

116TH CONGRESS
1ST SESSION

S. 611

To provide adequate funding for water and sewer infrastructure, and for
other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 28, 2019

Mr. SANDERS (for himself and Mr. MERKLEY) introduced the following bill;
which was read twice and referred to the Committee on Environment and
Public Works

A BILL

To provide adequate funding for water and sewer
infrastructure, and for other purposes.

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

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

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Water Affordability, Transparency, Equity, and Reli-
6 ability Act of 2019”.

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. Water affordability, transparency, equity, and reliability.

Sec. 3. Report on affordability, discrimination and civil rights violations, public
participation in regionalization, and data collection.

- Sec. 4. Technical assistance to rural and small municipalities and Tribal governments.
- Sec. 5. Residential onsite sewage disposal system improvement.
- Sec. 6. Household water well systems.
- Sec. 7. State water pollution control revolving funds.
- Sec. 8. Use of State revolving loan funds under the Safe Drinking Water Act.
- Sec. 9. Drinking water grant programs.
- Sec. 10. Requirement for the use of American materials in drinking water infrastructure.
- Sec. 11. Labor provisions.

1 **SEC. 2. WATER AFFORDABILITY, TRANSPARENCY, EQUITY,**
 2 **AND RELIABILITY.**

3 (a) CLEAN WATER PROGRAMS.—

4 (1) IN GENERAL.—At the beginning of each fis-
 5 cal year, the Administrator of the Environmental
 6 Protection Agency (referred to in this section as the
 7 “Administrator”) shall obligate, for the fiscal year—

8 (A) not more than \$174,250,000 for mak-
 9 ing grants under section 104(b)(8) of the Fed-
 10 eral Water Pollution Control Act (33 U.S.C.
 11 1254(b)(8));

12 (B) not more than \$522,750,000 for mak-
 13 ing grants under section 106 of that Act (33
 14 U.S.C. 1256);

15 (C) not more than \$871,250,000 for mak-
 16 ing grants under section 222 of that Act (as
 17 added by section 5);

18 (D) not more than \$871,250,000 for mak-
 19 ing grants under section 319 of that Act (33
 20 U.S.C. 1329); and

1 (E) not more than \$15,682,500,000 for
2 making capitalization grants under section 601
3 of that Act (33 U.S.C. 1381).

4 (2) FUNDING.—On October 1 of each fiscal
5 year, out of any funds in the Treasury not otherwise
6 appropriated, the Secretary of the Treasury shall
7 transfer to the Administrator to carry out this sub-
8 section \$18,122,000,000, to remain available until
9 expended.

10 (3) AVAILABILITY OF FUNDS.—Amounts trans-
11 ferred to the Administrator under paragraph (2) and
12 obligated by the Administrator under paragraph (1)
13 shall remain available to the Administrator, without
14 further appropriation or fiscal year limitation, for
15 the purposes for which the amounts were obligated.

16 (b) SAFE DRINKING WATER FUNDING.—

17 (1) IN GENERAL.—At the beginning of each fis-
18 cal year, the Administrator shall obligate, for the fis-
19 cal year—

20 (A) not more than \$174,250,000 for pro-
21 viding technical assistance under section
22 1442(e) of the Safe Drinking Water Act (42
23 U.S.C. 300j–1(e));

1 (B) not more than \$15,159,750,000 for
 2 making capitalization grants under section
 3 1452 of that Act (42 U.S.C. 300j-12); and

4 (C) not more than \$1,045,500,000 for
 5 making grants under section 1465 of that Act
 6 (42 U.S.C. 300j-25).

7 (2) FUNDING.—On October 1 of each fiscal
 8 year, out of any funds in the Treasury not otherwise
 9 appropriated, the Secretary of the Treasury shall
 10 transfer to the Administrator to carry out this sub-
 11 section \$16,379,500,000, to remain available until
 12 expended.

13 (3) AVAILABILITY OF FUNDS.—Amounts trans-
 14 ferred to the Administrator under paragraph (2) and
 15 obligated by the Administrator under paragraph (1)
 16 shall remain available to the Administrator, without
 17 further appropriation or fiscal year limitation, for
 18 the purposes for which the amounts were obligated.

19 (c) HOUSEHOLD WATER WELL SYSTEMS.—

20 (1) IN GENERAL.—At the beginning of each fis-
 21 cal year, the Secretary of Agriculture (referred to in
 22 this subsection as the “Secretary”) shall obligate,
 23 for the fiscal year, not more than \$348,500,000 for
 24 making grants under section 306E of the Consoli-

1 dated Farm and Rural Development Act (7 U.S.C.
2 1926e).

3 (2) FUNDING.—On October 1 of each fiscal
4 year, out of any funds in the Treasury not otherwise
5 appropriated, the Secretary of the Treasury shall
6 transfer to the Secretary to carry out this subsection
7 \$348,500,000, to remain available until expended.

8 (3) AVAILABILITY OF FUNDS.—Amounts trans-
9 ferred to the Secretary under paragraph (2) and ob-
10 ligated by the Secretary under paragraph (1) shall
11 remain available to the Secretary, without further
12 appropriation or fiscal year limitation, for the pur-
13 poses for which the amounts were obligated.

14 **SEC. 3. REPORT ON AFFORDABILITY, DISCRIMINATION AND**
15 **CIVIL RIGHTS VIOLATIONS, PUBLIC PARTICI-**
16 **PATION IN REGIONALIZATION, AND DATA**
17 **COLLECTION.**

18 (a) STUDY.—

19 (1) IN GENERAL.—The Administrator of the
20 Environmental Protection Agency (referred to in
21 this section as the “Administrator”) shall conduct a
22 study on water and sewer services.

23 (2) AFFORDABILITY.—In conducting the study
24 under paragraph (1), the Administrator shall study
25 water affordability nationwide, including—

(A) rates for water and sewer services, increases in those rates during the 10-year period ending on the date on which the Administrator begins to carry out the study under paragraph (1), and water service disconnections due to unpaid water service charges; and

(B) for promoting affordable, equitable, transparent, and reliable water and sewer service, the effectiveness of funding under—

(i) section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j–12); and

(ii) section 601 of the Federal Water Pollution Control Act (33 U.S.C. 1381).

(3) DISCRIMINATION AND CIVIL RIGHTS.—In conducting the study under paragraph (1), the Administrator, in collaboration with the Civil Rights Division of the Department of Justice, shall study—

(A) discriminatory practices of water and sewer service providers; and

(B) violations by water and sewer service providers that receive Federal assistance of civil rights under title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) with respect to equal access to water and sewer services.

1 (4) PUBLIC PARTICIPATION IN REGIONALIZA-
2 TION.—In conducting the study under paragraph
3 (1), the Administrator shall evaluate efforts to re-
4 gionalize public water systems, as defined in section
5 1401 of the Safe Water Drinking Act (42 U.S.C.
6 300f), and sewer services with respect to public par-
7 ticipation in—

8 (A) the decision to undergo the regional-
9 ization; and

10 (B) decision making by the board of direc-
11 tors (or other governing body) of the entity that
12 provides, or oversees or coordinates the provi-
13 sion of, water by the public water systems sub-
14 ject to the regionalization.

15 (5) DATA COLLECTION.—In conducting the
16 study under paragraph (1), the Administrator shall
17 collect information, assess the availability of infor-
18 mation, and evaluate the methodologies used to col-
19 lect information, related to—

20 (A) people living without water or sewer
21 services;

22 (B) water service disconnections due to un-
23 paid water service charges, including disconnec-
24 tions experienced by households containing chil-
25 dren, elderly persons, disabled persons, chron-

1 ically ill persons, or other vulnerable popu-
2 lations; and

3 (C) disparate effects, on the basis of race,
4 gender, or socioeconomic status, of water serv-
5 ice disconnections and the lack of public water
6 service.

7 (b) REPORT.—Not later than 1 year after the date
8 of enactment of this Act, the Administrator shall submit
9 to Congress a report that contains—

10 (1) the results of the study under subsection

11 (a)(1); and

12 (2) recommendations for utility companies,
13 Federal agencies, and States with respect to the re-
14 sults of the study.

15 **SEC. 4. TECHNICAL ASSISTANCE TO RURAL AND SMALL**
16 **MUNICIPALITIES AND TRIBAL GOVERN-**
17 **MENTS.**

18 Section 104(u)(7) of the Federal Water Pollution
19 Control Act (33 U.S.C. 1254(u)(7)) is amended by strik-
20 ing “not to exceed \$25,000,000” and inserting
21 “\$175,000,000”.

1 **SEC. 5. RESIDENTIAL ONSITE SEWAGE DISPOSAL SYSTEM**
 2 **IMPROVEMENT.**

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. RESIDENTIAL ONSITE SEWAGE DISPOSAL SYS-**
 7 **TEMS.**

8 “Not later than 1 year after the date of enactment
 9 of this section, the Administrator shall establish a grant
 10 program to make grants to users of a septic tank and
 11 drainage field for costs associated with repairing, replac-
 12 ing, or upgrading the septic tank and drainage field.”.

13 **SEC. 6. HOUSEHOLD WATER WELL SYSTEMS.**

14 Section 306E(d) of the Consolidated Farm and Rural
 15 Development Act (7 U.S.C. 1926e(d)) is amended by
 16 striking “\$20,000,000 for each of fiscal years 2019
 17 through 2023” and inserting “\$348,500,000 for each fis-
 18 cal year”.

19 **SEC. 7. STATE WATER POLLUTION CONTROL REVOLVING**
 20 **FUNDS.**

21 (a) SPECIFIC REQUIREMENTS.—Section 602(b) of
 22 the Federal Water Pollution Control Act (33 U.S.C.
 23 1382(b)) is amended—

24 (1) in paragraph (2), by striking “will be made
 25 to the State with funds to be made available” and

1 inserting “were made to the State with funds made
2 available for fiscal year 2019”;

3 (2) in paragraph (13)(B)(iii), by striking “and”
4 at the end;

5 (3) in paragraph (14), by striking the period at
6 the end and inserting a semicolon; and

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

8 “(15) the State will not provide financial assist-
9 ance using amounts from the fund for any project
10 that will provide substantial direct benefits to new
11 communities, lots, or subdivisions, other than a
12 project to construct an advanced decentralized
13 wastewater system; and”.

14 (b) PROJECTS AND ACTIVITIES ELIGIBLE FOR AS-
15 SISTANCE.—Section 603(c) of the Federal Water Pollution
16 Control Act (33 U.S.C. 1383(c)) is amended—

17 (1) in paragraph (11)(B), by striking “and” at
18 the end;

19 (2) in paragraph (12)(B), by striking the period
20 at the end and inserting “; and”; and

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

22 “(13) to any municipality or intermunicipal,
23 interstate, or State agency for—

24 “(A) purchasing from a willing seller a pri-
25 vately owned treatment works for the purpose

1 of bringing the treatment works into public
2 ownership; and

3 “(B) expenses related to canceling a con-
4 tract for the operation or management of a
5 publicly owned treatment works.”.

6 (c) INCREASING THE AMOUNT OF ADDITIONAL SUB-
7 SIDIZATION BY THE STATE.—Section 603(i)(3) of the
8 Federal Water Pollution Control Act (33 U.S.C.
9 1383(i)(3)) is amended by striking subparagraph (B) and
10 inserting the following:

11 “(B) ADDITIONAL LIMITATION.—A State
12 may use not less than 50 percent of the total
13 amount received by the State in capitalization
14 grants under this title for a fiscal year for pro-
15 viding additional subsidization under this sub-
16 section.”.

17 **SEC. 8. USE OF STATE REVOLVING LOAN FUNDS UNDER**
18 **THE SAFE DRINKING WATER ACT.**

19 Section 1452 of the Safe Drinking Water Act (42
20 U.S.C. 300j–12) is amended—

21 (1) in subsection (a)—

22 (A) in paragraph (2)—

23 (i) in subparagraph (A), by inserting
24 “publicly owned, operated, and managed”
25 before “community water systems”; and

1 (ii) by striking subparagraph (E) and
 2 inserting the following:

3 “(E) ACQUISITION OF REAL PROPERTY.—

4 The funds under this section may be used for—

5 “(i) purchasing from a willing seller a
 6 privately owned community water system
 7 for the purpose of bringing the community
 8 water system into public ownership; or

9 “(ii) for the expenses related to can-
 10 celing a contract for the operation or man-
 11 agement of a community water system.”;
 12 and

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

14 “(6) EXCEPTION TO PUBLIC OWNERSHIP, OPER-
 15 ATION, AND MANAGEMENT REQUIREMENT.—Not-
 16 withstanding paragraph (2)(A), a public water sys-
 17 tem that regularly serves fewer than 10,000 persons,
 18 and that is not owned, operated, or managed by any
 19 person who owns, operates, or manages any other
 20 public water system, may receive assistance under
 21 this section.”;

22 (2) in subsection (d), by striking paragraph (2)
 23 and inserting the following:

24 “(2) TOTAL AMOUNT OF SUBSIDIES.—To the
 25 extent that there are sufficient applications for loans

1 to the communities described in paragraph (1), of
 2 the amount of the capitalization grant received by a
 3 State for a fiscal year, the total amount of loan sub-
 4 sidies made by the State for the fiscal year pursuant
 5 to paragraph (1) may not be less than 50 percent.”;

6 (3) in subsection (e), by striking “to be made
 7 to the State” and inserting “that was made to the
 8 State in fiscal year 2019”;

9 (4) in subsection (g)(3)—

10 (A) in subparagraph (B), by striking
 11 “and” at the end;

12 (B) in subparagraph (C), by striking the
 13 period at the end and inserting “; and”; and

14 (C) by inserting after subparagraph (C)
 15 the following:

16 “(D) guidance—

17 “(i) to ensure affordable, equitable,
 18 transparent and reliable water service pro-
 19 vision;

20 “(ii) to provide protections for house-
 21 holds facing service disconnection due to
 22 unpaid water service charges; and

23 “(iii) to promote universal equal ac-
 24 cess to water services.”; and

1 (5) in subsection (k)(1), by adding at the end
2 the following:

3 “(E) Provide assistance in the form of a
4 grant to owners of private property on which a
5 lead service line (as defined in section
6 1459B(a)) is or may be located, for the purpose
7 of replacing the lead service line with a service
8 line that is lead free (as defined in section
9 1417(d)).

10 “(F) Provide assistance to a publicly
11 owned, operated, and managed community
12 water system for the purpose of updating a
13 treatment plant or switching water sources due
14 to contamination from per- and polyfluoroalkyl
15 substances (commonly referred to as ‘PFAS’)
16 (as defined by the State in which the commu-
17 nity water system is located).

18 “(G) Provide assistance in the form of a
19 grant to an owner of a household water well
20 that has been contaminated by per- and
21 polyfluoroalkyl substances (commonly referred
22 to as ‘PFAS’) (as defined by the State in which
23 the household well is located) for the purpose of
24 purchasing and installing a household filtration
25 system.”.

1 **SEC. 9. DRINKING WATER GRANT PROGRAMS.**

2 (a) SCHOOL DRINKING WATER IMPROVEMENT.—

3 Section 1465 of the Safe Drinking Water Act (42 U.S.C.
4 300j-25) is amended—

5 (1) in the section heading, by striking “**FOUN-**
6 **TAIN**” and inserting “**INFRASTRUCTURE**”;

7 (2) in subsection (a), by striking “fountains
8 manufactured prior to 1988” and inserting “infra-
9 structure”;

10 (3) by striking subsection (b) and inserting the
11 following:

12 “(b) USE OF FUNDS.—Funds awarded under the
13 grant program may be used to pay costs associated with—

14 “(1) installing, repairing, or replacing the infra-
15 structure necessary to ensure that drinking water
16 fountains, drinking water coolers, and bottle filling
17 stations at schools are lead free (as defined in sec-
18 tion 1417(d)); and

19 “(2) monitoring and reporting of lead levels in
20 the drinking water of schools, as determined appro-
21 priate by the Administrator.”; and

22 (4) in subsection (d)—

23 (A) by striking “\$5,000,000” and inserting
24 “\$1,050,000,000”; and

25 (B) by striking “2021” and inserting
26 “2022”.

1 (b) TRIBAL DRINKING WATER.—Section 1452(i)(1)
 2 of the Safe Drinking Water Act (42 U.S.C. 300j–12(i)(1))
 3 is amended, in the first sentence—

- 4 (1) by striking “1 1/2” and inserting “3”; and
 5 (2) by striking “may” and inserting “shall”.

6 **SEC. 10. REQUIREMENT FOR THE USE OF AMERICAN MATE-**
 7 **RIALS IN DRINKING WATER INFRASTRUC-**
 8 **TURE.**

9 Section 1452(a)(4)(A) of the Safe Drinking Water
 10 Act (42 U.S.C. 300j–12(a)(4)(A)) is amended by striking
 11 “During fiscal years 2019 through 2023, funds” and in-
 12 serting “Funds”.

13 **SEC. 11. LABOR PROVISIONS.**

14 (a) PREVAILING RATE OF WAGE.—Nothing in this
 15 Act or an amendment made by this Act affects the appli-
 16 cability of the requirements relating to labor standards of
 17 sections 513 and 602(b)(6) of the Federal Water Pollution
 18 Control Act (33 U.S.C. 1372, 1382(b)(6)) and section
 19 1450(e) of the Safe Drinking Water Act (42 U.S.C. 300j–
 20 9(e)) to projects carried out under those Acts.

21 (b) PROJECT LABOR AGREEMENTS.—

22 (1) CLEAN WATER REVOLVING FUNDS.—Sec-
 23 tion 602(b) of the Federal Water Pollution Control
 24 Act (33 U.S.C. 1382(b)) (as amended by section
 25 7(a)) is amended by adding at the end the following:

1 “(16) the State will—

2 “(A) permit recipients of assistance under
3 this title to enter into agreements authorized
4 under section 8(f) of the National Labor Rela-
5 tions Act (29 U.S.C. 158(f)) (commonly known
6 as ‘project labor agreements’) with respect to
7 projects for building or construction carried out
8 with that assistance; and

9 “(B) ensure that, to the maximum extent
10 practicable, recipients of assistance under this
11 title carry out the projects through the use of
12 the agreements described in subparagraph
13 (A).”.

14 (2) DRINKING WATER REVOLVING FUNDS.—
15 Section 1452 of the Safe Drinking Water Act (42
16 U.S.C. 300j–12) is amended—

17 (A) in subsection (a) (as amended by sec-
18 tion 8(1)), by adding at the end the following:

19 “(7) PROJECT LABOR AGREEMENTS.—Each
20 agreement under this subsection shall require that
21 the State permit recipients of assistance under this
22 section to enter into an agreement authorized under
23 section 8(f) of the National Labor Relations Act (29
24 U.S.C. 158(f)) (commonly known as a ‘project labor

1 agreement') with respect to projects for building or
2 construction carried out with that assistance.'"; and

3 (B) in subsection (b)(3)(A)—

4 (i) in clause (ii), by striking “; and”
5 and inserting a semicolon;

6 (ii) in clause (iii), by striking the pe-
7 riod at the end and inserting “; and”; and

8 (iii) by adding at the end the fol-
9 lowing:

10 “(iv) with respect to projects for
11 building or construction, will be carried out
12 through the use of agreements authorized
13 under section 8(f) of the National Labor
14 Relations Act (29 U.S.C. 158(f)).”.

○