washington, DC, after a truly dedicated public servant, Mr. William T. Coleman, Jr.

With that, I urge my colleagues to oppose both of the nominees today, but I strongly support both of these bills, and I thank you again.

Senator CARPER. Thank you so much.

I am going to ask Senator Wicker if he would be willing to say a word or two with respect to William Coleman.

Senator WICKER. Yes, thank you. I know we have myriad tasks, and I don't want to prolong the vote. But I do think members need to understand what an excellent public servant we are honoring by moving this bill along to the floor.

William T. Coleman was an accomplished legal scholar, World War II veteran, and civil rights leader before he left his mark on history by becoming a cabinet secretary. Bill Coleman was the first African American clerk to the U.S. Supreme Court. As a young attorney, he worked on five cases for the NAACP Legal Defense Fund that led directly to the court's landmark ruling in *Brown v. Board of Education*. He was also co-council in *McLaughlin v. Florida*, a case that led to the end of State bans on interracial marriage.

Bill Coleman later served on presidential commissions during the Eisenhower, Kennedy, Johnson, and Nixon administrations. Then, in 1975, he was selected by President Gerald Ford to be the Nation's fourth Secretary of Transportation, and the first African American to hold this position. Upon his confirmation, Coleman became the second African American to hold any cabinet level position.

Secretary Coleman provided a forward looking vision for the future of transportation, spearheading the first comprehensive national study on transportation policy and several important reform efforts. The William T. Coleman, Jr., Department of Transportation Headquarters Act will name the Department of Transportation headquarters after this groundbreaking leader.

I want to thank my colleagues for co-sponsoring. That includes Chairman Carper, Ranking Member Capito, Senators Cantwell, Tim Scott, Booker, Warnock, Toomey, Casey, Sullivan, Inhofe, Duckworth, and Barrasso. This is a fitting tribute for a distinguished public servant, which will honor his legacy for many years to come.

I thank you, Mr. Chairman.

Senator CARPER. Thanks so much, and thank you for the reminder of the great role that he has played for our country all those years. Thank you so much.

I want to ask Senator Cardin if he, and again, I don't want to pick on you, Senator Wicker, but would you be willing to say a few words about the good work that the two of you have done with respect to affordability in impoverished communities as we try to move this legislation forward, Ben?

Senator CARDIN. Well, thank you, Chairman and Ranking Member, for the bipartisan manner in which we are bringing forward very important legislation today.

Senator Wicker and I have worked on many issues together, including global human rights, but we also work on the needs of the people in our own country, and I just want to congratulate the Committee leadership for forwarding legislation in the bipartisan manner the mission of our Committee for drinking water and wastewater infrastructure. Critically important.

I want to thank you for including a provision that Senator Wicker and I authored to help low income families in the affordability of their water bills. This is a pilot program based upon factual information that is required to be obtained in order to move forward with the affordability issue, so I want to thank the leadership for including that provision in this legislation.

Senator CARPER. We are happy to do it.

Thank you.

Senator Wicker, a comment please, on this? Go ahead.

Senator WICKER. Once again, I am glad to be a teammate with my dear friend, and I urge the unanimous passage of this legislation.

Senator CARPER. Thanks so much.

All right. Senator Duckworth, please.

Thank you for being our Democratic lead on this bill; thank you.

Senator DUCKWORTH. I have to say, thank you first and foremost, Mr. Chairman, to you, and also to Senator Cardin for allowing me to lead this bill. It is very generous of you. It is so important to my home State, where we are home to 25 percent of the lead water lines in the entire Nation. We have exponentially more lead water lines than any other State in the Nation. We are also a State that sees significant injustice when it comes to infrastructure and environmental injustice.

So I just want to thank Chairman Carper for your very strong leadership and willingness to work with me in making a comprehensive water infrastructure bill a reality. I know that both of you, all of us, share a belief that to truly build back better, our Nation must prioritize putting Americans back to work repairing, upgrading the aging pipes we all depend on to deliver our water.

I also want to thank Ranking Member Capito and Subcommittee Ranking Member Lummis for working with us to make our drinking water and wastewater infrastructure bill a truly bipartisan proposal that meets the needs of the diverse communities we represent.

Of course, as I have said, the threat is particularly pressing in Illinois. My home State has the misfortune of containing more lead service lines than any other State in the country. In fact, over 23 percent of our Nation's lead service lines may be located in Illinois. Furthermore, the city of Chicago is home to more lead service lines than any other city in the United States.

I speak regularly, both with Governor Pritzker and Chicago Mayor Lightfoot; in fact, I spoke with both of them just within the last 72 hours about this very issue. They joined me in being ready and willing to fix this problem, but they need the Federal Government to step up.

But it is not just the Mayor of Chicago; it is also the Mayor of Peoria, the Mayor of Alton, Illinois. It is the farmer who farms in El Paso, Illinois. They all need clean drinking water, as well. Our

States and municipalities, regardless of political affiliation, regardless of red or blue State, are ready to tackle this issue, and we here at the Federal level to do our part.

A chilling Chicago Tribune report published last week revealed that between 2015 and 2020, tap water measurements in dozens of Illinois homes showed hundreds and even thousands of parts per billion of lead. These extreme levels match what researchers found during the same period in Flint, Michigan.

As with many problems in our Nation, this lead contamination is often the worst in black and brown communities. Data from one predominantly black community in Illinois showed as much as 5,300 parts per billion of lead in the drinking water, when the EPA action level is just 15 parts per billion, and the Centers for Disease Control and Prevention strongly warns parents that there is no safe level of lead exposure for a child.

Years of failures to make adequate investments on a nationwide scale in our water infrastructure has led to a status quo where thousands of constituents, our constituents, are served drinking water through what, essentially, is a lead straw. This is a dire public health crisis, and we must do more to stop it.

In favorably reporting our bill to the full Senate for consideration, this Committee has taken an important first and significant step forward toward achieving our objectives.

Of course, our work is not complete. I want to again express my appreciation for Chairman Carper, for his commitment to work with me as we move through the floor to integrate and refine provisions, to strengthen programs that help support full lead service line replacement in Illinois and throughout the country.

Thank you again for your support in this effort.

Chairman Carper, I look forward to making safe water a priority as we together get this Drinking Water and Wastewater Infrastructure Act of 2021 across the finish line.

Thank you.

Senator CARPER. Senator Duckworth, thank you for that statement. Thanks for your leadership.

Let me turn, before we go to a vote, we will have a quorum, and we are ready to vote, but Senator Lummis, let me just yield to you for a statement as well, and then we will start voting. Anyone after that who has something that you would like to add to the record, feel free.

Senator Lummis.

Senator LUMMIS. Thank you, Mr. Chairman. Wastewater, clean drinking water, safe drinking water are important to all of us, of course, Democrat, Republican, rich and poor, in rural and urban areas, so I want to applaud everyone who worked on this bill, particularly our personal staffs, the Committee staffs, minority and majority party both.

Thank you, Mr. Chairman.

Thank you, Ranking Member Capito, and thank you, Senator Duckworth. It is very nice to work with you all.

Thank you. I yield back.

Senator CARPER. It is great to have you here.

All right. Anyone who would like to speak after the vote, you are most welcome to do that. We have some folks who have to get to other hearings, meetings, for the voting as well.

Now, I would like to call up Presidential Nomination 79-7, that is Brenda Mallory of Maryland to be a Member and Chair of the Council on Environmental Quality. I move to approve and report the nomination favorably to the Senate.

Is there a second?

Senator CARDIN. Second.

Senator CARPER. It has been seconded. The clerk will call the roll.

The CLERK. Mr. Boozman.

Senator BOOZMAN. No.

The CLERK. Mrs. Capito.

Senator CAPITO. No.

The CLERK. Mr. Cardin.

Senator CARDIN. Aye.

The CLERK. Mr. Cramer.

Senator CRAMER. No.

The CLERK. Ms. Duckworth.

Senator DUCKWORTH. Aye.

The CLERK. Ms. Ernst.

Senator ERNST. No.

The CLERK. Mr. Graham.

Senator CAPITO. Yes, by proxy.

The CLERK. Mr. Inhofe.

Senator CAPITO. No, by proxy.

The CLERK. Mr. Kelly.

Senator KELLY. Aye.

The CLERK. Ms. Lummis.

Senator LUMMIS. No.

The CLERK. Mr. Markey.

Senator MARKEY. Aye.

The CLERK. Mr. Merkley.

Senator MERKLEY. Aye.

The CLERK. Mr. Padilla.

Senator PADILLA. Aye.

The CLERK. Mr. Sanders.

Senator SANDERS. Yes.

The CLERK. Mr. Shelby.

Senator CAPITO. No, by proxy.

The CLERK. Ms. Stabenow.

Senator STABENOW. Aye.

The CLERK. Mr. Sullivan.

Senator CAPITO. No, by proxy.

The CLERK. Mr. Whitehouse.

Senator WHITEHOUSE. Aye.

The CLERK. Mr. Wicker.

Senator WICKER. No.

The CLERK. Mr. Chairman.

Senator CARPER. Aye.

The CLERK. Mr. Chairman, the yeas are 11, the nays are 9.

Senator CARPER. Thank you very much.



Now, I would like to call up Presidential Nomination 79-8. That is of Janet McCabe of Indiana to serve as Deputy Administrator of the Environmental Protection Agency. I move to approve and report the nomination favorably to the Senate.

Is there a second?

Senator LUMMIS. Second.

Senator CARPER. The clerk will call the roll.

The CLERK. Mr. Boozman.

Senator BOOZMAN. No.

The CLERK. Mrs. Capito.

Senator CAPITO. No.

The CLERK. Mr. Cardin.

Senator CARDIN. Aye.

The CLERK. Mr. Cramer.

Senator CRAMER. No.

The CLERK. Ms. Duckworth.

Senator DUCKWORTH. Aye.

The CLERK. Ms. Ernst.

Senator ERNST. No.

The CLERK. Mr. Graham.

Senator CAPITO. No, by proxy.

The CLERK. Mr. Inhofe.

Senator CAPITO. No, by proxy.

The CLERK. Mr. Kelly.

Senator KELLY. Aye.

The CLERK. Ms. Lummis.

Senator LUMMIS. No.

The CLERK. Mr. Markey.

Senator MARKEY. Aye.

The CLERK. Mr. Merkley.

Senator MERKLEY. Aye.

The CLERK. Mr. Padilla.

Senator PADILLA. Aye.

The CLERK. Mr. Sanders.

Senator SANDERS. Aye.

The CLERK. Mr. Shelby.

Senator CAPITO. No, by proxy.

The CLERK. Ms. Stabenow.

Senator STABENOW. Aye.

The CLERK. Mr. Sullivan.

Senator CAPITO. No, by proxy.

The CLERK. Mr. Whitehouse.

Senator WHITEHOUSE. Aye.

The CLERK. Mr. Wicker.

Senator WICKER. Aye.

The CLERK. Mr. Chairman.

Senator CARPER. Aye.

The CLERK. Mr. Chairman, the yeas are 11, the nays are 9.

Senator CARPER. Senator Capito, would you just repeat what you just said to me, please?

Senator CAPITO. Yes, thank you. My mistake here, when I voted, when I said Senator Graham's "No" vote, I should have said, "No, by proxy." I would like to have that recorded as a proxy vote.

The CLERK. Yes, ma'am.

Senator CARPER. The clerk will restate the outcome, please. Would you just restate the outcome, please, of the last vote?

The CLERK. Yes. The yeas are 11, the nays are 9.

Senator CARPER. That sounds just about as close as it gets, but at the end of the day, it will be a "W" for us, and I hope for our country. I think so.

Whether you voted yes or no, I am glad we got this far, the opportunity to put out the nominations, and we will have an opportunity to revisit.

I am going to be encouraging both nominees. They clearly have some work to do, in talking with especially our Republican colleagues. As we go forth, from this date, I want to make sure that your voices are heard with all these nominees, if they are confirmed, so thank you.

With that, let's turn to the Drinking Water and Wastewater Infrastructure Act. I want to thank everybody for being here. We needed everybody, so I thank you for coming.

Senator Capito and I would like to consider S. 914, which was introduced yesterday and is identical to the bill circulated to all members of the Committee on Friday as the base text for the Committee's consideration. Therefore, by unanimous consent, S. 914 is considered the base text.

Is there objection?

[No audible response.]

Senator CARPER. Hearing none.

I am pleased that we are able to work with Senators Capito, Duckworth, Lummis, Cardin, and Cramer to resolve the outstanding issues with the circulated text. The bipartisan agreement is embodied in the Carper-Capito Amendment No. 1.

I move to adopt the Carper-Capito Substitute Amendment. Senator Capito and I have agreed to do this by voice vote. All in favor, please say aye.

[Chorus of ayes.]

Senator CARPER. Opposed, say nay.

[No audible response.]

Senator CARPER. The ayes have it.

I now move that the Committee report S. 914, the Drinking Water and Wastewater Infrastructure Act of 2021 as amended.

Is there a second?

Senator CAPITO. Second.

Senator CARPER. The clerk will call the roll.

The CLERK. Mr. Boozman.

Senator BOOZMAN. Yes.

The CLERK. Mrs. Capito.

Senator CAPITO. Yes.

The CLERK. Mr. Cardin.

Senator CARDIN. Aye.

The CLERK. Mr. Cramer.

Senator CRAMER. Aye.

The CLERK. Ms. Duckworth.

Senator DUCKWORTH. Aye.

The CLERK. Ms. Ernst.

Senator ERNST. Aye.

The CLERK. Mr. Graham.

Senator CAPITO. Aye, by proxy.  
 The CLERK. Mr. Inhofe.  
 Senator CAPITO. Aye, by proxy.  
 The CLERK. Mr. Kelly.  
 Senator KELLY. Aye.  
 The CLERK. Ms. Lummis.  
 Senator LUMMIS. Aye.  
 The CLERK. Mr. Markey.  
 Senator MARKEY. Aye.  
 The CLERK. Mr. Merkley.  
 Senator MERKLEY. Aye.  
 The CLERK. Mr. Padilla.  
 Senator PADILLA. Aye.  
 The CLERK. Mr. Sanders.  
 Senator SANDERS. Aye.  
 The CLERK. Mr. Shelby.  
 Senator CAPITO. Aye, by proxy.  
 The CLERK. Ms. Stabenow.  
 Senator STABENOW. Aye.  
 The CLERK. Mr. Sullivan.  
 Senator CAPITO. Aye, by proxy.  
 The CLERK. Mr. Whitehouse.  
 Senator WHITEHOUSE. Aye.  
 The CLERK. Mr. Wicker.  
 Senator CAPITO. Aye, by proxy.  
 The CLERK. Mr. Chairman.  
 Senator CARPER. Aye.  
 The CLERK. Mr. Chairman, the yeas are 20, the nays are zero.  
 Senator CARPER. Say that again, I think you said 20 to zero. Was that 20 to zero?  
 The CLERK. Mr. Chairman, the yeas are 20, the nays are zero.  
 Senator CARPER. Is that a unanimous vote, Mr. Clerk?  
 [Laughter.]  
 Senator CARPER. That is good. That is great.  
 OK, folks, we can be proud of that. I am very proud of all of us, and in particular, our staffs who have worked on this. This legislation is favorably reported. Thank you all.  
 Final business before us today is S. 400, the William T. Coleman, Jr., Department of Transportation Headquarters Act, and I move to favorably report S. 400.  
 Senator Wicker, would you like to second that?  
 He is not here.  
 Senator CAPITO. Second.  
 Senator CARPER. All right. It has been moved, and seconded.  
 All in favor, say aye.  
 [Chorus of ayes.]  
 Senator CARPER. Opposed, say nay.  
 [No audible response.]  
 Senator CARPER. I don't hear any nays. In the opinion of the chair, the ayes have it, and the legislation is reported.  
 The voting portion of our meeting is concluded. I want to thank everyone for joining us today and for the hard work that has gone into this.

Is there anyone who would like to make a statement at this point in time?

Senator Padilla is recognized.

Senator PADILLA. Sure. Thank you, Mr. Chairman. Mr. Chair, I want to thank you and Ranking Member Capito and your staffs for the hard work that went into crafting this significant bill that we just acted upon.

But I want to take this opportunity, colleagues, to call attention to the 1 million Californians who cannot drink their tap water due to contamination. I believe this bill will make a meaningful difference in helping deliver clean, safe drinking water to millions of Californians.

In particular, I would like to highlight some priorities of mine that are included in the legislation: Reauthorization of the Water Infrastructure Finance and Innovation Act, known as WIFIA, which has provided \$3.3 billion in financing for California water projects, grants to assist small and disadvantaged communities that do not have safe drinking water, which is critical as California enters yet another year of drought, and the new EPA pilot program for low income water rate assistance, the Rural and Low Income Drinking Water Assistance Pilot Program.

I particularly want to focus on this last one, given the water debt emergency facing my State and others across the country as a result of the COVID-19 pandemic. One in eight California households currently have unpaid water bills, totaling an estimated \$1 billion.

Mr. Chairman, I would like to ask consent to submit a letter into the record from a broad coalition of California organizations, communities, and water agencies emphasizing the critical need to address this and other equity issues surrounding affordable, safe drinking water. I think the pilot program included in this bill is a good start, but we must do much more.

Mr. Chairman, I hope to work you and Ranking Member Capito on a bipartisan basis as this bill moves to the floor to include a permanent, long term assistance program to help low income Americans access safe drinking water, just like we have programs to help low income Americans with their energy bills.

Thank you, Mr. Chairman.

Senator CARPER. Senator Padilla, would you make your unanimous consent request again, please?

Senator PADILLA. Yes. Request to ask consent to submit a letter to the record from a broad coalition of California organizations, communities, and water agencies emphasizing the critical need to address this and other equity issues surrounding affordable, safe drinking water.

Senator CARPER. Without objection, so ordered.

[The referenced information was not received at time of print.]

Senator PADILLA. Thank you, Mr. Chairman.

Senator CARPER. You are welcome. Thanks for your good work. Anyone else?

Senator Kelly, did you have something that you wanted to add, please?

Senator KELLY. Thank you, Mr. Chairman. I want to take a moment to discuss the Drinking Water and Wastewater Infrastructure Act of 2021, of which I am a proud co-sponsor. Recent data indi-

cates that the drought conditions in Arizona and the entire southwest are worse than they have been in 20 years.

At a time when Arizona's population continues to grow, ongoing water shortages pose a serious threat to Arizona's economy and the livelihoods of all Arizonans, yet at a time when water conservation is so critical, most of our Arizona drinking water infrastructure is more than 30 years old, and Arizona's wastewater infrastructure is suffering from a \$1.4 billion investment shortfall.

To adapt to ongoing drought conditions, Arizona must make smart investments in our drinking water infrastructure to prevent leaks and water main breaks that waste our precious water resources and in our water infrastructure to support new, advanced water reuse technologies.

That is why I am proud to co-sponsor the Drinking Water and Wastewater Infrastructure Act of 2021. This bill creates a \$50 million grant program to help drinking water systems invest in climate resilience and cyber security technologies. It also requires that the EPA invest in research of new and emerging technologies to monitor system efficiency to prevent water loss.

The bill makes a significant investment in new, alternative water source projects to help Arizona communities invest in desalinization, stormwater reuse, and wastewater reclamation facilities, which will be necessary to help Arizona maximize our scarce water resources. At the same time, this bill supports communities in need throughout Arizona.

I am glad that, at my urging, this bill reauthorizes the Indian Reservation Drinking Water Program, with a specific set aside for Arizona Tribes located in the lower Colorado River Basin, and I am pleased that this bill takes the first step toward creating permanent water utility bill assistance for low income households, what Senator Padilla was referring to.

Last, the Sewer Overflow and Stormwater Reuse Municipal Grant Program that is included in this bill will help communities fix their failing wastewater systems.

I hope to work with you, Mr. Chairman and Ranking Member Capito, in the coming weeks to ensure there is dedicated funding within these programs to prevent sewer overflows in Arizona communities along the U.S.-Mexico border. It is a significant problem, and I appreciate that this bill provides the Arizona Water Financing Authority with the tools to finance water or wastewater system improvements in rural and underserved communities through grants, negative interest loans, and loan forgiveness programs.

This bill is not perfect. For example, it fails to address the systematic inequities inherent in the Clean Water State Revolving Fund formula, which provides Arizona with just one-third of the funding to which we would be entitled if the formula was updated based on need and current population.

So I hope to work with the Committee in the coming months to fix this and close the gap, but this bill does take significant steps toward meeting the real and pressing needs faced by Arizona's water users.

So thank you, Mr. Chairman, to you and to Ranking Member Capito, Chairwoman Duckworth, and Ranking Member Lummis for

your work and the work of your staffs in this bipartisan bill. I yield back.

Senator CARPER. We thank you, as well. You are a new member. The opportunity to work on legislation of this consequence, and for us to be able to report it out unanimously, thank you for making a good bill even better by your participation.

I like to say, if it isn't perfect, make it better. We will have some opportunity going to the floor to hopefully make it better still, and then as we work out our differences with the House of Representatives on the subject.

Usually, I take the train to come down here. Today, we drove down in record time, almost, from Wilmington, Delaware. But it is not uncommon for people to say to me as I am standing on the platform at Biden Station in Wilmington, Delaware, people say, why don't you guys work together? Why can't you just work together?

And I just want to say, on something as important as drinking water, clean drinking water, and clean water itself, this is important. This is really important, and today, to report out a bill of this consequence unanimously and prepare to go to the floor and ultimately, hopefully, pass the bill with strong margin there, and take up our differences with the House and resolve those. This is a good start, very, very good start, so we thank you for being part of that.

Senator KELLY. Thank you, sir.

Senator CARPER. Before we adjourn, we have a ton of letters of support for this legislation. We are grateful for all who have submitted letters of support, and I suspect that more will come, but I ask unanimous consent to submit for the record a number of letters of support for S. 914.

They include letters from the American Public Works Association, Council of Infrastructure Financing Authorities, National Association of Sewer Service Companies, National League of Cities, National Association of Counties, United States Conference of Mayors, the National Onsite Wastewater Recycling Association, Water Environment Foundation, WaterReuse, National Rural Water Association, the American Water Works Association, Portland Cement Association, Association of Metropolitan Water Agencies, the National Wildlife Federation, the National Association of Clean Water Agencies, Natural Resources Defense Council, Clean Water Action, Healing Our Waters—Great Lakes Coalition, Water Equity and Climate Resiliency Caucus, and finally, last but not least, the Rural Community Action Partnership.

[The referenced information follows:]



March 23, 2021

The Honorable Tom Carper  
Chairman  
Senate Environment and Public Works Committee  
456 Dirksen Senate Office Building  
Washington, DC 20510

The Honorable Shelley Moore Capito  
Ranking Member  
Senate Environment and Public Works Committee  
172 Russell Senate Office Building  
Washington, DC 20510

Dear Chairman Carper and Ranking Member Capito:

On behalf of the American Public Works Association (APWA) and our more than 30,000 members, I am writing to thank you for your continued work and focus on our nation's infrastructure. A perfect example of this focus is your work on the Drinking Water and Wastewater Infrastructure Act of 2021. APWA is appreciative of your efforts to craft these important bipartisan bills to address water infrastructure issues. We are especially appreciative of your work to include language that will make public works agencies eligible for federal water workforce funding, as well as reauthorizing and increasing funding for the Clean Water State Revolving Fund (CWSRF) program, reauthorizing, and increasing funding for the Drinking Water State Revolving Fund (DWSRF) program and reauthorizing the Water Infrastructure Finance Innovation Act (WIFIA) program.

The language in Section 211 of the legislation reauthorizes an existing competitive grant program at the Environmental Protection Agency (EPA) that assists in getting people into the pipeline for careers in the water sector. Additionally, the language increases the funding to \$5 million annually through fiscal year 2026. Finally, the language provides a definition for public works departments and agencies that specifically makes those entities eligible for these funds. In practice, public works departments and agencies are already providing credentialing and accreditation for those interested in joining the water workforce, helping to develop the next generation water sector professionals. Allowing public works agencies and departments to access these federal funds will provide needed assistance in identifying, training, and retaining the next generation of water sector professionals.

Reauthorization of the CWSRF and DWSRF programs is vital to helping bring our water infrastructure into a state of good repair. The CWSRF and DWSRF programs are important tools used across all 50 states and in communities of all sizes to help them make water infrastructure investments more affordably. Increasing funding for these programs to a maximum of \$3.25 billion in FY 2026 will help communities meet the massive demand for infrastructure investment across the nation. Additionally, reauthorizing the WIFIA program will aid communities looking to undertake large-scale water infrastructure projects that would overwhelm the SRF allotment for that state. Combined use of CWSRF and WIFIA programs will greatly increase the federal funding for water infrastructure investment.

PRESIDENT  
Mary Joyce Ivers, CPPP, PWLF

CHIEF EXECUTIVE OFFICER  
Scott D. Garrison, CAE



APWA is extremely supportive of the work your Committee has done to address the issues surrounding water infrastructure in our country. Specifically, we are pleased to see inclusion of the following provisions in the Drinking Water and Wastewater Infrastructure Act of 2021:

- Reauthorization of the Drinking Water State Revolving Funds (Sec. 102);
- Lead Mapping Pilot Program (Sec. 105);
- Operational Sustainability of Small Public Water Systems (Sec. 106);
- Needs Assessment for Nationwide Rural and Urban Low-Income Community Water Assistance (Sec. 108);
- Sewer overflow control grants (Sec. 204);
- Clean Water Infrastructure Resiliency and Sustainability Program (Sec. 205)
- Reauthorization of Clean Water State Revolving Funds (Sec. 210);
- Water infrastructure and workforce investment (Sec. 211); and
- Water Infrastructure Finance Reauthorization (Sec. 215);

All these elements combine to make this bill a positive step in finding solutions to our nation's water infrastructure problems.

Each day public works professionals are diligently working to protect and maintain the critical infrastructure that is so essential to protecting our health and quality of life. Because of our shared commitment, APWA looks forward to continuing to work with you and your staff on this legislation to help public works professionals meet our water infrastructure challenges.

Sincerely,

Mary Joyce Ivers, PWLF  
President

Scott D. Grayson, CAE  
Chief Executive Officer

PRESIDENT  
Mary Joyce Ivers, PWLF

CHIEF EXECUTIVE OFFICER  
Scott D. Grayson, CAE





March 23, 2021

The Honorable Thomas R. Carper  
Ranking Member  
Committee on Environment & Public Works  
U.S. Senate  
456 Dirksen Senate Office Building  
Washington, D.C. 20510

The Honorable Shelley Moore Capito  
Ranking Member  
Committee on Environment & Public Works  
U.S. Senate  
410 Dirksen Senate Office Building  
Washington, D.C. 20510

Dear Chairman Carper and Ranking Member Capito,

**Water is essential for life and livelihoods.**

The Council of Infrastructure Financing Authorities (CIFA), which represents the Clean Water and Drinking Water State Revolving Funds (SRFs), fully supports The Drinking Water and Wastewater Infrastructure Act of 2021. The legislation reflects the critical role of federal investment in building water infrastructure that protects public health and the environment, which are the foundation of vibrant communities and robust economies.

**The need for federal investment is significant and growing.**

According to the American Society of Civil Engineers (ASCE), the need for capital investment for water infrastructure was \$129 billion for 2019, while actual total spending on capital investment in water infrastructure was \$48 billion, leaving a gap of \$81 billion or nearly twice the amount of actual spending. If this trend continues, this gap is expected to grow to \$434 billion by 2029. Reauthorizing the SRFs and Water Infrastructure Finance and Innovation Act for SRFs (SWIFIA) will maintain critical financing tools to help close that gap.

**The SRFs are the nation's premier programs for funding water infrastructure that protects public health and the environment.**

Every year, the SRFs efficiently and effectively deliver more than \$2 billion in federal and state funding for water infrastructure projects in thousands of communities across the nation. SRFs fund a wide range of water infrastructure based on each states' needs and priorities, including drinking water treatment, wastewater treatment, water reuse, stormwater management, decentralized treatment, green infrastructure, energy efficiency, water conservation, water source protection, alternative water supply development, climate resiliency, security, cybersecurity, environmental restoration and pollution prevention.

**Capitalizing the SRFs with federal funding provides a growing, permanent and renewable source of revenue for water infrastructure for future generations.**

Over the last three decades, federal funding of \$68 billion has generated a total investment of \$179 billion for more than 55,000 water infrastructure projects across America. Because of Congress' continued and increasing commitment to the SRFs, more than \$75 billion remains revolving in the subsidized loan programs – providing funding for water infrastructure that may never have been built if the program was established as a traditional grant program.

**The SRFs offer near-term and long-term economic benefits.**

Funding water infrastructure through the SRFs provides both immediate and lasting economic benefits. In the near-term, federal funding for water infrastructure fuels the growth of high-wage careers across the economy, creating jobs in planning, design, engineering, construction, and manufacturing. In the long-term, water infrastructure ensures a healthy environment and a safe, reliable and sustainable supply of drinking water, which are the foundation of a robust and resilient economy.

**Thank you for your leadership.**

On behalf of the SRF community, thank you for your leadership and commitment to funding water infrastructure that protects public health and the environment. CIFA also extends our sincere gratitude to the staff of the Committee, who have worked tirelessly to advance this important legislation. They have been great partners and exemplary public servants.

Thank you again for providing the opportunity to comment on this important legislation. Please contact CIFA's Executive Director, Deirdre Finn, at [dfinn@cifanet.org](mailto:dfinn@cifanet.org) or (850) 445-9619, with questions or for more information.

Sincerely,



Kim Colson, CIFA President  
Director, Division of Water Infrastructure  
North Carolina Department of Environmental Quality

**About CIFA**

CIFA is a national not-for-profit organization that represents the Clean Water and Drinking Water State Revolving Funds (SRFs), the nation's premier programs for funding water infrastructure that protects public health and the environment.

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- EPA Region 9: Lance Reese, California State Water Resources Control Board
- EPA Region 10: Jeff Nejedly, Washington State Department of Ecology
- Financial Community: Anne Burger Entrekin, Hilltop Securities

5285 Westview Drive, Suite 202  
Frederick, MD 21703



301.624.2400  
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March 23, 2021

The Honorable Thomas R. Carper  
Chairman  
Committee on Environment  
& Public Works  
U.S. Senate  
Washington, D.C.

The Honorable Shelley Moore Capito  
Ranking Member  
Committee on Environment  
& Public Works  
U.S. Senate  
Washington, D.C.

**RE: NASSCO Support and Comments for draft Drinking Water and Wastewater Infrastructure Act of 2021**

Dear Chairman Carper and Ranking Member Capito:

NASSCO, Inc., the National Association of Sewer Service Companies, writes in support of the Committee draft Drinking Water and Wastewater Infrastructure Act of 2021 (DWWIA). This important legislation will provide much needed funding and financing resources to communities to make necessary investments in underground water infrastructure. Many of the provisions included in the clean water section of DWWIA align with NASSCO's Policy Recommendations to Congress<sup>1</sup>.

Established in 1976, NASSCO is the professional and industry trade association for the municipal agencies, contractors, companies, and individuals who inspect, maintain, rehabilitate, install, and manufacture products and equipment for underground wastewater, drinking water and stormwater infrastructure. Among NASSCO's many resources for water professionals, the Association has developed industry-standard training programs specifically designed to educate municipalities and contractors on the proper identification and uniform coding of sewer and stormwater infrastructure conditions. The Pipeline Assessment Certification Program (PACP®) helps municipalities develop asset management programs, identifying the most critical areas for water infrastructure maintenance or rehabilitation. This is an important, proactive step in maintaining and investing in water infrastructure, minimizing failures to the collection and conveyance systems. Maintaining and rehabilitating underground water infrastructure is critical

<sup>1</sup> <https://www.nassco.org/government-relations/#/1>

NASSCO

5285 Westview Drive, Suite 202  
Frederick, MD 21703



301.624.2400  
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to protecting public health, protecting the environment, and promoting economic growth in communities.

NASSCO's members rely heavily upon robust federal, state, and local investments in underground water infrastructure. The challenges most communities have around balancing regulatory compliance with project funding resources have resulted in much of our nation's underground water infrastructure to be in service well past its design life, which increases pipe failure rates and results in emergency repairs that are extremely costly, disruptive to residents and businesses, and harmful to the environment. Fixing emergency pipe failures is significantly more expensive versus planned maintenance through adherence to an established and well-funded asset management plan which allows for prioritization of those sections of pipe requiring the highest level of attention.

For these reasons, NASSCO welcomes the opportunity to support the draft AWIA 2020 bill and, in particular, strongly backs the provisions detailed below. The Association has included further recommendations for some of those provisions to help them meet the goals of those programs and the needs of our nation. Provisions that align with NASSCO's Policy Recommendations<sup>2</sup> to Congress document are indicated with an asterisk (\*).

- **Sect. 201\* — Research, Investigations, Training, and Information:** *NASSCO strongly supports this additional technical assistance to rural, small and disadvantaged communities to meet their federal and state regulatory compliance obligations.*
- **Section 204\* — Sewer Overflow and Stormwater Reuse Municipal Grants**
- **Sect. 205\* — Clean Water Infrastructure Resiliency and Sustainability Program**
- **Section 206\* — Small and Medium Publicly Owned Treatment Works Circuit Rider Program**
- **Sect. 209 — Connection to Publicly Owned Treatment Works:** *NASSCO supports increasing the authorized appropriations levels due to large number of homes nationwide that would be eligible for this grant to connect to centralized sewer collections systems.*
- **Section 210\* — Clean Water State Revolving Fund Reauthorization and Use of Funds:** *NASSCO particularly supports the expansion of SRF funding eligibility for asset management plans, and design and engineering of projects.*

<sup>2</sup> <https://www.nassco.org/government-relations#/>



5285 Westview Drive, Suite 202  
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- **Sect. 211 — Innovative Water Infrastructure Workforce Development Grants**
- **Sect. 215 & 214\* — WIFIA reauthorization and one rating agency opinion letter**
- **Sect. 217\* — Stormwater Infrastructure Technology:** *NASSCO particularly supports the provisions of this section to provide Planning and Development Grants and Implementation Grants, and urges that stormwater collections also be prioritized for funding.*

As stated above, NASSCO members are the municipal agencies and companies that assess, maintain and rehabilitate wastewater and stormwater collections and conveyance infrastructure. The provisions included in the Committee's draft DWWIA legislation will greatly aid their efforts to maintain and improve our nation's underground infrastructure. If the Committee has any questions or needs additional information, please contact Steve Dye, NASSCO's government relations consultant, at [sdye@nexusgr.com](mailto:sdye@nexusgr.com) or 202-246-1070. Thank you for drafting and leading the passage of this important bipartisan legislation in Congress.

Sincerely,

Sheila Joy  
NASSCO Executive Director

CC: Members of the Senate Environment & Public Works Committee

NASSCO



THE UNITED STATES  
CONFERENCE OF MAYORS



CITIES STRONG TOGETHER

NATIONAL  
LEAGUE  
OF CITIES

NATIONAL  
ASSOCIATION  
OF COUNTIES

NACo



March 23, 2021

The Honorable Thomas Carper  
Chairman  
U.S. Senate Committee on Environment and  
Public Works  
456 Dirksen Senate Office Building  
Washington, D.C. 20510

The Honorable Shelley Moore Capito  
Ranking Member  
U.S. Senate Committee on Environment and  
Public Works  
410 Dirksen Senate Office Building  
Washington, D.C. 20510

Dear Chairman Carper and Ranking Member Capito,

On behalf of the nation's mayors, cities and counties, we thank you for introducing bipartisan legislation to address our nation's water infrastructure needs. The Drinking Water and Wastewater Infrastructure Act of 2021 will help address the many water infrastructure challenges that communities face. Local governments recognize the threat posed to our nation's health and safety as it faces aging water and wastewater infrastructure and an increased risk for both natural and human made disasters.

Local leaders support the Drinking Water and Wastewater Infrastructure Act as a reliable, long-term and increased federal investment in water infrastructure, watershed protection, and the protection of water resources and facilities from physical, chemical and cybersecurity threats.

In particular, we thank you for including the reauthorization of the Drinking Water State Revolving Loan Fund (DWSRF) and the reauthorization of the Clean Water State Revolving Loan Fund (CWSRF). The SRF programs provide capitalization grants to states who, in turn, make low interest loans to local communities and utilities for water infrastructure projects. We appreciate the amendments to the DWSRF and CWSRF programs to enable more communities to access funding for projects to improve their drinking water and wastewater infrastructure systems.

Our organizations strongly support the DWSRF and CWSRF programs, which are essential tools for communities to provide clean and safe water for residents and businesses. Since local governments provide over 95 percent of the total funding for water infrastructure and the nation's growing water infrastructure needs, it is evident that our country must make substantial investments to repair and replace our nation's aging water infrastructure through the SRF programs and the other critical programs included in the legislation. We urge Congress to fully fund these programs and to encourage states to provide more SRF grants, negative interest loans and principal forgiveness to small, rural and disadvantaged communities unable to meet their needs solely with loans.

Additionally, we appreciate the commitment to addressing resilience and climate change in our nation's water infrastructure. As owners and operators of public works facilities, the availability of grants to assist in the planning, design and construction of projects to increase the resilience or adaptability of water systems is critical.

Finally, local governments look forward to partnering with the federal government to address cybersecurity threats and enhancing monitoring, affordability, efficiency and safety of drinking water and wastewater. We appreciate the bill's provisions that would enhance the safety of drinking water and provide financial and technical assistance to local governments to design, implement and evaluate appropriate water conservation measures.

As the coronavirus pandemic continues, local governments continue to face budget shortfalls and are struggling to support residents and businesses, provide services, keep essential workers employed and protect public health through vaccine administration. Moreover, local water and wastewater utilities are committed to ensuring all customers have access to clean and safe water to maintain public health. This, however, has come at a cost to utilities, which are overwhelmingly funded by local ratepayers, and are now facing a significant drop in utility revenue essential to providing water service, continuing operations and making capital investments. We thank you for the recent passage of the American Rescue Plan Act of 2021 (P.L. 117-2), which provides additional relief to this pandemic's frontline workers.

Thank you for your leadership on these issues, and we look forward to working with you on the Drinking Water and Wastewater Infrastructure Act of 2021 and long-term solutions to addressing our nation's water infrastructure. Local governments remained committed to meeting the growing water infrastructure needs in our communities. We urge the federal government to remain a committed partner in this important endeavor.

If you have any questions, please don't hesitate to contact our staff: Judy Sheahan (USCM) at [jsheahan@usmayors.org](mailto:jsheahan@usmayors.org); Carolyn Berndt (NLC) at [berndt@nlc.org](mailto:berndt@nlc.org); or Adam Pugh (NACo) at [apugh@naco.org](mailto:apugh@naco.org).

Sincerely,



Tom Cochran  
CEO and Executive Director  
The U.S. Conference of Mayors



Clarence E. Anthony  
CEO and Executive Director  
National League of Cities



Matthew D. Chase  
CEO and Executive Director  
National Association of Counties

CC: Members of the Senate Environment and Public Works Committee





March 23, 2021

Chairman Tom Carper  
Committee on Environment & Public Works  
456 Dirksen Senate Office Building  
Washington, DC 20510

Ranking Member Shelley Moore Capito  
Committee on Environment & Public Works  
410 Dirksen Senate Office Building  
Washington, DC 20510

Dear Chairman Carper and Ranking Member Capito,

The National Onsite Wastewater Recycling Association (NOWRA) commends you for introducing the Drinking Water and Wastewater Infrastructure Act of 2021 in order to address America's water infrastructure needs and to help working-class families install, repair and replace malfunctioning decentralized wastewater treatment systems their households rely on.

NOWRA is the largest organization within the U.S. dedicated to educating and representing members within the onsite and decentralized wastewater industry. Our members include educators, regulators, engineers, contractors, manufacturers, suppliers, service providers, and other parties in the protection of North America's water resources and environment.

In the US, public sewer systems do not extend to all communities. Without an available sewer line, families must rely on onsite individualized systems (typically a septic system) to treat wastewater. Roughly 25% of the country, or 85 million Americans, rely on such systems and over 30% of new single-family homes use an onsite system. Households are typically responsible for installing these systems, which can cost anywhere from a few thousand dollars to \$25,000 depending on the system and site conditions of the property. A failing onsite system can result in sewage overflow into people's yards, and even their homes, causing serious public health and water quality concerns, along with degrading quality of life and exacerbating other socioeconomic problems. Replacing antiquated septic systems and cesspools with modern, cleaner systems can provide cost-effective wastewater treatment that are protective of public health and the environment.

Language in the Drinking Water and Wastewater Infrastructure Act is an important first step in addressing these challenges. The bill creates a new grant program under the Clean Water Act to provide funding to low- and moderate-income households through a qualified nonprofit. The bill is flexible in allowing solutions that best fit the needs of the household, geography, and community by allowing grants to be used for the construction, repair, or replacement of a decentralized wastewater system or the installation of a larger decentralized wastewater system that can provide treatment to two or more households. Further, households without access to functioning wastewater systems are prioritized for receiving funding under this bill.

NOWRA would like to express our strong support for the Drinking Water and Wastewater Infrastructure Act. We thank you for your leadership on this issue, as it directly impacts our members and their customers; as well as the environment. We look forward to working with you and your colleagues to enact this legislation.

Sincerely,

Thomas W. Groves,  
Executive Director



601 Wythe Street, Alexandria, Virginia USA 22314-1994 | p +1.703.684.2400 | f +1.703.684.2491 | www.wef.org

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March 23, 2021

The Honorable Thomas R. Carper  
Chairman  
Committee on Environment  
& Public Works  
U.S. Senate  
Washington, D.C.

The Honorable Shelley Moore Capito  
Ranking Member  
Committee on Environment  
& Public Works  
U.S. Senate  
Washington, D.C.

#### **RE: Letter of Support and Comments for the draft Drinking Water & Wastewater Infrastructure Act of 2021**

Dear Chairman Carper and Ranking Member Capito:

The Water Environment Federation (WEF) welcomes the opportunity to provide a stakeholder letter of support for the draft Drinking Water and Wastewater Infrastructure Act (DWWIA) of 2021. WEF<sup>1</sup> is the educational and technical association for over 34,000 water professionals working to maintain and improve water quality and public health in communities across the country and around the world.

WEF strongly supports the draft legislation and congratulates the Committee on putting forth a bill that will advance many of the water infrastructure funding and policy priorities our members have been advocating for over the years. This letter details those provisions in the draft legislation that WEF would like included in the final bill, as well as specific changes to some of those provisions that will ensure that those programs best address our nation's water infrastructure needs.

As the Committee knows, the national need for improvements to drinking water, wastewater, and stormwater infrastructure is substantial and there is broad support by the American public for increased federal funding to assist communities protect public health, the environment, and spur economic growth. A Value of Water Coalition survey<sup>2</sup> of public opinion found that 84% of Americans support increased federal investment to rebuild our water infrastructure.

<sup>1</sup> The Water Environment Federation (WEF) is a global nonprofit organization of water quality professionals. For more than 90 years, WEF has provided premier education and the latest technical expertise to the water sector. WEF pursues solutions to today's critical water sector challenges, including infrastructure funding, water affordability, and workforce sustainability and diversity. WEF advances innovation and technology and promotes the circular economy through water reuse, nutrient recovery, and energy conservation and generation. With worldwide members and partners, WEF supports the United Nations (UN) Sustainable Development Goals and is a proud partner of UN Water. Each year WEF organizes WEFTEC, the world's largest annual water quality exhibition and conference. To learn more, visit [www.wef.org](http://www.wef.org).

<sup>2</sup> <http://thevalueofwater.org/resources>

The coronavirus crisis has further highlighted the essential role that reliable water infrastructure, water professionals, and water utilities play in protecting communities. Every day our water utilities work to keep pathogens out of the environment by safely collecting and transporting wastewater from homes and businesses and then fully reclaiming and cleaning to meet strict standards. The policies and priorities set forth in DWWIA will ensure that communities have the long-term tools and resources needed to serve their communities' water infrastructure needs.

#### **Section 210 – Clean Water State Revolving Fund Reauthorization**

Our members, our state-based Member Associations, and WEF have long been strong advocates for the Clean Water State Revolving Fund (CW SRF), including supporting the creation of the program in 1987. The CW SRF program is one of the most successful federal infrastructure funding programs ever, and it is critical that Congress reauthorize it and increase the authorized fund levels to help address our national needs. Combined federal, state and local spending on water infrastructure equals about \$41 billion per year, leaving an estimated national water infrastructure investment gap of \$82 billion per year. If current needs are left unaddressed, the annual gap is projected to rise to \$109 billion by 2026 and \$153 billion by 2040. The proposed authorization levels in the draft DWWIA bill are greatly appreciated, and WEF urges the Committee to maintain those funding levels, if not increase them, as the bill proceeds through the legislative process.

The current national economic situation makes the economic and job-creation benefits of increased CW SRF more relevant than ever before. A report<sup>3</sup> produced by WEF and the WaterReuse Association for this Committee in 2016 found that the return on investment for increased federal CW SRF funding produces significant job creation, federal revenue generation, and GDP benefits. The report found that \$1 million in federal SRF capitalization grant funding generates 16.5 new high-paying jobs (~\$60,000/yr. salary), \$930,000 in federal tax revenues, and nearly \$3 million in direct GDP and over \$6 million in in-direct GDP.

#### **Section 204 – Sewer Overflow and Stormwater Reuse Municipal Grants**

Reauthorization and increased funding for the Sewer Overflow and Stormwater Reuse Municipal Grants will help the thousands of communities across the nation dealing with aging and inadequate combined sewer, separate sewer, and stormwater collections and conveyance infrastructure. These grants will not only help communities meet their regulatory obligation, it will also address public safety and resiliency priorities that are becoming increasingly common in communities of all sizes and geographic regions.

#### **Section 211 – Innovative Water Infrastructure Workforce Development Grants**

WEF strongly supports the workforce development provisions included in the draft DWWIA legislation. As the nation has seen during the coronavirus crisis, the work that water professionals do to protect public health is critical, both not just during times of crisis, but every day in every community in the United States. Unfortunately, the municipal drinking water, wastewater, and stormwater management sectors are all facing substantial workforce replacement needs.

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<sup>3</sup> <https://bit.ly/wef-wra-srf-economic-impact-study-report-april-29-2016>

The aging workforce and high rate of retirement in the sector are placing pressure on utilities to find the next generation of workers. An estimated 30% to 50% of utility workers will retire over the next decade, taking with them tremendous professional knowledge and experience (WRF/AWWA, “Water Sector Workforce Sustainability Initiative,” 2010). According to the U.S. Bureau of Labor Statistics, there will be an estimated 75,000 to 80,000 jobs available within utilities over the next six years.

These are permanent Science, Technology, Engineering and Mathematics (STEM) cluster jobs that do not require a bachelor’s degree and pay family-sustaining wages. They cannot be outsourced and are largely immune to economic externalities. These are jobs that protect public health and the environment, on par with other essential first responder jobs within communities. These jobs are in every city and county across the nation and are long-term careers that provide healthcare and retirement benefits. As our nation recovers from the coronavirus crisis, bringing the next generation of water professionals into careers in water will help communities with unemployment challenges, in addition to addressing current and future workforce needs in the sector.

***WEF Recommendation:** Include legislative language allowing for drinking water and wastewater utilities and agencies to be explicitly eligible to apply for grants, similar to the language in the draft bill making municipal public works departments eligible to receive grants. Many drinking water and wastewater agencies are independent public authorities, and would not be eligible through the public works department eligibility in the draft bill.*

#### **Section 217 – Stormwater Infrastructure Technology**

The inclusion of these provisions in DWWIA is strongly supported by WEF. Several of the proposals in this section align with the recommendations that WEF released in our annual Stormwater Policy Recommendations<sup>4</sup> to Congress. The need for federal support for stormwater infrastructure and resources is illustrated by findings in the 2020 WEF National Municipal Separate Storm Sewer System (MS4) Needs Assessment Survey<sup>5</sup>. The survey found that aging infrastructure, lack of funding, and increasing or expanding regulations were by far the top areas of concern for stormwater permittees. It also found that the estimated annual funding gap for stormwater is \$8.5B. Additionally, the American Society of Civil Engineers recently released their first-ever Stormwater Infrastructure Report Card and gave the nation’s stormwater infrastructure a letter grade of D.

The provisions included in DWWIA will help address many of the fundamental challenges facing the stormwater sector, including identifying and verifying the best stormwater management practices and technologies so that federal, state or local funds are spent effectively and regulatory goals are met.

***WEF Recommendation:** WEF recommends eliminating Section 217(c)(4)(A)(i) because it will prioritize grant funding for Combined Sewer Overflow (CSO) systems over Municipal Separate Storm Sewer (MS4) and non-regulated stormwater infrastructure systems. Removal of Section*

<sup>4</sup> <http://www.wef.org/2020-stormwater-policy-recommendations>

<sup>5</sup> <https://wefstormwaterinstitute.org/programs/ms4survey/>

*217(c)(4)(A)(i) will give the EPA the flexibility to provide grant funding to all types of communities and all types of innovative projects that can be replicated in similar situations. While CSO systems are a significant concern for many communities, nationwide there are equally substantial MS4 and non-regulated stormwater infrastructure challenges and needs, particularly in small and medium sized communities and economically distressed urban centers.*

#### **Section 202 – Wastewater Efficiency Grant Pilot Program**

WEF strongly supports Section 202, the Wastewater Efficiency Grant Pilot Program. Several years back WEF and other water organizations recognized that the staid model for treating wastewater did not reflect the tremendous opportunity that utilizing more advanced treatment processes has for recovering and using the energy, nutrients, and water resources available in wastewater. For this reason, the sector has renamed wastewater treatment facilities as Water Resource Recovery Facilities (WRRFs). Energy recovery from wastewater treatment is being employed by many WRRFs that have the financial stability and technical resources to make investments in these technologies. Unfortunately, not all, particularly small, rural, and financially disadvantaged WRRFs, have been unable to install these technologies.

In 2018, WEF created the ReNEW Water Project<sup>6</sup> to establish baseline metrics for resource recovery of energy, nutrients, and water from WRRFs. WRRFs in the United States can generate 859 megawatts annually, of which 350 megawatts can be recovered and used for wastewater treatment operations. With the proper infrastructure, biogas recovery through anaerobic digestion can produce energy that reduces the reliance on fossil fuels used in wastewater treatment, as part of a circular economy approach to wastewater treatment supported by WEF's ReNEW Water Project.

The US Environmental Protection Agency estimated that 1,351 WRRFs in the U.S. have a capacity larger than 1 million gallons per day (mgd) and have anaerobic digestion capabilities that will produce significant energy if investments in biogas energy generation infrastructure are made. Section 202 will provide the operators of those WRRFs, such as municipal governments and public utilities, a substantial new source of funding to help them make those necessary infrastructure investments. In particular, this section will support the many smaller and medium sized WRRFs that lack larger ratepayer bases and the financial resources to make investments in biogas energy generation infrastructure.

#### **Additional DWWIA Provisions WEF Supports**

Draft DWWIA contains several other sections that WEF strongly supports and our members will urge their Senators to also support when the bill is considered on the floor. In particular, but not limited to, WEF backs the following provisions:

- **Section 201 – Research, Investigations, Training, and Information**
- **Section 203 – Pilot Program for Alternative Water Source Projects**
- **Section 205 – Clean Water Infrastructure Resiliency and Sustainability Program**
- **Section 206 – Small & Medium POTW Circuit Rider Program**
- **Section 207 – Small Publicly Owned Treatment Works Efficiency Grant Program**

<sup>6</sup> <https://www.wef.org/resources/topics/browse-topics-a-z/resource-recovery-roadmaps/renew-water-project/>

- **Section 209 – Connection to Publicly Owned Treatment Works**
- **Section 213 – Water Data Sharing Pilot Program**
- **Section 215 & 214 – WIFIA Reauthorization and Final Rating Opinion Letters**
- **Section 216 – Small and Disadvantaged Community Analysis:** WEF supports this provision and also strongly supports the establishment of a permanent, well-funded program to assist low-income ratepayers.

Please take into consideration the recommendations made in these comments, and we welcome the opportunity to elaborate further upon them if necessary. Please contact Steve Dye, WEF Legislative Director, at [sdye@wef.org](mailto:sdye@wef.org) or 202-246-1070 for additional information.

Respectfully,

A handwritten signature in dark ink, appearing to read 'Walter Marlowe', with a long, sweeping horizontal line extending to the right.

Walter Marlowe, P.E., CAE  
Executive Director  
Water Environment Federation



President  
**Gilbert Trejo**  
 El Paso Water, TX

Vice President  
**Craig Lichty**  
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Secretary  
**Bart Weiss**  
 Hillsborough County Public  
 Utilities, FL

Past President  
**Paul Jones, II**  
 Eastern Municipal Water  
 District, CA

March 22, 2021

The Honorable Tom Carper, Chairman  
 Committee on Environment and Public Works  
 United States Senate

The Honorable Shelley Moore Capito, Ranking Member  
 Committee on Environment and Public Works  
 United States Senate

Dear Chairman Carper and Ranking Member Capito:

On behalf of our hundreds of municipal agencies, businesses, and institutional members, we thank you for your commitment to developing strong, bipartisan water infrastructure legislation in 2021.

The WateReuse Association is a not-for-profit trade association for water utilities, businesses, industrial and commercial enterprises, non-profit organizations, and research entities that advocate for water recycling. WateReuse and its state and regional sections represent nearly 250 water utilities serving over 60 million customers, and over 200 businesses and organizations across the country.

WateReuse is pleased to support the Drinking Water and Wastewater Infrastructure Act of 2021, which includes important policy changes and critical investments in water recycling programs. In particular, we thank you for reauthorizing the Pilot Program for Alternative Water Source Grants (Section 203) and directing the creation of an Interagency Working Group on Water Reuse (Section 218).

Through the Interagency Working Group, the Administration will break down traditional silos, leverage and coordinate resources throughout the federal family, and create a more formal structure for engaging external stakeholders. The Pilot Program for Alternative Water Source Grants will ensure that communities in all 50 states can access water recycling tools and resources to solve complex local challenges, including critical water supply constraints.

As you proceed to markup, floor consideration, and conference, we look forward to working with you to advance and further improve this important legislation, including by expanding eligibility for the Alternative Water Sources Grants Pilot Program to include projects that have previously received funding through the Bureau of Reclamation's Title XVI program. We believe the current eligibility limitation for Alternative Water Source Grants is too broad; we recommend narrowing it slightly so that projects that have received Title XVI funding for research, planning, and design purposes in the past are not put at a disadvantage.

**Support for Other Provisions**

In addition to Sections 203 and 218, the WaterReuse Association supports the following provisions, and urges their continued inclusion moving forward:

- Reauthorization of the Drinking Water State Revolving Fund Program (SEC. 102);
- Reauthorization of the Drinking Water Infrastructure Risk, Resiliency, and Sustainability Programs for communities of all sizes (SEC. 104 and SEC. 107)
- Reauthorization of the Sewer Overflow and Stormwater Reuse Grant Program (Section 204);
- Creation of the Clean Water Infrastructure Resiliency and Sustainability Program (Section 205);
- Reauthorization of the Clean Water State Revolving Fund Program (Section 210);
- Reauthorization of the Water Infrastructure Finance and Innovation Act (WIFIA) Program.

Thank you for considering our views.

Sincerely,



Patricia Sinicropi  
Executive Director







March 23, 2021

The Honorable Thomas Carper	The Honorable Shelley Moore Capito
Chairman	Ranking Member
Committee on Environment and Public Works	Committee on Environment and Public Works
United States Senate	United States Senate
Washington, DC 20510	Washington, DC 20510

Dear Chairman Carper and Ranking Member Moore Capito:

On behalf of the over 30,000 small and rural community members of the National Rural Water Association (NRWA), we are writing you in support of your legislation, *"The Drinking Water and Wastewater Infrastructure Act."* We enthusiastically support enactment of the bill, and appreciate the many helpful and beneficial provisions for rural America in your water legislation.

Most of the country's drinking water and wastewater utilities are small: approximately 80 percent of the country's approximately 17,000 wastewater utilities serve a population of fewer than 10,000 persons, and over 90 percent of the country's approximately 50,000 community water systems serve a population of fewer than 10,000 persons. Small and rural communities have more difficulty affording public water service due to lack of population density and lack of economies of scale. Likewise, we have a much more challenging time complying with our federal Clean Water Act (CWA) permits and Safe Drinking Water Act (SDWA) regulations, and operating complex water treatment systems due to the lack of technical resources in small communities. While we have fewer resources, we are regulated in the exact same manner as a large community - and often operate similarly complex water treatment, distribution and collection systems that are smaller in scale but no less sophisticated to operate.

Your legislation includes numerous beneficial provisions such as expansion of technical assistance, subsidized funding initiatives within the state revolving funds targeted to the communities with the greatest need, new targeting of funding assistance to disadvantaged communities, etc. We also appreciate the fact that your legislation does not include any new federal unfunded mandates on local governments.

We appreciate your attention to enhancing the technical assistance authorizations under the SDWA and CWA. We are eager to collaborate with you to advance many of the very important national water policy issues that we share in common through enhanced technical assistance including rural environmental justice, sustainability of water infrastructure, resiliency to extreme weather, protecting the public and environment from per- and polyfluoroalkyl substances (PFAS) contamination, compliance with the new Lead and Copper Rule revisions, reducing nutrient concentrations into source waters and sources of drinking water, improving the country's water workforce, defending against cyberattacks on the water supply, supporting regionalization of small water systems when appropriate, limiting water service disconnections on vulnerable customers, and others. The circuit rider approach presents the most successful model to advancing our shared priority water initiatives.

The National Rural Water Association is the country's largest public water utility organization with over 30,000 members. Safe drinking water and wastewater service are generally recognized as the most essential public health, public welfare, and civic necessities.

The greatest opportunity to make progress on the most important water policy issues and improve compliance in rural and small communities is through dedicated circuit rider-type positions under both the Safe Drinking Water Act (§14429(e) authorized in 2105) and Clean Water Act technical (§4103 authorized in 2018) assistance funding provisions. Congress has provided more than enough in annual appropriations to the Agency to support such a national initiative and has recently reauthorized both the technical assistance provisions in the Acts to ensure that the assistance is "used in a manner that is most beneficial to the small and rural communities." Despite the overwhelming bipartisan support in Congress and small and rural communities, the Agency has not adopted this approach. We would be grateful for your assistance in directing the Agency to realize the unique opportunity for success and support in adopting the circuit rider-type approach favored by small and rural communities and producing the most environmental accomplishments.

The Environment and Public Works Committee is very important to rural and small town America. Every federal dollar that has been granted to the many thousands of small towns to build, expand, and maintain their drinking water and wastewater infrastructure through the State Revolving Funds was authorized by this committee. We are grateful for the numerous ways this committee has included rural America in the crafting of federal water and environmental policy.

Sincerely,



Matthew Holmes, CEO



**American Water Works  
Association**

*Dedicated to the World's Most Important Resource®*

March 23, 2021

The Honorable Thomas R. Carper  
Chair  
The Honorable Shelley Moore Capito  
Ranking Member  
Senate Committee on Environment and Public Works  
456 Dirksen Senate Office Building  
Washington, D.C. 20510

Dear Chairman Carper and Ranking Member Capito,

The American Water Works Association (AWWA) thanks the committee and its staff for boldly addressing a host of drinking water and wastewater infrastructure issues through the draft Drinking Water and Wastewater Infrastructure Act of 2021. We appreciate how the committee has reached out to stakeholders in development of this bill and sought our input.

There are certain provisions in the draft for which we would like to express particular appreciation and support:

- Reauthorization of the drinking water state revolving loan fund (SRF) and at significantly increased authorized levels of funding (Sec. 102).  
In addition to this important reauthorization, we appreciate the committee's acknowledgement that drinking water and wastewater infrastructure needs are equal.
- Reauthorization of the Water Infrastructure Finance and Innovation Act (WIFIA) program (Sec. 215).  
In addition to reauthorization of this highly successful program, we appreciate the committee streamlining the WIFIA by amending it to require only one rating from a credit agency in a loan application (Sec. 214). Another positive feature in this reauthorization is the clarification of budget scoring issues.
- Reauthorization of the lead reduction projects grant program at the U.S. Environmental Protection Agency (EPA) and the increase in funding for these efforts (Sec. 105).  
EPA estimates that there are 6 million to 10 million lead service lines in the United States. In its Revised Lead and Copper Rule, the agency is targeting full replacement of service lines made of lead or galvanized iron or steel preceded by lead pipe, meaning 10 million service lines is likely an underestimate. AWWA estimates that, on average, full

service line replacement costs more than \$6,000 per line, and in some settings, such as urban centers, costs can routinely exceed \$10,000 per line. Consequently, a conservative cost forecast for fully replacing all of these service lines is \$60 billion. Therefore, assistance from federal partners is important and appreciated.

- A study of the prevalence of low-income households in the United States that have to spend a disproportionate amount of their income on drinking water (Sec. 108).  
We agree on the need to better understand how to best serve the needs of low-income water customers in order to develop the most effective assistance program.
- Reauthorization of the water workforce development program, fine-tuning its scope and expanding the eligibility of grants to public works departments and agencies (Sec. 211).  
The water sector does indeed face growing workforce needs, and there are good jobs to be had at local water utilities. The water sector has begun outreach to community colleges, veterans and others, but more work needs to be done. We do believe that bill language should explicitly say community water systems and wastewater works – that may be independent of local departments of public works – are eligible to participate.
- Reauthorization of the Source Water Protection Program (Sec. 103).  
It is more effective to prevent contamination from entering a water system than it is to treat it afterward. This program is an important tool for water providers and the customers they serve.
- Creation of a grant program to help mid-sized and large water systems increase their resilience to natural hazards, cyber attacks and climate events (Sec. 107).  
Recent weather events and the growth in hostile actors in cyberspace show how more work is needed in this realm.
- Reauthorization of programs to help disadvantaged and small communities (Sec. 104).  
A particularly helpful feature is the grant program to assist low-income customers in connecting to a public water system.
- Technical assistance and grants for emergencies affecting public water systems and expanding that program to include emergencies involving lead and cybersecurity (Sec. 101).
- Amendment of the existing Voluntary School and Childcare Lead Testing Grant program to include public water systems and certain non-profit organizations as eligible grant recipients (Sec. 109).
- The study on the state of existing and emerging technologies that could address cyber threats, enhance water treatment, monitoring, affordability, efficiency and safety of water service (Sec. 111).

While AWWA is a drinking water organization, about 60 percent of our members also work in the wastewater treatment field. Therefore, we will comment briefly on the wastewater title of the bill.

We thank the committee for reauthorizing the Clean Water Act SRF program (Sec. 210). Our membership includes municipally owned and investor or privately owned water utilities. They must all meet the same regulations to protect public health and environmental health. Therefore,

we urge the committee to make investor or privately owned wastewater utilities eligible for wastewater SRF loans. The drinking water SRF program provides loans to utilities regardless of ownership.

We applaud creation of a grant program to help connect a household to a treatment system (Sec. 209). This would be another tool to help protect drinking water sources.

AWWA is the world's oldest and largest scientific and educational, non-profit organization serving small, medium and large drinking water utilities. Our membership serves drinking water to about 80 percent of the American public. We offer the knowledge and experiences of our membership to assist the committee as it works on this and other legislation affecting water service to Americans.

Sincerely,

A handwritten signature in black ink, reading "G. Tracy Mehan, III". The signature is fluid and cursive, with the last name "Mehan" being more prominent.

G. Tracy Mehan III  
Executive Director for Government Affairs  
American Water Works Association  
1300 Eye St. NW  
Suite 701W  
Washington, DC 20005  
202 628-8303



**Portland Cement Association**  
 200 Massachusetts Ave NW, Suite 200  
 Washington D.C., 20001  
 202.408.9494 Fax: 202.408.0877  
[www.cement.org](http://www.cement.org)

March 23, 2021

The Honorable Tom Carper  
 Chairman  
 Environment and Public Works Committee  
 456 Dirksen Senate Office Building  
 Washington, D.C. 20510

The Honorable Shelly Moore Capito  
 Ranking Member  
 Environment and Public Works Committee  
 410 Dirksen Senate Office Building  
 Washington, D.C. 20510

Dear Chairman Carper and Ranking Member Capito:

The Portland Cement Association (PCA) supports the introduction of the Drinking Water and Wastewater Infrastructure Act of 2021. This legislation will help communities address local water quality needs by increasing investment in our drinking water and wastewater infrastructure.

As you may know, PCA is the premier policy, research, education, and market intelligence organization serving America's cement manufacturers. PCA's members represent 93 percent of the U.S. cement production capacity and have facilities in all 50 states. Our members manufacture portland cement, the primary ingredient in concrete, an essential material and basic component of our nation's water infrastructure. Water infrastructure construction is a critical market for cement in the United States. For every billion spent on water construction, approximately 211,000 metric tons of cement will be consumed. Cement and concrete product manufacturing, directly and indirectly, employs approximately 600,000 people across the United States, and our collective industries contribute over \$100 billion to our economy.

According to the Environmental Protection Agency (EPA) 2018 Drinking Water Infrastructure Needs Surveys and Assessment, shows a total 20-year capital improvement need of \$472.6 billion. The most recent Clean Watersheds Needs Survey shows a total 20-year capital investment need of \$271 billion in wastewater and stormwater treatment systems. Both these studies demonstrate the need to invest in drinking water and wastewater infrastructure in communities across the country.

As our nation's drinking water and wastewater infrastructure ages and the costs of compliance with environmental requirements continue to increase, communities are faced with growing difficulties in paying for critical improvements. By providing low-interest loans to communities, the Drinking Water and Clean Water State Revolving Funds (SRF) deliver critical assistance to communities to address their capital needs to make needed water infrastructure improvements. Reauthorization of both programs through fiscal year 2026 ensures communities continue access to this vital financing tool.

Since its authorization in 2014, the Water Infrastructure Finance and Innovation Act (WIFIA) has closed 45 loans, provided \$9 billion in total financing, created 47,000 jobs, and serviced a population of 28 million. The WIFIA program helps accelerate investment nation's water infrastructure by providing long-term, low-cost supplemental loans for regionally and nationally significant water and wastewater projects.

Reauthorization of the WIFIA program through fiscal year 2026 will continue to help accelerate investment in our nation's water infrastructure.

The federal government's 2019 National Climate Assessment, compiled by 13 agencies, highlights that extreme weather events will increasingly disrupt and damage critical infrastructure in communities across the country due to an increase in heavy precipitation, coastal flooding, heat, and wildfires with regional differences. It is important to help communities invest in water projects to improve their resiliency to the changing climate. PCA supports the authorization of the Clean Water Infrastructure Resiliency and Sustainability Program and the Midsize and Large Drinking Water System Infrastructure Resilience and Sustainability Program. The drinking water program builds on the Drinking Water System Infrastructure Resilience and Sustainability Program, first authorized in 2018 and we are pleased this program is reauthorized by the Drinking Water and Wastewater Infrastructure Act of 2021. Due to its durability, concrete is a critical building material to building water infrastructure that can withstand the increase in extreme weather events.

Again, we commend the introduction of the Drinking Water and Wastewater Infrastructure Act of 2021. PCA looks forward to working with you to advance investment in our nation's water infrastructure. If you have any further questions, please feel free to contact Sean O'Neill, PCA's Senior Vice President of Government Affairs, at (703) 321-6792 or [sonNeill@cement.org](mailto:sonNeill@cement.org).

Sincerely,



Sean O'Neill  
Senior Vice President, Government Affairs  
Portland Cement Association



## LEADERS IN WATER

1620 I Street, NW, Suite 500  
Washington, DC 20006

P 202.331.2820 F 202.785.1845  
amwa.net

March 23, 2021

The Honorable Tom Carper  
Chairman  
Committee on Environment and  
Public Works  
United States Senate  
Washington, DC 20510

The Honorable Shelley Moore Capito  
Ranking Member  
Committee on Environment and  
Public Works  
United States Senate  
Washington, DC 20510

Dear Chairman Carper and Ranking Member Capito:

The Association of Metropolitan Water Agencies (AMWA) is pleased to express its support for the Drinking Water and Wastewater Infrastructure Act of 2021. This legislation reauthorizes a host of important water infrastructure programs, while also undertaking several new initiatives that will help communities and ratepayers address daunting challenges in the years ahead.

Earlier this month we wrote to the committee to say that any comprehensive water infrastructure legislation put forward this year must reauthorize critical programs like the Drinking Water State Revolving Fund (DWSRF), the Water Infrastructure Finance and Innovation Act (WIFIA) program, and Reducing Lead in Drinking Water Grants. We are appreciative that the legislation achieves each of these priorities, while also streamlining the WIFIA program by reducing from two to one the number of final rating opinion letters that must be submitted by applicants and setting clear guidelines for determining whether a WIFIA project is considered to be a non-federal project.

Perhaps most notably, AMWA strongly applauds the bill's five-year reauthorization of EPA's Drinking Water System Infrastructure Resilience and Sustainability Program, and the creation of a similar Midsize and Large Drinking Water System Infrastructure Resilience and Sustainability Program. Congress created the original program in 2018 as EPA's only authorized initiative dedicated to helping community water systems prepare their infrastructure to withstand the effects of climate change and extreme weather, and this new legislation ensures this objective will continue to be a high priority. Moreover, the creation of the companion program for midsize and large drinking water systems – as well as a similar program under the Clean Water Act to support the resilience of the nation's wastewater systems – recognizes that climate change and extreme weather will pose challenges to water systems of all sizes. We are grateful to the sponsors of the legislation for supporting equitable access to this resilience assistance funding for all of the nation's water systems that serve a diverse array of communities.

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The Honorable Tom Carper, The Honorable Shelley Moore Capito  
 March 23, 2021  
 Page 2 of 2

Finally, AMWA welcomes language added to the legislation's substitute amendment that would establish a new EPA pilot program dedicated to helping low-income individuals remain up to date on their water and wastewater bills. Informed by a low-income water customer needs assessment that would also be called for by the legislation, this new pilot program would build on progress made through Congress' recent COVID-19 response legislation, which provided a total of more than \$1.1 billion to help low-income families across the nation catch up on past due water charges and benefit from water rate assistance during the pandemic. While the scope of the proposed pilot program is much more limited than the temporary assistance program funded through the COVID-19 legislation, it is nevertheless a meaningful starting point for a low-income water ratepayer assistance initiative that we hope will grow to be a permanent component of the federal safety net.

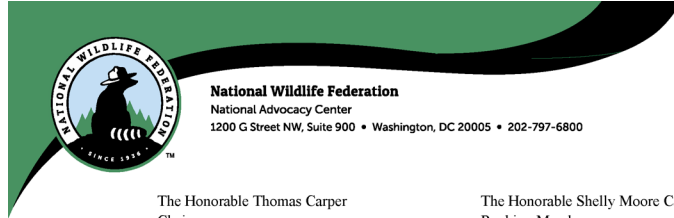
As the Drinking Water and Wastewater Infrastructure Act of 2021 continues to be refined in the weeks ahead, AMWA hopes to work with you to clarify several other components of the legislation. These include the types of "cybersecurity vulnerabilities" that may be addressed through resilience program funding, the kind of lead reduction projects that are eligible for assistance under the new Lead Inventorying Utilization Grant Pilot Program, and whether community water systems are eligible to receive funding through EPA's Innovative Water Infrastructure Workforce Development Program.

Again, AMWA is pleased to support the Drinking Water and Wastewater Infrastructure Act of 2021. We look forward to its prompt approval by the Environment and Public Works Committee, and we hope to continue to work with you to address the range of challenges facing the nation's water systems.

Sincerely,



Diane VanDe Hei  
 Chief Executive Officer



**National Wildlife Federation**  
National Advocacy Center  
1200 G Street NW, Suite 900 • Washington, DC 20005 • 202-797-6800

The Honorable Thomas Carper  
Chair  
Committee on Environment and Public Works  
United States Senate  
456 Dirksen Senate Office Building  
Washington, D.C. 20510

The Honorable Shelly Moore Capito  
Ranking Member  
Committee on Environment and Public Works  
United States Senate  
410 Dirksen Senate Office Building  
Washington, D.C. 20510

CC: Senate Environment and Public Works Committee Members

March 23, 2021

Dear Chairman Carper and Ranking Member Capito:

On behalf of the National Wildlife Federation and our more than six million members and supporters nationwide, we thank the committee for prioritizing bipartisan legislation that begins to address our nation's water infrastructure challenges.

The need could not be more acute. Federal investments have not kept pace with the over \$740 billion water infrastructure backlog our country faces, leaving local communities to bear the cost of upgrading and repairing aging water infrastructure on their own. Just this month we saw the symptoms of the water infrastructure crisis manifest in Jackson, Mississippi, where citizens were without water for over a month.

The Drinking Water and Wastewater Infrastructure Act of 2021 takes an important first step to make urgently needed investments in drinking water and clean water infrastructure, including by reauthorizing the Drinking Water and Clean Water State Revolving Funds (SRFs). These programs provide critical federal funding for state-managed loans and grants to help communities address drinking water and water quality infrastructure needs, including through the use of green infrastructure. These programs are long overdue for reauthorization – the Clean Water SRF has not been reauthorized in over two decades.

While we applaud the Committee for reauthorizing the CWSRF and DWSRF programs, we hope to ultimately see significant additional investment in these

Uniting all Americans to ensure wildlife thrive in a rapidly changing world.

nwf.org

programs to more adequately address our infrastructure challenges, made all the more urgent by impacts from climate change and the ongoing COVID-19 pandemic. We also support language requiring states to direct more of their annual CWSRF capitalization grant to provide additional subsidization to disadvantaged communities, including in the form of grants rather than loans.

NWF supports many of the other programmatic authorizations included in the bill, including the Clean Water Infrastructure Resiliency and Sustainability Program (Section 205) to help increase resilience of water systems in the face of climate change. We are pleased to see provisions that aim to help rural and low-income communities address unique wastewater challenges, including the creation of a low-income decentralized wastewater grant program (Section 208) and a reauthorization of the existing Sewer Overflow and Stormwater Reuse Municipal Grants, with funding prioritized for projects in rural and low-income communities (Section 204).

Additionally, the bill contains a number of important provisions that begin to make these water infrastructure funding programs easier for disadvantaged, rural, tribal, and frontline communities to access and leverage as well as provisions geared towards helping low-income households connect to publicly owned treatment works. We are deeply appreciative that the substitute amendment creates a Rural and Low-Income Drinking Water Assistance Pilot Program (Section 109) to aid communities struggling to maintain access to affordable and reliable drinking water and wastewater services. NWF supports establishing a permanent federal program to address these needs. We also support language requiring states to direct more of their annual CWSRF capitalization grant to provide additional subsidization to disadvantaged communities, including in the form of grants rather than loans. We also strongly support Section 216, which directs the EPA to carry out an equity analysis to examine how states have historically dispersed their SRF funds to low-income, rural, tribal, and minority communities. This is a critical step to identify opportunities to make this water infrastructure financing more equitable for vulnerable communities.

As negotiations progress, we also hope to see the inclusion of a provision to codify the requirement that states use at least 20% of CWSRF annual capitalization grants for the Green Project Reserve (GPR). From previous appropriations cycles, there is evidence that states have more than enough qualified projects to fulfill this requirement. Codifying this expectation in law will further accelerate and encourage the incorporation of multi-benefit green,

sustainable, and innovative concepts into wastewater infrastructure projects, improving water quality, reducing wastewater treatment needs, mitigating long-term impacts of climate change, reducing flooding, and recharging groundwater supplies.

Additionally, it is important that any infrastructure legislation remains free of efforts to undermine or eliminate important environmental reviews and the corresponding public involvement for many projects. Additionally, we oppose efforts to advance damaging regulatory provisions that would extend the terms of Clean Water Act National Pollutant Discharge Elimination System (NPDES) permits issued to municipal wastewater dischargers from five to ten years.

Thank you for your bipartisan work to develop the Drinking Water and Wastewater Infrastructure Act of 2021 to help address our nation's water infrastructure challenges and for your consideration of these requests. Investing in water infrastructure—including natural infrastructure—protects water quality, safeguards public health, enhances wildlife habitat, and creates quality job opportunities. The inclusion of the above funding and policy provisions in an infrastructure package is a vital step toward our shared goal of ensuring clean, safe, and affordable water for all. We look forward to working with you as deliberations progress.

Sincerely,



Jessie Ritter  
Director, Water Resources and Coastal Policy  
National Wildlife Federation



1130 Connecticut Ave. NW, Suite 1050  
Washington, DC 20036

T (202) 833-2672  
F (888) 267-9505

March 23, 2021

The Honorable Thomas R. Carper  
Chairman  
Senate Environment and Public Works  
Committee  
Washington, D.C.

The Honorable Shelley Moore Capito  
Ranking Member  
Senate Environment and Public Works  
Committee  
Washington, D.C.

The Honorable Tammy Duckworth  
Chairman  
Fisheries, Water, and Wildlife Subcommittee  
Washington, D.C.

The Honorable Cynthia Lummis  
Ranking Member  
Fisheries, Water, and Wildlife Subcommittee  
Washington, D.C.

Dear Chairs Carper and Duckworth and Ranking Members Capito and Lummis:

On behalf of the National Association of Clean Water Agencies (NACWA), I am writing to express strong support for the *Drinking Water and Wastewater Infrastructure Act (DWWIA) of 2021*.

As the leading Association advocating on behalf of the nation's public clean water utility sector, NACWA and our over 330 public utility members nationwide – both large and small – greatly appreciate your bipartisan efforts to increase authorized federal clean water funding to help address the nation's growing clean water infrastructure needs and challenges. NACWA appreciates your collaboration with the clean water sector on this important legislation and looks forward to further engagement as it moves through the Congressional process.

We firmly believe it is past time for the federal government to re-engage as a strong funding partner in water infrastructure investment. Our nation's water infrastructure is at a key juncture, with costs rising both for traditional investment needs like maintaining aging infrastructure and meeting compliance obligations, and newer challenges such as addressing emerging contaminants and ensuring system resilience in the face of climate and cyber risks. As federal attention turns to infrastructure, water must be a critical focus and investment priority of a federal infrastructure package and we applaud the Committee's work as a key next step in the process.

Paying for water infrastructure investment must be shared effort between local governments and the federal government. Local governments are doing more than their fair share. Now is the time to take steps to strengthen the federal funding commitment and help communities innovate and adapt to meet their local challenges and help ensure water is affordable and accessible for all. The ongoing COVID-19 pandemic has only heightened the importance of safe and reliable clean water for all Americans, while also underscoring the growing divide between federal and local investment in water systems and the critical need for more robust federal funding.

DWWIA begins to bridge the growing gap in federal cost-share of water infrastructure, which according to the Congressional Budget Office (CBO) is currently less than 5 percent of total drinking water and wastewater infrastructure investment. Overwhelmingly, the increasing costs of these essential public services are borne by local ratepayers – with no reliable safety net for households when costs are unaffordable.

DWWIA would help strengthen the federal funding partnership and further ensure that families, hospitals, schools, and businesses in communities across the country have the uninterrupted, safe, reliable, and affordable access to the clean water services they need and deserve.

Specifically, NACWA strongly supports the following provisions in the legislation:

- Reauthorization of the Clean Water State Revolving Fund (CWSRF) at \$14.5 billion over five years. The CWSRF is the primary federal clean water financing tool that communities utilize to help meet their Clean Water Act (CWA) obligations and infrastructure needs, and it will be more crucial than ever in the coming years as the nation recovers from the pandemic. NACWA appreciates the \$14.5 billion included in the bill and seeks even higher CWSRF funding levels as congressional infrastructure discussions advance. NACWA also strongly requests that as Congress moves forward on any comprehensive infrastructure legislation, as much CWSRF funding as possible be provided to communities through additional subsidization provisions and direct grants, to put water more on par in terms of federal cost-share and grant opportunities with other key infrastructure sectors.
- Reauthorization of Sewer Overflow and Stormwater Reuse Municipal Grants at \$1.4 billion over five years. Controlling sewer overflows and ensuring proper management of stormwater are essential to protecting public health and the environment; however, the compliance costs associated with these are very costly and place financial strain on many communities and their ratepayers, especially in older communities dealing with aging infrastructure and population and economic shifts as well as significant low-income populations.
- Directing U.S. EPA to assess low-income water needs around the country and authorization of a pilot program to develop and implement programs to assist low-income households in maintaining access to affordable and reliable clean and drinking water services. NACWA has strongly supported the creation of a federal low-income water assistance program at U.S. EPA to complement the agency's existing water financing programs. A robust, permanent, and reliable federal water assistance program would help communities and utilities provide service to all customers while continuing to invest and maintain safe, reliable water and wastewater systems. NACWA looks forward to continuing to work with Congress to support this provision as the package advances.

- Reauthorization of WIFIA at \$250 million over five years. The WIFIA program is an important complement to the SRFs, providing an additional financing tool to address water infrastructure investment by leveraging limited federal resources. It has provided valuable financing for a growing number of large clean water investment projects around the country. NACWA also supports the proposed reauthorization of *SWIFIA* (or *SRF WIN*), which allows smaller water infrastructure projects to bundle their projects into one WIFIA application, as well as reforms which would reduce the number of final rating opinion letters required for each WIFIA applicant from two to one. This reform will ease the administrative burdens on clean water agencies pursuing WIFIA assistance.
- Reauthorization of the Water Workforce Infrastructure grants program at \$25 million over five years. Over the next decade, the water utility workforce is expected to incur a retirement rate of over one-third. This number is not only alarming given the important daily work of these professionals but is also problematic given the extensive education and training these jobs require. Jobs in the water sector provide a good career with competitive wages that tend to pay more on average compared to all occupations nationally. NACWA appreciates the increased funding for this program that is currently overprescribed due to increasing need. This program will help to ensure the stability of the nation's water workforce while also helping it become more diverse and reflective of the communities served. We also appreciate the bill's clarification that public works departments or agencies are directly eligible for these grants but ask that given the unique structure of how public clean utilities are often structured, they are also given a specific mention as a direct eligible entity.
- Establishment of a new Clean Water Infrastructure Resiliency and Sustainability Program authorized at \$225 million over five years. These grants are essential as utilities are on the front lines in mitigating the impacts of climate change through building resilient infrastructure, managing wet weather, and piloting integrated and adaptive approaches to watershed management, and addressing cybersecurity.
- Authorization of a U.S. EPA study that examines the state of existing and potential future technology, including technology that could address cybersecurity vulnerabilities, or enhance the treatment, monitoring, affordability, efficiency, and safety of wastewater services provided by a clean water utility. This provision, which incorporates key components of the bipartisan Advanced Research Projects Agency – Water (ARPA-H2O) concept and legislation, can help public clean water utilities more cost-effectively have the innovative tools needed to better address their aging infrastructure, increasingly complex water quality challenges, and growing threats to cybersecurity.
- Authorization of \$5 million for U.S. EPA to complete an updated Clean Water Infrastructure Needs Survey. At a time when clean water utilities are being asked to do more with less – to address aging infrastructure, manage increasingly complex water quality challenges and

NACWA Support Letter Re: DWWIA of 2021  
3/23/21  
Page 4 of 4

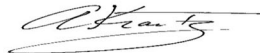
regulatory requirements, all while maintaining rates that are affordable for all customers, especially low-income households – it is imperative to have an accurate, updated, and complete understanding of clean water needs across the country.

- Authorization of a U.S. EPA pilot program to assist with fifteen public clean water utility projects to create or improve waste-to-energy systems. These grants can help advance innovative energy and resource management to improve efficiency and sustainability across the clean water sector.
- Reauthorization of the Alternative Water Source Projects Program at \$225 million over five years. This funding helps support innovative ways to address unique local challenges in water supply and water quality, such as the use of recycled wastewater effluent and capturing stormwater.

NACWA also supports the provisions under the bill that authorize a circuit rider program that awards grants to provide on-site technical assistance to owners and operators of small and medium public clean water utilities; a program to provide grants to communities or nonprofit organizations to cover the costs incurred from connecting a household to a municipal or private wastewater system; a grant program to assist research institutions, nonprofits, and institutions of higher education with research on new and emerging stormwater control technology; and establishment of up to five Centers of Excellence for stormwater control research.

NACWA looks forward to working further with the Committee and Congress on advancing this bill in a bipartisan and bicameral manner. Thank you for your leadership and work on behalf of public clean water utilities throughout the country.

Sincerely,



Adam Krantz





March 23, 2021

Dear Chairman Carper, Subcommittee Chair Duckworth, Committee Ranking Member Capito, and Subcommittee Ranking Member Lummis:

Thank you for advancing legislation to improve the nation's water infrastructure. The Drinking Water and Wastewater Infrastructure Act of 2021 is a positive first step on the path to providing all people with access to clean, safe, and affordable water. The bill authorizes increased funding for several new and existing drinking water, wastewater, and stormwater programs that provide critical resources to communities. We commend the Committee for recognizing the importance of those programs to public health and the environment, for prioritizing action on this key issue, and for laying the groundwork for even greater investment moving forward.

At the same time, low-income people across the country need immediate relief from high water bills, economically disadvantaged communities lack access to funding for infrastructure upgrades, and families continue to suffer from lead contamination in their drinking water. While the current draft of the bill represents progress in the right direction, it does not yet do enough to help those who most need assistance. As the bill advances, we hope to work with the Committee on key issues, including ensuring that the legislation establishes a permanent low-income water assistance program as a step toward more comprehensive water affordability solutions, increasing overall funding and directing more of it to disadvantaged communities in the form of grants, fixing flaws in existing lead service line replacement and lead testing programs, requiring transparent water loss auditing and reporting, and addressing other technical issues.

Thank you for considering our views. We look forward to working with the Committee to achieve our shared goal of infrastructure that provides clean water for all.

Sincerely,

Erik Olson  
Senior Strategic Director, Health and Food  
Natural Resources Defense Council  
[ecolson@nrdc.org](mailto:ecolson@nrdc.org)

**NATURAL RESOURCES DEFENSE COUNCIL**

1152 15TH STREET NW | WASHINGTON, DC | 20005 | T 202.289.6868 | F 202.289.1060 | [NRDC.ORG](http://NRDC.ORG)



March 23, 2021

The Honorable Thomas Carper  
Chairman  
Committee on Environment & Public Works  
United States Senate  
Washington, DC 20510

The Honorable Shelly Moore Capito  
Ranking Member  
Committee on Environment & Public Works  
United States Senate  
Washington, DC 20510

Dear Chairman Carper and Ranking Member Capito,

We write in support of the Drinking Water and Wastewater Infrastructure Act of 2021, which will be considered by the Senate Environment and Public Works Committee on March 24, 2021.

This bill represents a much-needed down payment on investment in our nation's drinking water and wastewater infrastructure. Focused investment on systems in the most need and on resilience, cyber-security and long standing contamination issues like lead are all critical aspects of protecting public health and water quality while ensuring more sustainable drinking water and wastewater systems.

We also appreciate the Committee's support for addressing infrastructure needs in disadvantaged communities and for addressing people's access to drinking water and sanitation services. The pilot program to be established by the U.S. Environmental Protection Agency (EPA) is long overdue and an essential complement to the investments in the bill.

We urge the Committee to support increased investments in both State Revolving Funds and in the programs authorized in this bill. For example, along with numerous allies we support \$50 billion per year over 5 years for both the Drinking Water and Clean Water State Revolving Funds to come closer to meeting the real needs around the country. We also ask you to do everything possible to address the disparate impact in access to clean water experienced by low-income households and people of color.

Thank you for moving forward on drinking water and wastewater investments to protect public health and our nation's water resources. These investments are a good first step to meeting real needs and creating real opportunities for modern water infrastructure and healthier communities.

Sincerely,

A handwritten signature in cursive script that reads "Lynn W. Thorp".

Lynn Thorp, National Campaigns Director  
lthorp@cleanwater.org

1444 I Street NW, Suite 400, Washington DC 20005  
Phone 202-895-0420  
[www.CleanWaterAction.org](http://www.CleanWaterAction.org)



March 23, 2021

The Honorable Thomas R. Carper  
Chairman  
Senate Environment and Public Works Committee  
Washington, DC 20510

The Honorable Shelley Moore Capito  
Ranking Member  
Senate Environment and Public Works Committee  
Washington, DC 20510

Dear Chairman Carper and Ranking Member Capito:

On behalf of the Healing Our Waters-Great Lakes Coalition and our more than 165 members, I write to offer our appreciation and support for the Environment and Public Works Committee's efforts to address fixing our nation's water infrastructure. Last week's hearing detailed the pressing need for a federal response to the nationwide water infrastructure crisis and bolstered the call to quickly take up comprehensive legislation to invest in clean water, particularly during this public health crisis. The Coalition applauds the EPW Committee's bi-partisan leadership in prioritizing the consideration of the Drinking Water and Wastewater Infrastructure Act of 2021 as one of the committee's first legislative priorities.

The Great Lakes region – like our nation – faces failing water infrastructure that is impacting the health of people and communities. Grappling with crumbling and unsafe drinking water and wastewater infrastructure, a staggering \$188 billion over the next 20 years is needed to improve, upgrade, and repair systems in Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania, and Wisconsin.<sup>1 2</sup> This work is increasingly unaffordable for communities and residents, as the federal contribution to water infrastructure has declined precipitously over the last four decades, falling from 63 percent of water infrastructure spending to 9 percent today. Too often these costs are being passed on to those who can least afford it, disproportionately impacting communities that have historically borne the brunt of environmental injustice with water utility bills doubling or tripling over the last decade.<sup>3</sup>

These challenges are only expected to get worse as climate change leads to more intense rainstorms that overwhelm sewer systems and contaminate drinking water sources, pushing our current infrastructure past its limits. Investing in our region's water infrastructure not only protects public health, it also allows for important infrastructure upgrades that improve the resiliency of our communities, reduce maintenance and operational costs, and create good-paying, local jobs.

The Drinking Water and Wastewater Infrastructure Act of 2021 is a good step for addressing our regional and nationwide needs. In particular, the bill:

- ✓ Reauthorizes the EPA's Clean Water State Revolving Fund and Drinking Water State Revolving Fund at increased annual levels.

<sup>1</sup> <https://www.epa.gov/dwsrf/epas-6th-drinking-water-infrastructure-needs-survey-and-assessment>

<sup>2</sup> <https://www.epa.gov/cwns/clean-watersheds-needs-survey-cwns-2012-report-and-data>

<sup>3</sup> <https://www.apmreports.org/story/2019/02/07/great-lakes-water-shutoffs>

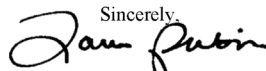
- ✓ Reauthorizes the EPA's Sec. 221 Sewer Overflow and Storm Reuse Municipal Grants at increased levels setting aside a portion of funds for rural and financially distressed cities.
- ✓ Reauthorizes EPA's Small and Disadvantaged Communities program at increased levels.
- ✓ Requires and funds a study analyzing the historical distribution of federal funds to low income, rural, and minority communities, as well as communities of indigenous peoples, under Clean Water Act infrastructure programs.
- ✓ Reauthorizes and increases funding for programs that support the operation of public drinking water systems, addresses lead contamination, and enhances water system resilience.
- ✓ Provides targeted financial and technical assistance to vulnerable communities, enhances assistance through more affordable and waivable cost-share requirements, and addresses the need for workforce development.

We also support adding a requirement that EPA, in consultation with relevant stakeholders, study the prevalence of low-income households that spend a disproportionate amount of their income on water services. More importantly, the bill creates a pilot program to award grants to eligible entities to assist low-income households maintain access to safe, reliable drinking water and wastewater services.

With these positive steps, we continue to urge the Senate to try to provide more resources for these programs to better align them with need. We also urge the Senate to support setting aside SRF funds for natural infrastructure projects through the Green Project Reserve. These changes will add to the other provisions and all together help address the threats to public health, environmental protection, and water affordability our communities face.

It is critical we begin to address this infrastructure crisis that hamstrings communities and leaves too many low-income and minority households facing unsafe and unaffordable water. Fixing our region's failing infrastructure can put people to work, set the stage for economic revitalization in our towns and cities, and ensure safe, clean, and affordable water is available to all. Our communities stand ready to get to work, delaying action will only make the problems worse and costlier to solve.

We are pleased to offer our support and urge the committee to continue prioritizing the passage of comprehensive water infrastructure funding this year. If you have any questions please contact our Policy Director, Chad Lord, at (202) 454-3385 or [clord@npca.org](mailto:clord@npca.org).

Sincerely,  
  
 Laura Rubin  
 Director

Cc: The Honorable Tammy Duckworth  
 The Honorable Cynthia Lummis

March 23, 2021

The Honorable Charles E. Schumer  
Majority Leader  
United States Senate  
The Capitol  
Washington, DC 20004

The Honorable Mitch McConnell  
Republican Leader  
United States Senate  
The Capitol  
Washington, DC 20515

The Honorable Thomas R. Carper  
Chairman  
U.S. Senate Committee on Environment and  
Public Works  
456 Dirksen Senate Office Building  
Washington, DC 20510

The Honorable Shelley Moore Capito  
Ranking Member  
U.S. Senate Committee on Environment and  
Public Works  
410 Dirksen Senate Office Building  
Washington, DC 20510

Dear Majority Leader Schumer, Republican Leader McConnell, Chairman Carper, and Ranking Member Capito:

The Members of the Water Equity and Climate Resilience (WECR) Caucus would like to express our support for the committee draft of the bill that increases national focus on disadvantaged communities expressed in the will of this bill. While many more resources are needed to address the water threats faced by communities of color, Indigenous Peoples' communities and Tribal Nations, and rural and low-income communities, this bill marks an important first step forward in recognizing that these communities need explicit focus and targeted resources to address the disparities in water services access and the resulting outsize impacts on these communities' health.

Specifically, we are in full support of the amendments to add a low-income customer affordability/assistance program that includes affordable water rates, emergency assistance, and debt forgiveness to the bill. We strongly support this moving from the current language of a pilot to a national program as the bill moves through the floor process.

Additionally, we support increased set asides, lower cost shares, and waivers for grants for disadvantaged communities in the Drinking Water and Clean Water SRFs; and the Competitive Program for Disadvantaged Communities to ensure their access to funds. We will work with EPW and EPA to ensure that the ceiling rather than the floor of these funds go to these communities even as we advocate to realize the Biden Administration's commitment to 40 percent of infrastructure funds going to Environmental Justice Communities.

The emergency grants and technical assistance for drinking water emergencies are critical to our members who have faced these emergencies without federal support, and we are supportive of these provisions--especially the provisions that include lead exposure.

We support all the programmatic provisions that focus on lead -- and toxic-remediation -- in schools, in residential service lines, and connection away from toxic wells to safe municipal water systems, as these threats primarily face communities of color and low income communities.

We support the climate-resilience provisions of the bill on both drinking water infrastructure risk and resilience and clean water infrastructure risk, resiliency and sustainability. These programs should carry disadvantaged populations provisions in amendments to ensure that environmental justice communities are served by their benefits.

While we advocated for explicit targeted inclusion of disadvantaged workers and procurement goals from environmental justice and BIPOC businesses in the water sector, we support the workforce provisions of the bill. We recommend amending this provision to include targeted workforce goals for disadvantaged workers, and plan to advocate for EPA to ensure that these communities benefit in the implementation of any workforce grants or provisions. We also recommend amending the bill to include technical assistance funds for disadvantaged businesses to be able to successfully compete for contracts in the water infrastructure sector.

We appreciate all programmatic focus on tribal nations and Indigenous Peoples' communities, given the disproportionate impacts they face in toxic water, diverted water, lack of sanitation, and climate-driven sea-level rise.

We also support the decentralized drinking water and sanitation provisions, as many Indigenous Peoples, tribal, rural, and communities of color require solutions at this scale meaningfully and effectively address toxic exposures, lack of services, and distances from municipal systems.

Lastly, we support the studies that will inform future use of federal funds to address water equity and climate resilience investments: where funds have gone in the past; what the need is for affordable water; and what the need is for clean and drinking water infrastructure.

We appreciate the collaborative work with our Caucus that is demonstrated in this bill, and commit to strengthening the focus on most impacted communities as its provisions move forward.

Sincerely,

Kalima Rose, PolicyLink, Co-Chair, Water Equity and Climate Resilience Caucus, Oakland, CA  
 Colette Pichon Battle, Gulf Coast Center for Law and Policy, Co-Chair, WERC, New Orleans, LA  
 Janene Yazzie, Sixth World Solutions, WERC Steering Committee, Shiprock, Navajo Nation, AZ  
 Jonathan Nelson, Community Water Center, WECR Steering Committee, Sacramento, CA  
 Julian Gonzalez, Earthjustice, WECR Steering Committee, Washington DC  
 Kristy Meyer, Freshwater Future, WECR Member, Westerville, OH  
 Ya-Sin Shabazz, Just Water, WECR Steering Committee, Biloxi, MS  
 Amanda Klasing, Human Rights Watch, WECR Steering Committee, Washington DC  
 Monica Lewis-Patrick, We the People of Detroit, Detroit, IL

Cc: Mary Frances Repko, Senate Committee on Environment and Public Works  
John Kane, Senate Committee on Environment and Public Works  
Annie D'Amato, Senate Committee on Environment and Public Works  
Adrian Deveny, U.S. Senate Majority Leader Charles E. Schumer



March 24, 2021

Senator Tom Carper  
Chair, Senate Environment and  
Public Works Committee  
456 Dirksen Senate Office Building  
Washington, D.C. 20510

Senator Tammy Duckworth  
Chair, Subcommittee on  
Fisheries, Water, and Wildlife  
524 Hart Senate Office Building  
Washington, D.C. 20510

Senator Shelley Moore Capito  
Ranking Member, Senate Environment and  
Public Works Committee  
172 Russell Senate Office Building  
Washington, D.C. 20510

Senator Cynthia Lummis  
Ranking Member, Subcommittee on  
Fisheries, Water, and Wildlife  
G12 Dirksen Senate Office Building  
Washington, D.C. 20510

Dear Chair Carper, Ranking Member Capito, Chair Duckworth, and Ranking Member Lummis:

On behalf of the Rural Community Assistance Partnership (RCAP), I write to thank you for championing many provisions in The Drinking Water and Wastewater Infrastructure Act of 2021 (DWWIA 2021) that will provide significant assistance to rural communities across the U.S. As a national non-profit network serving rural and small communities in all 50 states, territories and on tribal lands, we know all too well that the water challenges rural and underinvested communities face and appreciate the committee's support for our nation's smallest and most disadvantaged communities.

First and foremost, DWWIA 2021 creates several new resources for communities to access technical assistance and training from qualified non-profit organizations. Communities facing public health emergencies like a sudden increase in lead contamination will newly have access to a technical assistance program targeted specifically to those crises. The reauthorization of the 2% Drinking Water State Revolving Fund (DWSRF) set-aside for non-profits to provide technical assistance will bolster the ability of organizations like RCAP's multi-state regional partners to get struggling systems into compliance. The bill's amendments to the EPA Small Publicly Owned Treatment Works (POTW) Technical Assistance Program, Efficiency Grant Program, and the newly created Small and Disadvantaged Communities technical assistance program will similarly add needed access to specialized technical assistance.

Small and rural utilities themselves will particularly benefit from additional provisions within the bill. The increased authorizations to the DWSRF and Clean Water State Revolving Loan (CWSRF) Funds—and particularly the increased percentage of these funds states must use for grants, negative interest loans, and loan forgiveness measures—will improve the financial solvency many small and rural water systems face. Additionally, the bill's provision of increased authorizations and decreased non-federal cost matching requirements for the small and disadvantaged community grant program will allow many more small systems to benefit from federal funding.

We are particularly appreciative of the creation of several new EPA grant programs to low-income homeowners and tribal communities for the construction and servicing of wastewater systems which will reduce the number of Americans without access to modern water services.

COMMUNITIES  
Unlimited



RCAP *Solutions*  
Resources for Communities and People

Southeast Rural  
Community Assistance  
Project, Inc.  
Water Is Life.





RCAP also strongly supports the creation of a nationwide, permanent federal low-income water assistance program. Although this provision did not make it into the bill, we are appreciative of the efforts to create a pilot program toward those ends, as well as the \$1.1 billion in funding for low-income assistance provided by recent COVID-19 relief packages. While these will not adequately meet the funding need, currently estimated to be over \$8 billion, they represent a strong first step towards an eventual nation-wide, permanent assistance program.

We are grateful for the hard work of the committee in quickly producing a strong and bipartisan DWWIA 2021. RCAP is proud to support this bill because Americans deserve clean, safe, reliable, and affordable drinking water regardless of their community's size or zip code. We stand ready to work with you and your colleagues to ensure this bipartisan legislation is passed or included in a comprehensive infrastructure package this year, and to further support rural water and wastewater access and affordability measures in the future.

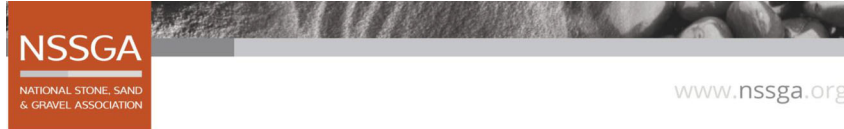
Thank you,



Nathan Ohle  
CEO, Rural Community Assistance Partnership

Cc: Senator Ben Cardin, Senator Bernie Sanders, Senator Sheldon Whitehouse, Senator Jeff Merkley, Senator Ed Markey, Senator Debbie Stabenow, Senator Mark Kelly, Senator Alex Padilla, Senator Jim Inhofe, Senator Kevin Cramer, Senator Richard Shelby, Senator John Boozman, Senator Roger Wicker, Senator Dan Sullivan, Senator Joni Ernst, and Senator Lindsey Graham





March 24, 2021

The Honorable Tom Carper  
Chairman of the Senate Committee on  
Environment and Public Works  
513 Hart Senate Office Building  
Washington DC, 20510

The Honorable Shelley Moore Capito  
Ranking Member of the Senate Committee  
Environment and Public Works  
172 Russell Senate House Office Building  
Washington DC, 20510

Dear Chairman Carper and Ranking Member Capito,

On behalf of the National Stone, Sand & Gravel Association (NSSGA) and the aggregates industry we represent, we welcome the Committee's work introducing and passing its \$35B water infrastructure bill via the *Drinking Water and Wastewater Infrastructure Act* (S. 914). NSSGA supports efforts to improve and invest in all levels of our nation's infrastructure network, including drinking water and wastewater infrastructure, and appreciate the full committee's work achieving this goal.

NSSGA is the leading advocate and resource for the aggregates industry, who provide the critical raw materials found in virtually every surface transportation project; roads, highways, bridges, runways, pipelines and much more. Our membership represents more than 90 percent of the crushed stone and 70 percent of the sand and gravel produced annually in the United States. Our product is critical for any our nation's waterway infrastructure network as these raw materials are necessary for pipelines, water treatment facilities and storage tanks. Further, aggregates operators produce the limestone and other materials that are essential to filtration systems that provide for clean water.

We welcome efforts of the full committee to come together and work on a bi-partisan package that will deliver meaningful improvements to our crippling water infrastructure network. The bill's attention to improving projects that provide clean drinking water to disadvantaged and rural communities, as well as promoting project resiliency in all water infrastructure projects, underscores the proactive approach your offices led and will positively impact future generations.

We are appreciative of the scope and bi-partisanship S. 914 accomplishes and NSSGA hopes this cooperation and coalition building throughout the committee can continue as work pivots towards a robust, multi-year highway bill. The aggregate industry is here to help advance this bill through the Chamber, as well as advance other critical infrastructure legislation, and appreciate your leadership and work.

Sincerely,

A handwritten signature in black ink, appearing to read "M. Johnson", is placed above the typed name.

Michael W. Johnson  
President and CEO  
National Stone, Sand and Gravel Association

cc: Members of the Environment & Public Works Committee

NATIONAL STONE, SAND & GRAVEL ASSOCIATION  
66 Canal Center Plaza, Suite 300 | Alexandria, VA 22314 | 703-525-8788

Senator CARPER. While I was a bit disappointed that our Committee support of nominations that we considered today was not unanimous, let me just say that I am deeply grateful to each member who did find a way to vote for one or both of the nominees before us today. We are grateful for that. Brenda Mallory and Janet McCabe have conducted themselves for decades now with dignity and honor for this country, and I believe, before this Committee.

None of us is perfect; that certainly includes me. But they have served our country, I think, admirably, and if confirmed, I believe they will do so again.

There is no one else who wishes to make a statement, so let me just close with this.

People say to me, why is the Federal Government involved in this issue of clean drinking water and wastewater? And I tell them, it goes all the way back to the Declaration of Independence, written by Thomas Jefferson. They were actually having a vote on the Declaration of Independence, the Delaware Delegation was apparently deadlocked.

A fellow named Caesar Rodney rode his horse, famously, from Dover, Delaware, to Philadelphia to cast the tie breaking vote in favor of the Declaration of Independence. As we all know, maybe the most famous words in the Declaration of Independence talk to life, liberty, and the pursuit of happiness, inalienable rights.

It is hard to have life, liberty, or the pursuit of happiness without water, without clean water to drink. In too many places around our country—Senator Padilla mentioned a million people out in California without clean drinking water. That is essentially everybody in Delaware. We have about a million people. It is like having the whole State of Delaware, where you have folks who have to have clean drinking water.

In this case, it is in one State out in the West Coast, where I used to live when I served in the Navy. But whether it is California, a big State, or Delaware or Vermont, little States, this is an important issue for all of us, and this is not all on the Federal Government. It is not solely a Federal responsibility. This is an all hands on deck deal, and we need the support of State and local governments.

We need the support of the utilities, users themselves need to be paying into the cost of these systems, and together, we will make it better. We will make it better. If it isn't perfect, we need to do better still, so we will keep working at it.

I think that is it. With that, I ask unanimous consent that the staff have authority to make technical and conforming changes to each of the matters approved today.

One last thing, my mother would be disappointed if I didn't mention Matthew 25, when I was thirsty, did you give me to drink. The Declaration of Independence is enough of a compelling argument that what we are doing here is important and necessary, but my hope is that Matthew 25 will do the job, because we do have a moral obligation. With the legislation authored by Senator Cardin and Senator Wicker, I think we do a better job of looking out on the water side for the least of these in our States and our society.

With that, we are done. I would ask unanimous consent that the staffs have the authority to make technical and conforming changes to each of the matters approved today.

Thank you all for your participation in this meeting.

Again, to our majority staff, John Kane, Annie D'Amato, Maggie, Lizzy, on the minority side to Travis, Jess, Adam, and I would say to another Adam over here, and to Mary Frances Repko, majority staff director, we are deeply grateful for all your good work.

With that, this meeting is adjourned.

[Whereupon, at 10:15 a.m., the meeting was adjourned.]

[Referenced legislation follows:]

**NOMINATION REFERENCE AND REPORT**

**PN79-7**

AS IN EXECUTIVE SESSION,  
SENATE OF THE UNITED STATES,  
January 20, 2021.

*Ordered,* That the following nomination be referred to the Committee on Environment and Public Works:

Brenda Mallory, of Maryland, to be a Member of the Council on Environmental Quality,  
vice Mary Bridget Neumayr.

3/24, 2021.  
(Date)

Reported by Mr./Mrs./Ms. Jon Larp  
(Signature)

with the recommendation that the nomination be confirmed.

☒ The nominee has agreed to respond to requests to appear and testify before any  
duly constituted committee of the Senate.

**NOMINATION REFERENCE AND REPORT**

**PN79-8**

AS IN EXECUTIVE SESSION,  
SENATE OF THE UNITED STATES,  
January 20, 2021.

*Ordered,* That the following nomination be referred to the Committee on Environment and Public Works:

Janet Garvin McCabe, of Indiana, to be Deputy Administrator of the Environmental Protection Agency, vice Andrew Wheeler, resigned.

3/21, 2021.  
(Date)

Reported by Mr./Mrs./Ms.

Tom Lingen  
(Signature)

with the recommendation that the nomination be confirmed.

☒ The nominee has agreed to respond to requests to appear and testify before any duly constituted committee of the Senate.

Calendar No. \_\_\_\_\_

117TH CONGRESS  
1ST SESSION**S. 400**

[Report No. 117-\_\_\_\_\_]

To designate the headquarters building of the Department of Transportation located at 1200 New Jersey Avenue, SE, in Washington, DC, as the "William T. Coleman, Jr., Federal Building".

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## IN THE SENATE OF THE UNITED STATES

FEBRUARY 24, 2021

Mr. WICKER (for himself, Ms. CANTWELL, Mr. CARPER, Mrs. CAPITO, Mr. SCOTT of South Carolina, Mr. BOOKER, Mr. WARNOCK, Mr. CASEY, Mr. TOOMEY, Mr. SULLIVAN, Mr. INHOFE, Mr. BARRASSO, and Ms. DUCKWORTH) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

\_\_\_\_\_ (legislative day, \_\_\_\_\_), \_\_\_\_\_

Reported by Mr. CARPER, without amendment

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## A BILL

To designate the headquarters building of the Department of Transportation located at 1200 New Jersey Avenue, SE, in Washington, DC, as the "William T. Coleman, Jr., Federal Building".

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “William T. Coleman,  
3 Jr., Department of Transportation Headquarters Act”.

4 **SEC. 2. WILLIAM T. COLEMAN, JR., FEDERAL BUILDING.**

5 (a) IN GENERAL.—The headquarters building of the  
6 Department of Transportation located at 1200 New Jer-  
7 sey Avenue, SE, in Washington, DC, shall be known and  
8 designated as the “William T. Coleman, Jr., Federal  
9 Building”.

10 (b) REFERENCES.—Any reference in a law, map, reg-  
11 ulation, document, paper, or other record of the United  
12 States to the building referred to in subsection (a) shall  
13 be deemed to be a reference to the “William T. Coleman,  
14 Jr., Federal Building”.



AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—117th Cong., 1st Sess.

**S.** \_\_\_\_\_

To amend the Safe Drinking Water Act and the Federal Water Pollution Control Act to reauthorize programs under those Acts, and for other purposes.

Referred to the Committee on \_\_\_\_\_ and  
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended  
to be proposed by Mr. CARPER (for himself and Mrs. CAPITO)

Viz:

1 Strike all after the enacting clause and insert the fol-  
2 lowing:

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

4 (a) **SHORT TITLE.**—This Act may be cited as the  
5 “Drinking Water and Wastewater Infrastructure Act of  
6 2021”.

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

Sec. 1. Short title; table of contents.  
Sec. 2. Definition of Administrator.

**TITLE I—DRINKING WATER**

Sec. 101. Technical assistance and grants for emergencies affecting public  
water systems.  
Sec. 102. Drinking water State revolving loan funds.

- Sec. 103. Source water petition program.
- Sec. 104. Assistance for small and disadvantaged communities.
- Sec. 105. Reducing lead in drinking water.
- Sec. 106. Operational sustainability of small public water systems.
- Sec. 107. Midsize and large drinking water system infrastructure resilience and sustainability program.
- Sec. 108. Needs assessment for nationwide rural and urban low-income community water assistance.
- Sec. 109. Rural and low-income drinking water assistance pilot program.
- Sec. 110. Lead contamination in school drinking water.
- Sec. 111. Indian reservation drinking water program.
- Sec. 112. Advanced drinking water technologies.

## TITLE II—CLEAN WATER

- Sec. 201. Research, investigations, training, and information.
- Sec. 202. Wastewater efficiency grant pilot program.
- Sec. 203. Pilot program for alternative water source projects.
- Sec. 204. Sewer overflow and stormwater reuse municipal grants.
- Sec. 205. Clean water infrastructure resilience and sustainability program.
- Sec. 206. Small and medium publicly owned treatment works circuit rider program.
- Sec. 207. Small publicly owned treatment works efficiency grant program.
- Sec. 208. Grants for construction and refurbishing of individual household decentralized wastewater systems for individuals with low or moderate income.
- Sec. 209. Connection to publicly owned treatment works.
- Sec. 210. Clean water State revolving funds.
- Sec. 211. Water infrastructure and workforce investment.
- Sec. 212. Grants to Alaska to improve sanitation in rural and Native villages.
- Sec. 213. Water data sharing pilot program.
- Sec. 214. Final rating opinion letters.
- Sec. 215. Water infrastructure financing reauthorization.
- Sec. 216. Small and disadvantaged community analysis.
- Sec. 217. Stormwater infrastructure technology.
- Sec. 218. Water Reuse Interagency Working Group.
- Sec. 219. Advanced clean water technologies study.
- Sec. 220. Clean watersheds needs survey.

### 1 SEC. 2. DEFINITION OF ADMINISTRATOR.

- 2 In this Act, the term “Administrator” means the Ad-
- 3 ministrator of the Environmental Protection Agency.

1       **TITLE I—DRINKING WATER**

2       **SEC. 101. TECHNICAL ASSISTANCE AND GRANTS FOR EMER-**  
 3               **GENCIES AFFECTING PUBLIC WATER SYS-**  
 4               **TEMS.**

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

7               (1) in subsection (b), in the first sentence—

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

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

15               (2) by striking subsection (d) and inserting the  
 16       following:

17       “(d) **AUTHORIZATION OF APPROPRIATIONS.**—There  
 18       is authorized to be appropriated to carry out subsection  
 19       (b) \$35,000,000 for each of fiscal years 2022 through  
 20       2026.”;

21               (3) in subsection (e), by striking paragraph (5)  
 22       and inserting the following:

23       “(5) **AUTHORIZATION OF APPROPRIATIONS.**—  
 24       There is authorized to be appropriated to the Ad-

## 4

1 administrator to carry out this subsection \$15,000,000  
 2 for each of fiscal years 2022 through 2026.”;

3 (4) by redesignating subsection (f) as sub-  
 4 section (g); and

5 (5) by inserting after subsection (e) the fol-  
 6 lowing:

7 “(f) STATE-BASED NONPROFIT ORGANIZATIONS.—

8 “(1) IN GENERAL.—The Administrator may  
 9 provide technical assistance consistent with the au-  
 10 thority provided under subsection (e) to State-based  
 11 nonprofit organizations that are governed by com-  
 12 munity water systems.

13 “(2) COMMUNICATION.—Each State-based non-  
 14 profit organization that receives funding under para-  
 15 graph (1) shall, before using that funding to under-  
 16 take activities to carry out this subsection, consult  
 17 with the State in which the assistance is to be ex-  
 18 pended or otherwise made available.”.

19 **SEC. 102. DRINKING WATER STATE REVOLVING LOAN**  
 20 **FUNDS.**

21 (a) DRINKING WATER STATE REVOLVING FUNDS  
 22 CAPITALIZATION GRANT REAUTHORIZATION.—Section  
 23 1452 of the Safe Drinking Water Act (42 U.S.C. 300j-  
 24 12) is amended—

## 5

1 (1) in subsection (a)(4)(A), by striking “During  
 2 fiscal years 2019 through 2023, funds” and insert-  
 3 ing “Funds”;

4 (2) in subsection (m)(1) —

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

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

10 (C) by adding at the end the following:

11 “(D) \$2,400,000,000 for fiscal year 2022;

12 “(E) \$2,750,000,000 for fiscal year 2023;

13 “(F) \$3,000,000,000 for fiscal year 2024;

14 and

15 “(G) \$3,250,000,000 for each of fiscal  
 16 years 2025 and 2026.”; and

17 (3) in subsection (q), by striking “2016 through  
 18 2021” and inserting “2022 through 2026”.

19 (b) ASSISTANCE FOR DISADVANTAGED COMMU-  
 20 NITIES.—Section 1452(d) of the Safe Drinking Water Act  
 21 (42 U.S.C. 300j–12(d)) is amended—

22 (1) in paragraph (1), by inserting “, grants,  
 23 negative interest loans, other loan forgiveness, and  
 24 through buying, refinancing, or restructuring debt”  
 25 after “forgiveness of principal”; and

## 6

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

3 “(B) to the extent that there are sufficient  
4 applications for loans to communities described  
5 in paragraph (1), may not be less than 12 per-  
6 cent.”.

7 **SEC. 103. SOURCE WATER PETITION PROGRAM.**

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

10 (1) in subsection (a)—

11 (A) in paragraph (1)(A), in the matter  
12 preceding clause (i), by striking “political sub-  
13 division of a State,” and inserting “political  
14 subdivision of a State (including a county that  
15 is designated by the State to act on behalf of  
16 an unincorporated area within that county, with  
17 the agreement of that unincorporated area),”;

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

23 (C) by adding at the end the following:

24 “(5) SAVINGS PROVISION.—Unless otherwise  
25 provided within the agreement, an agreement be-

1       tween an unincorporated area and a county for the  
2       county to submit a petition under paragraph (1)(A)  
3       on behalf of the unincorporated area shall not au-  
4       thorize the county to act on behalf of the unincor-  
5       porated area in any matter not within a program  
6       under this section.”; and

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

9 SEC. 104. ASSISTANCE FOR SMALL AND DISADVANTAGED  
10 COMMUNITIES.

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

14 (1) in subsection (b)(2)—

15 (A) in subparagraph (B), by striking  
16 "and" at the end;

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

20 (C) by adding at the end the following:

21 “(D) the purchase of point-of-entry or  
22 point-of-use filters that are independently cer-  
23 tified using science-based test methods for the  
24 removal of contaminants of concern;

1           “(E) investments necessary for providing  
2 accurate and current information about—

3           “(i) the need for filtration and filter  
4 safety, including proper use and maintenance practices; and  
5

6           “(ii) the options for replacing lead  
7 service lines (as defined section 1459B(a))  
8 and removing other sources of lead in  
9 water; and

10          “(F) entering into contracts, including contracts  
11 with nonprofit organizations that have  
12 water system technical expertise, to assist—

13          “(i) an eligible entity; or

14          “(ii) the State of an eligible entity, on  
15 behalf of that eligible entity.”;

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

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

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



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

4               “(1) \$60,000,000 for fiscal year 2022;

5               “(2) \$80,000,000 for fiscal year 2023;

6               “(3) \$100,000,000 for fiscal year 2024;

7               “(4) \$120,000,000 for fiscal year 2025; and

8               “(5) \$140,000,000 for fiscal year 2026.”; and

9       (5) in subsection (l)—

10               (A) in paragraph (2)—

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

14                       (ii) by striking “fiscal years 2019 and  
15                       2020” and inserting “fiscal years 2022  
16                       through 2026”;

17               (B) in paragraph (5), by striking  
18               “\$4,000,000 for each of fiscal years 2019 and  
19               2020” and inserting “\$25,000,000 for each of  
20               fiscal years 2022 through 2026”;

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

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

## 10

1           “(5) FEDERAL SHARE FOR SMALL, RURAL, AND  
2       DISADVANTAGED COMMUNITIES.—

3           “(A) IN GENERAL.—Subject to subpara-  
4       graph (B), with respect to a program or project  
5       that serves an eligible entity and is carried out  
6       using a grant under this subsection, the Fed-  
7       eral share of the cost of the program or project  
8       shall be 90 percent.

9           “(B) WAIVER.—The Administrator may  
10       increase the Federal share under subparagraph  
11       (A) to 100 percent if the Administrator deter-  
12       mines that an eligible entity is unable to pay,  
13       or would experience significant financial hard-  
14       ship if required to pay, the non-Federal share.”.

15       (b) CONNECTION TO PUBLIC WATER SYSTEMS.—  
16       Section 1459A of the Safe Drinking Water Act (42 U.S.C.  
17       300j-19a) is amended by adding at the end the following:

18       “(m) CONNECTION TO PUBLIC WATER SYSTEMS.—

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

20           “(A) ELIGIBLE ENTITY.—The term ‘eligi-  
21       ble entity’ means—

22           “(i) an owner or operator of a public  
23       water system that assists or is seeking to  
24       assist eligible individuals with connecting

## 11

1 the household of the eligible individual to  
2 the public water system; or

3 “(ii) a nonprofit entity that assists or  
4 is seeking to assist eligible individuals with  
5 the costs associated with connecting the  
6 household of the eligible individual to a  
7 public water system.

8 “(B) ELIGIBLE INDIVIDUAL.—The term  
9 ‘eligible individual’ has the meaning given the  
10 term in section 603(j) of the Federal Water  
11 Pollution Control Act (33 U.S.C. 1383(j)).

12 “(C) PROGRAM.—The term ‘program’  
13 means the competitive grant program estab-  
14 lished under paragraph (2).

15 “(2) ESTABLISHMENT.—Subject to the avail-  
16 ability of appropriations, the Administrator shall es-  
17 tablish a competitive grant program for the purpose  
18 of improving the general welfare under which the  
19 Administrator awards grants to eligible entities to  
20 provide funds to assist eligible individuals in cov-  
21 ering the costs incurred by the eligible individual in  
22 connecting the household of the eligible individual to  
23 a public water system.

24 “(3) APPLICATION.—An eligible entity seeking  
25 a grant under the program shall submit to the Ad-

## 12

1 administrator an application at such time, in such  
2 manner, and containing such information as the Ad-  
3 ministrator may require.

4 “(4) CRITERIA.—In selecting recipients for  
5 grants under the program, the Administrator shall  
6 consider—

7 “(A) how public health would improve by  
8 awarding a grant to a particular eligible entity;

9 “(B) the environmental implications of  
10 awarding a grant to a particular eligible entity;

11 “(C) whether it is economically feasible for  
12 an eligible entity to provide the assistance de-  
13 scribed in paragraph (2); and

14 “(D) whether it is technically feasible for  
15 an eligible entity to provide the assistance de-  
16 scribed in paragraph (2).

17 “(5) VOLUNTARY CONNECTION.—Before pro-  
18 viding funds to an eligible individual for the costs  
19 described in paragraph (2), an eligible entity shall  
20 ensure and certify to the Administrator that—

21 “(A) the eligible individual is voluntarily  
22 seeking connection to the public water system;

23 “(B) if the eligible entity is not the owner  
24 or operator of the public water system to which  
25 the eligible individual seeks to connect, the pub-

1           lie water system to which the eligible individual  
 2           seeks to connect has agreed to the connection;  
 3           and

4           “(C) the connection of the household of the  
 5           eligible individual to the public water system  
 6           meets all applicable local and State regulations,  
 7           requirements, and codes.

8           “(6) REPORT.—Not later than 2 years after the  
 9           date of enactment of the Drinking Water and  
 10          Wastewater Infrastructure Act of 2021, the Admin-  
 11          istrator shall submit to Congress a report that de-  
 12          scribes the implementation of the program, which  
 13          shall include a description of the use and deployment  
 14          of amounts made available under the program.

15          “(7) AUTHORIZATION OF APPROPRIATIONS.—  
 16          There is authorized to be appropriated to carry out  
 17          the program \$20,000,000 for each of fiscal years  
 18          2022 through 2026.”.

19          “(c) COMPETITIVE GRANT PILOT PROGRAM.—Section  
 20          1459A of the Safe Drinking Water Act (42 U.S.C. 300j-  
 21          19a) (as amended by subsection (b)) is amended by adding  
 22          at the end the following:

23          “(n) STATE COMPETITIVE GRANTS FOR UNDER-  
 24          SERVED COMMUNITIES.—

## 14

1           “(1) IN GENERAL.—In addition to amounts au-  
2           thorized to be appropriated under subsection (k),  
3           there is authorized to be appropriated to carry out  
4           subsections (a) through (j) \$50,000,000 for each of  
5           fiscal years 2022 through 2026 in accordance with  
6           paragraph (2).

7           “(2) COMPETITIVE GRANTS.—

8           “(A) IN GENERAL.—Notwithstanding any  
9           other provision of this section, the Adminis-  
10          trator shall distribute amounts made available  
11          under paragraph (1) to States through a com-  
12          petitive grant program.

13          “(B) APPLICATIONS.—To seek a grant  
14          under the competitive grant program under  
15          subparagraph (A), a State shall submit to the  
16          Administrator an application at such time, in  
17          such manner, and containing such information  
18          as the Administrator may require.

19          “(C) CRITERIA.—In selecting recipients of  
20          grants under the competitive grant program  
21          under subparagraph (A), the Administrator  
22          shall establish criteria that give priority to  
23          States with a high proportion of underserved  
24          communities that meet the condition described  
25          in subsection (a)(2)(A).

## 15

1           “(3) REPORT.—Not later than 2 years after the  
 2       date of enactment of the Drinking Water and  
 3       Wastewater Infrastructure Act of 2021, the Admin-  
 4       istrator shall submit to Congress a report that de-  
 5       scribes the implementation of the competitive grant  
 6       program under paragraph (2)(A), which shall in-  
 7       clude a description of the use and deployment of  
 8       amounts made available under the competitive grant  
 9       program.

10           “(4) SAVINGS PROVISION.—Nothing in this  
 11       paragraph affects the distribution of amounts made  
 12       available under subsection (k), including any meth-  
 13       ods used by the Administrator for distribution of  
 14       amounts made available under that subsection as in  
 15       effect on the day before the date of enactment of  
 16       this subsection.”.

17 **SEC. 105. REDUCING LEAD IN DRINKING WATER.**

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

20           (1) in subsection (d)—

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

23               (B) by striking “\$60,000,000 for each of  
 24               fiscal years 2017 through 2021” and inserting

1           “\$100,000,000 for each of fiscal years 2022  
2           through 2026”;

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

5           (3) by inserting after subsection (c) the fol-  
6           lowing:

7           “(d) LEAD INVENTORYING UTILIZATION GRANT  
8           PILOT PROGRAM.—

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

10           “(A) ELIGIBLE ENTITY.—The term ‘eligi-  
11           ble entity’ means a municipality that is served  
12           by a community water system or a nontransient  
13           noncommunity water system in which not less  
14           than 30 percent of the service lines are known,  
15           or suspected, to contain lead, based on available  
16           data, information, or resources, including exist-  
17           ing lead inventorying.

18           “(B) PILOT PROGRAM.—The term ‘pilot  
19           program’ means the pilot program established  
20           under paragraph (2).

21           “(2) ESTABLISHMENT.—The Administrator  
22           shall establish a pilot program under which the Ad-  
23           ministrator shall provide grants to eligible entities to  
24           carry out lead reduction projects that are dem-  
25           onstrated to exist or are suspected to exist, based on



1 available data, information, or resources, including  
2 existing lead inventorying of those eligible entities.

3 “(3) SELECTION.—

4 “(A) APPLICATION.—To be eligible to re-  
5 ceive a grant under the pilot program, an eligi-  
6 ble entity shall submit to the Administrator an  
7 application at such time, in such manner, and  
8 containing such information as the Adminis-  
9 trator may require.

10 “(B) PRIORITIZATION.—In selecting recipi-  
11 ents under the pilot program, the Administrator  
12 shall give priority to—

13 “(i) an eligible entity that meets the  
14 affordability criteria of the applicable State  
15 established under section 1452(d)(3); and

16 “(ii) an eligible entity that is located  
17 in an area other than a State that has es-  
18 tablished affordability criteria under sec-  
19 tion 1452(d)(3).

20 “(4) REPORT.—Not later 2 years after the Ad-  
21 ministrator first awards a grant under the pilot pro-  
22 gram, the Administrator shall submit to the Com-  
23 mittee on Environment and Public Works of the  
24 Senate and the Committee on Energy and Com-

1 merce of the House of Representatives a report de-  
2 scribing—

3 “(A) the recipients of grants under the  
4 pilot program;

5 “(B) the existing lead inventorying that  
6 was available to recipients of grants under the  
7 pilot program; and

8 “(C) how useful and accurate the lead  
9 inventorying described in subparagraph (B) was  
10 in locating lead service lines of the eligible enti-  
11 ty.

12 “(5) AUTHORIZATION OF APPROPRIATIONS.—  
13 There is authorized to be appropriated to carry out  
14 the pilot program \$10,000,000, to remain available  
15 until expended.”.

16 **SEC. 106. OPERATIONAL SUSTAINABILITY OF SMALL PUB-**  
17 **LIC WATER SYSTEMS.**

18 Part E of the Safe Drinking Water Act (42 U.S.C.  
19 300j et seq.) is amended by adding at the end the fol-  
20 lowing:

21 **“SEC. 1459E. OPERATIONAL SUSTAINABILITY OF SMALL**  
22 **PUBLIC WATER SYSTEMS.**

23 “(a) DEFINITIONS.—In this section:

24 “(1) ELIGIBLE ENTITY.—The term ‘eligible en-  
25 tity’ means—

## 19

- 1           “(A) a State;
- 2           “(B) a unit of local government;
- 3           “(C) a public corporation established by a
- 4           unit of local government to provide water serv-
- 5           ice;
- 6           “(D) a nonprofit corporation, public trust,
- 7           or cooperative association that owns or operates
- 8           a public water system;
- 9           “(E) an Indian Tribe that owns or oper-
- 10          ates a public water system;
- 11          “(F) a nonprofit organization that provides
- 12          technical assistance to public water systems;
- 13          and
- 14          “(G) a Tribal consortium.
- 15          “(2) OPERATIONAL SUSTAINABILITY.—The
- 16          term ‘operational sustainability’ means the ability to
- 17          improve the operation of a small system through the
- 18          identification and prevention of potable water loss
- 19          due to leaks, breaks, and other metering or infra-
- 20          structure failures.
- 21          “(3) PROGRAM.—The term ‘program’ means
- 22          the grant program established under subsection (b).
- 23          “(4) SMALL SYSTEM.—The term ‘small system’
- 24          means a public water system that—
- 25          “(A) serves fewer than 10,000 people; and

- 1                   “(B) is owned or operated by—
- 2                   “(i) a unit of local government;
- 3                   “(ii) a public corporation;
- 4                   “(iii) a nonprofit corporation;
- 5                   “(iv) a public trust;
- 6                   “(v) a cooperative association; or
- 7                   “(vi) an Indian Tribe.

8           “(b) ESTABLISHMENT.—Subject to the availability of

9 appropriations, the Administrator shall establish a pro-

10 gram to award grants to eligible entities for the purpose

11 of improving the operational sustainability of 1 or more

12 small systems.

13           “(c) APPLICATIONS.—To be eligible to receive a grant

14 under the program, an eligible entity shall submit to the

15 Administrator an application at such time, in such man-

16 ner, and containing such information as the Administrator

17 may require, including—

18                   “(1) a proposal of the project to be carried out

19                   using grant funds under the program;

20                   “(2) documentation prepared by the eligible en-

21                   tity describing the deficiencies or suspected defi-

22                   ciencies in operational sustainability of 1 or more

23                   small systems that are to be addressed through the

24                   proposed project;

## 21

1           “(3) a description of how the proposed project  
2       will improve the operational sustainability of 1 or  
3       more small systems;

4           “(4) a description of how the improvements de-  
5       scribed in paragraph (3) will be maintained beyond  
6       the life of the proposed project, including a plan to  
7       maintain and update any asset data collected as a  
8       result of the proposed project; and

9           “(5) any additional information the Adminis-  
10       trator may require.

11       “(d) ADDITIONAL REQUIRED INFORMATION.—Before  
12       awarding funds for a grant under the program to a grant  
13       recipient, the grant recipient shall submit to the Adminis-  
14       trator—

15           “(1) if the grant recipient is located in a State  
16       that has established a State drinking water treat-  
17       ment revolving loan fund under section 1452, a copy  
18       of a written agreement between the grant recipient  
19       and the State in which the grant recipient agrees to  
20       provide a copy of any data collected under the pro-  
21       posed project to the State agency administering the  
22       State drinking water treatment revolving loan fund  
23       (or a designee); or

24           “(2) if the grant recipient is located in an area  
25       other than a State that has established a State

1 drinking water treatment revolving loan fund under  
2 section 1452, a copy of a written agreement between  
3 the grant recipient and the Administrator in which  
4 the eligible entity agrees to provide a copy of any  
5 data collected under the proposed project to the Ad-  
6 ministrator (or a designee).

7 “(e) USE OF FUNDS.—An eligible entity that receives  
8 a grant under the program shall use the grant funds to  
9 carry out projects that improve the operational sustain-  
10 ability of 1 or more small systems through—

11 “(1) the development of a detailed asset inven-  
12 tory, which may include drinking water sources,  
13 wells, storage, valves, treatment systems, distribu-  
14 tion lines, hydrants, pumps, controls, and other es-  
15 sential infrastructure;

16 “(2) the development of an infrastructure asset  
17 map, including a map that uses technology such  
18 as—

19 “(A) geographic information system soft-  
20 ware; and

21 “(B) global positioning system software;

22 “(3) the deployment of leak detection tech-  
23 nology;

24 “(4) the deployment of metering technology;

1 “(5) training in asset management strategies,  
2 techniques, and technologies for appropriate staff  
3 employed by—

4 “(A) the eligible entity; or

5 “(B) the small systems for which the grant  
6 was received;

7 “(6) the deployment of strategies, techniques,  
8 and technologies to enhance the operational sustain-  
9 ability and effective use of water resources through  
10 water reuse; and

11 “(7) the development or deployment of other  
12 strategies, techniques, or technologies that the Ad-  
13 ministrator may determine to be appropriate under  
14 the program.

15 “(f) COST SHARE.—

16 “(1) IN GENERAL.—Subject to paragraph (2),  
17 the Federal share of the cost of a project carried out  
18 using a grant under the program shall be 90 percent  
19 of the total cost of the project.

20 “(2) WAIVER.—The Administrator may in-  
21 crease the Federal share under paragraph (1) to 100  
22 percent.

23 “(g) REPORT.—Not later than 2 years after the date  
24 of enactment of the Drinking Water and Wastewater In-  
25 frastructure Act of 2021, the Administrator shall submit

1 to Congress a report that describes the implementation of  
 2 the program, which shall include a description of the use  
 3 and deployment of amounts made available under the pro-  
 4 gram.

5 “(h) AUTHORIZATION OF APPROPRIATIONS.—There  
 6 is authorized to be appropriated to carry out this section  
 7 \$50,000,000 for each of fiscal years 2022 through 2026.”.

8 **SEC. 107. MIDSIZE AND LARGE DRINKING WATER SYSTEM**  
 9 **INFRASTRUCTURE RESILIENCE AND SUS-**  
 10 **TAINABILITY PROGRAM.**

11 Part E of the Safe Drinking Water Act (42 U.S.C.  
 12 300j et seq.) (as amended by section 106) is amended by  
 13 adding at the end the following:

14 **“SEC. 1459F. MIDSIZE AND LARGE DRINKING WATER SYS-**  
 15 **TEM INFRASTRUCTURE RESILIENCE AND**  
 16 **SUSTAINABILITY PROGRAM.**

17 “(a) DEFINITIONS.—In this section:

18 “(1) ELIGIBLE ENTITY.—The term ‘eligible en-  
 19 tity’ means a public water system that serves a com-  
 20 munity with a population of greater than 10,000.

21 “(2) NATURAL HAZARD; RESILIENCE.—The  
 22 terms ‘resilience’ and ‘natural hazard’ have the  
 23 meanings given those terms in section 1433(h).

24 “(3) RESILIENCE AND SUSTAINABILITY PRO-  
 25 GRAM.—The term ‘resilience and sustainability pro-



1       gram' means the Midsize and Large Drinking Water  
2       System Infrastructure Resilience and Sustainability  
3       Program established under subsection (b).

4       “(b) ESTABLISHMENT.—The Administrator shall es-  
5       tablish and carry out a program, to be known as the  
6       ‘Midsize and Large Drinking Water System Infrastruc-  
7       ture Resilience and Sustainability Program’, under which  
8       the Administrator, subject to the availability of appropria-  
9       tions for the resilience and sustainability program, shall  
10      award grants to eligible entities for the purpose of—

11           “(1) increasing resilience to natural hazards  
12           and extreme weather events; and

13           “(2) reducing cybersecurity vulnerabilities.

14      “(c) USE OF FUNDS.—An eligible entity may only  
15      use grant funds received under the resilience and sustain-  
16      ability program to assist in the planning, design, construc-  
17      tion, implementation, operation, or maintenance of a pro-  
18      gram or project that increases resilience to natural haz-  
19      ards and extreme weather events, or reduces cybersecurity  
20      vulnerabilities, through—

21           “(1) the conservation of water or the enhance-  
22           ment of water-use efficiency;

23           “(2) the modification or relocation of existing  
24           drinking water system infrastructure made, or that  
25           is at risk of being, significantly impaired by natural

1 hazards or extreme weather events, including risks  
2 to drinking water from flooding;

3 “(3) the design or construction of new or modi-  
4 fied desalination facilities to serve existing commu-  
5 nities;

6 “(4) the enhancement of water supply through  
7 the use of watershed management and source water  
8 protection;

9 “(5) the enhancement of energy efficiency or  
10 the use and generation of renewable energy in the  
11 conveyance or treatment of drinking water;

12 “(6) the development and implementation of  
13 measures—

14 “(A) to increase the resilience of the eligi-  
15 ble entity to natural hazards and extreme  
16 weather events; or

17 “(B) to reduce cybersecurity  
18 vulnerabilities; or

19 “(7) the conservation of water or the enhance-  
20 ment of a water supply through the implementation  
21 of water reuse measures.

22 “(d) APPLICATION.—To seek a grant under the resil-  
23 ience and sustainability program, an eligible entity shall  
24 submit to the Administrator an application at such time,

1 in such manner, and containing such information as the  
2 Administrator may require, including—

3 “(1) a proposal of the program or project to be  
4 planned, designed, constructed, implemented, oper-  
5 ated, or maintained by the eligible entity;

6 “(2) an identification of the natural hazard  
7 risks, extreme weather events, or potential cyberse-  
8 curity vulnerabilities, as applicable, to be addressed  
9 by the proposed program or project;

10 “(3) documentation prepared by a Federal,  
11 State, regional, or local government agency of the  
12 natural hazard risk, potential cybersecurity vulner-  
13 ability, or risk for extreme weather events to the  
14 area where the proposed program or project is to be  
15 located;

16 “(4) a description of any recent natural haz-  
17 ards, cybersecurity events, or extreme weather  
18 events that have affected the community water sys-  
19 tem of the eligible entity;

20 “(5) a description of how the proposed program  
21 or project would improve the performance of the  
22 community water system of the eligible entity under  
23 the anticipated natural hazards, cybersecurity  
24 vulnerabilities, or extreme weather events; and

1           “(6) an explanation of how the proposed pro-  
2       gram or project is expected—

3           “(A) to enhance the resilience of the com-  
4       munity water system of the eligible entity to the  
5       anticipated natural hazards or extreme weather  
6       events; or

7           “(B) to reduce cybersecurity  
8       vulnerabilities.

9       “(e) REPORT.—Not later than 2 years after the date  
10 of enactment of the Drinking Water and Wastewater In-  
11 frastructure Act of 2021, the Administrator shall submit  
12 to Congress a report that describes the implementation of  
13 the resilience and sustainability program, which shall in-  
14 clude a description of the use and deployment of amounts  
15 made available to carry out the resilience and sustain-  
16 ability program.

17       “(f) AUTHORIZATION OF APPROPRIATIONS.—

18           “(1) IN GENERAL.—There is authorized to be  
19 appropriated to carry out the resilience and sustain-  
20 ability program \$50,000,000 for each of fiscal years  
21 2022 through 2026.

22           “(2) USE OF FUNDS.—Of the amounts made  
23 available under paragraph (1) for grants to eligible  
24 entities under the resilience and sustainability pro-  
25 gram—

1           “(A) 50 percent shall be used to provide  
2           grants to eligible entities that serve a popu-  
3           lation of—

4                 “(i) greater than 10,000; and

5                 “(ii) fewer than 100,000; and

6           “(B) 50 percent shall be used to provide  
7           grants to eligible entities that serve a popu-  
8           lation equal to or greater than 100,000.

9           “(3) ADMINISTRATIVE COSTS.—Of the amounts  
10          made available under paragraph (1), not more than  
11          2 percent may be used by the Administrator for the  
12          administrative costs of carrying out the resilience  
13          and sustainability program.”.

14 **SEC. 108. NEEDS ASSESSMENT FOR NATIONWIDE RURAL**  
15 **AND URBAN LOW-INCOME COMMUNITY**  
16 **WATER ASSISTANCE.**

17          Part E of the Safe Drinking Water Act (42 U.S.C.  
18          300j et seq.) (as amended by section 107) is amended by  
19          adding at the end the following:

20 **“SEC. 1459G. NEEDS ASSESSMENT FOR NATIONWIDE RURAL**  
21 **AND URBAN LOW-INCOME COMMUNITY**  
22 **WATER ASSISTANCE.**

23          “(a) DEFINITIONS.—In this section:

24                 “(1) LARGE COMMUNITY WATER SYSTEM.—The  
25          term ‘large community water system’ means a com-

1 munity water system or treatment works that serves  
2 a population of more than 100,000 inhabitants.

3 “(2) LOW-INCOME HOUSEHOLD.—The term  
4 ‘low-income household’ means a household that has  
5 an income that, as determined by the State in which  
6 the household is located, does not exceed the greater  
7 of—

8 “(A) an amount equal to 150 percent of  
9 the poverty level of that State; and

10 “(B) an amount equal to 60 percent of the  
11 State median income for that State.

12 “(3) MEDIUM COMMUNITY WATER SYSTEM.—  
13 The term ‘medium community water system’ means  
14 a community water system or treatment works that  
15 serves a population of more than 10,000 inhabitants  
16 and not more than 100,000 inhabitants.

17 “(4) NEED.—The term ‘need’, with respect to  
18 a household, means the expenditure of a dispropor-  
19 tionate amount of household income on access to  
20 public drinking water or wastewater services.

21 “(5) RURAL COMMUNITY WATER SYSTEM.—The  
22 term ‘rural community water system’ means a com-  
23 munity water system or treatment works that serves  
24 a population of not more than 10,000 inhabitants.

1           “(6) TREATMENT WORKS.—The term ‘treat-  
2           ment works’ has the meaning given the term in sec-  
3           tion 212 of the Federal Water Pollution Control Act  
4           (33 U.S.C. 1292).

5           “(b) STUDY; REPORT.—

6           “(1) IN GENERAL.—The Administrator shall  
7           conduct, and submit to Congress a report describing  
8           the results of, a study regarding the prevalence  
9           throughout the United States of municipalities, pub-  
10          lic entities, or Tribal governments that—

11           “(A) own or operate rural community  
12          water systems, medium community water sys-  
13          tems, or large community water systems that  
14          service a disproportionate level of low-income  
15          households with need, including low-income  
16          renters with need or a community water system  
17          or treatment works that provides services to a  
18          disadvantaged community (as defined in section  
19          1452(d)(3)); or

20           “(B) have taken on an unsustainable level  
21          of debt due to customer nonpayment for the  
22          services provided by a community water system  
23          or treatment works.

24           “(2) INCLUSIONS.—The report under para-  
25          graph (1) shall include—

1           “(A) recommendations of the Adminis-  
 2           trator regarding the best methods to increase  
 3           access to affordable and reliable drinking water  
 4           and wastewater services;

5           “(B) a description of the cost of each  
 6           method described in subparagraph (A); and

7           “(C) with respect to the development of  
 8           the report, a consultation with all relevant  
 9           stakeholders.

10          “(3) AGREEMENTS.—The Administrator may  
 11          enter into an agreement with another Federal agen-  
 12          cy to carry out the study under paragraph (1).”

13 **SEC. 109. RURAL AND LOW-INCOME DRINKING WATER AS-**  
 14 **SISTANCE PILOT PROGRAM.**

15          Part E of the Safe Drinking Water Act (42 U.S.C.  
 16 300j et seq.) (as amended by section 108) is amended by  
 17 adding at the end the following:

18 **“SEC. 1459H. RURAL AND LOW-INCOME DRINKING WATER**  
 19 **ASSISTANCE PILOT PROGRAM.**

20          “(a) DEFINITIONS.—In this section:

21               “(1) ELIGIBLE ENTITY.—The term ‘eligible en-  
 22               tity’ means a municipality, Tribal government, or  
 23               other entity that—

24                       “(A) owns or operates a community water  
 25                       system or treatment works that services a dis-



1 proportionate level of low-income households (as  
2 defined in section 1459E(a)), including low-in-  
3 come renters; or

4 “(B) has taken on an unsustainable level  
5 of debt due to customer nonpayment for the  
6 services provided by a community water system  
7 or treatment works.

8 “(2) LARGE COMMUNITY WATER SYSTEM.—The  
9 term ‘large community water system’ means a com-  
10 munity water system or treatment works that serves  
11 a population of more than 100,000 inhabitants.

12 “(3) MEDIUM COMMUNITY WATER SYSTEM.—  
13 The term ‘medium community water system’ means  
14 a community water system or treatment works that  
15 serves a population of more than 10,000 inhabitants  
16 and not more than 100,000 inhabitants.

17 “(4) NEED.—The term ‘need’, with respect to  
18 a household, means the expenditure of a dispropor-  
19 tionate amount of household income on access to  
20 public drinking water or wastewater services.

21 “(5) PILOT PROGRAM.—The term ‘pilot pro-  
22 gram’ means the pilot program established by the  
23 Administrator under subsection (b)(1).

24 “(6) RURAL COMMUNITY WATER SYSTEM.—The  
25 term ‘rural community water system’ means a com-

1 community water system or treatment works that serves  
2 a population of not more than 10,000 inhabitants.

3 “(7) TREATMENT WORKS.—The term ‘treat-  
4 ment works’ has the meaning given the term in sec-  
5 tion 212 of the Federal Water Pollution Control Act  
6 (33 U.S.C. 1292).

7 “(8) WATER SERVICES NEEDS ASSESSMENT.—  
8 The term ‘water services needs assessment’ means  
9 the report required under section 1459G(b)(1).

10 “(b) ESTABLISHMENT.—

11 “(1) IN GENERAL.—Not later than 90 days  
12 after the date on which the Administrator submits  
13 the drinking water needs assessment to Congress,  
14 the Administrator shall establish a pilot program to  
15 award grants to eligible entities to develop and im-  
16 plement programs to assist low-income households  
17 with need in maintaining access to affordable and  
18 reliable drinking water and wastewater treatment.

19 “(2) REQUIREMENT.—In establishing the pilot  
20 program, the Administrator shall ensure that the  
21 water services needs assessment directly contributes  
22 to the structure of the pilot program by informing  
23 the types of assistance and criteria used for priority  
24 consideration with the demonstrated need from the

1 study conducted under section 1459G(b)(1) and the  
2 water services needs assessment.

3 “(3) USE OF FUNDS LIMITATIONS.—A grant  
4 under the pilot program—

5 “(A) shall not be used to replace funds for  
6 any existing similar program; but

7 “(B) may be used to supplement or en-  
8 hance an existing program, including a program  
9 that receives assistance from other Federal  
10 grants.

11 “(4) TERM.—The term of a grant awarded  
12 under the pilot program shall be subject to the avail-  
13 ability of appropriations.

14 “(5) TYPES OF ASSISTANCE.—In establishing  
15 the pilot program, the Administrator may include  
16 provisions for—

17 “(A) direct financial assistance;

18 “(B) a lifeline rate;

19 “(C) bill discounting;

20 “(D) special hardship provisions;

21 “(E) a percentage-of-income payment plan;

22 or

23 “(F) debt relief for the eligible entity or  
24 the community water system owned by the eligi-

1           ble entity that is determined by the Adminis-  
2           trator to be in the interest of public health.

3           “(6) REQUIREMENT.—The Administrator shall  
4           award not more than 40 grants under the pilot pro-  
5           gram, of which—

6           “(A) 10 shall be to eligible entities that  
7           own or operate a rural community water sys-  
8           tem;

9           “(B) 10 shall be to eligible entities that  
10          own or operate a medium community water sys-  
11          tem;

12          “(C) 10 shall be to eligible entities that  
13          own or operate a large community water sys-  
14          tem; and

15          “(D) 10 shall be to eligible entities that  
16          own or operate a community water system or  
17          treatment works that services a disadvantaged  
18          community (as defined in section 1452(d)(3)).

19          “(7) CRITERIA.—In addition to any priority cri-  
20          teria established by the Administrator in response to  
21          the findings in the water services needs assessment,  
22          in awarding grants under the pilot program, the Ad-  
23          ministrator shall give priority consideration to eligi-  
24          ble entities that—

1           “(A)(i) serve a predominant number of  
2 customers considered to be low-income or mod-  
3 erate-income, as identified in the drinking water  
4 needs assessment; and

5           “(ii) are subject to consent decrees relating  
6 to compliance with the Federal Water Pollution  
7 Control Act (33 U.S.C. 1251 et seq.) or this  
8 title; or

9           “(B) develop an equivalent program, as de-  
10 termined by the Administrator, that is adminis-  
11 tered separately by the eligible entity.

12           “(8) REPORTING REQUIREMENTS.—

13           “(A) IN GENERAL.—In addition to any  
14 other applicable Federal or agency-specific  
15 grant reporting requirements, as a condition of  
16 receiving a grant under the pilot program, an  
17 eligible entity (or a State, on behalf of an eligi-  
18 ble entity) shall submit to the Administrator an  
19 annual report that summarizes, in a manner de-  
20 termined by the Administrator, the use of grant  
21 funds by the eligible entity, including—

22           “(i) key features of the assistance  
23 provided by the eligible entity, including  
24 rate structures, rebates, discounts, and re-

## 38

1           lated initiatives that assist households, in-  
2           cluding—

3                       “(I) budget billing;

4                       “(II) bill timing; and

5                       “(III) pretermination protections;

6                       “(ii) sources of funding used to sup-  
7           plement Federal funds; and

8                       “(iii) eligibility criteria.

9                       “(B) PUBLICATION.—The Administrator  
10          shall publish each report submitted under sub-  
11          paragraph (A).

12          “(c) TECHNICAL ASSISTANCE.—The Administrator  
13          shall provide technical assistance to each eligible entity,  
14          and each State, on behalf of an eligible entity, that re-  
15          ceives a grant under the pilot program to ensure full im-  
16          plementation of the program.

17          “(d) REPORT.—Not later than 2 years after the date  
18          on which grant funds are first disbursed to an eligible enti-  
19          ty (or a State, on behalf of an eligible entity) under the  
20          program, and every year thereafter for the duration of the  
21          terms of the grants, the Administrator shall submit to  
22          Congress a report on the results of the pilot program.”.

1 **SEC. 110. LEAD CONTAMINATION IN SCHOOL DRINKING**  
 2 **WATER.**

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

5 (1) in subsection (b)—

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

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

11 (2) in subsection (d)—

12 (A) in paragraph (2)—

13 (i) in subparagraph (A)—

14 (I) by striking “in voluntary test-  
 15 ing” and inserting “, public water sys-  
 16 tems that serve schools and child care  
 17 programs under the jurisdiction of  
 18 those local educational agencies, and  
 19 qualified nonprofit organizations in  
 20 voluntary testing or compliance moni-  
 21 toring”;

22 (II) by striking the period at the  
 23 end and inserting “; and”;

24 (III) by striking “grants avail-  
 25 able to States” and inserting the fol-  
 26 lowing: “grants available to—

## 40

1 “(i) States”; and

2 (IV) by adding at the end the fol-  
3 lowing:

4 “(ii) tribal consortia to assist tribal  
5 education agencies (as defined in section 3  
6 of the National Environmental Education  
7 Act (20 U.S.C. 5502)) in voluntary testing  
8 for lead contamination in drinking water at  
9 schools and child care programs under the  
10 jurisdiction of the tribal education agen-  
11 cy.”;

12 (ii) in subparagraph (B)—

13 (I) in clause (i), by striking “or”  
14 at the end;

15 (II) in clause (ii), by striking the  
16 period at the end and inserting a  
17 semicolon; and

18 (III) by adding at the end the  
19 following:

20 “(iii) any public water system that is  
21 located in a State that does not participate  
22 in the voluntary grant program established  
23 under subparagraph (A) that—

24 “(I) assists schools or child care  
25 programs in lead testing;



## 41

1           “(II) assists schools or child care  
2           programs with compliance monitoring;  
3           or

4           “(III) provides technical assist-  
5           ance to schools or child care programs  
6           in carrying out lead testing; or

7           “(iv) a qualified nonprofit organiza-  
8           tion, as determined by the Administrator.”;

9           (B) in paragraphs (3), (5), (6), and (7), by  
10          striking “State or local educational agency”  
11          each place it appears and inserting “State, local  
12          educational agency, public water system, tribal  
13          consortium, or qualified nonprofit organiza-  
14          tion”;

15          (C) in paragraph (4), by striking “States  
16          and local educational agencies” and inserting  
17          “States, local educational agencies, public water  
18          systems, tribal consortia, and qualified non-  
19          profit organizations”;

20          (D) in paragraph (6)—

21               (i) in the matter preceding subpara-  
22               graph (A), by inserting “, public water sys-  
23               tem, tribal consortium, or qualified non-  
24               profit organization” after “each local edu-  
25               cational agency”;

42

1 (ii) in subparagraph (A)(ii), by insert-  
 2 ing “or tribal” after “applicable State”;  
 3 and  
 4 (iii) in subparagraph (B)(i), by insert-  
 5 ing “applicable” before “local educational  
 6 agency”; and  
 7 (E) by striking paragraph (8) and insert-  
 8 ing the following:

9 “(8) AUTHORIZATION OF APPROPRIATIONS.—  
 10 There are authorized to be appropriated to carry out  
 11 this subsection—  
 12 “(A) \$30,000,000 for each of fiscal years  
 13 2022 through 2024;  
 14 “(B) \$40,000,000 for fiscal year 2025; and  
 15 “(C) \$50,000,000 for fiscal year 2026.”.

16 **SEC. 111. INDIAN RESERVATION DRINKING WATER PRO-**  
 17 **GRAM.**

18 Section 2001 of the America’s Water Infrastructure  
 19 Act of 2018 (42 U.S.C. 300j–3e note; Public Law 115–  
 20 270) is amended—

21 (1) in subsection (a)—  
 22 (A) in the matter preceding paragraph (1),  
 23 by striking “Subject to the availability of appro-  
 24 priations, the Administrator of the Environ-  
 25 mental Protection Agency” and inserting “The

1 Administrator of the Environmental Protection  
2 Agency (referred to in this section as the ‘Ad-  
3 ministrator’); and

4 (B) by striking “to implement” in the mat-  
5 ter preceding paragraph (1) and all that follows  
6 through the period at the end of paragraph (2)  
7 and inserting “to implement eligible projects  
8 described in subsection (b).”;

9 (2) by redesignating subsection (d) as sub-  
10 section (f);

11 (3) by striking subsection (c) and inserting the  
12 following:

13 “(c) REQUIRED PROJECTS.—

14 “(1) IN GENERAL.—If sufficient projects exist,  
15 of the funds made available to carry out this section,  
16 the Administrator shall use 50 percent to carry  
17 out—

18 “(A) 10 eligible projects described in sub-  
19 section (b) that are within the Upper Missouri  
20 River Basin;

21 “(B) 10 eligible projects described in sub-  
22 section (b) that are within the Upper Rio  
23 Grande Basin;

1 “(C) 10 eligible projects described in sub-  
2 section (b) that are within the Columbia River  
3 Basin;

4 “(D) 10 eligible projects described in sub-  
5 section (b) that are within the Lower Colorado  
6 River Basin; and

7 “(E) 10 eligible projects described in sub-  
8 section (b) that are within the Arkansas-White-  
9 Red River Basin.

10 “(2) REQUIREMENT.—In carrying out para-  
11 graph (1)(A), the Administrator shall select not  
12 fewer than 2 eligible projects for a reservation that  
13 serves more than 1 federally recognized Indian  
14 Tribe.

15 “(d) FEDERAL SHARE.—The Federal share of the  
16 cost of a project carried out under this section shall be  
17 100 percent.

18 “(e) REPORT.—Not later than 2 years after the date  
19 of enactment of the Drinking Water and Wastewater In-  
20 frastructure Act of 2021, the Administrator shall submit  
21 to Congress a report that describes the implementation of  
22 the program established under subsection (a), which shall  
23 include a description of the use and deployment of  
24 amounts made available under that program.”; and

25 (4) in subsection (f) (as so redesignated)—

45

1 (A) by striking “There is” and inserting  
 2 “There are”;

3 (B) by striking “subsection (a)  
 4 \$20,000,000” and inserting the following: “sub-  
 5 section (a)—

6 “(1) \$20,000,000”;

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

10 (D) by adding at the end the following:

11 “(2) \$50,000,000 for each of fiscal years 2022  
 12 through 2026.”.

13 **SEC. 112. ADVANCED DRINKING WATER TECHNOLOGIES.**

14 Part E of the Safe Drinking Water Act (42 U.S.C.  
 15 300j et seq.) (as amended by section 109) is amended by  
 16 adding at the end the following:

17 **“SEC. 1459I. ADVANCED DRINKING WATER TECHNOLOGIES.**

18 “(a) STUDY.—

19 “(1) IN GENERAL.—Subject to the availability  
 20 of appropriations, not later than 1 year after the  
 21 date of enactment of the Drinking Water and  
 22 Wastewater Infrastructure Act of 2021, the Admin-  
 23 istrator shall carry out a study that examines the  
 24 state of existing and potential future technology, in-  
 25 cluding technology that could address cybersecurity

1 vulnerabilities, that enhances or could enhance the  
2 treatment, monitoring, affordability, efficiency, and  
3 safety of drinking water provided by a public water  
4 system.

5 “(2) REPORT.—The Administrator shall submit  
6 to the Committee on Environment and Public Works  
7 of the Senate and the Committee on Energy and  
8 Commerce of the House of Representatives a report  
9 that describes the results of the study under para-  
10 graph (1).

11 “(b) ADVANCED DRINKING WATER TECHNOLOGY  
12 GRANT PROGRAM.—

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

14 “(A) ELIGIBLE ENTITY.—The term ‘eligi-  
15 ble entity’ means the owner or operator of a  
16 public water system that—

17 “(i) serves—

18 “(I) a population of not more  
19 than 100,000 people; or

20 “(II) an underserved community;

21 “(ii) has plans to identify or has iden-  
22 tified opportunities in the operations of the  
23 public water system to employ new, exist-  
24 ing, or emerging, yet proven, technologies,  
25 including technology that could address cy-

1           bersecurity vulnerabilities, as determined  
2           by the Administrator, that enhance treat-  
3           ment, monitoring, affordability, efficiency,  
4           or safety of the drinking water provided by  
5           the public water system, including tech-  
6           nologies not identified in the study con-  
7           ducted under subsection (a)(1); and

8           “(iii) has expressed an interest in the  
9           opportunities in the operation of the public  
10          water system to employ new, existing, or  
11          emerging, yet proven, technologies, includ-  
12          ing technology that could address cyberse-  
13          curity vulnerabilities, as determined by the  
14          Administrator, that enhance treatment,  
15          monitoring, affordability, efficiency, or  
16          safety of the drinking water provided by  
17          the public water system, including tech-  
18          nologies not identified in the study con-  
19          ducted under subsection (a)(1).

20          “(B) PROGRAM.—The term ‘program’  
21          means the competitive grant program estab-  
22          lished under paragraph (2).

23          “(C) UNDERSERVED COMMUNITY.—The  
24          term ‘underserved community’ means a political  
25          subdivision of a State that, as determined by

## 48

1 the Administrator, has an inadequate system  
2 for obtaining drinking water.

3 “(2) ESTABLISHMENT.—The Administrator  
4 shall establish a competitive grant program under  
5 which the Administrator shall award grants to eligi-  
6 ble entities for the purpose of identifying, deploying,  
7 or identifying and deploying technologies described  
8 in paragraph (1)(A)(ii).

9 “(3) REQUIREMENTS.—

10 “(A) APPLICATIONS.—To be eligible to re-  
11 ceive a grant under the program, an eligible en-  
12 tity shall submit to the Administrator an appli-  
13 cation at such time, in such manner, and con-  
14 taining such information as the Administrator  
15 may require.

16 “(B) FEDERAL SHARE.—

17 “(i) IN GENERAL.—Subject to clause  
18 (ii), the Federal share of the cost of a  
19 project carried out using a grant under the  
20 program shall not exceed 90 percent of the  
21 total cost of the project.

22 “(ii) WAIVER.—The Administrator  
23 may increase the Federal share under  
24 clause (i) to 100 percent if the Adminis-  
25 trator determines that an eligible entity is



1           unable to pay, or would experience signifi-  
2           cant financial hardship if required to pay,  
3           the non-Federal share.

4           “(4) REPORT.—Not later than 2 years after the  
5           date on which Administrator first awards a grant  
6           under the program, and annually thereafter, the Ad-  
7           ministrator shall submit to Congress a report de-  
8           scribing—

9           “(A) each recipient of a grant under the  
10          program during the previous 1-year period; and

11          “(B) a summary of the activities carried  
12          out using grants awarded under the program.

13          “(5) FUNDING.—

14          “(A) AUTHORIZATION OF APPROPRIA-  
15          TIONS.—There is authorized to be appropriated  
16          to carry out the program \$10,000,000 for each  
17          of fiscal years 2022 through 2026, to remain  
18          available until expended.

19          “(B) ADMINISTRATIVE COSTS.—Not more  
20          than 2 percent of the amount made available  
21          for a fiscal year under subparagraph (A) to  
22          carry out the program may be used by the Ad-  
23          ministrator for the administrative costs of car-  
24          rying out the program.”.

1           **TITLE II—CLEAN WATER**

2   **SEC. 201. RESEARCH, INVESTIGATIONS, TRAINING, AND IN-**  
3           **FORMATION.**

4           (a) REAUTHORIZATION.—Section 104(u) of the Fed-  
5   eral Water Pollution Control Act (33 U.S.C. 1254(u)) is  
6   amended—

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

9           (2) in paragraph (7)—

10           (A) by striking “2023” and inserting  
11           “2021”; and

12           (B) by striking the period at the end and  
13           inserting “; and (8) not to exceed \$75,000,000  
14           for each of fiscal years 2022 through 2026 for  
15           carrying out subsections (b)(3), (b)(8), and (g),  
16           of which not less than \$50,000,000 each fiscal  
17           year shall be used to carry out subsection  
18           (b)(8).”.

19           (b) COMMUNICATION.—Each nonprofit organization  
20   that receives funding under paragraph (8) of section  
21   104(b) of the Federal Water Pollution Control Act (33  
22   U.S.C. 1254(b)) shall, before using that funding to under-  
23   take activities to carry out that paragraph, consult with  
24   the State in which the assistance is to be expended or oth-  
25   erwise made available.

1 (c) REPORT.—Not later than 2 years after the date  
2 of enactment of this Act, the Administrator shall submit  
3 to Congress a report that describes the implementation of  
4 the grants authorized under subsections (b)(3), (b)(8),  
5 and (g) of section 104 of the Federal Water Pollution Con-  
6 trol Act (33 U.S.C. 1254), which shall include a descrip-  
7 tion of the grant recipients and grant amounts made avail-  
8 able to carry out those subsections.

9 **SEC. 202. WASTEWATER EFFICIENCY GRANT PILOT PRO-**  
10 **GRAM.**

11 (a) DEFINITIONS.—In this section:

12 (1) PILOT PROGRAM.—The term “pilot pro-  
13 gram” means the wastewater efficiency grant pilot  
14 program established under subsection (b).

15 (2) TREATMENT WORKS.—The term “treatment  
16 works” has the meaning given the term in section  
17 212 of the Federal Water Pollution Control Act (33  
18 U.S.C. 1292).

19 (b) ESTABLISHMENT.—Subject to the availability of  
20 appropriations, the Administrator shall establish a waste-  
21 water efficiency grant pilot program to award grants to  
22 owners or operators of publicly owned treatment works to  
23 carry out projects that create or improve waste-to-energy  
24 systems.

25 (c) SELECTION.—

## 52

1           (1) APPLICATIONS.—To be eligible to receive a  
2       grant under the pilot program, an owner or operator  
3       of a treatment works shall submit to the Adminis-  
4       trator an application at such time, in such manner,  
5       and containing such information as the Adminis-  
6       trator may require.

7           (2) NUMBER OF RECIPIENTS.—The Adminis-  
8       trator shall select not more than 15 recipients of  
9       grants under the pilot program from applications  
10      submitted under paragraph (1).

11      (d) USE OF FUNDS.—

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

15           (A) sludge collection;

16           (B) installation of anaerobic digesters;

17           (C) methane capture;

18           (D) methane transfer;

19           (E) facility upgrades and retrofits nec-  
20      essary to create or improve waste-to-energy sys-  
21      tems; and

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

1           (2) LIMITATION.—A grant to a recipient under  
2       the pilot program shall be not more than  
3       \$4,000,000.

4       (e) REPORTS.—

5           (1) REPORT TO THE ADMINISTRATOR.—Not  
6       later than 2 years after receiving a grant under the  
7       pilot program and each year thereafter for which  
8       amounts are made available for the pilot program  
9       under subsection (f), the recipient of the grant shall  
10      submit to the Administrator a report describing the  
11      impact of that project on the communities within 3  
12      miles of the treatment works.

13          (2) REPORT TO CONGRESS.—Not later than 1  
14      year after first awarding grants under the pilot pro-  
15      gram and each year thereafter for which amounts  
16      are made available for the pilot program under sub-  
17      section (f), the Administrator shall submit to Con-  
18      gress a report describing—

19            (A) the applications received by the Ad-  
20          ministrator for grants under the pilot program;  
21          and

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

24       (f) AUTHORIZATION OF APPROPRIATIONS.—

## 54

1 (1) IN GENERAL.—There is authorized to be  
 2 appropriated to carry out the pilot program  
 3 \$20,000,000 for each of fiscal years 2022 through  
 4 2026, to remain available until expended.

5 (2) LIMITATION ON USE OF FUNDS.—Of the  
 6 amounts made available for grants under paragraph  
 7 (1), not more than 2 percent may be used to pay the  
 8 administrative costs of the Administrator.

9 **SEC. 203. PILOT PROGRAM FOR ALTERNATIVE WATER**  
 10 **SOURCE PROJECTS.**

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

13 (1) in subsection (b), in the heading, by strik-  
 14 ing “IN GENERAL” and inserting “ESTABLISH-  
 15 MENT”;

16 (2) in subsection (d)—

17 (A) by striking paragraph (2); and

18 (B) by redesignating paragraph (3) as  
 19 paragraph (2);

20 (3) by striking subsection (e);

21 (4) in subsection (i)—

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

## 55

1 (B) in paragraph (1), in the first sentence,  
2 by striking “water or wastewater or by treating  
3 wastewater” and inserting “water, wastewater,  
4 or stormwater or by treating wastewater or  
5 stormwater”;

6 (5) in subsection (j)—

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

9 “(1) IN GENERAL.—There is”;

10 (B) in paragraph (1) (as so designated), by  
11 striking “a total of \$75,000,000 for fiscal years  
12 2002 through 2004. Such sums shall” and in-  
13 serting “\$25,000,000 for each of fiscal years  
14 2022 through 2026, to”; and

15 (C) by adding at the end the following:

16 “(2) LIMITATION ON USE OF FUNDS.—Of the  
17 amounts made available for grants under paragraph  
18 (1), not more than 2 percent may be used to pay the  
19 administrative costs of the Administrator.”; and

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

1 **SEC. 204. SEWER OVERFLOW AND STORMWATER REUSE**  
 2 **MUNICIPAL GRANTS.**

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

5 (1) in subsection (a)(1) —

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

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

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

12 “(B) notification systems to inform the  
 13 public of combined sewer or sanitary overflows  
 14 that result in sewage being released into rivers  
 15 and other waters; and”;

16 (2) in subsection (d)—

17 (A) in the second sentence, by striking  
 18 “The non-Federal share of the cost” and insert-  
 19 ing the following:

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

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

25 “(1) IN GENERAL.—Subject to paragraph (2),  
 26 the Federal”; and



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

3 “(2) FEDERAL SHARE FOR RURAL OR FINAN-  
4 CIALY DISTRESSED COMMUNITIES.—

5 “(A) IN GENERAL.—Subject to subpara-  
6 graph (B), the Federal share of the cost of an  
7 activity carried out using amounts from a grant  
8 under subsection (a) in a rural community or a  
9 financially distressed community (as those  
10 terms are defined in subsection (f)(2)(B)(i))  
11 shall be 90 percent.

12 “(B) WAIVER.—The Administrator may  
13 increase the Federal share under subparagraph  
14 (A) to 100 percent.”;  
15 (3) in subsection (f)—

16 (A) by striking paragraph (1) and insert-  
17 ing the following:

18 “(1) IN GENERAL.—There is authorized to be  
19 appropriated to carry out this section \$280,000,000  
20 for each of fiscal years 2022 through 2026.”; and

21 (B) in paragraph (2)—

22 (i) by striking “To the extent” and in-  
23 serting the following:

24 “(A) GREEN PROJECTS.—To the extent”;

25 and

1 (ii) by adding at the end the fol-  
2 lowing:

3 “(B) RURAL OR FINANCIALLY DISTRESSED  
4 COMMUNITY ALLOCATION.—

5 “(i) DEFINITIONS.—In this subpara-  
6 graph:

7 “(I) FINANCIALLY DISTRESSED  
8 COMMUNITY.—The term ‘financially  
9 distressed community’ has the mean-  
10 ing given the term in subsection  
11 (e)(1).

12 “(II) RURAL COMMUNITY.—The  
13 term ‘rural community’ means a city,  
14 town, or unincorporated area that has  
15 a population of not more than 10,000  
16 inhabitants.

17 “(ii) ALLOCATION.—

18 “(I) IN GENERAL.—To the extent  
19 there are sufficient eligible project ap-  
20 plications, the Administrator shall en-  
21 sure that a State uses not less than  
22 25 percent of the amount of the  
23 grants made to the State under sub-  
24 section (a) in a fiscal year to carry  
25 out projects in rural communities or

## 59

1 financially distressed communities for  
2 the purpose of planning, design, and  
3 construction of—

4 “(aa) treatment works to  
5 intercept, transport, control,  
6 treat, or reuse municipal sewer  
7 overflows, sanitary sewer over-  
8 flows, or stormwater; or

9 “(bb) any other measures to  
10 manage, reduce, treat, or recap-  
11 ture stormwater or subsurface  
12 drainage water eligible for assist-  
13 ance under section 603(c).

14 “(II) RURAL COMMUNITIES.—Of  
15 the funds allocated under subclause  
16 (I) for the purposes described in that  
17 subclause, to the extent there are suf-  
18 ficient eligible project applications, the  
19 Administrator shall ensure that a  
20 State uses not less than 60 percent to  
21 carry out projects in rural commu-  
22 nities.”; and

23 (4) in subsection (i)—

1 (A) in the second sentence, by striking  
2 “The recommended funding levels” and insert-  
3 ing the following:

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

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

8 “(1) RECOMMENDED FUNDING LEVELS.—

9 “(A) IN GENERAL.—Not later”; and

10 (C) by adding at the end the following:

11 “(2) USE OF FUNDS.—Not later than 2 years  
12 after the date of enactment of the Drinking Water  
13 and Wastewater Infrastructure Act of 2021, the Ad-  
14 ministrator shall submit to the Committee on Envi-  
15 ronment and Public Works of the Senate and the  
16 Committee on Transportation and Infrastructure of  
17 the House of Representatives a report that describes  
18 the implementation of the grant program under this  
19 section, which shall include a description of the  
20 grant recipients and grant amounts made available  
21 under the program.”.

1 **SEC. 205. CLEAN WATER INFRASTRUCTURE RESILIENCY**  
2 **AND SUSTAINABILITY PROGRAM.**

3 Title II of the Federal Water Pollution Control Act  
4 (33 U.S.C. 1281 et seq.) is amended by adding at the end  
5 the following:

6 **"SEC. 222. CLEAN WATER INFRASTRUCTURE RESILIENCY**  
7 **AND SUSTAINABILITY PROGRAM.**

8 "(a) DEFINITIONS.—In this section:

9 "(1) ELIGIBLE ENTITY.—The term 'eligible en-  
10 tity' means—

11 "(A) a municipality; or

12 "(B) an intermunicipal, interstate, or State  
13 agency.

14 "(2) NATURAL HAZARD.—The term 'natural  
15 hazard' means a hazard caused by natural forces, in-  
16 cluding extreme weather events, sea-level rise, and  
17 extreme drought conditions.

18 "(3) PROGRAM.—The term 'program' means  
19 the clean water infrastructure resilience and sustain-  
20 ability program established under subsection (b).

21 "(b) ESTABLISHMENT.—Subject to the availability of  
22 appropriations, the Administrator shall establish a clean  
23 water infrastructure resilience and sustainability program  
24 under which the Administrator shall award grants to eligi-  
25 ble entities for the purpose of increasing the resilience of

1 publicly owned treatment works to a natural hazard or cy-  
2 bersecurity vulnerabilities.

3       “(c) USE OF FUNDS.—An eligible entity that receives  
4 a grant under the program shall use the grant funds for  
5 planning, designing, or constructing projects (on a system-  
6 wide or area-wide basis) that increase the resilience of a  
7 publicly owned treatment works to a natural hazard or cy-  
8 bersecurity vulnerabilities through—

9           “(1) the conservation of water;

10          “(2) the enhancement of water use efficiency;

11          “(3) the enhancement of wastewater and  
12 stormwater management by increasing watershed  
13 preservation and protection, including through the  
14 use of—

15           “(A) natural and engineered green infra-  
16 structure; and

17           “(B) reclamation and reuse of wastewater  
18 and stormwater, such as aquifer recharge zones;

19          “(4) the modification or relocation of an exist-  
20 ing publicly owned treatment works, conveyance, or  
21 discharge system component that is at risk of being  
22 significantly impaired or damaged by a natural haz-  
23 ard;

24          “(5) the development and implementation of  
25 projects to increase the resilience of publicly owned

1 treatment works to a natural hazard or cybersecurity  
2 rity vulnerabilities, as applicable; or

3 “(6) the enhancement of energy efficiency or  
4 the use and generation of recovered or renewable en-  
5 ergy in the management, treatment, or conveyance  
6 of wastewater or stormwater.

7 “(d) APPLICATION.—To be eligible to receive a grant  
8 under the program, an eligible entity shall submit to the  
9 Administrator an application at such time, in such man-  
10 ner, and containing such information as the Administrator  
11 may require, including—

12 “(1) a proposal of the project to be planned, de-  
13 signed, or constructed using funds under the pro-  
14 gram;

15 “(2) an identification of the natural hazard risk  
16 of the area where the proposed project is to be lo-  
17 cated or potential cybersecurity vulnerability, as ap-  
18 plicable, to be addressed by the proposed project;

19 “(3) documentation prepared by a Federal,  
20 State, regional, or local government agency of the  
21 natural hazard risk of the area where the proposed  
22 project is to be located or potential cybersecurity  
23 vulnerability, as applicable, of the area where the  
24 proposed project is to be located;

1           “(4) a description of any recent natural hazard  
2 risk of the area where the proposed project is to be  
3 located or potential cybersecurity vulnerabilities that  
4 have affected the publicly owned treatment works;

5           “(5) a description of how the proposed project  
6 would improve the performance of the publicly  
7 owned treatment works under an anticipated natural  
8 hazard or natural hazard risk of the area where the  
9 proposed project is to be located or a potential cy-  
10 bersecurity vulnerability, as applicable; and

11           “(6) an explanation of how the proposed project  
12 is expected to enhance the resilience of the publicly  
13 owned treatment works to a natural hazard risk of  
14 the area where the proposed project is to be located  
15 or a potential cybersecurity vulnerability, as applica-  
16 ble.

17           “(e) GRANT AMOUNT AND OTHER FEDERAL RE-  
18 QUIREMENTS.—

19           “(1) COST SHARE.—Except as provided in  
20 paragraph (2), a grant under the program shall not  
21 exceed 75 percent of the total cost of the proposed  
22 project.

23           “(2) EXCEPTION.—

24           “(A) IN GENERAL.—Except as provided in  
25 subparagraph (B), a grant under the program



65

1 shall not exceed 90 percent of the total cost of  
2 the proposed project if the project serves a com-  
3 munity that—

4 “(i) has a population of fewer than  
5 10,000 individuals; or

6 “(ii) meets the affordability criteria  
7 established by the State in which the com-  
8 munity is located under section 603(i)(2).

9 “(B) WAIVER.—At the discretion of the  
10 Administrator, a grant for a project described  
11 in subparagraph (A) may cover 100 percent of  
12 the total cost of the proposed project.

13 “(3) REQUIREMENTS.—The requirements of  
14 section 608 shall apply to a project funded with a  
15 grant under the program.

16 “(f) REPORT.—Not later than 2 years after the date  
17 of enactment of the Drinking Water and Wastewater In-  
18 frastructure Act of 2021, the Administrator shall submit  
19 to Congress a report that describes the implementation of  
20 the program, which shall include an accounting of all  
21 grants awarded under the program, including a descrip-  
22 tion of each grant recipient and each project funded using  
23 a grant under the program.

24 “(g) AUTHORIZATION OF APPROPRIATIONS.—

66.

1           “(1) IN GENERAL.—There is authorized to be  
2           appropriated to carry out this section \$25,000,000  
3           for each of fiscal years 2022 through 2026.

4           “(2) LIMITATION ON USE OF FUNDS.—Of the  
5           amounts made available for grants under paragraph  
6           (1), not more than 2 percent may be used to pay the  
7           administrative costs of the Administrator.”.

8   **SEC. 206. SMALL AND MEDIUM PUBLICLY OWNED TREAT-**  
9           **MENT WORKS CIRCUIT RIDER PROGRAM.**

10          Title II of the Federal Water Pollution Control Act  
11   (33 U.S.C. 1281 et seq.) (as amended by section 205) is  
12   amended by adding at the end the following:

13   **“SEC. 223. SMALL AND MEDIUM PUBLICLY OWNED TREAT-**  
14           **MENT WORKS CIRCUIT RIDER PROGRAM.**

15          “(a) ESTABLISHMENT.—Subject to the availability of  
16   appropriations, not later than 180 days after the date of  
17   enactment of this section, the Administrator shall estab-  
18   lish a circuit rider program (referred to in this section as  
19   the ‘circuit rider program’) under which the Administrator  
20   shall award grants to qualified nonprofit entities, as deter-  
21   mined by the Administrator, to provide assistance to own-  
22   ers and operators of small and medium publicly owned  
23   treatment works to carry out the activities described in  
24   section 602(b)(13).

## 67

1       “(b) LIMITATION.—A grant provided under the cir-  
2       cuit rider program shall be in an amount that is not more  
3       than \$75,000.

4       “(c) COMMUNICATION.—Each qualified nonprofit en-  
5       tity that receives funding under this section shall, before  
6       using that funding to undertake activities to carry out this  
7       section, consult with the State in which the assistance is  
8       to be expended or otherwise made available.

9       “(d) REPORT.—Not later than 2 years after the date  
10       on which the Administrator establishes the circuit rider  
11       program, and every 2 years thereafter, the Administrator  
12       shall submit to Congress a report describing—

13               “(1) each recipient of a grant under the circuit  
14       rider program; and

15               “(2) a summary of the activities carried out  
16       under the circuit rider program.

17       “(e) AUTHORIZATION OF APPROPRIATIONS.—

18               “(1) IN GENERAL.—There is authorized to be  
19       appropriated to carry out this section \$10,000,000  
20       for the period of fiscal years 2022 through 2026.

21               “(2) LIMITATION ON USE OF FUNDS.—Of the  
22       amounts made available for grants under paragraph  
23       (1), not more than 2 percent may be used to pay the  
24       administrative costs of the Administrator.”.

1 **SEC. 207. SMALL PUBLICLY OWNED TREATMENT WORKS**  
2 **EFFICIENCY GRANT PROGRAM.**

3 Title II of the Federal Water Pollution Control Act  
4 (33 U.S.C. 1281 et seq.) (as amended by section 206) is  
5 amended by adding at the end the following:

6 **“SEC. 224. SMALL PUBLICLY OWNED TREATMENT WORKS**  
7 **EFFICIENCY GRANT PROGRAM.**

8 “(a) **ESTABLISHMENT.**—Subject to the availability of  
9 appropriations, not later than 180 days after the date of  
10 enactment of this section, the Administrator shall estab-  
11 lish an efficiency grant program (referred to in this section  
12 as the ‘efficiency grant program’) under which the Admin-  
13 istrator shall award grants to eligible entities for the re-  
14 placement or repair of equipment that improves water or  
15 energy efficiency of small publicly owned treatment works,  
16 as identified in an efficiency audit.

17 “(b) **ELIGIBLE ENTITIES.**—The Administrator may  
18 award a grant under the efficiency grant program to—

19 “(1) an owner or operator of a small publicly  
20 owned treatment works that serves—

21 “(A) a population of not more than 10,000  
22 people; or

23 “(B) a disadvantaged community; or

24 “(2) a nonprofit organization that seeks to as-  
25 sist a small publicly owned treatment works de-

1       scribed in paragraph (1) to carry out the activities  
2       described in subsection (a).

3       “(c) REPORT.—Not later than 2 years after the date  
4       on which the Administrator establishes the efficiency  
5       grant program, and every 2 years thereafter, the Adminis-  
6       trator shall submit to Congress a report describing—

7               “(1) each recipient of a grant under the effi-  
8       ciency grant program; and

9               “(2) a summary of the activities carried out  
10       under the efficiency grant program.

11       “(d) USE OF FUNDS.—

12               “(1) SMALL SYSTEMS.—Of the amounts made  
13       available for grants under this section, to the extent  
14       that there are sufficient applications, not less than  
15       15 percent shall be used for grants to publicly owned  
16       treatment works that serve fewer than 3,300 people.

17               “(2) LIMITATION ON USE OF FUNDS.—Of the  
18       amounts made available for grants under this sec-  
19       tion, not more than 2 percent may be used to pay  
20       the administrative costs of the Administrator.”.

1 **SEC. 208. GRANTS FOR CONSTRUCTION AND REFUR-**  
 2 **BISHING OF INDIVIDUAL HOUSEHOLD DE-**  
 3 **CENTRALIZED WASTEWATER SYSTEMS FOR**  
 4 **INDIVIDUALS WITH LOW OR MODERATE IN-**  
 5 **COME.**

6 Title II of the Federal Water Pollution Control Act  
 7 (33 U.S.C. 1281 et seq.) (as amended by section 207) is  
 8 amended by adding at the end the following:

9 **"SEC. 225. GRANTS FOR CONSTRUCTION AND REFUR-**  
 10 **BISHING OF INDIVIDUAL HOUSEHOLD DE-**  
 11 **CENTRALIZED WASTEWATER SYSTEMS FOR**  
 12 **INDIVIDUALS WITH LOW OR MODERATE IN-**  
 13 **COME.**

14 **"(a) DEFINITION OF ELIGIBLE INDIVIDUAL.—**In this  
 15 section, the term 'eligible individual' means a member of  
 16 a low-income or moderate-income household, the members  
 17 of which have a combined income (for the most recent 12-  
 18 month period for which information is available) equal to  
 19 not more than 50 percent of the median nonmetropolitan  
 20 household income for the State or territory in which the  
 21 household is located, according to the most recent decen-  
 22 nial census.

23 **"(b) GRANT PROGRAM.—**

24 **"(1) IN GENERAL.—**Subject to the availability  
 25 of appropriations, the Administrator shall establish a  
 26 program under which the Administrator shall pro-

## 71

1       vide grants to private nonprofit organizations for the  
2       purpose of improving general welfare by providing  
3       assistance to eligible individuals—

4               “(A) for the construction, repair, or re-  
5       placement of an individual household decentral-  
6       ized wastewater treatment system; or

7               “(B) for the installation of a larger decen-  
8       tralized wastewater system designed to provide  
9       treatment for 2 or more households in which el-  
10      igible individuals reside, if—

11              “(i) site conditions at the households  
12      are unsuitable for the installation of an in-  
13      dividually owned decentralized wastewater  
14      system;

15              “(ii) multiple examples of unsuitable  
16      site conditions exist in close geographic  
17      proximity to each other; and

18              “(iii) a larger decentralized waste-  
19      water system could be cost-effectively in-  
20      stalled.

21              “(2) APPLICATION.—To be eligible to receive a  
22      grant under this subsection, a private nonprofit or-  
23      ganization shall submit to the Administrator an ap-  
24      plication at such time, in such manner, and con-

1     taining such information as the Administrator deter-  
2     mines to be appropriate.

3           “(3) PRIORITY.—In awarding grants under this  
4     subsection, the Administrator shall give priority to  
5     applicants that have substantial expertise and expe-  
6     rience in promoting the safe and effective use of in-  
7     dividual household decentralized wastewater systems.

8           “(4) ADMINISTRATIVE EXPENSES.—A private  
9     nonprofit organization may use amounts provided  
10    under this subsection to pay the administrative ex-  
11    penses associated with the provision of the services  
12    described in paragraph (1), as the Administrator de-  
13    termines to be appropriate.

14          “(c) GRANTS.—

15           “(1) IN GENERAL.—Subject to paragraph (2), a  
16     private nonprofit organization shall use a grant pro-  
17     vided under subsection (b) for the services described  
18     in paragraph (1) of that subsection.

19           “(2) APPLICATION.—To be eligible to receive  
20     the services described in subsection (b)(1), an eligi-  
21     ble individual shall submit to the private nonprofit  
22     organization serving the area in which the individual  
23     household decentralized wastewater system of the el-  
24     igible individuals is, or is proposed to be, located an  
25     application at such time, in such manner, and con-



1       taining such information as the private nonprofit or-  
2       ganization determines to be appropriate.

3           “(3) PRIORITY.—In awarding grants under this  
4       subsection, a private nonprofit organization shall  
5       give priority to any eligible individual who does not  
6       have access to a sanitary sewage disposal system.

7           “(d) REPORT.—Not later than 2 years after the date  
8       of enactment of this section, the Administrator shall sub-  
9       mit to the Committee on Environment and Public Works  
10      of the Senate and the Committee on Transportation and  
11      Infrastructure of the House of Representatives a report  
12      describing the recipients of grants under the program  
13      under this section and the results of the program under  
14      this section.

15          “(e) AUTHORIZATION OF APPROPRIATIONS.—

16           “(1) IN GENERAL.—There is authorized to be  
17       appropriated to the Administrator to carry out this  
18       section \$50,000,000 for each of fiscal years 2022  
19       through 2026.

20           “(2) LIMITATION ON USE OF FUNDS.—Of the  
21       amounts made available for grants under paragraph  
22       (1), not more than 2 percent may be used to pay the  
23       administrative costs of the Administrator.”.

1 **SEC. 209. CONNECTION TO PUBLICLY OWNED TREATMENT**  
2 **WORKS.**

3 Title II of the Federal Water Pollution Control Act  
4 (33 U.S.C. 1281 et seq.) (as amended by section 208) is  
5 amended by adding at the end the following:

6 **"SEC. 226. CONNECTION TO PUBLICLY OWNED TREATMENT**  
7 **WORKS.**

8 "(a) DEFINITIONS.—In this section:

9 "(1) ELIGIBLE ENTITY.—The term 'eligible en-  
10 tity' means—

11 "(A) an owner or operator of a publicly  
12 owned treatment works that assists or is seek-  
13 ing to assist low-income or moderate-income in-  
14 dividuals with connecting the household of the  
15 individual to the publicly owned treatment  
16 works; or

17 "(B) a nonprofit entity that assists low-in-  
18 come or moderate-income individuals with the  
19 costs associated with connecting the household  
20 of the individual to a publicly owned treatment  
21 works.

22 "(2) PROGRAM.—The term 'program' means  
23 the competitive grant program established under  
24 subsection (b).

## 75

1           “(3) QUALIFIED INDIVIDUAL.—The term ‘quali-  
2       fied individual’ has the meaning given the term ‘eli-  
3       gible individual’ in section 603(j).

4       “(b) ESTABLISHMENT.—Subject to the availability of  
5       appropriations, the Administrator shall establish a com-  
6       petitive grant program with the purpose of improving gen-  
7       eral welfare, under which the Administrator awards grants  
8       to eligible entities to provide funds to assist qualified indi-  
9       viduals in covering the costs incurred by the qualified indi-  
10      vidual in connecting the household of the qualified indi-  
11      vidual to a publicly owned treatment works.

12      “(c) APPLICATION.—

13           “(1) IN GENERAL.—An eligible entity seeking a  
14       grant under the program shall submit to the Admin-  
15       istrator an application at such time, in such manner,  
16       and containing such information as the Adminis-  
17       trator may by regulation require.

18           “(2) REQUIREMENT.—Not later than 90 days  
19       after the date on which the Administrator receives  
20       an application from an eligible entity under para-  
21       graph (1), the Administrator shall notify the eligible  
22       entity of whether the Administrator will award a  
23       grant to the eligible entity under the program.

## 76

1       “(d) SELECTION CRITERIA.—In selecting recipients  
2 of grants under the program, the Administrator shall use  
3 the following criteria:

4           “(1) Whether the eligible entity seeking a grant  
5 provides services to, or works directly with, qualified  
6 individuals.

7           “(2) Whether the eligible entity seeking a  
8 grant—

9           “(A) has an existing program to assist in  
10 covering the costs incurred in connecting a  
11 household to a publicly owned treatment works;  
12 or

13           “(B) seeks to create a program described  
14 in subparagraph (A).

15       “(e) REQUIREMENTS.—

16           “(1) VOLUNTARY CONNECTION.—Before pro-  
17 viding funds to a qualified individual for the costs  
18 described in subsection (b), an eligible entity shall  
19 ensure that—

20           “(A) the qualified individual has connected  
21 to the publicly owned treatment works volun-  
22 tarily; and

23           “(B) if the eligible entity is not the owner  
24 or operator of the publicly owned treatment  
25 works to which the qualified individual has con-

## 77

1           needed, the publicly owned treatment works to  
2           which the qualified individual has connected has  
3           agreed to the connection.

4           “(2) REIMBURSEMENTS FROM PUBLICLY  
5 OWNED TREATMENT WORKS.—An eligible entity that  
6 is an owner or operator of a publicly owned treat-  
7 ment works may reimburse a qualified individual  
8 that has already incurred the costs described in sub-  
9 section (b) by—

10           “(A) reducing the amount otherwise owed  
11           by the qualified individual to the owner or oper-  
12           ator for wastewater or other services provided  
13           by the owner or operator; or

14           “(B) providing a direct payment to the  
15           qualified individual.

16           “(f) AUTHORIZATION OF APPROPRIATIONS.—

17           “(1) IN GENERAL.—There is authorized to be  
18 appropriated to carry out the program \$40,000,000  
19 for each of fiscal years 2022 through 2026.

20           “(2) LIMITATIONS ON USE OF FUNDS.—

21           “(A) SMALL SYSTEMS.—Of the amounts  
22 made available for grants under paragraph (1),  
23 to the extent that there are sufficient applica-  
24 tions, not less than 15 percent shall be used to  
25 make grants to—

1           “(i) eligible entities described in sub-  
 2           section (a)(1)(A) that are owners and op-  
 3           erators of publicly owned treatment works  
 4           that serve fewer than 3,300 people; and

5           “(ii) eligible entities described in sub-  
 6           section (a)(1)(B) that provide the assist-  
 7           ance described in that subsection in areas  
 8           that are served by publicly owned treat-  
 9           ment works that serve fewer than 3,300  
 10          people.

11          “(B) ADMINISTRATIVE COSTS.—Of the  
 12          amounts made available for grants under para-  
 13          graph (1), not more than 2 percent may be  
 14          used to pay the administrative costs of the Ad-  
 15          ministrators.”.

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

17          (a) USE OF FUNDS.—

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

21           (A) in subsection (d), in the matter pre-  
 22          ceding paragraph (1), by inserting “and pro-  
 23          vided in subsection (k)” after “State law”;

24           (B) in subsection (i)—

## 79

1 (i) in paragraph (1), in the matter  
 2 preceding subparagraph (A), by striking “,  
 3 including forgiveness of principal and neg-  
 4 ative interest loans” and inserting “(in-  
 5 cluding forgiveness of principal, grants,  
 6 negative interest loans, other loan forgive-  
 7 ness, and through buying, refinancing, or  
 8 restructuring debt)”; and

9 (ii) in paragraph (3), by striking sub-  
 10 paragraph (B) and inserting the following:

11 “(B) TOTAL AMOUNT OF SUBSIDIZA-  
 12 TION.—For each fiscal year, of the amount of  
 13 the capitalization grant received by the State  
 14 under this title, the total amount of additional  
 15 subsidization made available by a State under  
 16 paragraph (1)—

17 “(i) may not exceed 30 percent; and

18 “(ii) to the extent that there are suffi-  
 19 cient applications for assistance to commu-  
 20 nities described in that paragraph, may not  
 21 be less than 10 percent.”; and

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

23 “(k) ADDITIONAL USE OF FUNDS.—A State may use  
 24 an additional 2 percent of the funds annually allotted to  
 25 each State under this section for nonprofit organizations

1 (as defined in section 104(w)) to provide technical assist-  
 2 ance to rural, small, and tribal publicly owned treatment  
 3 works (within the meaning of section 104(b)(8)(B)) in the  
 4 State.”.

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

9 (b) CAPITALIZATION GRANT REAUTHORIZATION.—  
 10 Section 607 of the Federal Water Pollution Control Act  
 11 (33 U.S.C. 1387) is amended to read as follows:

12 **“SEC. 607. AUTHORIZATION OF APPROPRIATIONS.**

13 “There are authorized to be appropriated to carry out  
 14 the purposes of this title—

15 “(1) \$2,400,000,000 for fiscal year 2022;

16 “(2) \$2,750,000,000 for fiscal year 2023;

17 “(3) \$3,000,000,000 for fiscal year 2024; and

18 “(4) \$3,250,000,000 for each of fiscal years  
 19 2025 and 2026.”.

20 **SEC. 211. WATER INFRASTRUCTURE AND WORKFORCE IN-**  
 21 **VESTMENT.**

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

24 (1) in subsection (a)(3)—



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

3 (B) in subparagraph (B), by striking  
4 “community-based organizations” and all that  
5 follows through the period at the end and in-  
6 serting the following: “community-based organi-  
7 zations and public works departments or agen-  
8 cies to align water and wastewater utility work-  
9 force recruitment efforts, training programs, re-  
10 tention efforts, and community resources with  
11 water and wastewater utilities—

12 “(i) to accelerate career pipelines;

13 “(ii) to ensure the sustainability of  
14 the water and wastewater utility workforce;  
15 and

16 “(iii) to provide access to workforce  
17 opportunities.”;

18 (2) in subsection (b)—

19 (A) in paragraph (1)—

20 (i) by striking subparagraph (B);

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

24 (iii) in the matter preceding subpara-  
25 graph (A), by striking “program—” and

82

1 all that follows through “to assist” in sub-  
2 paragraph (A) and inserting “program to  
3 assist”; and

4 (iv) by adding at the end the fol-  
5 lowing:

6 “(A) expanding the use and availability of  
7 activities and resources that relate to the re-  
8 cruitment, including the promotion of diversity  
9 within that recruitment, of individuals to ca-  
10 reers in the water and wastewater utility sector;

11 “(B) expanding the availability of training  
12 opportunities for—

13 “(i) individuals entering into the  
14 water and wastewater utility sector; and

15 “(ii) individuals seeking to advance  
16 careers within the water and wastewater  
17 utility sector; and

18 “(C) expanding the use and availability of  
19 activities and strategies, including the develop-  
20 ment of innovative activities and strategies, that  
21 relate to the maintenance and retention of a  
22 sustainable workforce in the water and waste-  
23 water utility sector.”;

24 (B) in paragraph (2)—

## 83

1 (i) in the matter preceding subpara-  
2 graph (A), by striking “institutions—” and  
3 inserting “institutions, or public works de-  
4 partments and agencies—”; and

5 (ii) in subparagraph (A)—

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

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

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

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

14 “(i) in the development of educational  
15 or recruitment materials and activities, in-  
16 cluding those materials and activities that  
17 specifically promote diversity within re-  
18 cruitment, for the water and wastewater  
19 utility workforce;”; and

20 (V) by adding at the end the fol-  
21 lowing:

22 “(iii) developing activities and strate-  
23 gies that relate to the maintenance and re-  
24 tention of a sustainable workforce in the  
25 water and wastewater utility sector; and”;

## 84

1 (C) in paragraph (3)—

2 (i) in subparagraph (D)(ii), by insert-  
3 ing “or certification” after “training”; and

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

10 (D) by striking paragraph (4) and insert-  
11 ing the following:

12 “(4) WORKING GROUP; REPORT.—

13 “(A) IN GENERAL.—The Administrator  
14 shall establish and coordinate a Federal inter-  
15 agency working group to address recruitment,  
16 training, and retention challenges in the water  
17 and wastewater utility workforce, which shall  
18 include representatives from—

19 “(i) the Department of Education;

20 “(ii) the Department of Labor;

21 “(iii) the Department of Agriculture;

22 “(iv) the Department of Veterans Af-  
23 fairs; and

85

1           “(v) other Federal agencies, as deter-  
2           mined to be appropriate by the Adminis-  
3           trator.

4           “(B) REPORT.—Not later than 2 years  
5           after the date of enactment of the Drinking  
6           Water and Wastewater Infrastructure Act of  
7           2021, the Administrator, in coordination with  
8           the working group established under subpara-  
9           graph (A), shall submit to Congress a report  
10          describing potential solutions to recruitment,  
11          training, and retention challenges in the water  
12          and wastewater utility workforce.

13          “(C) CONSULTATION.—In carrying out the  
14          duties of the working group established under  
15          subparagraph (A), the working group shall con-  
16          sult with State operator certification programs.

17          “(5) AUTHORIZATION OF APPROPRIATIONS.—  
18          There is authorized to be appropriated to carry out  
19          this subsection \$5,000,000 for each of fiscal years  
20          2022 through 2026.”;

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

23                 (4) by inserting before subsection (b) (as so re-  
24                 designated) the following:

1       “(a) DEFINITION OF PUBLIC WORKS DEPARTMENT  
2 OR AGENCY.—In this section, the term ‘public works de-  
3 partment or agency’ means a political subdivision of a  
4 local, county, or regional government that designs, builds,  
5 operates, and maintains water infrastructure, sewage and  
6 refuse disposal systems, and other public water systems  
7 and facilities.”.

8       **SEC. 212. GRANTS TO ALASKA TO IMPROVE SANITATION IN**  
9               **RURAL AND NATIVE VILLAGES.**

10       Section 303(e) of the Safe Drinking Water Act  
11 Amendments of 1996 (33 U.S.C. 1263a(e)) is amended  
12 by striking “this section” and all that follows through the  
13 period at the end and inserting the following: “this sec-  
14 tion—

15               “(1) \$40,000,000 for each of fiscal years 2022  
16       through 2024;

17               “(2) \$50,000,000 for fiscal year 2025; and

18               “(3) \$60,000,000 for fiscal year 2026.”.

19       **SEC. 213. WATER DATA SHARING PILOT PROGRAM.**

20       (a) ESTABLISHMENT.—

21               (1) IN GENERAL.—Subject to the availability of  
22 appropriations, the Administrator shall establish a  
23 competitive grant pilot program (referred to in this  
24 section as the “pilot program”) under which the Ad-  
25 ministrator may award grants to eligible entities

1 under subsection (b) to establish systems that im-  
2 prove the sharing of information concerning water  
3 quality, water infrastructure needs, and water tech-  
4 nology, including cybersecurity technology, between  
5 States or among counties and other units of local  
6 government within a State, which may include—

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

11 (B) intercounty communications initiatives  
12 related to water data.

13 (2) REQUIREMENTS.—

14 (A) DATA SHARING.—The Internet of  
15 Water principles developed by the Nicholas In-  
16 stitute for Environmental Policy Solutions shall,  
17 to the extent practicable, guide any water data  
18 sharing efforts under the pilot program.

19 (B) USE OF EXISTING DATA.—The recipi-  
20 ent of a grant under the pilot program to estab-  
21 lish a website or data hub described in para-  
22 graph (1)(A) shall, to the extent practicable, le-  
23 verage existing data sharing infrastructure.

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

1           (1) a State, county, or other unit of local gov-  
2           ernment that—

3                   (A) has a coastal watershed with signifi-  
4           cant pollution levels;

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

7                   (C) has significant individual water infra-  
8           structure deficits; or

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

11          (c) APPLICATIONS.—To be eligible to receive a grant  
12          under the pilot program, an eligible entity under sub-  
13          section (b) shall submit to the Administrator an applica-  
14          tion at such time, in such manner, and containing such  
15          information as the Administrator may require.

16          (d) REGIONAL CONSORTIA.—

17                  (1) ESTABLISHMENT.—States may establish re-  
18          gional consortia in accordance with this subsection.

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

21                          (A) include not fewer than 2 States that  
22                  have entered into a memorandum of under-  
23                  standing—

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



1 (ii) to share information, protocols,  
2 and procedures with respect to projects  
3 that evaluate, demonstrate, or install new  
4 and emerging, but proven, water tech-  
5 nology;

6 (B) carry out projects—

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

9 (ii) that evaluate, demonstrate, or in-  
10 stall new and emerging, but proven, water  
11 technology; and

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

16 (3) REGIONAL INTENDED USE PLAN.—A re-  
17 gional intended use plan of a regional consortium es-  
18 tablished under paragraph (1)—

19 (A) shall identify projects that the regional  
20 consortium intends to carry out, including  
21 projects that meet the requirements of para-  
22 graph (2)(B); and

23 (B) may include—

24 (i) projects included in an intended  
25 use plan of a State prepared under section

## 90

1           606(c) of the Federal Water Pollution  
2           Control Act (33 U.S.C. 1386(c)) within the  
3           regional consortium; and

4           (ii) projects not included in an in-  
5           tended use plan of a State prepared under  
6           section 606(c) of the Federal Water Pollu-  
7           tion Control Act (33 U.S.C. 1386(c)) with-  
8           in the regional consortium.

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

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

16               (2) an accounting of all grants awarded under  
17               the program, including a description of each grant  
18               recipient and each project funded using a grant  
19               under the pilot program.

20          (f) FUNDING.—

21               (1) AUTHORIZATION OF APPROPRIATIONS.—

22          There is authorized to be appropriated to carry out  
23          the pilot program \$15,000,000 for each of fiscal  
24          years 2022 through 2026, to remain available until  
25          expended.

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

5   **SEC. 214. FINAL RATING OPINION LETTERS.**

6       Section 5028(a)(1)(D)(ii) of the Water Infrastruc-  
 7       ture Finance and Innovation Act of 2014 (33 U.S.C.  
 8       3907(a)(1)(D)(ii)) is amended by striking “final rating  
 9       opinion letters from at least 2 rating agencies” and insert-  
 10      ing “a final rating opinion letter from at least 1 rating  
 11      agency”.

12   **SEC. 215. WATER INFRASTRUCTURE FINANCING REAU-**  
 13                   **THORIZATION.**

14      (a) APPLICATIONS.—Section 5023 of the Water In-  
 15      frastructure Finance and Innovation Act of 2014 (33  
 16      U.S.C. 3902) is amended by adding at the end the fol-  
 17      lowing:

18      “(c) BUDGETARY TREATMENT.—If the recipient of  
 19      financial assistance under this subtitle is an eligible entity  
 20      other than a Federal entity, agency, or instrumentality  
 21      and the dedicated sources of repayment of that financial  
 22      assistance are non-Federal revenue sources, the project or  
 23      asset for which financial assistance is being provided shall,  
 24      for purposes of budgetary treatment under the Federal  
 25      Credit Reform Act of 1990 (2 U.S.C. 661 et seq.)—

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

2 “(2) be treated as a direct loan or loan guar-  
3 antee.”.

4 (b) REAUTHORIZATION.—Section 5033 of the Water  
5 Infrastructure Finance and Innovation Act of 2014 (33  
6 U.S.C. 3912) is amended—

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

9 “(3) FISCAL YEARS 2022 THROUGH 2026.—  
10 There is authorized to be appropriated to the Ad-  
11 ministrator to carry out this subtitle \$50,000,000  
12 for each of fiscal years 2022 through 2026, to re-  
13 main available until expended.”;

14 (2) in subsection (b)(2)—

15 (A) in the paragraph heading, by striking  
16 “2020 AND 2021” and inserting “AFTER 2019”;  
17 and

18 (B) by striking “2020 and 2021” and in-  
19 serting “2022 through 2026”; and

20 (3) in subsection (e)(1), by striking “2020 and  
21 2021” and inserting “2022 through 2026”.

22 **SEC. 216. SMALL AND DISADVANTAGED COMMUNITY ANAL-**  
23 **YSIS.**

24 (a) ANALYSIS.—Not later than 2 years after the date  
25 of enactment of this Act, using environmental justice data

1 of the Environmental Protection Agency, including data  
2 from the environmental justice mapping and screening tool  
3 of the Environmental Protection Agency, the Adminis-  
4 trator shall carry out an analysis under which the Adminis-  
5 trator shall assess the programs under title VI of the  
6 Federal Water Pollution Control Act (33 U.S.C. 1381 et  
7 seq.) and section 1452 of the Safe Drinking Water Act  
8 (42 U.S.C. 300j-12) to identify historical distributions of  
9 funds to small and disadvantaged communities and new  
10 opportunities and methods to improve on the distribution  
11 of funds under those programs to low-income commu-  
12 nities, rural communities, minority communities, and com-  
13 munities of indigenous peoples, in accordance with Execu-  
14 tive Order 12898 (42 U.S.C. 4321 note; 60 Fed. Reg.  
15 6381, relating to Federal actions to address environmental  
16 justice in minority populations and low-income popu-  
17 lations)).

18 (b) REPORT.—On completion of the analysis under  
19 subsection (a), the Administrator shall submit to the Com-  
20 mittee on Environment and Public Works of the Senate  
21 and the Committees on Energy and Commerce and Trans-  
22 portation and Infrastructure of the House of Representa-  
23 tives a report describing—

24 (1) the results of the analysis; and

1 (2) the criteria the Administrator used in car-  
2 rying out the analysis.

3 **SEC. 217. STORMWATER INFRASTRUCTURE TECHNOLOGY.**

4 (a) DEFINITIONS.—In this section:

5 (1) CENTER.—The term “center” means a cen-  
6 ter of excellence for stormwater control infrastruc-  
7 ture established under subsection (b)(1).

8 (2) ELIGIBLE ENTITY.—The term “eligible enti-  
9 ty” means—

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

11 (B) a local, regional, or other public entity  
12 that manages stormwater or wastewater re-  
13 sources or other related water infrastructure.

14 (3) ELIGIBLE INSTITUTION.—The term “eligi-  
15 ble institution” means an institution of higher edu-  
16 cation, a research institution, or a nonprofit organi-  
17 zation—

18 (A) that has demonstrated excellence in re-  
19 searching and developing new and emerging  
20 stormwater control infrastructure technologies;  
21 and

22 (B) with respect to a nonprofit organiza-  
23 tion, the core mission of which includes water  
24 management, as determined by the Adminis-  
25 trator.

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

3 (1) ESTABLISHMENT OF CENTERS.—

4 (A) IN GENERAL.—Subject to the avail-  
5 ability of appropriations, the Administrator  
6 shall provide grants, on a competitive basis, to  
7 eligible institutions to establish and maintain  
8 not less than 3, and not more than 5, centers  
9 of excellence for new and emerging stormwater  
10 control infrastructure technologies, to be lo-  
11 cated in various regions throughout the United  
12 States.

13 (B) GENERAL OPERATION.—Each center  
14 shall—

15 (i) conduct research on new and  
16 emerging stormwater control infrastructure  
17 technologies that are relevant to the geo-  
18 graphical region in which the center is lo-  
19 cated, including stormwater and sewer  
20 overflow reduction, other approaches to  
21 water resource enhancement, alternative  
22 funding approaches, and other environ-  
23 mental, economic, and social benefits, with  
24 the goal of improving the effectiveness,

## 96

1 cost efficiency, and protection of public  
2 safety and water quality;

3 (ii) maintain a listing of—

4 (I) stormwater control infrastruc-  
5 ture needs; and

6 (II) an analysis of new and  
7 emerging stormwater control infra-  
8 structure technologies that are avail-  
9 able;

10 (iii) analyze whether additional finan-  
11 cial programs for the implementation of  
12 new and emerging, but proven, stormwater  
13 control infrastructure technologies would  
14 be useful;

15 (iv) provide information regarding re-  
16 search conducted under clause (i) to the  
17 national electronic clearinghouse center for  
18 publication on the Internet website estab-  
19 lished under paragraph (3)(B)(i) to pro-  
20 vide to the Federal Government and State,  
21 Tribal, and local governments and the pri-  
22 vate sector information regarding new and  
23 emerging, but proven, stormwater control  
24 infrastructure technologies;



1 (v) provide technical assistance to  
2 State, Tribal, and local governments to as-  
3 sist with the design, construction, oper-  
4 ation, and maintenance of stormwater con-  
5 trol infrastructure projects that use inno-  
6 vative technologies;

7 (vi) collaborate with institutions of  
8 higher education and private and public or-  
9 ganizations, including community-based  
10 public-private partnerships and other  
11 stakeholders, in the geographical region in  
12 which the center is located; and

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

15 (2) APPLICATION.—To be eligible to receive a  
16 grant under this subsection, an eligible institution  
17 shall prepare and submit to the Administrator an  
18 application at such time, in such form, and con-  
19 taining such information as the Administrator may  
20 require.

21 (3) NATIONAL ELECTRONIC CLEARINGHOUSE  
22 CENTER.—Of the centers established under para-  
23 graph (1)(A), 1 shall—

24 (A) be designated as the “national elec-  
25 tronic clearinghouse center”; and

98

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

3 (i) develop, operate, and maintain an  
4 Internet website and a public database  
5 that contains information relating to new  
6 and emerging, but proven, stormwater con-  
7 trol infrastructure technologies; and

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

10 (4) AUTHORIZATION OF APPROPRIATIONS.—

11 (A) IN GENERAL.—There is authorized to  
12 be appropriated to carry out this subsection  
13 \$5,000,000 for each of fiscal years 2022  
14 through 2026.

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

20 (c) STORMWATER CONTROL INFRASTRUCTURE  
21 PROJECT GRANTS.—

22 (1) GRANT AUTHORITY.—Subject to the avail-  
23 ability of appropriations, the Administrator shall  
24 provide grants, on a competitive basis, to eligible en-  
25 tities to carry out stormwater control infrastructure

1 projects that incorporate new and emerging, but  
2 proven, stormwater control technologies in accord-  
3 ance with this subsection.

4 (2) STORMWATER CONTROL INFRASTRUCTURE  
5 PROJECTS.—

6 (A) PLANNING AND DEVELOPMENT  
7 GRANTS.—The Administrator may make plan-  
8 ning and development grants under this sub-  
9 section for the following projects:

10 (i) Planning and designing  
11 stormwater control infrastructure projects  
12 that incorporate new and emerging, but  
13 proven, stormwater control technologies,  
14 including engineering surveys, landscape  
15 plans, maps, long-term operations and  
16 maintenance plans, and implementation  
17 plans.

18 (ii) Identifying and developing stand-  
19 ards necessary to accommodate stormwater  
20 control infrastructure projects, including  
21 those projects that incorporate new and  
22 emerging, but proven, stormwater control  
23 technologies.

24 (iii) Identifying and developing fee  
25 structures to provide financial support for

## 100

1 design, installation, and operations and  
2 maintenance of stormwater control infra-  
3 structure, including new and emerging, but  
4 proven, stormwater control infrastructure  
5 technologies.

6 (iv) Developing approaches for com-  
7 munity-based public-private partnerships  
8 for the financing and construction of  
9 stormwater control infrastructure tech-  
10 nologies, including feasibility studies,  
11 stakeholder outreach, and needs assess-  
12 ments.

13 (v) Developing and delivering training  
14 and educational materials regarding new  
15 and emerging, but proven, stormwater con-  
16 trol infrastructure technologies for dis-  
17 tribution to—

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

20 (II) the public.

21 (B) IMPLEMENTATION GRANTS.—The Ad-  
22 ministrators may make implementation grants  
23 under this subsection for the following projects:

## 101

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

4 (ii) Protecting or restoring inter-  
5 connected networks of natural areas that  
6 protect water quality.

7 (iii) Monitoring and evaluating the en-  
8 vironmental, economic, or social benefits of  
9 stormwater control infrastructure tech-  
10 nologies that incorporate new and emerg-  
11 ing, but proven, stormwater control tech-  
12 nology.

13 (iv) Implementing a best practices  
14 standard for stormwater control infrastruc-  
15 ture programs.

16 (3) APPLICATION.—Except as otherwise pro-  
17 vided in this section, to be eligible to receive a grant  
18 under this subsection, an eligible entity shall prepare  
19 and submit to the Administrator an application at  
20 such time, in such form, and containing such infor-  
21 mation as the Administrator may require, including,  
22 as applicable—

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

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

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

8 (D) a plan for the long-term operation and  
9 maintenance of the stormwater control infra-  
10 structure project and a tracking system, such  
11 as asset management practices.

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

15 (A) a community that—

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

19 (ii) is a small, rural, or disadvantaged  
20 community, as determined by the Adminis-  
21 trator; or

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

## 103

1 (5) MAXIMUM AMOUNTS.—

2 (A) PLANNING AND DEVELOPMENT  
3 GRANTS.—

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

8 (ii) AGGREGATE AMOUNT.—The total  
9 amount of all planning and development  
10 grants provided under this subsection for a  
11 fiscal year shall be not more than  $\frac{1}{3}$  of the  
12 total amount made available to carry out  
13 this subsection.

14 (B) IMPLEMENTATION GRANTS.—

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

19 (ii) AGGREGATE AMOUNT.—The total  
20 amount of all implementation grants pro-  
21 vided under this subsection for a fiscal  
22 year shall be not more than  $\frac{2}{3}$  of the total  
23 amount made available to carry out this  
24 subsection.

25 (6) FEDERAL SHARE.—

## 104

1 (A) IN GENERAL.—Except as provided in  
2 subparagraph (C), the Federal share of a grant  
3 provided under this subsection shall not exceed  
4 80 percent of the total project cost.

5 (B) CREDIT FOR IMPLEMENTATION  
6 GRANTS.—The Administrator shall credit to-  
7 ward the non-Federal share of the cost of an  
8 implementation project carried out under this  
9 subsection the cost of planning, design, and  
10 construction work completed for the project  
11 using funds other than funds provided under  
12 this section.

13 (C) EXCEPTION.—The Administrator may  
14 waive the Federal share limitation under sub-  
15 paragraph (A) for an eligible entity that has  
16 adequately demonstrated financial need.

17 (d) REPORT TO CONGRESS.—Not later than 2 years  
18 after the date on which the Administrator first awards a  
19 grant under this section, the Administrator shall submit  
20 to Congress a report that includes, with respect to the pe-  
21 riod covered by the report—

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

24 (2) a detailed description of—



## 105

1 (A) the projects supported by those grants;  
2 and

3 (B) the outcomes of those projects;

4 (3) a description of the improvements in tech-  
5 nology, environmental benefits, resources conserved,  
6 efficiencies, and other benefits of the projects funded  
7 under this section;

8 (4) recommendations for improvements to pro-  
9 mote and support new and emerging, but proven,  
10 stormwater control infrastructure, including research  
11 into new and emerging technologies, for the centers,  
12 grants, and activities under this section; and

13 (5) a description of existing challenges con-  
14 cerning the use of new and emerging, but proven,  
15 stormwater control infrastructure.

16 (e) AUTHORIZATION OF APPROPRIATIONS.—

17 (1) IN GENERAL.—There is authorized to be  
18 appropriated to carry out this section (except for  
19 subsection (b)) \$10,000,000 for each of fiscal years  
20 2022 through 2026.

21 (2) LIMITATION ON USE OF FUNDS.—Of the  
22 amounts made available for grants under paragraph  
23 (1), not more than 2 percent may be used to pay the  
24 administrative costs of the Administrator.

1 **SEC. 218. WATER REUSE INTERAGENCY WORKING GROUP.**

2 (a) **IN GENERAL.**—Not later than 180 days after the  
3 date of enactment of this Act, the Administrator shall es-  
4 tablish a Water Reuse Interagency Working Group (re-  
5 ferred to in this section as the “Working Group”).

6 (b) **PURPOSE.**—The purpose of the Working Group  
7 is to develop and coordinate actions, tools, and resources  
8 to advance water reuse across the United States, including  
9 through the implementation of a National Water Reuse  
10 Action Plan that creates opportunities for water reuse in  
11 the mission areas of each of the Federal agencies included  
12 in the Working Group under subsection (c) (referred to  
13 in this section as the “Action Plan”).

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

16 (1) chaired by the Administrator; and

17 (2) comprised of senior representatives from  
18 such Federal agencies as the Administrator deter-  
19 mines to be appropriate.

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

22 (1) with respect to water reuse, leverage the ex-  
23 pertise of industry, the research community, non-  
24 governmental organizations, and government;

1           (2) seek to foster water reuse as an important  
2       component of integrated water resources manage-  
3       ment;

4           (3) conduct an assessment of new opportunities  
5       to advance water reuse and annually update the Ac-  
6       tion Plan with new actions, as necessary, to pursue  
7       those opportunities;

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

10          (5) consider how each Federal agency can ex-  
11       plore and identify opportunities to support water  
12       reuse through the programs and activities of that  
13       Federal agency; and

14          (6) consult, on a regular basis, with representa-  
15       tives of relevant industries, the research community,  
16       and nongovernmental organizations.

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

20       (f) SUNSET.—

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

1           (2) EXTENSION.—The Administrator may ex-  
2       tend the date of termination of the Working Group  
3       under paragraph (1).

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

6       (a) IN GENERAL.—Subject to the availability of ap-  
7       propriations, not later than 2 years after the date of enact-  
8       ment of this Act, the Administrator shall carry out a study  
9       that examines the state of existing and potential future  
10      technology, including technology that could address cyber-  
11      security vulnerabilities, that enhances or could enhance  
12      the treatment, monitoring, affordability, efficiency, and  
13      safety of wastewater services provided by a treatment  
14      works (as defined in section 212 of the Federal Water Pol-  
15      lution Control Act (33 U.S.C. 1292)).

16      (b) REPORT.—The Administrator shall submit to the  
17      Committee on Environment and Public Works of the Sen-  
18      ate and the Committee on Energy and Commerce of the  
19      House of Representatives a report that describes the re-  
20      sults of the study under subsection (a).

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

22      Title VI of the Federal Water Pollution Control Act  
23      (33 U.S.C. 1381 et seq.) is amended by adding at the end  
24      the following:

1 **"SEC. 609. CLEAN WATERSHEDS NEEDS SURVEY.**

2       “(a) REQUIREMENT.—Not later than 2 years after  
3 the date of enactment of the Drinking Water and Waste-  
4 water Infrastructure Act of 2021, and not less frequently  
5 than once every 4 years thereafter, the Administrator  
6 shall—

7           “(1) conduct and complete an assessment of  
8 capital improvement needs for all projects that are  
9 eligible under section 603(c) for assistance from  
10 State water pollution control revolving funds; and

11           “(2) submit to Congress a report describing the  
12 results of the assessment completed under para-  
13 graph (1).

14       “(b) AUTHORIZATION OF APPROPRIATIONS.—There  
15 is authorized to be appropriated to carry out the initial  
16 needs survey under subsection (a) \$5,000,000, to remain  
17 available until expended.”.

[Additional material submitted for the record follows:]



Washington, DC Office  
1300 I Street NW  
Suite 520 West  
Washington, DC 20005-3314  
T: 202.898.9064

[aem.org](http://aem.org)  
 [aem@aem.org](mailto:aem@aem.org)  
 Toll free: 866.236.0442

March 24, 2021

The Honorable Thomas Carper, Chairman  
The Honorable Shelley Moore Capito, Ranking Member  
U.S. Senate Committee on Environment and Public Works  
410 Dirksen Senate Office Building  
Washington, D.C. 20510

Dear Chairman Carper and Ranking Member Capito:

On behalf of the U.S. equipment manufacturing industry and the 1,000 member companies that make up the Association of Equipment Manufacturers, we respectfully urge the confirmation of Janet McCabe to serve as Deputy Administrator of the United States Environmental Protection Agency.

Equipment manufacturers are proud to support 2.8 million family-sustaining jobs – one in eight manufacturing jobs in the United States – that contribute \$288 billion to the nation's GDP and play a critical role in ensuring Americans have access to basic needs such as shelter, clean water, education, and sustainable and reliable energy.

Ms. McCabe's experience serving in senior leadership roles at the Environmental Protection Agency's Office of Air and Radiation will serve her well in building a better and more sustainable future for our nation. We have always appreciated Ms. McCabe's commitment to government-industry partnerships and her understanding of how industries like ours are integrating innovative technologies into our operations, whether through precision agriculture to ensure more efficient harvests for farmers or deploying smart technology to promote sustainable construction practices in the execution of infrastructure projects.

We are confident that Ms. McCabe will bring the leadership and collaborative spirit needed to address difficult environmental challenges and improve regulatory processes, and ensure we can continue to build, power, and feed our country in an innovative and sustainable way. We look forward to working with Ms. McCabe following her confirmation.

Please feel free to call on us to expand upon our support for the nomination of Ms. McCabe.

Thank you for your consideration of our views.

Sincerely,

Dennis Slater  
President  
Association of Equipment Manufacturers

cc: Members of the Senate Committee on Environment and Public Works

Offices: Milwaukee, WI | Washington, DC | Ottawa, Canada | Beijing, China