

114TH CONGRESS  
2D SESSION

# S. 2588

To provide grants to eligible entities to reduce lead in drinking water.

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IN THE SENATE OF THE UNITED STATES

FEBRUARY 25, 2016

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

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## A BILL

To provide grants to eligible entities to reduce lead in drinking water.

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 “Grants and Education  
5 To Tackle Homeowner Exposure to Lead Ensuring Amer-  
6 ica Drinks Only from Unpolluted Taps Act of 2016” or  
7 the “GET THE LEAD OUT Act of 2016”.

8 **SEC. 2. REDUCING LEAD IN DRINKING WATER.**

9 (a) DEFINITIONS.—In this section:

1 (1) ELIGIBLE ENTITY.—The term “eligible enti-  
2 ty” means—

3 (A) a community water system (as defined  
4 in section 1401 of the Safe Drinking Water Act  
5 (42 U.S.C. 300f));

6 (B) a system located in an area governed  
7 by an Indian Tribe (as defined in that section);

8 (C) a nontransient noncommunity water  
9 system;

10 (D) a qualified nonprofit organization, as  
11 determined by the Administrator; and

12 (E) a municipality or State, interstate, or  
13 intermunicipal agency.

14 (2) LEAD REDUCTION PROJECT.—

15 (A) IN GENERAL.—The term “lead reduc-  
16 tion project” means a project or activity the  
17 primary purpose of which is to reduce the level  
18 of lead in water for human consumption by—

19 (i) replacement of publicly owned por-  
20 tions of lead service lines;

21 (ii) testing, planning, or other relevant  
22 activities, as determined by the Adminis-  
23 trator, to identify and address conditions  
24 (including corrosion control) that con-

1           tribute to increased lead levels in water for  
2           human consumption;

3           (iii) assistance to low-income home-  
4           owners to replace privately owned portions  
5           of service lines, pipes, fittings, or fixtures  
6           that contain lead; and

7           (iv) education of consumers regarding  
8           measures to reduce exposure to lead from  
9           drinking water or other sources.

10           (B) LIMITATION.—The term “lead reduc-  
11           tion project” does not include a partial lead  
12           service line replacement if, at the conclusion of  
13           that service line replacement, drinking water is  
14           delivered to a household through a publicly or  
15           privately owned portion of a lead service line.

16           (3) LOW-INCOME.—The term “low-income”,  
17           with respect to an individual provided assistance  
18           under this section, has such meaning as may be  
19           given the term by the head of the municipality or  
20           State, interstate, or intermunicipal agency with ju-  
21           risdiction over the area to which assistance is pro-  
22           vided.

23           (4) MUNICIPALITY.—The term “municipality”  
24           means—

1 (A) a city, town, borough, county, parish,  
2 district, association, or other public entity es-  
3 tablished by, or pursuant to, applicable State  
4 law; and

5 (B) an Indian tribe (as defined in section  
6 4 of the Indian Self-Determination and Edu-  
7 cation Assistance Act (25 U.S.C. 450b)).

8 (b) GRANT PROGRAM.—

9 (1) ESTABLISHMENT.—Not later than 180 days  
10 after the date of enactment of this Act, the Adminis-  
11 trator shall establish a grant program to provide as-  
12 sistance to eligible entities for lead reduction  
13 projects in the United States.

14 (2) EVALUATION.—In providing assistance  
15 under this section, the Administrator shall evalu-  
16 ate—

17 (A) that an eligible entity applying for as-  
18 sistance has identified the source of lead in  
19 water for human consumption; and

20 (B) the means by which the proposed lead  
21 reduction project would reduce lead levels in the  
22 applicable water system.

23 (3) PRIORITY APPLICATION.—In providing  
24 grants under this subsection, the Administrator shall  
25 give priority to an eligible entity that—

1 (A) carries out a lead reduction project at  
2 a public water system or nontransient non-  
3 community water system that has exceeded the  
4 lead action level established by the Adminis-  
5 trator at any time during the 3-year period pre-  
6 ceding the date of submission of the application  
7 of the eligible entity;

8 (B) addresses lead levels in water for  
9 human consumption at a school, daycare, or  
10 other facility that primarily serves children or  
11 another vulnerable human subpopulation; or

12 (C) addresses such priority criteria as the  
13 Administrator may establish, consistent with  
14 the goal of reducing lead levels of concern.

15 (4) COST SHARING.—

16 (A) IN GENERAL.—Subject to subpara-  
17 graph (B), the non-Federal share of the total  
18 cost of a project funded by a grant under this  
19 subsection shall be not less than 20 percent.

20 (B) WAIVER.—The Administrator may re-  
21 duce or eliminate the non-Federal share under  
22 subparagraph (A) for reasons of affordability,  
23 as the Administrator determines to be appro-  
24 priate.

25 (5) LOW-INCOME ASSISTANCE.—

1 (A) IN GENERAL.—Subject to subpara-  
2 graph (B), an eligible entity may use a grant  
3 provided under this subsection to provide assist-  
4 ance to low-income homeowners to carry out  
5 lead reduction projects.

6 (B) LIMITATION.—The amount of a grant  
7 provided to a low-income homeowner under this  
8 paragraph shall not exceed the cost of replace-  
9 ment of the privately owned portion of the serv-  
10 ice line.

11 (6) SPECIAL CONSIDERATION FOR LEAD SERV-  
12 ICE LINE REPLACEMENT.—In carrying out lead serv-  
13 ice line replacement using a grant under this sub-  
14 section, an eligible entity shall—

15 (A) notify customers of the planned re-  
16 placement of any publicly owned portion of the  
17 lead service line;

18 (B) offer—

19 (i) in the case of a homeowner that is  
20 not low-income, to replace the privately  
21 owned portion of the lead service line at  
22 the cost of replacement; and

23 (ii) in the case of a low-income home-  
24 owner, to replace the privately owned por-  
25 tion of the lead service line and any pipes,

1 fittings, and fixtures that contain lead at a  
2 cost that is equal to the difference be-  
3 tween—

4 (I) the cost of replacement; and

5 (II) the amount of low-income as-  
6 sistance available to the homeowner  
7 under paragraph (5);

8 (C) notify each customer that a planned  
9 replacement of any publicly owned portion of a  
10 lead service line that is funded by a grant made  
11 under this subsection will not be carried out un-  
12 less the customer consents to the simultaneous  
13 replacement of the privately owned portion of  
14 the lead service line; and

15 (D) demonstrate that the eligible entity  
16 has considered multiple options for reducing  
17 lead in drinking water, including an evaluation  
18 of options for corrosion control.

19 (c) AUTHORIZATION OF APPROPRIATIONS.—There is  
20 authorized to be appropriated to carry out this Act  
21 \$60,000,000 for each of fiscal years 2017 through 2021.

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