

117TH CONGRESS
1ST SESSION

H. R. 3701

To establish water infrastructure grant programs.

IN THE HOUSE OF REPRESENTATIVES

JUNE 4, 2021

Mr. DELGADO (for himself, Mr. CARTWRIGHT, Ms. NORTON, Ms. SEWELL, and Mr. COHEN) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To establish water infrastructure grant programs.

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

3 **SECTION 1. SHORT TITLE.**

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

7 **SEC. 2. WASTEWATER INFRASTRUCTURE DISCRETIONARY** 8 **GRANT PROGRAM.**

9 (a) ESTABLISHMENT.—Subject to the availability of
10 appropriations, not later than 1 year after the date of en-

1 actment of this Act, the Administrator of the Environ-
2 mental Protection Agency (referred to in this section as
3 the “Administrator”) shall establish a wastewater discre-
4 tionary grant program (referred to in this section as the
5 “program”) to provide grants, on a competitive basis, to
6 eligible entities described in subsection (b) for investments
7 in wastewater infrastructure projects.

8 (b) ELIGIBLE ENTITIES.—An entity eligible to re-
9 ceive a grant under the program is—

10 (1) a Federal, State, interstate, intermunicipal,
11 or local governmental entity, agency, or instrumen-
12 tality;

13 (2) a Tribal government or consortium of Trib-
14 al governments;

15 (3) a State infrastructure financing authority;
16 and

17 (4) a publicly owned treatment works (as de-
18 fined in section 212 of the Federal Water Pollution
19 Control Act (33 U.S.C. 1292)).

20 (c) ELIGIBLE PROJECTS.—

21 (1) IN GENERAL.—A project eligible to be car-
22 ried out with funds under the program includes—

23 (A) the construction of publicly owned
24 treatment works;

1 (B) the construction, repair, or replace-
2 ment of decentralized wastewater treatment
3 systems that treat municipal wastewater or do-
4 mestic sewage;

5 (C) measures to manage, reduce, treat, or
6 recapture stormwater of subsurface drainage
7 water;

8 (D) measures to reduce the demand for
9 publicly owned treatment works capacity
10 through water conservation, efficiency, reuse,
11 and green infrastructure;

12 (E) measures to reduce energy consump-
13 tion needs for publicly owned treatment works;

14 (F) measures to improve the resiliency of
15 publicly owned treatment works to climate
16 change, extreme weather, sea-level rise, and
17 other hazards;

18 (G) measures to reduce the discharge of
19 perfluoroalkyl and polyfluoroalkyl substances
20 into the environment through publicly owned
21 treatment works; and

22 (H) any other wastewater infrastructure
23 project the administrator determines is appro-
24 priate.

1 (2) OTHER FEDERAL FUNDS.—Notwithstanding
2 any other provision of law, a project otherwise eligi-
3 ble under paragraph (1) shall not be ineligible for
4 funding because the project also received prior as-
5 sistance—

6 (A) from a State drinking water treatment
7 revolving loan fund established under section
8 1452 of the Safe Drinking Water Act (42
9 U.S.C. 300j–12);

10 (B) from a State water pollution control
11 revolving fund established under title VI of the
12 Federal Water Pollution Control Act (33 U.S.C.
13 1381 et seq.); or

14 (C) under the Water Infrastructure Fi-
15 nance and Innovation Act of 2014 (33 U.S.C.
16 3901 et seq.).

17 (3) NO INCREASED BONDING AUTHORITY.—
18 Amounts made available under the program may not
19 be used as a source of payment of, or security for
20 (directly or indirectly), in whole or in part, any obli-
21 gation the interest on which is exempt from the tax
22 imposed under chapter 1 of the Internal Revenue
23 Code of 1986.

24 (d) APPLICATION.—

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

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

9 (3) DEADLINE.—An application shall be sub-
10 mitted to the Administrator not later than 180 days
11 after the date on which the notice of funding oppor-
12 tunity and the selection criteria are issued under
13 subsection (e)(1)(B).

14 (e) SELECTION.—

15 (1) CRITERIA.—

16 (A) IN GENERAL.—The Administrator
17 shall establish criteria in accordance with this
18 subsection to use in selecting projects to receive
19 a grant under the program.

20 (B) PUBLICATION.—Not later than 90
21 days after the date on which funds are made
22 available to carry out the program for each fis-
23 cal year, the Administrator shall—

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

1 (ii) include in the notice the selection
2 criteria established under subparagraph
3 (A).

4 (2) PRIORITY.—In selecting projects to receive
5 a grant under the program, the Administrator shall
6 give priority to projects—

7 (A) for which a Federal grant would assist
8 in completing an overall financing package for
9 the project; and

10 (B) that would help bring publicly owned
11 treatment works (as defined in section 212 of
12 the Federal Water Pollution Control Act (33
13 U.S.C. 1292)) into compliance with the Federal
14 Water Pollution Control Act (33 U.S.C. 1251 et
15 seq.).

16 (3) GEOGRAPHICAL DISTRIBUTION.—For each
17 fiscal year, in providing grants under the program,
18 the Administrator shall ensure that the funds are
19 distributed—

20 (A) on an equitable geographical basis; and

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

23 (4) DEADLINE.—Not later than 18 months
24 after the date on which funds are made available to
25 carry out the program for each fiscal year, the Ad-

1 administrator shall select projects to receive grants
2 under the program.

3 (f) REQUIREMENTS.—

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

9 (2) FEDERAL SHARE.—

10 (A) IN GENERAL.—Subject to subpara-
11 graph (B), the Federal share of the cost of a
12 project carried out with a grant under the pro-
13 gram shall not exceed 80 percent.

14 (B) WAIVER.—The Administrator may
15 waive the requirement of subparagraph (A).

16 (g) REGULATIONS.—The Administrator may promul-
17 gate such regulations as may be necessary to carry out
18 this section.

19 (h) LABOR STANDARDS.—Notwithstanding any other
20 provision of law, the Administrator may not provide a
21 grant under the program for a project unless the project
22 meets the requirements described in section 513 of the
23 Federal Water Pollution Control Act (33 U.S.C. 1372).

24 (i) REPORTS.—Not later than 2 years after the date
25 of enactment of this Act, the Administrator shall submit

1 to Congress and make publicly available a report on the
2 implementation of the program.

3 (j) FUNDING.—

4 (1) AUTHORIZATION OF APPROPRIATIONS.—

5 There is authorized to be appropriated to carry out
6 this section \$1,000,000,000 for each of fiscal years
7 2022 through 2031.

8 (2) AVAILABILITY.—Funds made available to
9 carry out this section shall be available until ex-
10 pended.

11 (3) ADMINISTRATIVE COSTS.—Not more than 2
12 percent of the amount made available for a fiscal
13 year under paragraph (1) may be used by the Ad-
14 ministrator for the administrative costs of carrying
15 out the program.

16 (k) DAVIS-BACON.—

17 (1) IN GENERAL.—Notwithstanding any other
18 provision of law, all laborers and mechanics em-
19 ployed by contractors or subcontractors on projects
20 carried out in whole or in part using a grant under
21 the program shall be paid wages at rates not less
22 than those prevailing on projects of a similar char-
23 acter in the locality as determined by the Secretary
24 of Labor in accordance with subchapter IV of chap-

1 ter 31 of title 40, United States Code (commonly
2 known as the “Davis-Bacon Act”).

3 (2) **AUTHORITY.**—With respect to the labor
4 standards specified in paragraph (1), the Secretary
5 of Labor shall have the authority and functions set
6 forth in Reorganization Plan Numbered 14 of 1950
7 (64 Stat. 1267; 5 U.S.C. App.) and section 3145 of
8 title 40, United States Code.

9 (1) **BUY AMERICA.**—Notwithstanding any other provi-
10 sion of law, the Administrator may not provide a grant
11 under the program for a project unless the project meets
12 the requirements described in section 1452(a)(4) of the
13 Safe Drinking Water Act (42 U.S.C. 300j–12(a)(4)).

14 **SEC. 3. DRINKING WATER INFRASTRUCTURE DISCRE-**
15 **TIONARY GRANT PROGRAM.**

16 (a) **ESTABLISHMENT.**—Not later than 1 year after
17 the date of enactment of this Act, the Administrator of
18 the Environmental Protection Agency (referred to in this
19 section as the “Administrator”) shall establish a drinking
20 water discretionary grant program (referred to in this sec-
21 tion as the “program”) to provide grants, on a competitive
22 basis, to eligible entities described in subsection (b) for
23 investments in drinking water infrastructure projects.

24 (b) **ELIGIBLE ENTITIES.**—An entity eligible to re-
25 ceive a grant under the program is—

1 (1) a State, interstate, intermunicipal, or local
2 governmental entity, agency, or instrumentality;

3 (2) a Tribal government or consortium of Trib-
4 al governments;

5 (3) a State infrastructure financing authority;
6 and

7 (4) a community water system or nonprofit
8 noncommunity water system (as those terms are de-
9 fined in section 1401 of the Safe Drinking Water
10 Act (42 U.S.C. 300f)).

11 (c) ELIGIBLE PROJECTS.—

12 (1) IN GENERAL.—A project eligible to be car-
13 ried out with funds under the program includes—

14 (A) planning, design, siting,
15 preconstruction and construction activities re-
16 lated to replacing or rehabilitating aging treat-
17 ment, storage, or distribution facilities of public
18 water systems;

19 (B) for public water systems for which one
20 or more sources of drinking water is contami-
21 nated with perfluoroalkyl or polyfluoroalkyl sub-
22 stances that meet or exceed federal or state
23 drinking water health advisory levels or stand-
24 ards—

1 (i) treatment measures to reduce the
2 detectible levels of perfluoroalkyl or
3 polyfluoroalkyl substances; and

4 (ii) measures to connect the public
5 water system to a new drinking water
6 source;

7 (C) connecting households using well water
8 to a public water system;

9 (D) replacing lead pipes or service lines;

10 (E) measures that would bring public
11 water systems into compliance with the Safe
12 Drinking Water Act (42 U.S.C. 300f et seq.);
13 and

14 (F) any other drinking water infrastruc-
15 ture project that the Administrator determines
16 to appropriate.

17 (2) OTHER FEDERAL FUNDS.—Notwithstanding
18 any other provision of law, a project otherwise eligi-
19 ble under paragraph (1) shall not be ineligible for
20 funding because the project also received prior as-
21 sistance—

22 (A) from a State drinking water treatment
23 revolving loan fund established under section
24 1452 of the Safe Drinking Water Act (42
25 U.S.C. 300j–12);

1 (B) from a State water pollution control
2 revolving fund established under title VI of the
3 Federal Water Pollution Control Act (33 U.S.C.
4 1381 et seq.); or

5 (C) under the Water Infrastructure Fi-
6 nance and Innovation Act of 2014 (33 U.S.C.
7 3901 et seq.).

8 (3) NO INCREASED BONDING AUTHORITY.—
9 Amounts made available under the program may not
10 be used as a source of payment of, or security for
11 (directly or indirectly), in whole or in part, any obli-
12 gation the interest on which is exempt from the tax
13 imposed under chapter 1 of the Internal Revenue
14 Code of 1986.

15 (d) APPLICATION.—

16 (1) IN GENERAL.—To be eligible to receive a
17 grant under the program, an eligible entity shall
18 submit to the Administrator an application in such
19 manner and containing such information as the Ad-
20 ministrator may require.

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

24 (3) DEADLINE.—An application shall be sub-
25 mitted to the Administrator not later than 180 days

1 after the date on which the notice of funding oppor-
2 tunity and the selection criteria are issued under
3 subsection (e)(1)(B).

4 (e) SELECTION.—

5 (1) CRITERIA.—

6 (A) IN GENERAL.—The Administrator
7 shall establish criteria in accordance with this
8 subsection to use in selecting projects to receive
9 a grant under the program.

10 (B) PUBLICATION.—Not later than 90
11 days after the date on which funds are made
12 available to carry out the program for each fis-
13 cal year, the Administrator shall—

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

16 (ii) include in the notice the selection
17 criteria established under subparagraph
18 (A).

19 (2) PRIORITY.—In selecting projects to receive
20 a grant under the program, the Administrator shall
21 give priority to projects—

22 (A) for which a Federal grant would assist
23 in completing an overall financing package for
24 the project; and

1 (B) that would help bring public water sys-
2 tems (as defined in section 1401 of the Safe
3 Drinking Water Act (42 U.S.C. 300f)) into
4 compliance with the Safe Drinking Water Act
5 (42 U.S.C. 300f et seq.).

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

10 (A) on an equitable geographical basis; and

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

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

18 (f) REQUIREMENTS.—

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

24 (2) NON-FEDERAL SHARE.—

1 (A) IN GENERAL.—The non-Federal share
2 of the cost of a project carried out with a grant
3 under the program shall be not less than 20
4 percent.

5 (B) OTHER FEDERAL SOURCES.—An eligi-
6 ble entity receiving a grant under the program
7 may use funds provided from other Federal
8 sources to meet the non-Federal share require-
9 ment under subparagraph (A).

10 (g) REGULATIONS.—The Administrator may promul-
11 gate such regulations as may be necessary to carry out
12 this section.

13 (h) LABOR STANDARDS.—Notwithstanding any other
14 provision of law, the Administrator may not provide a
15 grant under the program for a project unless the project
16 meets the requirements described in section 1450(e) of the
17 Safe Drinking Water Act (42 U.S.C. 300j–9(e)).

18 (i) REPORTS.—Not later than 2 years after the date
19 of enactment of this Act, the Administrator shall submit
20 to Congress and make publicly available a report on the
21 implementation of the program.

22 (j) FUNDING.—

23 (1) AUTHORIZATION OF APPROPRIATIONS.—

24 There is authorized to be appropriated to carry out

1 this section \$1,000,000,000 for each of fiscal years
2 2022 through 2031.

3 (2) AVAILABILITY.—Funds made available to
4 carry out this section shall be available until ex-
5 pended.

6 (3) ADMINISTRATIVE COSTS.—Not more than 2
7 percent of the amount made available for a fiscal
8 year under paragraph (1) may be used by the Ad-
9 ministrator for the administrative costs of carrying
10 out the program.

11 (k) DAVIS-BACON.—

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

22 (2) AUTHORITY.—With respect to the labor
23 standards specified in paragraph (1), the Secretary
24 of Labor shall have the authority and functions set
25 forth in Reorganization Plan Numbered 14 of 1950

1 (64 Stat. 1267; 5 U.S.C. App.) and section 3145 of
2 title 40, United States Code.

3 (l) BUY AMERICA.—Notwithstanding any other provi-
4 sion of law, the Administrator may not provide a grant
5 under the program for a project unless the project meets
6 the requirements described in section 1452(a)(4) of the
7 Safe Drinking Water Act (42 U.S.C. 300j–12(a)(4)).

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