

**SUBSTITUTE OFFERED BY MR. WESTERMAN FOR  
THE AMENDMENT IN THE NATURE OF A  
SUBSTITUTE TO H.R. 1915**

Strike all after the enacting clause and insert the following:

**1 SECTION 1. SHORT TITLE.**

2       This Act may be cited as the “Water Quality Protec-  
3 tion and Job Creation Act of 2021”.

**4 SEC. 2. WASTEWATER INFRASTRUCTURE WORKFORCE IN-  
5 VESTMENT.**

6       Section 104(g) of the Federal Water Pollution Con-  
7 trol Act (33 U.S.C. 1254(g)) is amended—

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

10          (2) by amending paragraph (4) to read as fol-  
11 lows:

12           “(4) REPORT TO CONGRESS ON PUBLICLY  
13 OWNED TREATMENT WORKS WORKFORCE DEVELOP-  
14 MENT.—Not later than 2 years after the date of en-  
15 actment of the Water Quality Protection and Job  
16 Creation Act of 2021, the Administrator shall sub-  
17 mit to the Committee on Transportation and Infra-  
18 structure of the House of Representatives and the

1 Committee on Environment and Public Works of the  
2 Senate a report containing—

3 “(A) an assessment of the current and fu-  
4 ture workforce needs for publicly owned treat-  
5 ment works, including an estimate of the num-  
6 ber of future positions needed for such treat-  
7 ment works and the technical skills and edu-  
8 cation needed for such positions;

9 “(B) a summary of actions taken by the  
10 Administrator, including Federal investments  
11 under this Act, that promote workforce develop-  
12 ment to address such needs; and

13 “(C) any recommendations of the Adminis-  
14 trator to address such needs.”.

15 **SEC. 3. STATE MANAGEMENT ASSISTANCE.**

16 (a) AUTHORIZATION OF APPROPRIATIONS.—Section  
17 106(a) of the Federal Water Pollution Control Act (33  
18 U.S.C. 1256(a)) is amended—

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

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

23 “(3) such sums as may be necessary for each  
24 of fiscal years 1991 through 2021;

25 “(4) \$240,000,000 for fiscal year 2022;

1 “(5) \$250,000,000 for fiscal year 2023;

2 “(6) \$260,000,000 for fiscal year 2024;

3 “(7) \$270,000,000 for fiscal year 2025; and

4 “(8) \$275,000,000 for fiscal year 2026;”.

5 (b) TECHNICAL AMENDMENT.—Section 106(e) of the  
6 Federal Water Pollution Control Act (33 U.S.C. 1256(e))  
7 is amended by striking “Beginning in fiscal year 1974  
8 the” and inserting “The”.

9 **SEC. 4. WATERSHED, WET WEATHER, AND RESILIENCY**  
10 **PROJECTS.**

11 (a) INCREASED RESILIENCE OF TREATMENT  
12 WORKS.—Section 122(a)(6) of the Federal Water Pollu-  
13 tion Control Act (33 U.S.C. 1274(a)(6)) is amended to  
14 read as follows:

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

17 “(A) to assess future risks and  
18 vulnerabilities of publicly owned treatment  
19 works to manmade or natural disasters, includ-  
20 ing extreme weather events and sea level rise;  
21 and

22 “(B) to carry out the planning, designing,  
23 or constructing of projects, on a systemwide or  
24 areawide basis, to increase the resilience of pub-  
25 licly owned treatment works through—

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

3 “(ii) the enhancement of wastewater  
4 (including stormwater) management by in-  
5 creasing watershed preservation and pro-  
6 tection, including through—

7 “(I) the use of green infrastruc-  
8 ture; or

9 “(II) the reclamation and reuse  
10 of wastewater (including stormwater),  
11 such as through aquifer recharge  
12 zones;

13 “(iii) the modification or relocation of  
14 an existing publicly owned treatment works  
15 at risk of being significantly impaired or  
16 damaged by a manmade or natural dis-  
17 aster; or

18 “(iv) the enhancement of energy effi-  
19 ciency, or the use or generation of recov-  
20 ered or renewable energy, in the manage-  
21 ment, treatment, or conveyance of waste-  
22 water (including stormwater).”.

23 (b) REQUIREMENTS; AUTHORIZATION OF APPRO-  
24 PRIATIONS.—Section 122 of the Federal Water Pollution

1 Control Act (33 U.S.C. 1274) is amended by striking sub-  
2 section (c) and inserting the following:

3 “(c) REQUIREMENTS.—The requirements of section  
4 608 shall apply to any construction, alteration, mainte-  
5 nance, or repair of treatment works receiving a grant  
6 under this section.

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

12 “(e) AUTHORIZATION OF APPROPRIATIONS.—There  
13 is authorized to be appropriated to carry out this section  
14 \$110,000,000, to remain available until expended.”.

15 (c) TECHNICAL AND CONFORMING AMENDMENTS.—

16 (1) WATERSHED PILOT PROJECTS.—Section  
17 122 of the Federal Water Pollution Control Act (33  
18 U.S.C. 1274) is amended—

19 (A) in the section heading, by striking

20 “**WATERSHED PILOT PROJECTS**” and insert-

21 ing “**WATERSHED, WET WEATHER, AND RE-**

22 **SILIENCY PROJECTS**”; and

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

24 pears.



1 to eligible entities for projects designed to serve fewer than  
2 10,000 individuals, to the extent there are sufficient eligi-  
3 ble applications.”.

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

7 (1) by striking “The Federal share” and insert-  
8 ing the following:

9 “(1) IN GENERAL.—Except as provided in para-  
10 graph (2), the Federal share”; and

11 (2) by adding at the end the following:

12 “(2) RECLAMATION AND REUSE PROJECTS.—  
13 For an alternative water source project that has re-  
14 ceived funds under the Reclamation Projects Author-  
15 ization and Adjustment Act of 1992 (other than  
16 funds referred to in subsection (d)(1)), the total  
17 Federal share of the costs of the project shall not  
18 exceed 25 percent or \$20,000,000, whichever is  
19 less.”.

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

1           “(i) REQUIREMENTS.—The requirements of section  
2 608 shall apply to any construction of an alternative water  
3 source project carried out using assistance made available  
4 under this section.”.

5           (e) DEFINITIONS.—Section 220(j)(1) of the Federal  
6 Water Pollution Control Act (as redesignated by sub-  
7 section (d) of this section) is amended by striking “or  
8 wastewater or by treating wastewater” and inserting “,  
9 wastewater, or stormwater or by treating wastewater or  
10 stormwater”.

11          (f) AUTHORIZATION OF APPROPRIATIONS.—Section  
12 220(k) of the Federal Water Pollution Control Act (as re-  
13 designated by subsection (d) of this section) is amended  
14 by striking “\$75,000,000 for fiscal years 2002 through  
15 2004” and inserting “\$150,000,000”.

16 **SEC. 6. SEWER OVERFLOW AND STORMWATER REUSE MU-**  
17 **NICIPAL GRANTS.**

18          Section 221 of the Federal Water Pollution Control  
19 Act (33 U.S.C. 1301) is amended—

20               (1) in subsection (c), by striking “subsection  
21 (b),” each place it appears and inserting “this sec-  
22 tion,”;

23               (2) in subsection (d)—

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



1 “(1) FEDERAL SHARE.—

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

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

6 “(B) FINANCIALLY DISTRESSED COMMU-  
7 NITIES.—The Federal share of the cost of ac-  
8 tivities carried out using amounts from a grant  
9 made to a financially distressed community  
10 under subsection (a) shall be not less than 75  
11 percent of the cost.

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

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

17 (4) in subsection (f)—

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

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

21 “(3) ASSISTANCE.—In carrying out subsection  
22 (a), the Administrator shall ensure that, of the  
23 amounts granted to municipalities in a State, not  
24 less than 20 percent is granted to municipalities

1 with a population of less than 20,000, to the extent  
2 there are sufficient eligible applications.”.

3 **SEC. 7. NATIONAL POLLUTANT DISCHARGE ELIMINATION**  
4 **SYSTEM.**

5 (a) **TERMS.**—Section 402(b)(1) of the Federal Water  
6 Pollution Control Act (33 U.S.C. 1342(b)(1)) is amend-  
7 ed—

8 (1) by amending subparagraph (B) to read as  
9 follows:

10 “(B) are for fixed terms—

11 “(i) not exceeding 10 years, for a permit  
12 issued in accordance with subsection (t); and

13 “(ii) not exceeding 5 years, for a permit  
14 not described in clause (i);”; and

15 (2) by redesignating subparagraph (D) as sub-  
16 paragraph (E), and inserting after subparagraph (C)  
17 the following:

18 “(D) do not continue in force beyond the last  
19 day of the fixed term, except as provided in sub-  
20 section (k)(2); and”.

21 (b) **REQUIREMENTS.**—Section 402 of the Federal  
22 Water Pollution Control Act (33 U.S.C. 1342) is amend-  
23 ed—

24 (1) in subsection (k)—

1 (A) by inserting “(1)” before “Compliance  
2 with”;

3 (B) by striking “of (1)” and inserting “of  
4 (A)”;

5 (C) by striking “or (2)” and inserting “or  
6 (B)”;

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

8 “(2) PERMIT RENEWAL OR REISSUANCE.—If a  
9 permittee applies to a State to renew or reissue a  
10 permit under this section, in compliance with the ap-  
11 proved State permit program under subsection (b),  
12 and the State does not make a final administrative  
13 disposition of the application by the last day of the  
14 term of the permit—

15 “(A) not later than 30 days after such last  
16 day of the term of the permit, the State shall  
17 notify the Administrator, the Committee on  
18 Transportation and Infrastructure of the House  
19 of Representatives, and the Committee on Envi-  
20 ronment and Public Works of the Senate of  
21 such failure to make a final administrative dis-  
22 position;

23 “(B) if the State does not make a final ad-  
24 ministrative disposition of the application by  
25 the date that is 180 days after the last day of

1 the term of the permit, the Administrator shall  
2 make a final administrative disposition of the  
3 application not later than 180 days after such  
4 date; and

5 “(C) the permit shall continue in effect  
6 until the date on which a final administrative  
7 disposition of the application is made.”; and

8 (2) by adding at the end the following:

9 “(t) EXTENDED TERM FOR CERTAIN PERMITS.—

10 “(1) IN GENERAL.—A State with an approved  
11 permit program under subsection (b) may issue a  
12 permit under this section with a term authorized  
13 under subsection (b)(1)(B)(i) to an eligible munici-  
14 pality for a covered discharge.

15 “(2) REVIEW AND MODIFICATION OF PERMIT.—

16 “(A) STATE ACTION.—

17 “(i) REVIEW.—Not later than 60 days  
18 after a triggering event occurs with respect  
19 to a permit issued by a State pursuant to  
20 this subsection, the State shall review the  
21 permit and make publicly available a deter-  
22 mination of whether any modifications to  
23 the permit are necessary to address the  
24 triggering event.

1           “(ii) MODIFICATION.—Not later than  
2           90 days after making publicly available a  
3           determination under clause (i) that modi-  
4           fications to a permit are necessary, the  
5           State shall make such modifications in ac-  
6           cordance with the requirements of this sec-  
7           tion.

8           “(B) EPA ACTION.—

9           “(i) REVIEW.—If a State fails to  
10          make publicly available a determination by  
11          the deadline required under subparagraph  
12          (A), the Administrator shall make publicly  
13          available such a determination not later  
14          than 30 days after such deadline.

15          “(ii) MODIFICATION.—If a State fails  
16          to modify a permit by the deadline re-  
17          quired under subparagraph (A), or if the  
18          Administrator makes publicly available  
19          under this subparagraph a determination  
20          that modifications to a permit are nec-  
21          essary, the Administrator shall make such  
22          modifications in accordance with the re-  
23          quirements of this section not later than  
24          90 days after the deadline required under  
25          subparagraph (A), or 90 days after the

1 date on which the Administrator makes  
2 publicly available such determination under  
3 this subparagraph, as applicable.

4 “(iii) EFFECT ON STATE AUTHOR-  
5 ITY.—A permit modified by the Adminis-  
6 trator under clause (ii) shall be considered  
7 to be a permit issued by the State for the  
8 purposes of permit administration, and  
9 such modification shall not affect any  
10 other authority or responsibility of the  
11 State relating to the permit.

12 “(C) RIGHT OF ACTION.—A determination  
13 under this paragraph by a State or the Admin-  
14 istrator of whether modifications to a permit  
15 are necessary to address a triggering event is a  
16 final agency action subject to judicial review in  
17 the same manner as a review under section  
18 509(b)(1).

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

20 “(A) COVERED DISCHARGE.—The term  
21 ‘covered discharge’ means a discharge from a  
22 publicly owned treatment works, which consists  
23 of municipal sewage treated, recycled, or re-  
24 claimed in accordance with this Act (and may  
25 include a municipal combined sewer overflow

1           that is in compliance with the requirements of  
2           subsection (q))—

3                   “(i) into a navigable water that is not  
4                   identified by the State issuing the permit  
5                   under section 303(d) as impaired for a pol-  
6                   lutant specifically addressed by the permit;  
7                   or

8                   “(ii) in the case of a discharge into a  
9                   navigable water that is so identified, that  
10                  is subject to, and in compliance with, per-  
11                  mit limits that are consistent with—

12                   “(I) a judicial order or consent  
13                   decree resolving an enforcement ac-  
14                   tion related to such discharge under  
15                   this Act; or

16                   “(II) for each such pollutant, any  
17                   applicable approved total maximum  
18                   daily load allocation, or, if no such ap-  
19                   proved allocation exists, any applica-  
20                   ble water quality standard for the pol-  
21                   lutant (including any such standard  
22                   as addressed in an integrated plan in-  
23                   corporated into a permit under sub-  
24                   section (s)).

1           “(B) ELIGIBLE MUNICIPALITY.—The term  
2           ‘eligible municipality’ means a municipality with  
3           a history of compliance with this Act, as deter-  
4           mined in accordance with standards established  
5           by the Administrator.

6           “(C) TRIGGERING EVENT.—The term ‘trig-  
7           gering event’ means, with respect to a permit  
8           issued pursuant to this subsection, any of the  
9           following that happens after the date on which  
10          the permit is issued:

11           “(i) The State receives information  
12           that there may be a cause for modification,  
13           as identified in section 122.62 of title 40,  
14           Code of Federal Regulations (as in effect  
15           on the date of enactment of this sub-  
16           section), of the permit.

17           “(ii) The State identifies under sec-  
18           tion 303(d) the navigable water into which  
19           a discharge is permitted pursuant to the  
20           permit as impaired for a pollutant known  
21           to be present in the discharge.

22           “(iii) The Administrator approves a  
23           new or modified total maximum daily load  
24           that applies with respect to a pollutant



1 known to be present in a discharge per-  
2 mitted pursuant to the permit.

3 “(iv) The Administrator or the State  
4 determines that—

5 “(I) a pollutant known to be dis-  
6 charged under the permit is directly  
7 related to the contamination of a  
8 water designated for use as a public  
9 water supply source pursuant to sec-  
10 tion 303; and

11 “(II)(aa) the discharge of such  
12 pollutant is related to a violation of an  
13 applicable water quality standard; or

14 “(bb) such pollutant is subject to  
15 a health advisory published by the Ad-  
16 ministrator under section  
17 1412(b)(1)(F) of the Safe Drinking  
18 Water Act.”.

19 (c) IMPLEMENTATION RULE.—

20 (1) DEADLINE.—Not later than 1 year after  
21 the date of enactment of this Act, the Administrator  
22 of the Environmental Protection Agency shall pub-  
23 lish in the Federal Register a rule to implement the  
24 amendments made by this section, including estab-  
25 lishing standards for determining a history of com-

1       pliance with the Federal Water Pollution Control  
2       Act for purposes of section 402(t) of such Act (as  
3       added by this section).

4               (2) CONSULTATION.—In carrying out this sub-  
5       section, the Administrator shall consult with rep-  
6       resentatives of States, municipalities (as such term  
7       is defined in section 502 of the Federal Water Pollu-  
8       tion Control Act), and other stakeholders and inter-  
9       ested parties.

10 **SEC. 8. REPORTS TO CONGRESS.**

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

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

15               (2) by striking “each of the States;” and insert-  
16       ing “each of the States, and (ii) the costs to imple-  
17       ment measures necessary to address the resilience  
18       and sustainability of publicly owned treatment works  
19       to manmade or natural disasters;”.

20 **SEC. 9. INDIAN TRIBES.**

21       Section 518(c) of the Federal Water Pollution Con-  
22       trol Act (33 U.S.C. 1377(c)) is amended—

23               (1) by striking paragraphs (1) and (2) and in-  
24       serting the following:

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

5                   “(A) 2 percent of such funds; or

6                   “(B) \$30,000,000.

7           “(2) USE OF FUNDS.—

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

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

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

18                   “(B) LIMITATION.—Not more than  
19 \$2,000,000 of the reserved funds may be used  
20 for grants under subparagraph (A)(ii).”; and  
21 (2) in paragraph (3)—

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

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

4 **SEC. 10. CAPITALIZATION GRANTS.**

5 Section 602(b) of the Federal Water Pollution Con-  
6 trol Act (33 U.S.C. 1382(b)) is amended—

7 (1) in paragraph (13)(B)—

8 (A) in the matter preceding clause (i), by  
9 striking “and energy conservation” and insert-  
10 ing “and efficient energy use (including through  
11 the implementation of technologies to recapture  
12 and reuse energy produced in the treatment of  
13 wastewater)”; and

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

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

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

19 “(15) to the extent there are sufficient projects  
20 or activities eligible for assistance from the fund,  
21 with respect to funds for capitalization grants re-  
22 ceived by the State under this title and section  
23 205(m) in each of fiscal years 2022 through 2026,  
24 the State will use not less than 15 percent of such  
25 funds for projects to address green infrastructure,

1 water or energy efficiency improvements, or other  
2 environmentally innovative activities.”.

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

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

7 (1) in paragraph (1)—

8 (A) in the matter preceding subparagraph  
9 (A), by striking “, including forgiveness of prin-  
10 cipal and negative interest loans” and inserting  
11 “(including in the form of forgiveness of prin-  
12 cipal, negative interest loans, or grants)”; and

13 (B) in subparagraph (A)—

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

16 (ii) in clause (ii)(III), by striking “to  
17 such ratepayers” and inserting “to help  
18 such ratepayers maintain access to waste-  
19 water and stormwater treatment services”;  
20 and

21 (2) by amending paragraph (3) to read as fol-  
22 lows:

23 “(3) SUBSIDIZATION AMOUNTS.—

24 “(A) IN GENERAL.—A State may use for  
25 providing additional subsidization in a fiscal

1 year under this subsection an amount that does  
2 not exceed the greater of—

3 “(i) 30 percent of the total amount  
4 received by the State in capitalization  
5 grants under this title for the fiscal year;  
6 or

7 “(ii) the annual average over the pre-  
8 vious 10 fiscal years of the amounts depos-  
9 ited by the State in the State water pollu-  
10 tion control revolving fund from State  
11 moneys that exceed the amounts required  
12 to be so deposited under section 602(b)(2).

13 “(B) MINIMUM.—For each of fiscal years  
14 2022 through 2026, to the extent there are suf-  
15 ficient applications for additional subsidization  
16 under this subsection that meet the criteria  
17 under paragraph (1)(A), a State shall use for  
18 providing additional subsidization in a fiscal  
19 year under this subsection an amount that is  
20 not less than 10 percent of the total amount re-  
21 ceived by the State in capitalization grants  
22 under this title for the fiscal year.”.

23 **SEC. 12. ALLOTMENT OF FUNDS.**

24 (a) FORMULA.—Section 604(a) of the Federal Water  
25 Pollution Control Act (33 U.S.C. 1384(a)) is amended by

1 striking “each of fiscal years 1989 and 1990” and insert-  
2 ing “each fiscal year”.

3 (b) WASTEWATER INFRASTRUCTURE WORKFORCE  
4 DEVELOPMENT.—Section 604 of the Federal Water Pollu-  
5 tion Control Act (33 U.S.C. 1384) is amended by adding  
6 at the end the following:

7 “(d) WASTEWATER INFRASTRUCTURE WORKFORCE  
8 DEVELOPMENT.—A State may reserve each fiscal year up  
9 to 1 percent of the sums allotted to the State under this  
10 section for the fiscal year to carry out workforce develop-  
11 ment, training, and retraining activities described in sec-  
12 tion 104(g).”.

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

15 Title VI of the Federal Water Pollution Control Act  
16 (33 U.S.C. 1381 et seq.) is amended by striking section  
17 607 and inserting the following:

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

20 “(a) IN GENERAL.—

21 “(1) RESERVATION.—For each fiscal year, the  
22 Administrator shall reserve 1.5 percent of available  
23 funds, as calculated in accordance with paragraph  
24 (2).

1           “(2) CALCULATION OF AVAILABLE FUNDS.—

2           The amount of available funds shall be calculated by  
3           subtracting the amount of any funds reserved under  
4           section 518(c) from the amount of funds made avail-  
5           able to carry out this title (before allotments to the  
6           States under section 604(a)).

7           “(b) USE OF FUNDS.—Funds reserved under this  
8           section shall be available only for grants to American  
9           Samoa, the Commonwealth of the Northern Mariana Is-  
10          lands, Guam, and the Virgin Islands for projects and ac-  
11          tivities eligible for assistance under section 603(c).

12          “(c) LIMITATION.—American Samoa, the Common-  
13          wealth of the Northern Mariana Islands, Guam, and the  
14          Virgin Islands may not receive funds allotted under sec-  
15          tion 604(a).”.

16   **SEC. 14. AUTHORIZATION OF APPROPRIATIONS.**

17          Title VI of the Federal Water Pollution Control Act  
18          (33 U.S.C. 1381 et seq.) is amended by adding at the end  
19          the following:

20   **“SEC. 609. AUTHORIZATION OF APPROPRIATIONS.**

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

23                  “(1) \$2,400,000,000 for fiscal year 2022.

24                  “(2) \$2,600,000,000 for fiscal year 2023.

25                  “(3) \$2,800,000,000 for fiscal year 2024.



1 “(4) \$3,000,000,000 for fiscal year 2025.

2 “(5) \$3,200,000,000 for fiscal year 2026.”.

3 **SEC. 15. TECHNICAL ASSISTANCE BY MUNICIPAL OMBUDS-**  
4 **MAN.**

5 Section 4(b)(1) of the Water Infrastructure Improve-  
6 ment Act (42 U.S.C. 4370j(b)(1)) is amended to read as  
7 follows:

8 “(1) technical and planning assistance to sup-  
9 port municipalities, including municipalities that are  
10 rural, small, and tribal communities, in achieving  
11 and maintaining compliance with enforceable dead-  
12 lines, goals, and requirements of the Federal Water  
13 Pollution Control Act; and”.

14 **SEC. 16. REPORT ON FINANCIAL CAPABILITY OF MUNICI-**  
15 **PALITIES.**

16 (a) REVIEW.—The Administrator of the Environ-  
17 mental Protection Agency shall conduct a review of exist-  
18 ing implementation guidance of the Agency for evaluating  
19 the financial resources a municipality has available to im-  
20 plement the requirements of the Federal Water Pollution  
21 Control Act to determine whether, and if so, how, such  
22 guidance needs to be revised.

23 (b) CONSIDERATIONS.—In conducting the review  
24 under subsection (a), the Administrator shall consider—

1           (1) the report by the National Academy of Pub-  
2           lic Administration prepared for the Environmental  
3           Protection Agency entitled “Developing a New  
4           Framework for Community Affordability of Clean  
5           Water Services”, dated October 2017;

6           (2) the report developed by the National Envi-  
7           ronmental Justice Advisory Council entitled “EPA’s  
8           Role in Addressing the Urgent Water Infrastructure  
9           Needs of Environmental Justice Communities”,  
10          dated August 2018, and made available on the  
11          website of the Administrator in March 2019;

12          (3) the report prepared for the American Water  
13          Works Association, the National Association of  
14          Clean Water Agencies, and the Water Environment  
15          Federation entitled “Developing a New Framework  
16          for Household Affordability and Financial Capability  
17          Assessment in the Water Sector”, dated April 17,  
18          2019;

19          (4) the recommendations of the Environmental  
20          Financial Advisory Board related to municipal finan-  
21          cial capability assessments, prepared at the request  
22          of the Administrator; and

23          (5) any other information the Administrator  
24          considers appropriate.

1 (c) ENGAGEMENT AND TRANSPARENCY.—In con-  
2 ducting the review under subsection (a), the Administrator  
3 shall—

4 (1) after providing public notice, consult with,  
5 and solicit advice and recommendations from, State  
6 and local governmental officials and other stake-  
7 holders, including nongovernmental organizations;  
8 and

9 (2) ensure transparency in the consultation  
10 process.

11 (d) REPORT.—Not later than 18 months after the  
12 date of enactment of this Act, the Administrator shall sub-  
13 mit to the Committee on Transportation and Infrastruc-  
14 ture of the House of Representatives and the Committee  
15 on Environment and Public Works of the Senate, and  
16 make publicly available, a report on the results of the re-  
17 view conducted under subsection (a), including any rec-  
18 ommendations for revisions to the guidance.

19 **SEC. 17. REVIEW OF SECONDARY TREATMENT TECH-**  
20 **NOLOGIES.**

21 (a) IN GENERAL.—

22 (1) DEVELOPMENT OF DATA COLLECTION  
23 MEANS.—Not later than 180 days after the date of  
24 enactment of this Act, the Administrator of the En-  
25 vironmental Protection Agency shall publish in the

1 Federal Register a notice to solicit public comment  
2 (including the opportunity for public hearings and  
3 listening sessions) on the collection of data regarding  
4 the existing capabilities of publicly owned treatment  
5 works to reduce the effluent concentration of patho-  
6 gens (or pathogen indicators) in the discharge of  
7 such treatment works, in order to determine an ap-  
8 propriate means to collect such data in a sufficient  
9 amount, and of a sufficient quality, to develop a rep-  
10 resentational sample of such capabilities.

11 (2) DATA COLLECTION.—Not later than 18  
12 months after the date of enactment of this Act, the  
13 Administrator shall publish in the Federal Register  
14 the data collection means determined appropriate  
15 pursuant to paragraph (1) and initiate the collection  
16 of data using such means.

17 (3) DETERMINATION ON SECONDARY TREAT-  
18 MENT REGULATIONS.—Upon completion of data col-  
19 lection pursuant to paragraph (2), the Administrator  
20 shall make the data available to the public and make  
21 a determination whether such data support a revi-  
22 sion to the secondary treatment standard for patho-  
23 gens (or pathogen indicators) pursuant to section  
24 304(d)(1) of the Federal Water Pollution Control  
25 Act.

1           (4) LIMITATION.—The Administrator may not  
2           propose or finalize any modifications to requirements  
3           pursuant to section 402 of the Federal Water Pollu-  
4           tion Control Act related to wastewater blending, by-  
5           pass, or peak wet weather discharges from publicly  
6           owned treatment works until after the date on which  
7           the Administrator makes a determination under  
8           paragraph (3).

9           (b) DEFINITIONS.—In this section:

10           (1) BYPASS.—The term “bypass” has the  
11           meaning given that term in section 122.41(m) of  
12           title 40, Code of Federal Regulations.

13           (2) TREATMENT WORKS.—The term “treatment  
14           works” has the meaning given that term in section  
15           212 of the Federal Water Pollution Control Act.

