

117TH CONGRESS
2D SESSION

S. 3893

To collect information regarding water access needs across the United States, to provide grants for decentralized drinking water systems, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 22, 2022

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

A BILL

To collect information regarding water access needs across the United States, to provide grants for decentralized drinking water systems, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Water, Sanitation, and
5 Hygiene Sector Development Act of 2022” or the “WASH
6 Sector Development Act of 2022”.

7 **SEC. 2. DEFINITIONS.**

8 In this Act:

1 (1) ADMINISTRATOR.—The term “Adminis-
2 trator” means the Administrator of the Environ-
3 mental Protection Agency.

4 (2) INDIAN TRIBE.—The term “Indian Tribe”
5 means any Indian or Alaska Native tribe, band, na-
6 tion, pueblo, village, community, component band, or
7 component reservation individually identified (includ-
8 ing parenthetically) in the list published most re-
9 cently as of the date of enactment of this Act pursu-
10 ant to section 104 of the Federally Recognized In-
11 dian Tribe List Act of 1994 (25 U.S.C. 5131).

12 (3) STATE.—The term “State” means—

13 (A) each of the 50 States;

14 (B) the District of Columbia; and

15 (C) any territory of the United States.

16 (4) TRIBAL GOVERNMENT.—The term “Tribal
17 government” means the recognized governing body
18 of an Indian Tribe.

19 **SEC. 3. WATER AND SANITATION NEEDS WORKING GROUP.**

20 (a) IN GENERAL.—Not later than 180 days after the
21 date of enactment of this Act, the Administrator shall es-
22 tablish a working group, to be known as the “Water and
23 Sanitation Needs Working Group” (referred to in this sec-
24 tion as the “Working Group”)—

1 (1) to work with a Federal agency or independ-
2 ently to carry out a survey that will measure, as ac-
3 curately as possible, the number and approximate
4 geographic distribution of households in the United
5 States that do not have access to drinking water in-
6 frastructure or a means for the safe collection and
7 disposal of wastewater; and

8 (2) on the basis of the results of the survey car-
9 ried out under paragraph (1), to prepare a report
10 for Congress that estimates the cost of capital im-
11 provements that would be needed to ensure that all
12 households in the United States have access to reli-
13 able drinking water and adequate sanitation, subject
14 to the conditions that—

15 (A) to the extent practicable, the cost esti-
16 mate prepared under this paragraph shall take
17 into consideration the cost of project proposals
18 that may be submitted by individuals, the re-
19 search community, nonprofit organizations with
20 experience in the water and sanitation sectors,
21 and Federal, State, local, or Tribal government
22 agencies consistent with guidance provided by
23 the Working Group; and

24 (B) the Working Group will not be re-
25 quired to collect or report personally identifiable

1 information, but can maintain information with
2 respect to drinking water and sanitation needs
3 based on ZIP Code or another appropriate geo-
4 graphic breakdown.

5 (b) CHAIRPERSON; MEMBERSHIP.—

6 (1) CHAIRPERSON.—The Administrator shall
7 serve as the chairperson of the Working Group.

8 (2) MEMBERSHIP.—In addition to the Adminis-
9 trator, the Working Group shall comprise senior rep-
10 resentatives from such Federal agencies as the Ad-
11 ministrator determines to be appropriate, includ-
12 ing—

13 (A) the Department of the Interior, includ-
14 ing the Bureau of Indian Affairs;

15 (B) the Department of Agriculture;

16 (C) the Census Bureau;

17 (D) the Department of Health and Human
18 Services, including the Indian Health Service;

19 and

20 (E) the Department of Housing and Urban
21 Development.

22 (c) DUTIES.—The Working Group shall—

23 (1) leverage the expertise of industry, the re-
24 search community, nongovernmental organizations,
25 and utilities, including through the incorporation of

1 information that could be collected by utilities, cir-
2 cuit riders, and technical assistance providers;

3 (2) consult, on a regular basis, with States,
4 units of local government, Indian tribes, and rel-
5 evant Federal agencies not included in the member-
6 ship of the Working Group; and

7 (3) in carrying out subsection (a)—

8 (A) seek to determine whether the decen-
9 nial census or another existing survey of the
10 Federal Government presents an efficient op-
11 portunity for collecting the information de-
12 scribed in paragraph (1) of that subsection;

13 (B) seek to coordinate Federal programs
14 and policies to support the collection and use of
15 the information described in that subsection;

16 (C) develop a methodology for creating the
17 cost estimate required under paragraph (2) of
18 that subsection; and

19 (D) oversee the collection of—

20 (i) the information described in para-
21 graph (1) of that subsection; and

22 (ii) the information necessary to cre-
23 ate the cost estimate required under para-
24 graph (2) of that subsection.

1 (d) REPORT ON WATER AND SANITATION NEEDS.—

2 Not less frequently than once every 2 years, the Adminis-
3 trator shall submit to Congress a report that describes the
4 activities and findings of the Working Group, including—

5 (1) an explanation of the methodology used by
6 the Working Group to determine drinking water and
7 sanitation needs;

8 (2) an estimate of the amount of funds nec-
9 essary to provide all households with access to reli-
10 able drinking water and adequate sanitation; and

11 (3) a breakdown by State and, if possible, con-
12 gressional district of—

13 (A) drinking water and sanitation needs;
14 and

15 (B) the amount of funding required to ad-
16 dress those needs.

17 (e) AUTHORIZATION OF APPROPRIATIONS.—There
18 are authorized to be appropriated to the Administrator
19 and other necessary Federal agencies to collect the infor-
20 mation and prepare the reports required under this sec-
21 tion—

22 (1) for each of fiscal years 2023 through 2027,
23 \$10,000,000; and

24 (2) for fiscal year 2028 and each fiscal year
25 thereafter, such sums as may be necessary.

1 **SEC. 4. GRANTS FOR CONSTRUCTION AND REFURBISH-**
 2 **MENT OF INDIVIDUAL HOUSEHOLD OR COM-**
 3 **MUNITY DECENTRALIZED DRINKING WATER**
 4 **SYSTEMS FOR INDIVIDUALS WITH LOW OR**
 5 **MODERATE INCOME.**

6 Part E of the Safe Drinking Water Act (42 U.S.C.
 7 300j et seq.) is amended by adding at the end the fol-
 8 lowing:

9 **“SEC. 1459H. GRANTS FOR CONSTRUCTION AND REFUR-**
 10 **BISHMENT OF INDIVIDUAL HOUSEHOLD OR**
 11 **COMMUNITY DECENTRALIZED DRINKING**
 12 **WATER SYSTEMS FOR INDIVIDUALS WITH**
 13 **LOW OR MODERATE INCOME.**

14 **“(a) DEFINITIONS.—**In this section:

15 **“(1) ELIGIBLE INDIVIDUAL.—**The term ‘eligible
 16 individual’ means a member of a low-income or mod-
 17 erate-income household, the members of which have
 18 a combined income (for the most recent 12-month
 19 period for which information is available) equal to
 20 not more than 80 percent of the median nonmetro-
 21 politan household income for the State, Indian land,
 22 or territory in which the household is located, ac-
 23 cording to the most recent information collected by
 24 the Census Bureau.

25 **“(2) INDIAN LAND.—**The term ‘Indian land’ in-
 26 cludes—

1 “(A) Indian country (as defined in section
2 1151 of title 18, United States Code);

3 “(B) any land in Alaska owned, pursuant
4 to the Alaska Native Claims Settlement Act (43
5 U.S.C. 1601 et seq.), by an Indian tribe that is
6 a Native village (as defined in section 3 of that
7 Act (43 U.S.C. 1602)) or by a Village Corpora-
8 tion (as defined in section 3 of that Act (43
9 U.S.C. 1602)) that is associated with an Indian
10 tribe;

11 “(C) any land on which the seat of a Trib-
12 al government (as defined in section 2 of the
13 WASH Sector Development Act of 2022) is lo-
14 cated; and

15 “(D) any land that is part of a Tribal des-
16 ignated statistical area associated with an In-
17 dian tribe, or an Alaska Native village statis-
18 tical area associated with an Indian tribe, as
19 defined by the Census Bureau for the purposes
20 of the most recent decennial census.

21 “(b) GRANT PROGRAM.—

22 “(1) IN GENERAL.—Subject to the availability
23 of appropriations, the Administrator shall establish a
24 program under which the Administrator shall pro-
25 vide grants to private nonprofit organizations for the

1 purpose of improving general welfare by providing
2 assistance to eligible individuals—

3 “(A) for the construction, repair, or re-
4 placement of an individual household decentral-
5 ized drinking water system;

6 “(B) for the installation of a larger decen-
7 tralized drinking water system that is designed
8 to provide treatment or drinking water for 2 or
9 more households in which eligible individuals re-
10 side, if—

11 “(i) site conditions at the households
12 are unsuitable for the installation of an in-
13 dividually owned decentralized drinking
14 water 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 drinking
19 water system could be cost-effectively in-
20 stalled; or

21 “(C) for the creation and support of an on-
22 site maintenance entity or user association with
23 the ability to collect fees to provide for the on-
24 going operation, maintenance, and replacement

1 of an installed decentralized drinking water sys-
2 tem.

3 “(2) APPLICATION.—To be eligible to receive a
4 grant under this subsection, a private nonprofit or-
5 ganization shall submit to the Administrator an ap-
6 plication at such time, in such manner, and con-
7 taining such information as the Administrator deter-
8 mines to be appropriate.

9 “(3) PRIORITY.—In awarding grants under this
10 subsection, the Administrator shall give priority to
11 applicants that—

12 “(A) have demonstrated expertise in work-
13 ing with local communities to implement infra-
14 structure projects, such as experience pro-
15 moting the safe and effective use of household
16 decentralized drinking water systems;

17 “(B) propose to serve individuals or com-
18 munities lacking—

19 “(i) a safe drinking water system; and

20 “(ii) a feasible connection to a reliable
21 public water system; and

22 “(C) demonstrate that the decentralized
23 drinking water infrastructure to be constructed,
24 repaired, or replaced using amounts from a
25 grant under this subsection will be operated,

1 maintained, and replaced by the individuals or
2 communities that will use the infrastructure,
3 which may be demonstrated through—

4 “(i) a study demonstrating the ability
5 of the individual or community to pay for
6 that operation, maintenance, and replace-
7 ment; or

8 “(ii) the creation of an on-site mainte-
9 nance entity or user association with the
10 ability to collect fees to provide for ongoing
11 operation, maintenance, and replacement.

12 “(4) ADMINISTRATIVE EXPENSES.—A private
13 nonprofit organization may use amounts provided
14 under this subsection to pay the administrative ex-
15 penses associated with the provision of the services
16 described in paragraph (1), as the Administrator de-
17 termines to be appropriate.

18 “(c) GRANTS.—

19 “(1) IN GENERAL.—Subject to paragraph (2), a
20 private nonprofit organization shall use a grant pro-
21 vided under subsection (b) for the services described
22 in paragraph (1) of that subsection.

23 “(2) APPLICATION.—To be eligible to receive
24 the services described in subsection (b)(1), an eligi-
25 ble individual shall submit to the private nonprofit

1 organization serving the area in which the individual
2 or community household decentralized drinking
3 water system of the eligible individuals is, or is pro-
4 posed to be, located an application at such time, in
5 such manner, and containing such information as
6 the private nonprofit organization determines to be
7 appropriate.

8 “(3) PRIORITY.—In awarding grants under this
9 subsection, a private nonprofit organization shall
10 give priority to any eligible individual who does not
11 have—

12 “(A) access to a drinking water system;
13 and

14 “(B) a feasible connection to a reliable
15 public water system.

16 “(d) REPORT.—Not later than 2 years after the date
17 of enactment of this section, the Administrator shall sub-
18 mit to the Committee on Environment and Public Works
19 of the Senate and the Committee on Energy and Com-
20 merce of the House of Representatives a report describing
21 the recipients of grants under the program under this sec-
22 tion and the results of the program under this section.

23 “(e) AUTHORIZATION OF APPROPRIATIONS.—

24 “(1) IN GENERAL.—There is authorized to be
25 appropriated to the Administrator to carry out this

1 section \$50,000,000 for each of fiscal years 2023
2 through 2027.

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

7 “(3) INDIAN LAND.—Of the amounts made
8 available under paragraph (1), the Administrator
9 shall use not less than 5 percent to make grants to
10 private nonprofit organizations that serve eligible in-
11 dividuals that reside on Indian land.”.

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