

116TH CONGRESS
2D SESSION

S. 3590

To amend the Safe Drinking Water Act to reauthorize certain provisions,
and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 4, 2020

Mr. BARRASSO (for himself, Mr. CARPER, Ms. DUCKWORTH, and Mr. CRAMER) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To amend the Safe Drinking Water Act to reauthorize
certain provisions, 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 “Drinking Water Infra-
5 structure Act of 2020”.

6 **SEC. 2. HOST COMMUNITIES.**

7 Section 1433(g) of the Safe Drinking Water Act (42
8 U.S.C. 300i–2(g)) is amended—

9 (1) in paragraph (1)—

1 (A) by striking the period at the end and
2 inserting “; or”;

3 (B) by striking “for the purpose of in-
4 creasing” and inserting the following: “for the
5 purpose of—

6 “(A) increasing”; and

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

8 “(B) increasing the capacity of the com-
9 munity water system to adapt to an increase in
10 population served by the community water sys-
11 tem that is primarily caused by a natural haz-
12 ard or a malevolent act in another community
13 or State.”;

14 (2) in paragraph (5)—

15 (A) in the heading, by striking “SMALL”
16 and inserting “SMALL, RURAL, AND DISADVAN-
17 TAGED”;

18 (B) by striking “a population of less than
19 3,300 persons” and inserting “disadvantaged
20 communities or populations of fewer than
21 10,000 persons”; and

22 (C) by striking “of this section”; and

23 (3) in paragraph (6), by striking “fiscal years
24 2020 and 2021” and inserting “fiscal years 2021
25 and 2022”.

1 **SEC. 3. TECHNICAL ASSISTANCE AND GRANTS FOR EMER-**
2 **GENCIES AFFECTING PUBLIC WATER SYS-**
3 **TEMS.**

4 Section 1442 of the Safe Drinking Water Act (42
5 U.S.C. 300j–1) is amended—

6 (1) in subsection (b), in the first sentence, by
7 inserting “, including a threat to public health re-
8 sulting from contaminants, such as, but not limited
9 to, heightened exposure to lead in drinking water”
10 after “public health”;

11 (2) by striking subsection (d) and inserting the
12 following:

13 “(d) AUTHORIZATION OF APPROPRIATIONS.—There
14 is authorized to be appropriated to carry out subsection
15 (b) \$35,000,000 for each of fiscal years 2021 through
16 2024.”; and

17 (3) in subsection (e)(5), by striking “2015
18 through 2020” and inserting “2021 through 2024”.

19 **SEC. 4. DRINKING WATER STATE REVOLVING LOAN FUNDS.**

20 (a) DRINKING WATER RELIEF FOR SMALL, RURAL,
21 AND DISADVANTAGED COMMUNITIES.—Section 1452 of
22 the Safe Drinking Water Act (42 U.S.C. 300j–12) is
23 amended—

24 (1) in subsection (a)—

25 (A) in paragraph (2), by adding at the end
26 the following:

1 “(H) REQUIRED SUBSIDIES FOR PUBLIC
2 WATER SYSTEMS.—

3 “(i) IN GENERAL.—Notwithstanding
4 any other provision of this paragraph and
5 to the extent that there are sufficient ap-
6 plications from public water systems, a
7 State shall use not less than 14 percent of
8 a capitalization grant to the State under
9 this section to provide the additional sub-
10 sidies described in clause (ii) to public
11 water systems if the additional subsidies
12 described in that clause are used—

13 “(I) as initial financing for the
14 public water system; or

15 “(II) to buy, refinance, or re-
16 structure the debt obligations of the
17 public water system, if—

18 “(aa) the debt obligation
19 was incurred on or after the date
20 of enactment of this subpara-
21 graph; or

22 “(bb) for a debt obligation
23 that was incurred before the date
24 of enactment of this subpara-
25 graph—

1 “(AA) the State, with
2 the concurrence of the Ad-
3 ministrators, determines that
4 the additional subsidies de-
5 scribed in clause (ii) would
6 help the public water system
7 address a threat to public
8 health from heightened ex-
9 posure to contaminants (in-
10 cluding lead) in drinking
11 water; or

12 “(BB) before the date
13 of enactment of this sub-
14 paragraph, an emergency
15 has been declared by the
16 President under section 501
17 of the Robert T. Stafford
18 Disaster Relief and Emer-
19 gency Assistance Act (42
20 U.S.C. 5191) or a State
21 emergency declaration has
22 been issued due to a threat
23 to public health, including a
24 threat from heightened ex-
25 posure to lead, in the munic-

1 ipal drinking water supply of
2 the public water system.

3 “(ii) ADDITIONAL SUBSIDIES DE-
4 SCRIBED.—The additional subsidies re-
5 ferred to in clause (i) are—

6 “(I) forgiveness of principal of
7 loans owed to the State loan fund of
8 the State;

9 “(II) negative interest loans;

10 “(III) grants; or

11 “(IV) a combination of the sub-
12 sidies described in subclauses (I)
13 through (III).”;

14 (B) in paragraph (4)(A), by striking “Dur-
15 ing fiscal years 2019 through 2023, funds” and
16 inserting “Funds”; and

17 (2) in subsection (q), by striking “2016 through
18 2021” and inserting “2021 through 2024”.

19 (b) REMEDIATION OF CONTAMINATION.—Section
20 1452 of the Safe Drinking Water Act (42 U.S.C. 300j-
21 12) is amended—

22 (1) in subsection (a)(2)(G)—

23 (A) in clause (i)—

24 (i) by striking “only”; and

1 (ii) by striking the clause designation
2 and heading and all that follows through
3 “clause (ii),” and inserting the following:

4 “(i) DRINKING WATER.—

5 “(I) IN GENERAL.—Notwith-
6 standing any other provision of law
7 and subject to subclause (II),”;

8 (B) in clause (ii)—

9 (i) in subclause (I)—

10 (I) in the matter preceding item
11 (aa), by striking “amounts described
12 in clause (i)” and inserting “amounts
13 made available to carry out this
14 clause”; and

15 (II) by redesignating items (aa)
16 and (bb) as subitems (AA) and (BB),
17 respectively, and indenting appro-
18 priately;

19 (ii) in subclause (II), by striking
20 “amounts described in clause (i)” and in-
21 serting “amounts made available to carry
22 out this clause”; and

23 (iii) by redesignating subclauses (I)
24 and (II) as items (aa) and (bb), respec-
25 tively, and indenting appropriately;

1 (C) by redesignating clause (ii) as sub-
2 clause (II) and indenting appropriately; and

3 (D) by inserting before clause (iii) the fol-
4 lowing:

5 “(ii) REMEDIATION OF CONTAMINA-
6 TION OF GROUNDWATER.—

7 “(I) DEFINITION OF ELIGIBLE
8 SITE.—In this clause, the term ‘eligi-
9 ble site’ means a site at which an
10 emerging contaminant is present in,
11 or has the potential to enter, a public
12 water system or an underground
13 source of drinking water.

14 “(II) GRANTS.—Notwithstanding
15 any other provision of law and subject
16 to subclause (III), amounts deposited
17 under subsection (t) in a State loan
18 fund established under this section
19 may be used to provide grants to ad-
20 dress contamination of groundwater
21 at an eligible site, with a focus on
22 perfluoroalkyl and polyfluoroalkyl sub-
23 stances.

24 “(III) REQUIREMENTS.—

1 “(aa) PRIORITIES.—In se-
 2 lecting the recipient of a grant
 3 using amounts made available to
 4 carry out this clause, a State
 5 shall use the priorities described
 6 in subsection (b)(3)(A).

7 “(bb) CLEANUP STAND-
 8 ARDS.—Any detection, treatment,
 9 and remediation of groundwater
 10 carried out using amounts made
 11 available to carry out this clause
 12 shall be carried out in accordance
 13 with applicable State toxicity val-
 14 ues, standards, and regulations
 15 of the State in which the detec-
 16 tion, treatment, or remediation is
 17 being carried out.”; and

18 (2) in subsection (t)(2), by striking
 19 “\$100,000,000 for each of fiscal years 2020” and
 20 inserting “\$300,000,000 for each of fiscal years
 21 2021”.

22 **SEC. 5. SOURCE WATER PETITION PROGRAM.**

23 Section 1454 of the Safe Drinking Water Act (42
 24 U.S.C. 300j-14) is amended—

25 (1) in subsection (a)—

1 (A) in paragraph (1)(A), in the matter
2 preceding clause (i), by striking “political sub-
3 division of a State,” and inserting “political
4 subdivision of a State (including a county that
5 is designated by the State to act on behalf of
6 an unincorporated area within that county, with
7 the agreement of that unincorporated area),”;

8 (B) in paragraph (4)(D)(i), by inserting
9 “(including a county that is designated by the
10 State to act on behalf of an unincorporated
11 area within that county)” after “of the State”;
12 and

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

14 “(5) SAVINGS PROVISION.—Unless otherwise
15 provided within the agreement, an agreement be-
16 tween an unincorporated area and a county for the
17 county to submit a petition under paragraph (1)(A)
18 on behalf of the unincorporated area shall not au-
19 thorize the county to act on behalf of the unincor-
20 porated area in any matter not within a program
21 under this section.”; and

22 (2) in subsection (e), in the first sentence, by
23 striking “2021” and inserting “2024”.

1 **SEC. 6. ASSISTANCE FOR SMALL AND DISADVANTAGED**
2 **COMMUNITIES.**

3 (a) EXISTING PROGRAMS.—Section 1459A of the
4 Safe Drinking Water Act (42 U.S.C. 300j–19a) is amend-
5 ed—

6 (1) in subsection (b)(2)—

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

9 (B) in subparagraph (C), by striking the
10 period at the end and inserting a semicolon;
11 and

12 (C) by adding at the end the following:

13 “(D) the purchase of point-of-entry or
14 point-of-use filters that are independently cer-
15 tified using science-based test methods for the
16 removal of contaminants of concern;

17 “(E) investments necessary for providing
18 accurate and current information about—

19 “(i) the need for filtration, filter safe-
20 ty, and proper maintenance practices; and

21 “(ii) the options for replacing lead
22 service lines (as defined in section
23 1459B(a)) and removing other sources of
24 lead in water; and

1 “(F) entering into contracts with nonprofit
2 organizations that have water system technical
3 expertise to assist underserved communities.

4 “(3) CONTRACTING PARTIES.—A contract de-
5 scribed in paragraph (2)(F) may be between a non-
6 profit organization described in that paragraph
7 and—

8 “(A) an eligible entity; or

9 “(B) the State of an eligible entity, on be-
10 half of that eligible entity.”;

11 (2) in subsection (e), in the matter preceding
12 paragraph (1), by striking “An eligible entity” and
13 inserting “Except for purposes of subsections (j) and
14 (m), an eligible entity”;

15 (3) in subsection (g)(1), by striking “to pay not
16 less than 45 percent” and inserting “except as pro-
17 vided in subsection (l)(5) and subject to subsection
18 (h), to pay not less than 10 percent”;

19 (4) by striking subsection (h) and inserting the
20 following:

21 “(h) WAIVER.—The Administrator may waive the re-
22 quirement under subsection (g)(1).”;

23 (5) by striking subsection (k) and inserting the
24 following:

1 “(k) AUTHORIZATION OF APPROPRIATIONS.—There
2 are authorized to be appropriated to carry out subsections
3 (a) through (j)—

4 “(1) \$60,000,000 for fiscal year 2021; and

5 “(2) \$100,000,000 for each of fiscal years 2022
6 through 2024.”; and

7 (6) in subsection (l)—

8 (A) in paragraph (2)—

9 (i) by striking “The Administrator
10 may” and inserting “The Administrator
11 shall”; and

12 (ii) by striking “fiscal years 2019 and
13 2020” and inserting “fiscal years 2021
14 through 2024”;

15 (B) in paragraph (5), by striking
16 “\$4,000,000 for each of fiscal years 2019 and
17 2020” and inserting “\$10,000,000 for each of
18 fiscal years 2021 through 2024”;

19 (C) by redesignating paragraph (5) as
20 paragraph (6); and

21 (D) by inserting after paragraph (4) the
22 following:

23 “(5) FEDERAL SHARE FOR UNDERSERVED COM-
24 MUNITIES.—

1 “(A) IN GENERAL.—Subject to subpara-
2 graph (B), with respect to a program or project
3 that serves an underserved community and is
4 carried out using a grant under this subsection,
5 the Federal share of the cost of the program or
6 project shall be 90 percent.

7 “(B) WAIVER.—The Administrator may
8 increase the Federal share under subparagraph
9 (A)(ii) to 100 percent.”.

10 (b) CONNECTION TO PUBLIC WATER SYSTEMS.—
11 Section 1459A of the Safe Drinking Water Act (42 U.S.C.
12 300j–19a) is amended by adding at the end the following:

13 “(m) CONNECTION TO PUBLIC WATER SYSTEMS.—

14 “(1) DEFINITIONS.—In this subsection:

15 “(A) ELIGIBLE ENTITY.—The term ‘eligi-
16 ble entity’ means—

17 “(i) an owner or operator of a public
18 water system that assists or is seeking to
19 assist eligible individuals with connecting
20 the household of the eligible individual to
21 the public water system; or

22 “(ii) a nonprofit entity that assists or
23 is seeking to assist eligible individuals with
24 the costs associated with connecting the

1 household of the eligible individual to a
2 public water system.

3 “(B) ELIGIBLE INDIVIDUAL.—The term
4 ‘eligible individual’ has the meaning given the
5 term in section 603(j) of the Federal Water
6 Pollution Control Act (33 U.S.C. 1383(j)).

7 “(C) PROGRAM.—The term ‘program’
8 means the competitive grant program estab-
9 lished under paragraph (2).

10 “(2) ESTABLISHMENT.—Subject to the avail-
11 ability of appropriations, the Administrator shall es-
12 tablish a competitive grant program under which the
13 Administrator awards grants to eligible entities to
14 provide funds to assist eligible individuals in cov-
15 ering the costs incurred by the eligible individual in
16 connecting the household of the eligible individual to
17 a public water system.

18 “(3) APPLICATION.—An eligible entity seeking
19 a grant under the program shall submit to the Ad-
20 ministrator an application at such time, in such
21 manner, and containing such information as the Ad-
22 ministrator may require.

23 “(4) VOLUNTARY CONNECTION.—Before pro-
24 viding funds to an eligible individual for the costs

1 described in paragraph (2), an eligible entity shall
2 ensure that—

3 “(A) the eligible individual is voluntarily
4 seeking connection to the public water system;

5 “(B) if the eligible entity is not the owner
6 or operator of the public water system to which
7 the eligible individual seeks to connect, the pub-
8 lic water system to which the eligible individual
9 seeks to connect has agreed to the connection;
10 and

11 “(C) the connection of the household of the
12 eligible individual to the public water system
13 meets all applicable local and State regulations,
14 requirements, and codes.

15 “(5) AUTHORIZATION OF APPROPRIATIONS.—
16 There is authorized to be appropriated to carry out
17 the program \$20,000,000 for each of fiscal years
18 2021 and 2022.”.

19 (c) COMPETITIVE GRANT PILOT PROGRAM.—Section
20 1459A of the Safe Drinking Water Act (42 U.S.C. 300j–
21 19a) (as amended by subsection (b)) is amended by adding
22 at the end the following:

23 “(n) STATE COMPETITIVE GRANTS FOR UNDER-
24 SERVED COMMUNITIES.—

1 “(1) IN GENERAL.—In addition to amounts au-
2 thorized to be appropriated under subsection (k),
3 there is authorized to be appropriated to carry out
4 subsections (a) through (j) \$50,000,000 for each of
5 fiscal years 2021 through 2024 in accordance with
6 paragraph (2).

7 “(2) COMPETITIVE GRANTS.—

8 “(A) IN GENERAL.—Notwithstanding any
9 other provision of this section, the Adminis-
10 trator shall distribute amounts made available
11 under paragraph (1) to States through a com-
12 petitive grant program.

13 “(B) APPLICATIONS.—To seek a grant
14 under the competitive grant program under
15 subparagraph (A), a State shall submit to the
16 Administrator an application at such time, in
17 such manner, and containing such information
18 as the Administrator may require.

19 “(C) PRIORITIZATION.—In selecting recipi-
20 ents of grants under the competitive grant pro-
21 gram under subparagraph (A), the Adminis-
22 trator shall give priority to States with a high
23 proportion of underserved communities that
24 meet the condition described in subsection
25 (a)(2)(A).

1 “(3) SAVINGS PROVISION.—Nothing in this
 2 paragraph affects the distribution of amounts made
 3 available under subsection (k), including any meth-
 4 ods used by the Administrator for distribution of
 5 amounts made available under that subsection as in
 6 effect on the day before the date of enactment of
 7 this subsection.”.

8 **SEC. 7. REDUCING LEAD IN DRINKING WATER.**

9 Section 1459B of the Safe Drinking Water Act (42
 10 U.S.C. 300j–19b) is amended—

11 (1) in subsection (d)—

12 (A) by inserting “(except for subsection
 13 (d))” after “this section”; and

14 (B) by striking “2021” and inserting
 15 “2022”;

16 (2) by redesignating subsections (d) and (e) as
 17 subsections (e) and (f), respectively; and

18 (3) by inserting after subsection (c) the fol-
 19 lowing:

20 “(d) LEAD MAPPING UTILIZATION GRANT PILOT
 21 PROGRAM.—

22 “(1) DEFINITIONS.—In this subsection:

23 “(A) ELIGIBLE ENTITY.—The term ‘eligi-
 24 ble entity’ means a municipality that is served
 25 by a community water system or a nontransient

1 noncommunity water system in which not less
2 than 30 percent of the service lines are known,
3 or likely to contain, lead service lines.

4 “(B) PILOT PROGRAM.—The term ‘pilot
5 program’ means the pilot program established
6 under paragraph (2).

7 “(2) ESTABLISHMENT.—The Administrator
8 shall establish a pilot program under which the Ad-
9 ministrator shall provide grants to eligible entities to
10 carry out lead reduction projects that are dem-
11 onstrated to exist based on existing lead mapping of
12 those eligible entities.

13 “(3) SELECTION.—

14 “(A) APPLICATION.—To be eligible to re-
15 ceive a grant under the pilot program, an eligi-
16 ble entity shall submit to the Administrator an
17 application at such time, in such manner, and
18 containing such information as the Adminis-
19 trator may require.

20 “(B) PRIORITIZATION.—In selecting recipi-
21 ents under the pilot program, the Administrator
22 shall give priority to an eligible entity that
23 meets the affordability criteria established by
24 the applicable State.

1 “(4) REPORT.—Not later 2 years after the Ad-
2 ministrator first awards a grant under the pilot pro-
3 gram, the Administrator shall submit to the Com-
4 mittee on Environment and Public Works of the
5 Senate and the Committee on Energy and Com-
6 merce of the House of Representatives a report de-
7 scribing—

8 “(A) the recipients of grants under the
9 pilot program;

10 “(B) the existing lead mapping that was
11 available to recipients of grants under the pilot
12 program; and

13 “(C) how useful and accurate the lead
14 mapping described in subparagraph (B) was in
15 locating lead contaminants of the eligible entity.

16 “(5) AUTHORIZATION OF APPROPRIATIONS.—
17 There is authorized to be appropriated to carry out
18 the pilot program \$10,000,000, to remain available
19 until expended.”.

20 **SEC. 8. OPERATIONAL SUSTAINABILITY OF SMALL PUBLIC**
21 **WATER SYSTEMS.**

22 Part E of the Safe Drinking Water Act (42 U.S.C.
23 300j et seq.) is amended by adding at the end the fol-
24 lowing:

1 **“SEC. 1459E. OPERATIONAL SUSTAINABILITY OF SMALL**
2 **PUBLIC WATER SYSTEMS.**

3 “(a) DEFINITIONS.—In this section:

4 “(1) ELIGIBLE ENTITY.—The term ‘eligible en-
5 tity’ means—

6 “(A) a municipality; or

7 “(B) an owner or operator of a public
8 water system.

9 “(2) OPERATIONAL SUSTAINABILITY.—The
10 term ‘operational sustainability’ means the ability to
11 improve the operation of a small system through the
12 identification and prevention of potable water loss
13 due to leaks, breaks, and other metering or infra-
14 structure failures.

15 “(3) PROGRAM.—The term ‘program’ means
16 the grant program established under subsection (b).

17 “(4) SMALL SYSTEM.—The term ‘small system’
18 means a public water system that—

19 “(A) serves fewer than 10,000 people; and

20 “(B) is owned or operated by—

21 “(i) a unit of local government;

22 “(ii) a public corporation;

23 “(iii) a nonprofit corporation;

24 “(iv) a public trust; or

25 “(v) a cooperative association.

1 “(b) ESTABLISHMENT.—Subject to the availability of
2 appropriations, the Administrator shall establish a pro-
3 gram to award grants to eligible entities for the purpose
4 of improving the operational sustainability of 1 or more
5 small systems.

6 “(c) APPLICATIONS.—To be eligible to receive a grant
7 under the program, an eligible entity shall submit to the
8 Administrator an application at such time, in such man-
9 ner, and containing such information as the Administrator
10 may require, including—

11 “(1) a proposal of the project to be carried out
12 using grant funds under the program;

13 “(2) documentation prepared by the eligible en-
14 tity describing the deficiencies or suspected defi-
15 ciencies in operational sustainability of 1 or more
16 small systems that are to be addressed through the
17 proposed project;

18 “(3) a description of how the proposed project
19 will improve the operational sustainability of 1 or
20 more small systems;

21 “(4) a description of how the improvements de-
22 scribed in paragraph (3) will be maintained beyond
23 the life of the proposed project, including a plan to
24 maintain and update any asset data collected as a
25 result of the proposed project;

1 “(5)(A) if the eligible entity is located in a
2 State that has established a State drinking water
3 treatment revolving loan fund under section 1452, a
4 copy of a written agreement between the eligible en-
5 tity and the State in which the eligible entity agrees
6 to provide a copy of any data collected under the
7 proposed project to the State agency administering
8 the State drinking water treatment revolving loan
9 fund (or a designee); or

10 “(B) if the eligible entity is located in an area
11 other than a State that has established a State
12 drinking water treatment revolving loan fund under
13 section 1452, a copy of a written agreement between
14 the eligible entity and the Administrator in which
15 the eligible entity agrees to provide a copy of any
16 data collected under the proposed project to the Ad-
17 ministrator (or a designee); and

18 “(6) any additional information the Adminis-
19 trator may require.

20 “(d) USE OF FUNDS.—An eligible entity that receives
21 a grant under the program shall use the grant funds to
22 carry out projects that improve the operational sustain-
23 ability of 1 or more small systems through—

24 “(1) the development of a detailed asset inven-
25 tory, which may include drinking water sources,

1 wells, storage, valves, treatment systems, distribu-
2 tion lines, hydrants, pumps, controls, and other es-
3 sential infrastructure;

4 “(2) the development of an infrastructure asset
5 map, including a map that uses technology such
6 as—

7 “(A) geographic information system soft-
8 ware; and

9 “(B) global positioning system software;

10 “(3) the deployment of leak detection tech-
11 nology;

12 “(4) the deployment of metering technology;

13 “(5) training in asset management strategies,
14 techniques, and technologies appropriate staff em-
15 ployed by—

16 “(A) the eligible entity; or

17 “(B) the small systems for which the grant
18 was received; and

19 “(6) the development or deployment of other
20 strategies, techniques, or technologies that the Ad-
21 ministrator may determine to be appropriate under
22 the program.

23 “(e) COST SHARE.—

24 “(1) IN GENERAL.—Subject to paragraph (2),
25 the Federal share of the cost of a project carried out

1 using a grant under the program shall be 90 percent
2 of the total cost of the project.

3 “(2) WAIVER.—The Administrator may in-
4 crease the Federal share under paragraph (1) to 100
5 percent.

6 “(f) AUTHORIZATION OF APPROPRIATIONS.—There
7 is authorized to be appropriated to carry out this section
8 \$10,000,000 for each of fiscal years 2021 through 2024.”.

9 **SEC. 9. MIDSIZE DRINKING WATER SYSTEM INFRASTRUC-**
10 **TURE RESILIENCE AND SUSTAINABILITY**
11 **PROGRAM.**

12 Part E of the Safe Drinking Water Act (42 U.S.C.
13 300j et seq.) (as amended by section 8) is amended by
14 adding at the end the following:

15 **“SEC. 1459F. MIDSIZE DRINKING WATER SYSTEM INFRA-**
16 **STRUCTURE RESILIENCE AND SUSTAIN-**
17 **ABILITY PROGRAM.**

18 “(a) DEFINITIONS.—In this section:

19 “(1) ELIGIBLE ENTITY.—The term ‘eligible en-
20 tity’ means a public water system that serves a com-
21 munity with a population of—

22 “(A) greater than 10,000; and

23 “(B) fewer than 100,000.

1 “(2) NATURAL HAZARD; RESILIENCE.—The
2 terms ‘resilience’ and ‘natural hazard’ have the
3 meanings given those terms in section 1433(h).

4 “(3) RESILIENCE AND SUSTAINABILITY PRO-
5 GRAM.—The term ‘resilience and sustainability pro-
6 gram’ means Midsize Drinking Water System Infra-
7 structure Resilience and Sustainability Program es-
8 tablished under subsection (b).

9 “(b) ESTABLISHMENT.—The Administrator shall es-
10 tablish and carry out a program, to be known as the
11 ‘Midsize Drinking Water System Infrastructure Resilience
12 and Sustainability Program’, under which the Adminis-
13 trator, subject to the availability of appropriations for the
14 resilience and sustainability program, shall award grants
15 to eligible entities for the purpose of increasing resilience
16 to natural hazards.

17 “(c) USE OF FUNDS.—An eligible entity may only
18 use grant funds received under the resilience and sustain-
19 ability program to assist in the planning, design, construc-
20 tion, implementation, operation, or maintenance of a pro-
21 gram or project that increases resilience to natural haz-
22 ards through—

23 “(1) the conservation of water or the enhance-
24 ment of water-use efficiency;

1 “(2) the modification or relocation of existing
2 drinking water system infrastructure made, or that
3 is at risk of being, significantly impaired by natural
4 hazards, including risks to drinking water from
5 flooding;

6 “(3) the design or construction of new or modi-
7 fied desalination facilities to serve existing commu-
8 nities;

9 “(4) the enhancement of water supply through
10 the use of watershed management and source water
11 protection;

12 “(5) the enhancement of energy efficiency or
13 the use and generation of renewable energy in the
14 conveyance or treatment of drinking water; or

15 “(6) the development and implementation of
16 measures to increase the resilience of the eligible en-
17 tity to natural hazards.

18 “(d) APPLICATION.—To seek a grant under the resil-
19 ience and sustainability program, an eligible entity shall
20 submit to the Administrator an application at such time,
21 in such manner, and containing such information as the
22 Administrator may require, including—

23 “(1) a proposal of the program or project to be
24 planned, designed, constructed, implemented, oper-
25 ated, or maintained by the eligible entity;

1 “(2) an identification of the natural hazard risk
2 to be addressed by the proposed program or project;

3 “(3) documentation prepared by a Federal,
4 State, regional, or local government agency of the
5 natural hazard risk to the area where the proposed
6 program or project is to be located;

7 “(4) a description of any recent natural hazard
8 events that have affected the community water sys-
9 tem of the eligible entity;

10 “(5) a description of how the proposed program
11 or project would improve the performance of the
12 community water system of the eligible entity under
13 the anticipated natural hazards; and

14 “(6) an explanation of how the proposed pro-
15 gram or project is expected to enhance the resilience
16 of the community water system of the eligible entity
17 to the anticipated natural hazards.

18 “(e) AUTHORIZATION OF APPROPRIATIONS.—There
19 is authorized to be appropriated to carry out the resilience
20 and sustainability program \$5,000,000 for each of fiscal
21 years 2021 through 2024.”.

1 **SEC. 10. NEEDS ASSESSMENT FOR NATIONWIDE RURAL**
 2 **AND URBAN LOW-INCOME COMMUNITY**
 3 **WATER ASSISTANCE.**

4 Part E of the Safe Drinking Water Act (42 U.S.C.
 5 300j et seq.) (as amended by section 9) is amended by
 6 adding at the end the following:

7 **“SEC. 1459G. NEEDS ASSESSMENT FOR NATIONWIDE RURAL**
 8 **AND URBAN LOW-INCOME COMMUNITY**
 9 **WATER ASSISTANCE.**

10 “(a) **DEFINITION OF LOW-INCOME HOUSEHOLD.**—In
 11 this section, the term ‘low-income household’ means a
 12 household that has an income that, as determined by the
 13 State in which the household is located, does not exceed
 14 the greater of—

15 “(1) an amount equal to 150 percent of the
 16 poverty level of that State; and

17 “(2) an amount equal to 60 percent of the
 18 State median income for that State.

19 “(b) **STUDY; REPORT.**—

20 “(1) **IN GENERAL.**—Subject to the availability
 21 of appropriations, not later than 2 years after the
 22 date of enactment of this section, the Administrator
 23 shall conduct, and submit to Congress a report de-
 24 scribing the results of, a study regarding the preva-
 25 lence throughout the United States of low-income
 26 households, including low-income renters, that do

1 not have access to affordable public drinking water
2 services to meet household needs.

3 “(2) INCLUSIONS.—The report under para-
4 graph (1) shall include—

5 “(A) recommendations of the Adminis-
6 trator regarding the best methods to increase
7 access to affordable and reliable drinking water
8 services;

9 “(B) a description of the cost of each
10 method described in subparagraph (A); and

11 “(C) with respect to the development of
12 the report, a consultation with all relevant
13 stakeholders.

14 “(3) AGREEMENTS.—The Administrator may
15 enter into an agreement with another Federal agen-
16 cy to carry out the study under paragraph (1).

17 “(c) AUTHORIZATION OF APPROPRIATIONS.—There
18 is authorized to be appropriated to carry out this section
19 \$5,000,000, to remain available until expended.”.

20 **SEC. 11. LEAD CONTAMINATION IN SCHOOL DRINKING**
21 **WATER.**

22 Section 1464 of the Safe Drinking Water Act (42
23 U.S.C. 300j–24) is amended—

24 (1) in subsection (b)—

1 (A) in the first sentence, by inserting
2 “public water systems and” after “to assist”;

3 (B) in the third sentence, by inserting
4 “public water systems,” after “schools,”; and

5 (C) in the sixth sentence, by striking
6 “within 100 days after the enactment of this
7 section” and inserting “not later than 100 days
8 after the date of enactment of the Drinking
9 Water Infrastructure Act of 2020”; and
10 (2) in subsection (d)—

11 (A) in paragraph (2)—

12 (i) in subparagraph (A)—

13 (I) by inserting “, public water
14 systems that serve schools and child
15 care programs under the jurisdiction
16 of those local educational agencies,
17 and qualified nonprofit organizations”
18 before “in voluntary”;

19 (II) by striking the period at the
20 end and inserting “; and”;

21 (III) by striking “grants avail-
22 able to States” and inserting the fol-
23 lowing: “grants available to—
24 “(i) States”; and

1 (IV) by adding at the end the fol-
2 lowing:

3 “(ii) tribal consortia to assist tribal
4 education agencies (as defined in section 3
5 of the National Environmental Education
6 Act (20 U.S.C. 5502) in voluntary testing
7 for lead contamination in drinking water at
8 schools and child care programs under the
9 jurisdiction of the tribal education agen-
10 cy.”; and

11 (ii) in subparagraph (B)—

12 (I) in clause (i), by striking “or”
13 at the end;

14 (II) in clause (ii), by striking the
15 period at the end and inserting a
16 semicolon; and

17 (III) by adding at the end the
18 following:

19 “(iii) any public water system that is
20 located in a State that does not participate
21 in the voluntary grant program established
22 under subparagraph (A) that—

23 “(I) assists schools or child care
24 programs in lead testing; or

1 “(II) provides technical assist-
2 ance to schools or child care programs
3 in carrying out lead testing; or

4 “(iv) a qualified nonprofit organiza-
5 tion, as determined by the Administrator.”;

6 (B) in paragraphs (3), (5), (6), and (7), by
7 striking “State or local educational agency”
8 each place it appears and inserting “State, local
9 educational agency, public water system, tribal
10 consortium, or qualified nonprofit organiza-
11 tion”;

12 (C) in paragraph (4), by striking “States
13 and local educational agencies” and inserting
14 “States, local educational agencies, public water
15 systems, tribal consortia, and qualified non-
16 profit organizations”;

17 (D) in paragraph (6)—

18 (i) in the matter preceding subpara-
19 graph (A), by inserting “, public water sys-
20 tem, tribal consortium, or qualified non-
21 profit organization” after “each local edu-
22 cational agency”;

23 (ii) in subparagraph (A)(ii), by insert-
24 ing “or tribal” after “applicable State”;
25 and

1 (iii) in subparagraph (B)(i), by insert-
2 ing “applicable” before “local educational
3 agency”; and

4 (E) in paragraph (8), by striking “2020
5 and 2021” and inserting “2021 and 2022”.

6 **SEC. 12. INDIAN RESERVATION DRINKING WATER PRO-**
7 **GRAM.**

8 Section 2001 of the America’s Water Infrastructure
9 Act of 2018 (42 U.S.C. 300j–3e note; Public Law 115–
10 270) is amended—

11 (1) in subsection (a)—

12 (A) in the matter preceding paragraph (1),
13 by striking “Subject to the availability of appro-
14 priations, the Administrator of the Environ-
15 mental Protection Agency” and inserting “The
16 Administrator of the Environmental Protection
17 Agency (referred to in this section as the ‘Ad-
18 ministrator’)”; and

19 (B) by striking “to implement” in the mat-
20 ter preceding paragraph (1) and all that follows
21 through the period at the end of paragraph (2)
22 and inserting “to implement eligible projects
23 described in subsection (b).”;

24 (2) by redesignating subsection (d) as sub-
25 section (e);

1 (3) by striking subsection (c) and inserting the
2 following:

3 “(c) REQUIRED PROJECTS.—

4 “(1) IN GENERAL.—If sufficient applications
5 exist, of the funds made available to carry out this
6 section, the Administrator shall use 50 percent to
7 carry out—

8 “(A) 10 eligible projects described in sub-
9 section (b) that are within the Upper Missouri
10 River Basin;

11 “(B) 10 eligible projects described in sub-
12 section (b) that are within the Upper Rio
13 Grande Basin; and

14 “(C) 10 eligible projects described in sub-
15 section (b) that are within the Columbia River
16 Basin.

17 “(2) REQUIREMENT.—In carrying out para-
18 graph (1)(A), the Administrator shall select not
19 fewer than 2 eligible projects for a reservation that
20 serves more than 1 federally recognized Indian
21 Tribe.

22 “(d) FEDERAL SHARE.—The Federal share of the
23 cost of a project carried out under this section shall be
24 100 percent.”; and

25 (4) in subsection (e) (as so redesignated)—

1 (A) by striking “There is” and inserting
2 “There are”;

3 (B) by striking “subsection (a)
4 \$20,000,000” and inserting the following: “sub-
5 section (a)—
6 “(1) \$20,000,000”;

7 (C) in paragraph (1) (as so designated), by
8 striking “2022.” and inserting “2020; and”;
9 and

10 (D) by adding at the end the following:
11 “(2) \$50,000,000 for each of fiscal years 2021
12 through 2024.”.

13 **SEC. 13. ADVANCED DRINKING WATER TECHNOLOGIES.**

14 (a) STUDY.—

15 (1) IN GENERAL.—Subject to the availability of
16 appropriations, not later than 1 year after the date
17 of enactment of this Act, the Administrator of the
18 Environmental Protection Agency (referred to in
19 this section as the “Administrator”) shall carry out
20 a study that examines the state of existing and po-
21 tential future technology that enhances or could en-
22 hance the treatment, monitoring, affordability, effi-
23 ciency, and safety of drinking water provided by a
24 public water system (as defined in section 1401 of
25 the Safe Drinking Water Act (42 U.S.C. 300f)).

1 (2) REPORT.—The Administrator shall submit
2 to the Committee on Environment and Public Works
3 of the Senate and the Committee on Energy and
4 Commerce of the House of Representatives a report
5 that describes the results of the study under para-
6 graph (1).

7 (b) ADVANCED DRINKING WATER TECHNOLOGY
8 GRANT PROGRAM.—

9 (1) DEFINITIONS.—In this subsection:

10 (A) ELIGIBLE ENTITY.—The term “eligible
11 entity” means the owner or operator of a public
12 water system that—

13 (i) serves—

14 (I) a population of not more than
15 100,000 people; or

16 (II) an underserved community;

17 and

18 (ii) has plans to identify or has identi-
19 fied opportunities in the operations of the
20 public water system to employ new or
21 emerging, yet proven, technologies, as de-
22 termined by the Administrator, that en-
23 hance treatment, monitoring, affordability,
24 efficiency, or safety of the drinking water
25 provided by the public water system, in-

1 cluding technologies not identified in the
2 study conducted under subsection (a)(1).

3 (B) PROGRAM.—The term “program”
4 means the competitive grant program estab-
5 lished under paragraph (2).

6 (C) PUBLIC WATER SYSTEM.—The term
7 “public water system” has the meaning given
8 the term in section 1401 of the Safe Drinking
9 Water Act (42 U.S.C. 300f).

10 (D) UNDERSERVED COMMUNITY.—The
11 term “underserved community” means a polit-
12 ical subdivision of a State that, as determined
13 by the Administrator, has an inadequate system
14 for obtaining drinking water.

15 (2) ESTABLISHMENT.—The Administrator shall
16 establish a competitive grant program under which
17 the Administrator shall award grants to eligible enti-
18 ties for the purpose of deploying technologies de-
19 scribed in paragraph (1)(A)(ii).

20 (3) REQUIREMENTS.—

21 (A) APPLICATIONS.—To be eligible to re-
22 ceive a grant under the program, an eligible en-
23 tity shall submit to the Administrator an appli-
24 cation at such time, in such manner, and con-

1 taining such information as the Administrator
2 may require.

3 (B) LIMITATION.—A grant provided under
4 the program shall be in an amount that is not
5 more than \$500,000.

6 (C) FEDERAL SHARE.—

7 (i) IN GENERAL.—Subject to clause
8 (ii), the Federal share of the cost of a
9 project carried out using a grant under the
10 program shall not exceed 90 percent of the
11 total cost of the project.

12 (ii) WAIVER.—The Administrator may
13 increase the Federal share under clause (i)
14 to 100 percent.

15 (4) REPORT.—Not later than 1 year after the
16 date on which Administrator first awards a grant
17 under the program, and annually thereafter, the Ad-
18 ministrator shall submit to Congress a report de-
19 scribing—

20 (A) each recipient of a grant under the
21 program during the previous 1-year period; and

22 (B) a summary of the activities carried out
23 using grants awarded under the program.

24 (5) FUNDING.—

1 (A) AUTHORIZATION OF APPROPRIA-
 2 TIONS.—There is authorized to be appropriated
 3 to carry out the program \$10,000,000 for each
 4 of fiscal years 2021 through 2024, to remain
 5 available until expended.

6 (B) ADMINISTRATIVE COSTS.—Not more
 7 than 2 percent of the amount made available
 8 for a fiscal year under subparagraph (A) to
 9 carry out the program may be used by the Ad-
 10 ministrator for the administrative costs of car-
 11 rying out the program.

12 **SEC. 14. DRINKING WATER INFRASTRUCTURE DISCRE-**
 13 **TIONARY GRANT PROGRAM.**

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

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

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

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

3 (3) a State infrastructure financing authority;
4 and

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

9 (c) ELIGIBLE PROJECTS.—

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

12 (A) 1 or more activities described in sub-
13 paragraphs (B) through (E) of section
14 1452(a)(2) of the Safe Drinking Water Act (42
15 U.S.C. 300j–12(a)(2)); and

16 (B) any other drinking water infrastruc-
17 ture project that the Administrator determines
18 to appropriate.

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

24 (A) from a State drinking water treatment
25 revolving loan fund established under section

1 1452 of the Safe Drinking Water Act (42
2 U.S.C. 300j-12);

3 (B) from a State water pollution control
4 revolving fund established under title VI of the
5 Federal Water Pollution Control Act (33 U.S.C.
6 1381 et seq.); or

7 (C) under the Water Infrastructure Fi-
8 nance and Innovation Act of 2014 (33 U.S.C.
9 3901 et seq.).

10 (d) APPLICATION.—

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

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

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

24 (e) SELECTION.—

25 (1) CRITERIA.—

1 (A) IN GENERAL.—The Administrator
2 shall establish criteria in accordance with this
3 subsection to use in selecting projects to receive
4 a grant under the program.

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

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

11 (ii) include in the notice the selection
12 criteria established under subparagraph
13 (A).

14 (2) PRIORITY.—In selecting projects to receive
15 a grant under the program, the Administrator shall
16 give priority to projects—

17 (A) for which a Federal grant would assist
18 in completing an overall financing package for
19 the project; and

20 (B) that would help bring public water sys-
21 tems (as defined in section 1401 of the Safe
22 Drinking Water Act (42 U.S.C. 300f)) into
23 compliance with the Safe Drinking Water Act
24 (42 U.S.C. 300f et seq.).

1 (3) GEOGRAPHICAL DISTRIBUTION.—For each
2 fiscal year, in providing grants under the program,
3 the Administrator shall ensure that the funds are
4 distributed—

5 (A) on an equitable geographical basis; and

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

8 (4) DEADLINE.—Not later than 18 months
9 after the date on which funds are made available to
10 carry out the program for each fiscal year, the Ad-
11 ministrator shall select projects to receive grants
12 under the program.

13 (f) REQUIREMENTS.—

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

19 (2) NON-FEDERAL SHARE.—

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

24 (B) OTHER FEDERAL SOURCES.—An eligi-
25 ble entity receiving a grant under the program

1 may use funds provided from other Federal
2 sources to meet the non-Federal share require-
3 ment under subparagraph (A).

4 (g) REGULATIONS.—The Administrator may promul-
5 gate such regulations as may be necessary to carry out
6 this section.

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

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

16 (j) FUNDING.—

17 (1) AUTHORIZATION OF APPROPRIATIONS.—
18 There is authorized to be appropriated to carry out
19 this section \$50,000,000 for each of fiscal years
20 2022 through 2024.

21 (2) AVAILABILITY.—Funds made available to
22 carry out this section shall be available until ex-
23 pended.

24 (3) ADMINISTRATIVE COSTS.—Not more than 2
25 percent of the amount made available for a fiscal

1 year under paragraph (1) may be used by the Ad-
2 ministrator for the administrative costs of carrying
3 out the program.

○