



Water Infrastructure Legislation in the 116th Congress: EPA, Reclamation, and U.S. Army Corps of Engineers Provisions

June 26, 2020

Legislation in the 116th Congress addresses water infrastructure activities of several federal agencies, including the U.S. Environmental Protection Agency (EPA), Bureau of Reclamation (Reclamation), and U.S. Army Corps of Engineers (USACE). This Insight highlights water infrastructure programs and authorities administered by these agencies that are included in three bills:

- Moving Forward Act (H.R. 2; [Rules Committee Print 116-54](#)),
- Drinking Water Infrastructure Act of 2020 (DWIA2020; S. 3590), and
- America’s Water Infrastructure Act of 2020 (AWIA2020; S. 3591).

The final section of the Insight identifies other water-related topics addressed in the Moving Forward Act and AWIA 2020, including authorities for other agencies.

Environmental Protection Agency in Moving Forward Act, DWIA 2020, and AWIA 2020

EPA administers several [wastewater and drinking water infrastructure programs](#). These include the Clean Water State Revolving Fund ([CWSRF](#)) and the Drinking Water State Revolving Fund ([DWSRF](#)) programs—both of which are implemented by the states—and the Water Infrastructure Finance and Innovation Act ([WIFIA](#)) program, among other programs.

Wastewater

AWIA 2020 would direct EPA to establish (subject to appropriations) several new grant programs for wastewater infrastructure projects. Program objectives vary and include resiliency and efficiency at wastewater facilities and support for projects in lower-income or smaller population communities. AWIA would reauthorize appropriations for the CWSRF and require states to use not less than 10% of their annual grants to provide additional subsidies (e.g., grants or loan forgiveness) to eligible recipients.

Congressional Research Service

<https://crsreports.congress.gov>

IN11437

CWSRF appropriations have included similar provisions since the American Recovery and Reinvestment Act of 2009 (P.L. 111-5). Additionally, AWIA would reauthorize appropriations for WIFIA and the [Alaska Native Villages](#) grant program.

The Moving Forward Act would amend and reauthorize several infrastructure programs, including programs that have never received appropriations. For several programs, the bill would establish funding carve-outs for communities with a population less than 10,000. Additionally, it would reauthorize appropriations for the CWSRF and require states to use not less than 15% of their CWSRF grants for specific project types (e.g., [green infrastructure](#)) and not less than 10% to provide additional subsidies to eligible recipients. The bill also would amend the CWSRF funding provisions for Indian tribes and U.S. territories.

Drinking Water

An EPA-specific drinking water bill, DWIA 2020, would establish grant programs and revise Safe Drinking Water Act (SDWA) and related assistance programs to support objectives including improving water system resilience to natural hazards; reducing lead in drinking water; and assisting small, rural, disadvantaged and/or tribal systems. Regarding the DWSRF, DWIA would (1) require states to provide 14% of their annual grant as additional subsidies for disadvantaged communities; (2) reauthorize a DWSRF appropriation set-aside for small system technical assistance; and (3) expand eligible activities for the DWSRF emerging contaminant grant program, to include groundwater remediation of [per- and polyfluoroalkyl substances \(PFAS\)](#). Additionally, DWIA would direct EPA to promulgate SDWA regulations for [certain PFAS](#).

The Moving Forward Act would reauthorize appropriations for the DWSRF program for FY2022 through FY2025 and remove the fiscal year limitation on the American iron and steel requirement for DWSRF-funded projects. The bill would reauthorize appropriations for several drinking water programs and establish a grant program for certain water systems for improvements to remove all detectable PFAS.

Bureau of Reclamation in Moving Forward Act

[Pursuant to the Reclamation Act of 1902](#), Reclamation is responsible for the management and development of many of the large federal dams and water diversion structures in the 17 conterminous states west of the Mississippi River. The Moving Forward Act would incorporate portions of [draft Reclamation legislation released earlier this year by Representative Huffman \(CA-02\)](#), including creation of a new annual reporting process to identify certain Reclamation projects for potential congressional authorization. It also would extend and amend an authority under [Section 4007 of the WIIN Act](#) (P.L. 114-322) that provides for construction of new or expanded state and federally led surface and groundwater storage projects, and it would extend [grant authority for water reuse and recycling and desalination projects](#) provided under that act. It also would extend authority for several parts of Reclamation's [WaterSMART](#) program.

The Moving Forward Act incorporates provisions related to certain [Indian water rights settlements](#) involving the federal government. Among other things, it would authorize the [Navajo Utah Settlement](#). It also would extend in perpetuity (beginning FY2031) \$120 million per year in mandatory appropriations for the Reclamation Water Settlements Fund. These appropriations currently end after FY2029.

USACE in Moving Forward Act and AWIA 2020

Congress has tasked USACE with [improving navigation, reducing flood risks, and restoring aquatic ecosystems](#). AWIA2020 would authorize studies, projects, and programs, with authorizations of

appropriations totaling roughly \$9 billion. It would expand the agency's authorities to perform rural water supply projects and to address aquatic and terrestrial invasive species.

The Moving Forward Act would provide \$15 billion for USACE's Construction and Operations and Maintenance account in addition to [annual USACE appropriations](#).

Commercial navigation users support federal navigation investments through the [Inland Waterways Trust Fund \(IWTF\)](#) and the Harbor Maintenance Trust Fund (HMTF).

- AWIA 2020 would reduce the IWTF contribution to inland waterway construction costs from 50% to 35%.
- In the March 2020 CARES Act ([P.L. 116-136](#)), Congress made future discretionary spending from the HMTF for USACE activities not count toward annual budget caps for an amount equal to the prior year's HMTF deposits. The Moving Forward Act would amend the adjustment to apply to HMTF funds provided to USACE for activities designated as for harbor operations and maintenance. The HMTF has a \$9.6 billion balance.

Other Water-Related Provisions in Moving Forward Act and AWIA 2020

Table 1 identifies other water-related topics addressed in the Moving Forward Act and AWIA2020, including authorities for other agencies.

Table 1. Selected Other Water-Related Provisions in Moving Forward Act and AWIA 2020

Moving Forward Act (H.R. 2; Rules Committee Print 116-54)	AWIA 2020 (S. 3591)
<ul style="list-style-type: none"> • Regional restoration initiatives (Division F). • Tribal water infrastructure (Division L). • Nonfederal dam safety and hydropower (Division G). • Coastal resilience fund (Division F). 	<ul style="list-style-type: none"> • Regional restoration initiatives (Title III). • Tribal water resource projects and Indian irrigation infrastructure (Title III). • Nonfederal high hazard dam rehabilitation (Title I).

Source: CRS using identified legislation.

Author Information

Nicole T. Carter
Specialist in Natural Resources Policy

Jonathan L. Ramseur
Specialist in Environmental Policy

Elena H. Humphreys
Analyst in Environmental Policy

Charles V. Stern
Specialist in Natural Resources Policy

Disclaimer

This document was prepared by the Congressional Research Service (CRS). CRS serves as nonpartisan shared staff to congressional committees and Members of Congress. It operates solely at the behest of and under the direction of Congress. Information in a CRS Report should not be relied upon for purposes other than public understanding of information that has been provided by CRS to Members of Congress in connection with CRS's institutional role. CRS Reports, as a work of the United States Government, are not subject to copyright protection in the United States. Any CRS Report may be reproduced and distributed in its entirety without permission from CRS. However, as a CRS Report may include copyrighted images or material from a third party, you may need to obtain the permission of the copyright holder if you wish to copy or otherwise use copyrighted material.