

Calendar No. 452

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

MAY 11, 2020

Reported by Mr. BARRASSO, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

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”.

1 **SEC. 2. HOST COMMUNITIES.**

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

4 (1) in paragraph (1)—

5 (A) by striking the period at the end and
6 inserting “; or”;

7 (B) by striking “for the purpose of in-
8 creasing” and inserting the following: “for the
9 purpose of—

10 “(A) increasing”; and

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

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

18 (2) in paragraph (5)—

19 (A) in the heading, by striking “SMALL”
20 and inserting “SMALL, RURAL, AND DISADVAN-
21 TAGED”;

22 (B) by striking “a population of less than
23 3,300 persons” and inserting “disadvantaged
24 communities or populations of fewer than
25 10,000 persons”; and

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

1 (3) in paragraph (6), by striking “fiscal years
2 2020 and 2021” and inserting “fiscal years 2021
3 and 2022”.

4 **SEC. 3. TECHNICAL ASSISTANCE AND GRANTS FOR EMER-**
5 **GENCIES AFFECTING PUBLIC WATER SYS-**
6 **TEMS.**

7 Section 1442 of the Safe Drinking Water Act (42
8 U.S.C. 300j-1) is amended—

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

14 (2) by striking subsection (d) and inserting the
15 following:

16 “(d) AUTHORIZATION OF APPROPRIATIONS.—There
17 is authorized to be appropriated to carry out subsection
18 (b) \$35,000,000 for each of fiscal years 2021 through
19 2024.”; and

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

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

23 (a) DRINKING WATER RELIEF FOR SMALL, RURAL,
24 AND DISADVANTAGED COMMUNITIES.—Section 1452 of

1 the Safe Drinking Water Act (42 U.S.C. 300j-12) is
 2 amended—

3 (1) in subsection (a)—

4 (A) in paragraph (2), by adding at the end
 5 the following:

6 “(H) REQUIRED SUBSIDIES FOR PUBLIC
 7 WATER SYSTEMS.—

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

18 “(I) as initial financing for the
 19 public water system; or

20 “(II) to buy, refinance, or re-
 21 structure the debt obligations of the
 22 public water system, if—

23 “(aa) the debt obligation
 24 was incurred on or after the date

1 of enactment of this subpara-
2 graph; or

3 “(bb) for a debt obligation
4 that was incurred before the date
5 of enactment of this subpara-
6 graph—

7 “(AA) the State, with
8 the concurrence of the Ad-
9 ministrator, determines that
10 the additional subsidies de-
11 scribed in clause (ii) would
12 help the public water system
13 address a threat to public
14 health from heightened ex-
15 posure to contaminants (in-
16 cluding lead) in drinking
17 water; or

18 “(BB) before the date
19 of enactment of this sub-
20 paragraph, an emergency
21 has been declared by the
22 President under section 501
23 of the Robert T. Stafford
24 Disaster Relief and Emer-
25 gency Assistance Act (42

1 U.S.C. 5191) or a State
 2 emergency declaration has
 3 been issued due to a threat
 4 to public health, including a
 5 threat from heightened ex-
 6 posure to lead, in the munic-
 7 ipal drinking water supply of
 8 the public water system.

9 “(ii) ~~ADDITIONAL SUBSIDIES DE-~~
 10 ~~SCRIBED.~~—The additional subsidies re-
 11 ferred to in clause (i) are—

12 “(I) forgiveness of principal of
 13 loans owed to the State loan fund of
 14 the State;

15 “(II) negative interest loans;

16 “(III) grants; or

17 “(IV) a combination of the sub-
 18 sidies described in subclauses (I)
 19 through (III).”;

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

23 (2) in subsection (c), by striking “2016 through
 24 2021” and inserting “2021 through 2024”.

1 (b) REMEDIATION OF CONTAMINATION.—Section
 2 1452 of the Safe Drinking Water Act (42 U.S.C. 300j–
 3 12) is amended—

4 (1) in subsection (a)(2)(G)—

5 (A) in clause (i)—

6 (i) by striking “only”; and

7 (ii) by striking the clause designation
 8 and heading and all that follows through
 9 “clause (ii),” and inserting the following:

10 “(i) DRINKING WATER.—

11 “(I) IN GENERAL.—Notwith-
 12 standing any other provision of law
 13 and subject to subclause (H),”;

14 (B) in clause (ii)—

15 (i) in subclause (I)—

16 (I) in the matter preceding item
 17 (aa), by striking “amounts described
 18 in clause (i)” and inserting “amounts
 19 made available to carry out this
 20 clause”; and

21 (II) by redesignating items (aa)
 22 and (bb) as subitems (AA) and (BB),
 23 respectively, and indenting appro-
 24 priately;

1 (ii) in subclause (H), by striking
2 “amounts described in clause (i)” and in-
3 serting “amounts made available to carry
4 out this clause”; and

5 (iii) by redesignating subclauses (I)
6 and (H) as items (aa) and (bb), respec-
7 tively, and indenting appropriately;

8 (C) by redesignating clause (ii) as sub-
9 clause (H) and indenting appropriately; and

10 (D) by inserting before clause (iii) the fol-
11 lowing:

12 “(ii) REMEDIATION OF CONTAMINA-
13 TION OF GROUNDWATER.—

14 “(I) DEFINITION OF ELIGIBLE
15 SITE.—In this clause, the term ‘eligi-
16 ble site’ means a site at which an
17 emerging contaminant is present in,
18 or has the potential to enter, a public
19 water system or an underground
20 source of drinking water.

21 “(H) GRANTS.—Notwithstanding
22 any other provision of law and subject
23 to subclause (H), amounts deposited
24 under subsection (t) in a State loan
25 fund established under this section

1 may be used to provide grants to ad-
 2 dress contamination of groundwater
 3 at an eligible site, with a focus on
 4 perfluoroalkyl and polyfluoroalkyl sub-
 5 stances.

6 ~~“(III) REQUIREMENTS.—~~

7 ~~“(aa) PRIORITIES.—In se-~~
 8 ~~lecting the recipient of a grant~~
 9 ~~using amounts made available to~~
 10 ~~carry out this clause, a State~~
 11 ~~shall use the priorities described~~
 12 ~~in subsection (b)(3)(A).~~

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

24 ~~(2) in subsection (t)(2), by striking~~
 25 ~~“\$100,000,000 for each of fiscal years 2020” and~~

1 inserting “\$300,000,000 for each of fiscal years
2 2021”.

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

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

6 (1) in subsection (a)—

7 (A) in paragraph (1)(A), in the matter
8 preceding clause (i), by striking “political sub-
9 division of a State,” and inserting “political
10 subdivision of a State (including a county that
11 is designated by the State to act on behalf of
12 an unincorporated area within that county, with
13 the agreement of that unincorporated area),”;

14 (B) in paragraph (4)(D)(i), by inserting
15 “(including a county that is designated by the
16 State to act on behalf of an unincorporated
17 area within that county)” after “of the State”;
18 and

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

20 “(5) SAVINGS PROVISION.—Unless otherwise
21 provided within the agreement, an agreement be-
22 tween an unincorporated area and a county for the
23 county to submit a petition under paragraph (1)(A)
24 on behalf of the unincorporated area shall not au-
25 thorize the county to act on behalf of the unincor-

1 porated area in any matter not within a program
2 under this section.”; and

3 ~~(2)~~ in subsection (e), in the first sentence, by
4 striking “2021” and inserting “2024”.

5 **SEC. 6. ASSISTANCE FOR SMALL AND DISADVANTAGED**
6 **COMMUNITIES.**

7 (a) **EXISTING PROGRAMS.**—Section 1459A of the
8 Safe Drinking Water Act (42 U.S.C. 300j-19a) is amend-
9 ed—

10 (1) in subsection (b)(2)—

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

13 (B) in subparagraph (C), by striking the
14 period at the end and inserting a semicolon;
15 and

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

17 “(D) the purchase of point-of-entry or
18 point-of-use filters that are independently cer-
19 tified using science-based test methods for the
20 removal of contaminants of concern;

21 “(E) investments necessary for providing
22 accurate and current information about—

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

1 “(ii) the options for replacing lead
2 service lines (as defined in section
3 1459B(a)) and removing other sources of
4 lead in water; and

5 “(F) entering into contracts with nonprofit
6 organizations that have water system technical
7 expertise to assist underserved communities.

8 “(3) CONTRACTING PARTIES.—A contract de-
9 scribed in paragraph (2)(F) may be between a non-
10 profit organization described in that paragraph
11 and—

12 “(A) an eligible entity; or

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

15 (2) in subsection (e), in the matter preceding
16 paragraph (1), by striking “An eligible entity” and
17 inserting “Except for purposes of subsections (j) and
18 (m), an eligible entity”;

19 (3) in subsection (g)(1), by striking “to pay not
20 less than 45 percent” and inserting “except as pro-
21 vided in subsection (1)(5) and subject to subsection
22 (h), to pay not less than 10 percent”;

23 (4) by striking subsection (h) and inserting the
24 following:

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

3 (5) by striking subsection (k) and inserting the
4 following:

5 “(k) AUTHORIZATION OF APPROPRIATIONS.—There
6 are authorized to be appropriated to carry out subsections
7 (a) through (j)—

8 “(1) \$60,000,000 for fiscal year 2021; and

9 “(2) \$100,000,000 for each of fiscal years 2022
10 through 2024.”; and

11 (6) in subsection (l)—

12 (A) in paragraph (2)—

13 (i) by striking “The Administrator
14 may” and inserting “The Administrator
15 shall”; and

16 (ii) by striking “fiscal years 2019 and
17 2020” and inserting “fiscal years 2021
18 through 2024”;

19 (B) in paragraph (5), by striking
20 “\$4,000,000 for each of fiscal years 2019 and
21 2020” and inserting “\$10,000,000 for each of
22 fiscal years 2021 through 2024”;

23 (C) by redesignating paragraph (5) as
24 paragraph (6); and

1 (D) by inserting after paragraph (4) the
2 following:

3 ~~“(5) FEDERAL SHARE FOR UNDERSERVED COM-~~
4 ~~MUNITIES.—~~

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

11 “(B) WAIVER.—The Administrator may
12 increase the Federal share under subparagraph
13 (A)(ii) to 100 percent.”.

14 (b) CONNECTION TO PUBLIC WATER SYSTEMS.—
15 Section 1459A of the Safe Drinking Water Act (42 U.S.C.
16 300j-19a) is amended by adding at the end the following:

17 ~~“(m) CONNECTION TO PUBLIC WATER SYSTEMS.—~~

18 ~~“(1) DEFINITIONS.—In this subsection:~~

19 ~~“(A) ELIGIBLE ENTITY.—The term ‘eligi-~~
20 ~~ble entity’ means—~~

21 ~~“(i) an owner or operator of a public~~
22 ~~water system that assists or is seeking to~~
23 ~~assist eligible individuals with connecting~~
24 ~~the household of the eligible individual to~~
25 ~~the public water system; or~~

1 “(ii) a nonprofit entity that assists or
2 is seeking to assist eligible individuals with
3 the costs associated with connecting the
4 household of the eligible individual to a
5 public water system.

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

10 “(C) PROGRAM.—The term ‘program’
11 means the competitive grant program estab-
12 lished under paragraph (2).

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

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

1 ~~“(4) VOLUNTARY CONNECTION.—~~Before pro-
 2 viding funds to an eligible individual for the costs
 3 described in paragraph (2), an eligible entity shall
 4 ensure that—

5 ~~“(A) the eligible individual is voluntarily~~
 6 seeking connection to the public water system;

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

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

17 ~~“(5) AUTHORIZATION OF APPROPRIATIONS.—~~

18 There is authorized to be appropriated to carry out
 19 the program \$20,000,000 for each of fiscal years
 20 2021 and 2022.”.

21 ~~(c) COMPETITIVE GRANT PILOT PROGRAM.—~~Section
 22 1459A of the Safe Drinking Water Act (42 U.S.C. 300j-
 23 19a) (as amended by subsection (b)) is amended by adding
 24 at the end the following:

1 “(n) STATE COMPETITIVE GRANTS FOR UNDER-
2 SERVED COMMUNITIES.—

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

9 “(2) COMPETITIVE GRANTS.—

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

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

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

1 meet the condition described in subsection
2 (a)(2)(A).

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

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

11 Section 1459B of the Safe Drinking Water Act (42
12 U.S.C. 300j-19b) is amended—

13 (1) in subsection (d)—

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

16 (B) by striking “2021” and inserting
17 “2022”;

18 (2) by redesignating subsections (d) and (e) as
19 subsections (e) and (f), respectively; and

20 (3) by inserting after subsection (e) the fol-
21 lowing:

22 “(d) LEAD MAPPING UTILIZATION GRANT PILOT
23 PROGRAM.—

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

1 “(A) ELIGIBLE ENTITY.—The term ‘eligi-
2 ble entity’ means a municipality that is served
3 by a community water system or a nontransient
4 noncommunity water system in which not less
5 than 30 percent of the service lines are known,
6 or likely to contain, lead service lines.

7 “(B) PILOT PROGRAM.—The term ‘pilot
8 program’ means the pilot program established
9 under paragraph (2).

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

16 “(3) SELECTION.—

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

23 “(B) PRIORITIZATION.—In selecting recipi-
24 ents under the pilot program, the Administrator
25 shall give priority to an eligible entity that

1 meets the affordability criteria established by
2 the applicable State.

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

10 “(A) the recipients of grants under the
11 pilot program;

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

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

18 “(5) AUTHORIZATION OF APPROPRIATIONS.—

19 There is authorized to be appropriated to carry out
20 the pilot program \$10,000,000, to remain available
21 until expended.”.

1 **SEC. 8. OPERATIONAL SUSTAINABILITY OF SMALL PUBLIC**
 2 **WATER SYSTEMS.**

3 Part E of the Safe Drinking Water Act (42 U.S.C.
 4 300j et seq.) is amended by adding at the end the fol-
 5 lowing:

6 **“SEC. 1459E. OPERATIONAL SUSTAINABILITY OF SMALL**
 7 **PUBLIC WATER SYSTEMS.**

8 “(a) DEFINITIONS.—In this section:

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

11 “(A) a municipality; or

12 “(B) an owner or operator of a public
 13 water system.

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

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

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

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

25 “(B) is owned or operated by—

26 “(i) a unit of local government;

- 1 “(ii) a public corporation;
2 “(iii) a nonprofit corporation;
3 “(iv) a public trust; or
4 “(v) a cooperative association.

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

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

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

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

22 “(3) a description of how the proposed project
23 will improve the operational sustainability of 1 or
24 more small systems;

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

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

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

23 “(6) any additional information the Adminis-
24 trator may require.

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

5 “(1) the development of a detailed asset inven-
6 tory, which may include drinking water sources,
7 wells, storage, valves, treatment systems, distribu-
8 tion lines, hydrants, pumps, controls, and other es-
9 sential infrastructure;

10 “(2) the development of an infrastructure asset
11 map, including a map that uses technology such
12 as—

13 “(A) geographic information system soft-
14 ware; and

15 “(B) global positioning system software;

16 “(3) the deployment of leak detection tech-
17 nology;

18 “(4) the deployment of metering technology;

19 “(5) training in asset management strategies,
20 techniques, and technologies appropriate staff em-
21 ployed by—

22 “(A) the eligible entity; or

23 “(B) the small systems for which the grant
24 was received; and

1 “(6) the development or deployment of other
2 strategies, techniques, or technologies that the Ad-
3 ministrator may determine to be appropriate under
4 the program.

5 “(e) COST SHARE.—

6 “(1) IN GENERAL.—Subject to paragraph (2),
7 the Federal share of the cost of a project carried out
8 using a grant under the program shall be 90 percent
9 of the total cost of the project.

10 “(2) WAIVER.—The Administrator may in-
11 crease the Federal share under paragraph (1) to 100
12 percent.

13 “(f) AUTHORIZATION OF APPROPRIATIONS.—There
14 is authorized to be appropriated to carry out this section
15 \$10,000,000 for each of fiscal years 2021 through 2024.”.

16 **SEC. 9. MIDSIZE DRINKING WATER SYSTEM INFRASTRUC-**
17 **TURE RESILIENCE AND SUSTAINABILITY**
18 **PROGRAM.**

19 Part E of the Safe Drinking Water Act (42 U.S.C.
20 300j et seq.) (as amended by section 8) is amended by
21 adding at the end the following:

22 **“SEC. 1459F. MIDSIZE DRINKING WATER SYSTEM INFRA-**
23 **STRUCTURE RESILIENCE AND SUSTAIN-**
24 **ABILITY PROGRAM.**

25 “(a) DEFINITIONS.—In this section:

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

4 “(A) greater than 10,000; and

5 “(B) fewer than 100,000.

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

9 “(3) RESILIENCE AND SUSTAINABILITY PRO-
10 GRAM.—The term ‘resilience and sustainability pro-
11 gram’ means Midsize Drinking Water System Infra-
12 structure Resilience and Sustainability Program es-
13 tablished under subsection (b).

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

22 “(c) USE OF FUNDS.—An eligible entity may only
23 use grant funds received under the resilience and sustain-
24 ability program to assist in the planning, design, construc-
25 tion, implementation, operation, or maintenance of a pro-

1 gram or project that increases resilience to natural haz-
2 ards through—

3 “(1) the conservation of water or the enhance-
4 ment of water-use efficiency;

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

10 “(3) the design or construction of new or modi-
11 fied desalination facilities to serve existing commu-
12 nities;

13 “(4) the enhancement of water supply through
14 the use of watershed management and source water
15 protection;

16 “(5) the enhancement of energy efficiency or
17 the use and generation of renewable energy in the
18 conveyance or treatment of drinking water; or

19 “(6) the development and implementation of
20 measures to increase the resilience of the eligible en-
21 tity to natural hazards.

22 “(d) APPLICATION.—To seek a grant under the resil-
23 ience and sustainability program, an eligible entity shall
24 submit to the Administrator an application at such time;

1 in such manner, and containing such information as the
2 Administrator may require, including—

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

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

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

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

15 “(5) a description of how the proposed program
16 or project would improve the performance of the
17 community water system of the eligible entity under
18 the anticipated natural hazards; and

19 “(6) an explanation of how the proposed pro-
20 gram or project is expected to enhance the resilience
21 of the community water system of the eligible entity
22 to the anticipated natural hazards.

23 “(e) AUTHORIZATION OF APPROPRIATIONS.—There
24 is authorized to be appropriated to carry out the resilience

1 and sustainability program \$5,000,000 for each of fiscal
2 years 2021 through 2024.”.

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

6 Part E of the Safe Drinking Water Act (42 U.S.C.
7 300j et seq.) (as amended by section 9) is amended by
8 adding at the end the following:

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

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

17 **“(1)** an amount equal to 150 percent of the
18 poverty level of that State; and

19 **“(2)** an amount equal to 60 percent of the
20 State median income for that State.

21 **“(b) STUDY; REPORT.—**

22 **“(1) IN GENERAL.—**Subject to the availability
23 of appropriations, not later than 2 years after the
24 date of enactment of this section, the Administrator
25 shall conduct, and submit to Congress a report de-

1 scribing the results of, a study regarding the preva-
2 lence throughout the United States of low-income
3 households, including low-income renters, that do
4 not have access to affordable public drinking water
5 services to meet household needs.

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

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

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

14 “(C) with respect to the development of
15 the report, a consultation with all relevant
16 stakeholders.

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

20 “(e) AUTHORIZATION OF APPROPRIATIONS.—There
21 is authorized to be appropriated to carry out this section
22 \$5,000,000, to remain available until expended.”

1 **SEC. 11. LEAD CONTAMINATION IN SCHOOL DRINKING**
 2 **WATER.**

3 Section 1464 of the Safe Drinking Water Act (42
 4 U.S.C. 300j-24) is amended—

5 (1) in subsection (b)—

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

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

10 (C) in the sixth sentence, by striking
 11 “within 100 days after the enactment of this
 12 section” and inserting “not later than 100 days
 13 after the date of enactment of the Drinking
 14 Water Infrastructure Act of 2020”; and

15 (2) in subsection (d)—

16 (A) in paragraph (2)—

17 (i) in subparagraph (A)—

18 (I) by inserting “, public water
 19 systems that serve schools and child
 20 care programs under the jurisdiction
 21 of those local educational agencies,
 22 and qualified nonprofit organizations”
 23 before “in voluntary”;

24 (II) by striking the period at the
 25 end and inserting “; and”;

1 (III) by striking “grants avail-
2 able to States” and inserting the fol-
3 lowing: “grants available to—

4 “(i) States”; and

5 (IV) by adding at the end the fol-
6 lowing:

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

15 (ii) in subparagraph (B)—

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

18 (II) in clause (ii), by striking the
19 period at the end and inserting a
20 semicolon; and

21 (III) by adding at the end the
22 following:

23 “(iii) any public water system that is
24 located in a State that does not participate

1 in the voluntary grant program established
2 under subparagraph (A) that—

3 “(I) assists schools or child care
4 programs in lead testing; or

5 “(II) provides technical assist-
6 ance to schools or child care programs
7 in carrying out lead testing; or

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

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

16 (C) in paragraph (4), by striking “States
17 and local educational agencies” and inserting
18 “States, local educational agencies, public water
19 systems, tribal consortia, and qualified non-
20 profit organizations”;

21 (D) in paragraph (6)—

22 (i) in the matter preceding subpara-
23 graph (A), by inserting “, public water sys-
24 tem, tribal consortium, or qualified non-

1 profit organization” after “each local edu-
 2 eational agency”;

3 (ii) in subparagraph (A)(ii), by insert-
 4 ing “or tribal” after “applicable State”;
 5 and

6 (iii) in subparagraph (B)(i), by insert-
 7 ing “applicable” before “local educational
 8 agency”; and

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

11 **SEC. 12. INDIAN RESERVATION DRINKING WATER PRO-**
 12 **GRAM.**

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

16 (1) in subsection (a)—

17 (A) in the matter preceding paragraph (1),
 18 by striking “Subject to the availability of appro-
 19 priations, the Administrator of the Environ-
 20 mental Protection Agency” and inserting “The
 21 Administrator of the Environmental Protection
 22 Agency (referred to in this section as the ‘Ad-
 23 ministrato’); and

24 (B) by striking “to implement” in the mat-
 25 ter preceding paragraph (1) and all that follows

1 through the period at the end of paragraph (2)
2 and inserting “to implement eligible projects
3 described in subsection (b).”;

4 (2) by redesignating subsection (d) as sub-
5 section (e);

6 (3) by striking subsection (e) and inserting the
7 following:

8 “(e) REQUIRED PROJECTS.—

9 “(1) IN GENERAL.—If sufficient applications
10 exist, of the funds made available to carry out this
11 section, the Administrator shall use 50 percent to
12 carry out—

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

16 “(B) 10 eligible projects described in sub-
17 section (b) that are within the Upper Rio
18 Grande Basin; and

19 “(C) 10 eligible projects described in sub-
20 section (b) that are within the Columbia River
21 Basin.

22 “(2) REQUIREMENT.—In carrying out para-
23 graph (1)(A), the Administrator shall select not
24 fewer than 2 eligible projects for a reservation that

1 serves more than 1 federally recognized Indian
2 Tribe.

3 “(d) FEDERAL SHARE.—The Federal share of the
4 cost of a project carried out under this section shall be
5 100 percent.”; and

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

7 (A) by striking “There is” and inserting
8 “There are”;

9 (B) by striking “subsection (a)
10 \$20,000,000” and inserting the following: “sub-
11 section (a)—

12 “(1) \$20,000,000”;

13 (C) in paragraph (1) (as so designated), by
14 striking “2022.” and inserting “2020; and”;
15 and

16 (D) by adding at the end the following:

17 “(2) \$50,000,000 for each of fiscal years 2021
18 through 2024.”.

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

20 (a) STUDY.—

21 (1) IN GENERAL.—Subject to the availability of
22 appropriations, not later than 1 year after the date
23 of enactment of this Act, the Administrator of the
24 Environmental Protection Agency (referred to in
25 this section as the “Administrator”) shall carry out

1 a study that examines the state of existing and po-
 2 tential future technology that enhances or could en-
 3 hance the treatment, monitoring, affordability, effi-
 4 ciency, and safety of drinking water provided by a
 5 public water system (as defined in section 1401 of
 6 the Safe Drinking Water Act (42 U.S.C. 300f)).

7 (2) REPORT.—The Administrator shall submit
 8 to the Committee on Environment and Public Works
 9 of the Senate and the Committee on Energy and
 10 Commerce of the House of Representatives a report
 11 that describes the results of the study under para-
 12 graph (1).

13 (b) ADVANCED DRINKING WATER TECHNOLOGY
 14 GRANT PROGRAM.—

15 (1) DEFINITIONS.—In this subsection:

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

19 (i) serves—

20 (I) a population of not more than

21 100,000 people; or

22 (II) an underserved community;

23 and

24 (ii) has plans to identify or has identi-

25 fied opportunities in the operations of the

1 public water system to employ new or
2 emerging, yet proven, technologies, as de-
3 termined by the Administrator, that en-
4 hance treatment, monitoring, affordability,
5 efficiency, or safety of the drinking water
6 provided by the public water system, in-
7 cluding technologies not identified in the
8 study conducted under subsection (a)(1).

9 (B) PROGRAM.—The term “program”
10 means the competitive grant program estab-
11 lished under paragraph (2).

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

16 (D) UNDERSERVED COMMUNITY.—The
17 term “underserved community” means a polit-
18 ical subdivision of a State that, as determined
19 by the Administrator, has an inadequate system
20 for obtaining drinking water.

21 (2) ESTABLISHMENT.—The Administrator shall
22 establish a competitive grant program under which
23 the Administrator shall award grants to eligible enti-
24 ties for the purpose of deploying technologies de-
25 scribed in paragraph (1)(A)(ii).

1 (3) REQUIREMENTS.—

2 (A) APPLICATIONS.—To be eligible to re-
3 ceive a grant under the program, an eligible en-
4 tity shall submit to the Administrator an appli-
5 cation at such time, in such manner, and con-
6 taining such information as the Administrator
7 may require.

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

11 (C) FEDERAL SHARE.—

12 (i) IN GENERAL.—Subject to clause
13 (ii), the Federal share of the cost of a
14 project carried out using a grant under the
15 program shall not exceed 90 percent of the
16 total cost of the project.

17 (ii) WAIVER.—The Administrator may
18 increase the Federal share under clause (i)
19 to 100 percent.

20 (4) REPORT.—Not later than 1 year after the
21 date on which Administrator first awards a grant
22 under the program, and annually thereafter, the Ad-
23 ministrator shall submit to Congress a report de-
24 scribing—

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

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

5 (5) FUNDING.—

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

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

17 **SEC. 14. DRINKING WATER INFRASTRUCTURE DISCRE-**
18 **TIONARY GRANT PROGRAM.**

19 (a) ESTABLISHMENT.—Not later than 1 year after
20 the date of enactment of this Act, the Administrator of
21 the Environmental Protection Agency (referred to in this
22 section as the “Administrator”) shall establish a drinking
23 water discretionary grant program (referred to in this sec-
24 tion as the “program”) to provide grants, on a competitive

1 basis, to eligible entities described in subsection (b) for
 2 investments in drinking water infrastructure projects.

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

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

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

9 (3) a State infrastructure financing authority;
 10 and

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

15 (c) ELIGIBLE PROJECTS.—

16 (1) IN GENERAL.—A project eligible to be ear-
 17 ried out with funds under the program includes—

18 (A) 1 or more activities described in sub-
 19 paragraphs (B) through (E) of section
 20 1452(a)(2) of the Safe Drinking Water Act (42
 21 U.S.C. 300j-12(a)(2)); and

22 (B) any other drinking water infrastruc-
 23 ture project that the Administrator determines
 24 to appropriate.

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 assist-
5 ance—

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 (d) APPLICATION.—

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

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

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

6 (e) SELECTION.—

7 (1) CRITERIA.—

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

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

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

18 (ii) include in the notice the selection
19 criteria established under subparagraph
20 (A).

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

1 (A) for which a Federal grant would assist
2 in completing an overall financing package for
3 the project; and

4 (B) that would help bring public water sys-
5 tems (as defined in section 1401 of the Safe
6 Drinking Water Act (42 U.S.C. 300f)) into
7 compliance with the Safe Drinking Water Act
8 (42 U.S.C. 300f et seq.).

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

13 (A) on an equitable geographical basis; and

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

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

21 (f) REQUIREMENTS.—

22 (1) TOTAL STATE LIMIT.—For each fiscal year,
23 the total amount provided under the program for
24 projects in a single State shall not exceed 20 percent

1 of the total amount made available to carry out the
2 program.

3 ~~(2) NON-FEDERAL SHARE.—~~

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

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

13 ~~(g) REGULATIONS.—~~The Administrator may promul-
14 gate such regulations as may be necessary to carry out
15 this section.

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

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

25 ~~(j) FUNDING.—~~

1 ~~(1) AUTHORIZATION OF APPROPRIATIONS.—~~

2 There is authorized to be appropriated to carry out
3 this section ~~\$50,000,000~~ for each of fiscal years
4 ~~2022~~ through 2024.

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

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

13 **SECTION 1. SHORT TITLE.**

14 *This Act may be cited as the “Drinking Water Infra-*
15 *structure Act of 2020”.*

16 **SEC. 2. HOST COMMUNITIES.**

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

19 *(1) in paragraph (1)—*

20 *(A) by striking the period at the end and*
21 *inserting “; or”;*

22 *(B) by striking “for the purpose of increas-*
23 *ing” and inserting the following: “for the pur-*
24 *pose of—*

25 *“(A) increasing”; and*

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

2 “(B) increasing the capacity of the commu-
3 nity water system to adapt to an increase in
4 population served by the community water sys-
5 tem that is primarily caused by a natural haz-
6 ard or a malevolent act in another community
7 or State.”;

8 (2) in paragraph (5)—

9 (A) in the heading, by striking “SMALL”
10 and inserting “SMALL, RURAL, AND DISADVAN-
11 TAGED”;

12 (B) by striking “a population of less than
13 3,300 persons” and inserting “disadvantaged
14 communities or populations of fewer than 10,000
15 persons”; and

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

17 (3) in paragraph (6), by striking “fiscal years
18 2020 and 2021” and inserting “fiscal years 2021 and
19 2022”.

20 **SEC. 3. TECHNICAL ASSISTANCE AND GRANTS FOR EMER-**
21 **GENCIES AFFECTING PUBLIC WATER SYS-**
22 **TEMS.**

23 Section 1442 of the Safe Drinking Water Act (42
24 U.S.C. 300j-1) is amended—

1 (1) *in subsection (b), in the first sentence, by in-*
 2 *serting “, including a threat to public health resulting*
 3 *from contaminants, such as, but not limited to,*
 4 *heightened exposure to lead in drinking water” after*
 5 *“public health”;*

6 (2) *by striking subsection (d) and inserting the*
 7 *following:*

8 “*(d) AUTHORIZATION OF APPROPRIATIONS.—There is*
 9 *authorized to be appropriated to carry out subsection (b)*
 10 *\$35,000,000 for each of fiscal years 2021 through 2024.”;*

11 (3) *in subsection (e)(5), by striking “2015*
 12 *through 2020” and inserting “2021 through 2024”;*

13 (4) *by redesignating subsection (f) as subsection*
 14 *(g); and*

15 (5) *by inserting after subsection (e) the following:*

16 “*(f) STATE-BASED NONPROFIT ORGANIZATIONS.—The*
 17 *Administrator may provide technical assistance consistent*
 18 *with the authority provided under subsection (e) to State-*
 19 *based nonprofit organizations that are governed by commu-*
 20 *nity water systems.”.*

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

22 (a) *DRINKING WATER RELIEF FOR SMALL, RURAL,*
 23 *AND DISADVANTAGED COMMUNITIES.—Section 1452 of the*
 24 *Safe Drinking Water Act (42 U.S.C. 300j–12) is amend-*
 25 *ed—*

1 (1) *in subsection (a)—*

2 (A) *in paragraph (2), by adding at the end*
3 *the following:*

4 “(H) *REQUIRED SUBSIDIES FOR PUBLIC*
5 *WATER SYSTEMS.—*

6 “(i) *IN GENERAL.—Notwithstanding*
7 *any other provision of this paragraph and*
8 *to the extent that there are sufficient appli-*
9 *cations from public water systems, a State*
10 *shall use not less than 14 percent of a cap-*
11 *italization grant to the State under this sec-*
12 *tion to provide the additional subsidies de-*
13 *scribed in clause (ii) to public water sys-*
14 *tems if the additional subsidies described in*
15 *that clause are used—*

16 “(I) *as initial financing for the*
17 *public water system; or*

18 “(II) *to buy, refinance, or restruc-*
19 *ture the debt obligations of the public*
20 *water system, if—*

21 “(aa) *the debt obligation was*
22 *incurred on or after the date of*
23 *enactment of this subparagraph;*
24 *or*

1 “(bb) for a debt obligation
2 that was incurred before the date
3 of enactment of this subpara-
4 graph—

5 “(AA) the State, with
6 the concurrence of the Ad-
7 ministrator, determines that
8 the additional subsidies de-
9 scribed in clause (ii) would
10 help the public water system
11 address a threat to public
12 health from heightened expo-
13 sure to contaminants (in-
14 cluding lead) in drinking
15 water; or

16 “(BB) before the date of
17 enactment of this subpara-
18 graph, an emergency has
19 been declared by the Presi-
20 dent under section 501 of the
21 Robert T. Stafford Disaster
22 Relief and Emergency Assist-
23 ance Act (42 U.S.C. 5191) or
24 a State emergency declara-
25 tion has been issued due to a

1 *threat to public health, in-*
 2 *cluding a threat from height-*
 3 *ened exposure to lead, in the*
 4 *municipal drinking water*
 5 *supply of the public water*
 6 *system.*

7 “(ii) *ADDITIONAL SUBSIDIES DE-*
 8 *SCRIBED.—The additional subsidies referred*
 9 *to in clause (i) are—*

10 “(I) *forgiveness of principal of*
 11 *loans owed to the State loan fund of*
 12 *the State;*

13 “(II) *negative interest loans;*

14 “(III) *grants; or*

15 “(IV) *a combination of the sub-*
 16 *sidies described in subclauses (I)*
 17 *through (III).”;* and

18 (B) *in paragraph (4)(A), by striking “Dur-*
 19 *ing fiscal years 2019 through 2023, funds” and*
 20 *inserting “Funds”;* and

21 (2) *in subsection (q), by striking “2016 through*
 22 *2021” and inserting “2021 through 2024”.*

23 (b) *REMEDICATION OF CONTAMINATION.—Section 1452*
 24 *of the Safe Drinking Water Act (42 U.S.C. 300j–12) is*
 25 *amended—*

1 (1) *in subsection (a)(2)(G)—*

2 (A) *in clause (i)—*

3 (i) *by striking “only”; and*

4 (ii) *by striking the clause designation*
5 *and heading and all that follows through*
6 *“clause (ii),” and inserting the following:*

7 “(i) *DRINKING WATER.—*

8 “(I) *IN GENERAL.—Notwith-*
9 *standing any other provision of law*
10 *and subject to subclause (II),”;*

11 (B) *in clause (i)—*

12 (i) *in subclause (I)—*

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

18 (II) *by redesignating items (aa)*
19 *and (bb) as subitems (AA) and (BB),*
20 *respectively, and indenting appro-*
21 *priately;*

22 (ii) *in subclause (II), by striking*
23 *“amounts described in clause (i)” and in-*
24 *serting “amounts made available to carry*
25 *out this clause”;* and

1 (iii) by redesignating subclauses (I)
2 and (II) as items (aa) and (bb), respec-
3 tively, and indenting appropriately;

4 (C) by redesignating clause (ii) as subclause
5 (II) and indenting appropriately; and

6 (D) by inserting before clause (iii) the fol-
7 lowing:

8 “(ii) *REMEDICATION OF CONTAMINATION*
9 *OF GROUNDWATER.*—

10 “(I) *DEFINITION OF ELIGIBLE*
11 *SITE.*—*In this clause, the term ‘eligible*
12 *site’ means a site at which an emerg-*
13 *ing contaminant is present in, or has*
14 *the potential to enter, a public water*
15 *system or an underground source of*
16 *drinking water.*

17 “(II) *GRANTS.*—*Notwithstanding*
18 *any other provision of law and subject*
19 *to subclause (III), amounts deposited*
20 *under subsection (t) in a State loan*
21 *fund established under this section*
22 *may only be used to provide grants to*
23 *address contamination of groundwater*
24 *at an eligible site, with a focus on*

1 *perfluoroalkyl and polyfluoroalkyl sub-*
2 *stances.*

3 “(III) *REQUIREMENTS.*—

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

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

21 (2) *in subsection (t)(2), by striking*
22 *“\$100,000,000 for each of fiscal years 2020” and in-*
23 *serting “\$300,000,000 for each of fiscal years 2021”.*

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

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

4 *(1) in subsection (a)—*

5 *(A) in paragraph (1)(A), in the matter pre-*
6 *ceding clause (i), by striking “political subdivi-*
7 *sion of a State,” and inserting “political sub-*
8 *division of a State (including a county that is*
9 *designated by the State to act on behalf of an*
10 *unincorporated area within that county, with*
11 *the agreement of that unincorporated area),”;*

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

16 *(C) by adding at the end the following:*

17 *“(5) SAVINGS PROVISION.—Unless otherwise pro-*
18 *vided within the agreement, an agreement between an*
19 *unincorporated area and a county for the county to*
20 *submit a petition under paragraph (1)(A) on behalf*
21 *of the unincorporated area shall not authorize the*
22 *county to act on behalf of the unincorporated area in*
23 *any matter not within a program under this sec-*
24 *tion.”; and*

25 *(2) in subsection (e), in the first sentence, by*
26 *striking “2021” and inserting “2024”.*

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

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

5 (1) *in subsection (b)(2)*—

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

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

10 (C) *by adding at the end the following:*

11 “(D) *the purchase of point-of-entry or*
12 *point-of-use filters that are independently cer-*
13 *tified using science-based test methods for the re-*
14 *moval of contaminants of concern;*

15 “(E) *investments necessary for providing*
16 *accurate and current information about—*

17 “(i) *the need for filtration, filter safety,*
18 *and proper maintenance practices; and*

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

23 “(F) *entering into contracts with nonprofit*
24 *organizations that have water system technical*
25 *expertise to assist underserved communities.*

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

5 “(A) an eligible entity; or

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

8 (2) in subsection (c), in the matter preceding
 9 paragraph (1), by striking “An eligible entity” and
 10 inserting “Except for purposes of subsections (j) and
 11 (m), an eligible entity”;

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

16 (4) by striking subsection (h) and inserting the
 17 following:

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

20 (5) by striking subsection (k) and inserting the
 21 following:

22 “(k) *AUTHORIZATION OF APPROPRIATIONS.*—There
 23 are authorized to be appropriated to carry out subsections
 24 (a) through (j)—

25 “(1) \$60,000,000 for fiscal year 2021; and

1 “(2) \$100,000,000 for each of fiscal years 2022
2 through 2024.”; and

3 (6) in subsection (l)—

4 (A) in paragraph (2)—

5 (i) by striking “The Administrator
6 may” and inserting “The Administrator
7 shall”; and

8 (ii) by striking “fiscal years 2019 and
9 2020” and inserting “fiscal years 2021
10 through 2024”;

11 (B) in paragraph (5), by striking
12 “\$4,000,000 for each of fiscal years 2019 and
13 2020” and inserting “\$10,000,000 for each of fis-
14 cal years 2021 through 2024”;

15 (C) by redesignating paragraph (5) as
16 paragraph (6); and

17 (D) by inserting after paragraph (4) the fol-
18 lowing:

19 “(5) *FEDERAL SHARE FOR UNDERSERVED COM-*
20 *MUNITIES.*—

21 “(A) *IN GENERAL.*—Subject to subpara-
22 graph (B), with respect to a program or project
23 that serves an underserved community and is
24 carried out using a grant under this subsection,

1 *the Federal share of the cost of the program or*
 2 *project shall be 90 percent.*

3 “(B) *WAIVER.*—*The Administrator may in-*
 4 *crease the Federal share under subparagraph*
 5 *(A)(ii) to 100 percent.”.*

6 **(b) CONNECTION TO PUBLIC WATER SYSTEMS.**—*Sec-*
 7 *tion 1459A of the Safe Drinking Water Act (42 U.S.C.*
 8 *300j–19a) is amended by adding at the end the following:*

9 **“(m) CONNECTION TO PUBLIC WATER SYSTEMS.**—

10 **“(1) DEFINITIONS.**—*In this subsection:*

11 **“(A) ELIGIBLE ENTITY.**—*The term ‘eligible*
 12 *entity’ means—*

13 **“(i) an owner or operator of a public**
 14 *water system that assists or is seeking to as-*
 15 *assist eligible individuals with connecting the*
 16 *household of the eligible individual to the*
 17 *public water system; or*

18 **“(ii) a nonprofit entity that assists or**
 19 *is seeking to assist eligible individuals with*
 20 *the costs associated with connecting the*
 21 *household of the eligible individual to a*
 22 *public water system.*

23 **“(B) ELIGIBLE INDIVIDUAL.**—*The term ‘eli-*
 24 *gible individual’ has the meaning given the term*

1 *in section 603(j) of the Federal Water Pollution*
2 *Control Act (33 U.S.C. 1383(j)).*

3 “(C) *PROGRAM.*—*The term ‘program’*
4 *means the competitive grant program established*
5 *under paragraph (2).*

6 “(2) *ESTABLISHMENT.*—*Subject to the avail-*
7 *ability of appropriations, the Administrator shall es-*
8 *tablish a competitive grant program under which the*
9 *Administrator awards grants to eligible entities to*
10 *provide funds to assist eligible individuals in covering*
11 *the costs incurred by the eligible individual in con-*
12 *necting the household of the eligible individual to a*
13 *public water system.*

14 “(3) *APPLICATION.*—*An eligible entity seeking a*
15 *grant under the program shall submit to the Admin-*
16 *istrator an application at such time, in such manner,*
17 *and containing such information as the Adminis-*
18 *trator may require.*

19 “(4) *VOLUNTARY CONNECTION.*—*Before pro-*
20 *viding funds to an eligible individual for the costs de-*
21 *scribed in paragraph (2), an eligible entity shall en-*
22 *sure that—*

23 “(A) *the eligible individual is voluntarily*
24 *seeking connection to the public water system;*

1 “(B) if the eligible entity is not the owner
 2 or operator of the public water system to which
 3 the eligible individual seeks to connect, the public
 4 water system to which the eligible individual
 5 seeks to connect has agreed to the connection;
 6 and

7 “(C) the connection of the household of the
 8 eligible individual to the public water system
 9 meets all applicable local and State regulations,
 10 requirements, and codes.

11 “(5) *AUTHORIZATION OF APPROPRIATIONS.*—
 12 *There is authorized to be appropriated to carry out*
 13 *the program \$20,000,000 for each of fiscal years 2021*
 14 *and 2022.”.*

15 *(c) COMPETITIVE GRANT PILOT PROGRAM.*—*Section*
 16 *1459A of the Safe Drinking Water Act (42 U.S.C. 300j–*
 17 *19a) (as amended by subsection (b)) is amended by adding*
 18 *at the end the following:*

19 “(n) *STATE COMPETITIVE GRANTS FOR UNDER-*
 20 *SERVED COMMUNITIES.*—

21 “(1) *IN GENERAL.*—*In addition to amounts au-*
 22 *thorized to be appropriated under subsection (k), there*
 23 *is authorized to be appropriated to carry out sub-*
 24 *sections (a) through (j) \$50,000,000 for each of fiscal*

1 *years 2021 through 2024 in accordance with para-*
2 *graph (2).*

3 *“(2) COMPETITIVE GRANTS.—*

4 *“(A) IN GENERAL.—Notwithstanding any*
5 *other provision of this section, the Administrator*
6 *shall distribute amounts made available under*
7 *paragraph (1) to States through a competitive*
8 *grant program.*

9 *“(B) APPLICATIONS.—To seek a grant*
10 *under the competitive grant program under sub-*
11 *paragraph (A), a State shall submit to the Ad-*
12 *ministrator an application at such time, in such*
13 *manner, and containing such information as the*
14 *Administrator may require.*

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

21 *“(3) SAVINGS PROVISION.—Nothing in this para-*
22 *graph affects the distribution of amounts made avail-*
23 *able under subsection (k), including any methods used*
24 *by the Administrator for distribution of amounts*
25 *made available under that subsection as in effect on*

1 *the day before the date of enactment of this sub-*
 2 *section.”.*

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

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

6 *(1) in subsection (d)—*

7 *(A) by inserting “(except for subsection*
 8 *(d))” after “this section”; and*

9 *(B) by striking “2021” and inserting*
 10 *“2022”;*

11 *(2) by redesignating subsections (d) and (e) as*
 12 *subsections (e) and (f), respectively; and*

13 *(3) by inserting after subsection (c) the fol-*
 14 *lowing:*

15 *“(d) LEAD MAPPING UTILIZATION GRANT PILOT PRO-*
 16 *GRAM.—*

17 *“(1) DEFINITIONS.—In this subsection:*

18 *“(A) ELIGIBLE ENTITY.—The term ‘eligible*
 19 *entity’ means a municipality that is served by*
 20 *a community water system or a nontransient*
 21 *noncommunity water system in which not less*
 22 *than 30 percent of the service lines are known,*
 23 *or likely to contain, lead service lines.*

1 “(B) *PILOT PROGRAM.*—*The term ‘pilot*
2 *program’ means the pilot program established*
3 *under paragraph (2).*

4 “(2) *ESTABLISHMENT.*—*The Administrator shall*
5 *establish a pilot program under which the Adminis-*
6 *trator shall provide grants to eligible entities to carry*
7 *out lead reduction projects that are demonstrated to*
8 *exist based on existing lead mapping of those eligible*
9 *entities.*

10 “(3) *SELECTION.*—

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

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

22 “(4) *REPORT.*—*Not later 2 years after the Ad-*
23 *ministrator first awards a grant under the pilot pro-*
24 *gram, the Administrator shall submit to the Com-*
25 *mittee on Environment and Public Works of the Sen-*

1 *ate and the Committee on Energy and Commerce of*
 2 *the House of Representatives a report describing—*

3 *“(A) the recipients of grants under the pilot*
 4 *program;*

5 *“(B) the existing lead mapping that was*
 6 *available to recipients of grants under the pilot*
 7 *program; and*

8 *“(C) how useful and accurate the lead map-*
 9 *ping described in subparagraph (B) was in lo-*
 10 *locating lead contaminants of the eligible entity.*

11 *“(5) AUTHORIZATION OF APPROPRIATIONS.—*

12 *There is authorized to be appropriated to carry out*
 13 *the pilot program \$10,000,000, to remain available*
 14 *until expended.”.*

15 **SEC. 8. OPERATIONAL SUSTAINABILITY OF SMALL PUBLIC**
 16 **WATER SYSTEMS.**

17 *Part E of the Safe Drinking Water Act (42 U.S.C. 300j*
 18 *et seq.) is amended by adding at the end the following:*

19 **“SEC. 1459E. OPERATIONAL SUSTAINABILITY OF SMALL**
 20 **PUBLIC WATER SYSTEMS.**

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

22 *“(1) ELIGIBLE ENTITY.—The term ‘eligible enti-*
 23 *ty’ means—*

24 *“(A) a unit of local government;*

1 “(B) a public corporation established by a
2 unit of local government to provide water service;

3 “(C) a nonprofit corporation, public trust,
4 or cooperative association that owns or operates
5 a public water system; and

6 “(D) an Indian Tribe that owns or operates
7 a public water system.

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

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

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

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

19 “(B) is owned or operated by—

20 “(i) a unit of local government;

21 “(ii) a public corporation;

22 “(iii) a nonprofit corporation;

23 “(iv) a public trust;

24 “(v) a cooperative association; or

25 “(vi) an Indian Tribe.

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 enti-
14 ty describing the deficiencies or suspected deficiencies
15 in operational sustainability of 1 or more small sys-
16 tems that are to be addressed through the proposed
17 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 re-
25 sult of the proposed project;

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

10 “(B) if the eligible entity is located in an area
11 other than a State that has established a State drink-
12 ing water treatment revolving loan fund under section
13 1452, a copy of a written agreement between the eligi-
14 ble entity and the Administrator in which the eligible
15 entity agrees to provide a copy of any data collected
16 under the proposed project to the Administrator (or a
17 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, distribution*
2 *lines, hydrants, pumps, controls, and other essential*
3 *infrastructure;*

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

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

8 *“(B) global positioning system software;*

9 *“(3) the deployment of leak detection technology;*

10 *“(4) the deployment of metering technology;*

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

14 *“(A) the eligible entity; or*

15 *“(B) the small systems for which the grant*
16 *was received; and*

17 *“(6) the development or deployment of other*
18 *strategies, techniques, or technologies that the Admin-*
19 *istrator may determine to be appropriate under the*
20 *program.*

21 *“(e) COST SHARE.—*

22 *“(1) IN GENERAL.—Subject to paragraph (2), the*
23 *Federal share of the cost of a project carried out using*
24 *a grant under the program shall be 90 percent of the*
25 *total cost of the project.*

1 “(2) *WAIVER.*—*The Administrator may increase*
2 *the Federal share under paragraph (1) to 100 percent.*

3 “(f) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*
4 *authorized to be appropriated to carry out this section*
5 *\$10,000,000 for each of fiscal years 2021 through 2024.”.*

6 **SEC. 9. MIDSIZE DRINKING WATER SYSTEM INFRASTRUC-**
7 **TURE RESILIENCE AND SUSTAINABILITY PRO-**
8 **GRAM.**

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

12 **“SEC. 1459F. MIDSIZE DRINKING WATER SYSTEM INFRA-**
13 **STRUCTURE RESILIENCE AND SUSTAIN-**
14 **ABILITY PROGRAM.**

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

16 “(1) *ELIGIBLE ENTITY.*—*The term ‘eligible enti-*
17 *ty’ means a public water system that serves a commu-*
18 *nity with a population of—*

19 “(A) *greater than 10,000; and*

20 “(B) *fewer than 100,000.*

21 “(2) *NATURAL HAZARD; RESILIENCE.*—*The*
22 *terms ‘resilience’ and ‘natural hazard’ have the mean-*
23 *ings given those terms in section 1433(h).*

24 “(3) *RESILIENCE AND SUSTAINABILITY PRO-*
25 *GRAM.*—*The term ‘resilience and sustainability pro-*

1 *gram’ means the Midsize Drinking Water System In-*
2 *frastructure Resilience and Sustainability Program*
3 *established under subsection (b).*

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

12 “(c) *USE OF FUNDS.—An eligible entity may only use*
13 *grant funds received under the resilience and sustainability*
14 *program to assist in the planning, design, construction, im-*
15 *plementation, operation, or maintenance of a program or*
16 *project that increases resilience to natural hazards*
17 *through—*

18 “(1) *the conservation of water or the enhance-*
19 *ment of water-use efficiency;*

20 “(2) *the modification or relocation of existing*
21 *drinking water system infrastructure made, or that is*
22 *at risk of being, significantly impaired by natural*
23 *hazards, including risks to drinking water from flood-*
24 *ing;*

1 “(3) *the design or construction of new or modi-*
2 *fied desalination facilities to serve existing commu-*
3 *nities;*

4 “(4) *the enhancement of water supply through*
5 *the use of watershed management and source water*
6 *protection;*

7 “(5) *the enhancement of energy efficiency or the*
8 *use and generation of renewable energy in the convey-*
9 *ance or treatment of drinking water; or*

10 “(6) *the development and implementation of*
11 *measures to increase the resilience of the eligible enti-*
12 *ty to natural hazards.*

13 “(d) *APPLICATION.—To seek a grant under the resil-*
14 *ience and sustainability program, an eligible entity shall*
15 *submit to the Administrator an application at such time,*
16 *in such manner, and containing such information as the*
17 *Administrator may require, including—*

18 “(1) *a proposal of the program or project to be*
19 *planned, designed, constructed, implemented, oper-*
20 *ated, or maintained by the eligible entity;*

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

23 “(3) *documentation prepared by a Federal,*
24 *State, regional, or local government agency of the nat-*

1 *ural hazard risk to the area where the proposed pro-*
 2 *gram or project is to be located;*

3 *“(4) a description of any recent natural hazard*
 4 *events that have affected the community water system*
 5 *of the eligible entity;*

6 *“(5) a description of how the proposed program*
 7 *or project would improve the performance of the com-*
 8 *munity water system of the eligible entity under the*
 9 *anticipated natural hazards; and*

10 *“(6) an explanation of how the proposed pro-*
 11 *gram or project is expected to enhance the resilience*
 12 *of the community water system of the eligible entity*
 13 *to the anticipated natural hazards.*

14 *“(e) AUTHORIZATION OF APPROPRIATIONS.—There is*
 15 *authorized to be appropriated to carry out the resilience*
 16 *and sustainability program \$10,000,000 for each of fiscal*
 17 *years 2021 through 2024.”.*

18 **SEC. 10. NEEDS ASSESSMENT FOR NATIONWIDE RURAL AND**
 19 **URBAN LOW-INCOME COMMUNITY WATER AS-**
 20 **SISTANCE.**

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

1 **“SEC. 1459G. NEEDS ASSESSMENT FOR NATIONWIDE RURAL**
2 **AND URBAN LOW-INCOME COMMUNITY**
3 **WATER ASSISTANCE.**

4 *“(a) DEFINITION OF LOW-INCOME HOUSEHOLD.—In*
5 *this section, the term ‘low-income household’ means a house-*
6 *hold that has an income that, as determined by the State*
7 *in which the household is located, does not exceed the greater*
8 *of—*

9 *“(1) an amount equal to 150 percent of the pov-*
10 *erty level of that State; and*

11 *“(2) an amount equal to 60 percent of the State*
12 *median income for that State.*

13 *“(b) STUDY; REPORT.—*

14 *“(1) IN GENERAL.—Subject to the availability of*
15 *appropriations, not later than 2 years after the date*
16 *of enactment of this section, the Administrator shall*
17 *conduct, and submit to Congress a report describing*
18 *the results of, a study regarding the prevalence*
19 *throughout the United States of low-income house-*
20 *holds, including low-income renters, that do not have*
21 *access to affordable public drinking water services to*
22 *meet household needs.*

23 *“(2) INCLUSIONS.—The report under paragraph*
24 *(1) shall include—*

1 “(A) recommendations of the Administrator
2 regarding the best methods to increase access to
3 affordable and reliable drinking water services;

4 “(B) a description of the cost of each meth-
5 od described in subparagraph (A); and

6 “(C) with respect to the development of the
7 report, a consultation with all relevant stake-
8 holders.

9 “(3) *AGREEMENTS.*—The Administrator may
10 enter into an agreement with another Federal agency
11 to carry out the study under paragraph (1).

12 “(c) *AUTHORIZATION OF APPROPRIATIONS.*—There is
13 authorized to be appropriated to carry out this section
14 \$5,000,000, to remain available until expended.”.

15 **SEC. 11. LEAD CONTAMINATION IN SCHOOL DRINKING**
16 **WATER.**

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

19 (1) in subsection (b)—

20 (A) in the first sentence, by inserting “pub-
21 lic water systems and” after “to assist”;

22 (B) in the third sentence, by inserting “pub-
23 lic water systems,” after “schools,”; and

24 (C) in the sixth sentence, by striking “with-
25 in 100 days after the enactment of this section”

1 *and inserting “not later than 100 days after the*
2 *date of enactment of the Drinking Water Infra-*
3 *structure Act of 2020”;* and

4 *(2) in subsection (d)—*

5 *(A) in paragraph (2)—*

6 *(i) in subparagraph (A)—*

7 *(I) by inserting “, public water*
8 *systems that serve schools and child*
9 *care programs under the jurisdiction of*
10 *those local educational agencies, and*
11 *qualified nonprofit organizations” be-*
12 *fore “in voluntary”;*

13 *(II) by striking the period at the*
14 *end and inserting “; and”;*

15 *(III) by striking “grants available*
16 *to States” and inserting the following:*
17 *“grants available to—*

18 *“(i) States”;* and

19 *(IV) by adding at the end the fol-*
20 *lowing:*

21 *“(ii) tribal consortia to assist tribal*
22 *education agencies (as defined in section 3*
23 *of the National Environmental Education*
24 *Act (20 U.S.C. 5502) in voluntary testing*
25 *for lead contamination in drinking water*

1 *at schools and child care programs under*
2 *the jurisdiction of the tribal education agen-*
3 *cy.”;*

4 *(ii) in subparagraph (B)—*

5 *(I) in clause (i), by striking “or”*
6 *at the end;*

7 *(II) in clause (ii), by striking the*
8 *period at the end and inserting a semi-*
9 *colon; and*

10 *(III) by adding at the end the fol-*
11 *lowing:*

12 *“(iii) any public water system that is*
13 *located in a State that does not participate*
14 *in the voluntary grant program established*
15 *under subparagraph (A) that—*

16 *“(I) assists schools or child care*
17 *programs in lead testing; or*

18 *“(II) provides technical assistance*
19 *to schools or child care programs in*
20 *carrying out lead testing; or*

21 *“(iv) a qualified nonprofit organiza-*
22 *tion, as determined by the Administrator.”;*

23 *(B) in paragraphs (3), (5), (6), and (7), by*
24 *striking “State or local educational agency” each*
25 *place it appears and inserting “State, local edu-*

1 *ational agency, public water system, tribal con-*
2 *sortium, or qualified nonprofit organization”;*

3 (C) *in paragraph (4), by striking “States*
4 *and local educational agencies” and inserting*
5 *“States, local educational agencies, public water*
6 *systems, tribal consortia, and qualified nonprofit*
7 *organizations”;*

8 (D) *in paragraph (6)—*

9 (i) *in the matter preceding subpara-*
10 *graph (A), by inserting “, public water sys-*
11 *tem, tribal consortium, or qualified non-*
12 *profit organization” after “each local edu-*
13 *cational agency”;*

14 (ii) *in subparagraph (A)(ii), by insert-*
15 *ing “or tribal” after “applicable State”;*
16 *and*

17 (iii) *in subparagraph (B)(i), by insert-*
18 *ing “applicable” before “local educational*
19 *agency”;* *and*

20 (E) *in paragraph (8), by striking “2020*
21 *and 2021” and inserting “2021 and 2022”.*

1 **SEC. 12. INDIAN RESERVATION DRINKING WATER PRO-**
 2 **GRAM.**

3 *Section 2001 of the America’s Water Infrastructure*
 4 *Act of 2018 (42 U.S.C. 300j–3c note; Public Law 115–270)*
 5 *is amended—*

6 *(1) in subsection (a)—*

7 *(A) in the matter preceding paragraph (1),*
 8 *by striking “Subject to the availability of appro-*
 9 *priations, the Administrator of the Environ-*
 10 *mental Protection Agency” and inserting “The*
 11 *Administrator of the Environmental Protection*
 12 *Agency (referred to in this section as the ‘Ad-*
 13 *ministrator’); and*

14 *(B) by striking “to implement” in the mat-*
 15 *ter preceding paragraph (1) and all that follows*
 16 *through the period at the end of paragraph (2)*
 17 *and inserting “to implement eligible projects de-*
 18 *scribed in subsection (b).”;*

19 *(2) by redesignating subsection (d) as subsection*
 20 *(e);*

21 *(3) by striking subsection (c) and inserting the*
 22 *following:*

23 *“(c) REQUIRED PROJECTS.—*

24 *“(1) IN GENERAL.—If sufficient applications*
 25 *exist, of the funds made available to carry out this*

1 *section, the Administrator shall use 50 percent to*
 2 *carry out—*

3 “(A) 10 eligible projects described in sub-
 4 *section (b) that are within the Upper Missouri*
 5 *River Basin;*

6 “(B) 10 eligible projects described in sub-
 7 *section (b) that are within the Upper Rio*
 8 *Grande Basin; and*

9 “(C) 10 eligible projects described in sub-
 10 *section (b) that are within the Columbia River*
 11 *Basin.*

12 “(2) *REQUIREMENT.—In carrying out para-*
 13 *graph (1)(A), the Administrator shall select not fewer*
 14 *than 2 eligible projects for a reservation that serves*
 15 *more than 1 federally recognized Indian Tribe.*

16 “(d) *FEDERAL SHARE.—The Federal share of the cost*
 17 *of a project carried out under this section shall be 100 per-*
 18 *cent.”; and*

19 (4) *in subsection (e) (as so redesignated)—*

20 (A) *by striking “There is” and inserting*
 21 *“There are”;*

22 (B) *by striking “subsection (a)*
 23 *\$20,000,000” and inserting the following: “sub-*
 24 *section (a)—*

25 “(1) \$20,000,000”;

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

3 (D) by adding at the end the following:

4 “(2) \$50,000,000 for each of fiscal years 2021
5 through 2024.”.

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

7 (a) *STUDY.*—

8 (1) *IN GENERAL.*—Subject to the availability of
9 appropriations, not later than 1 year after the date
10 of enactment of this Act, the Administrator of the En-
11 vironmental Protection Agency (referred to in this
12 section as the “Administrator”) shall carry out a
13 study that examines the state of existing and poten-
14 tial future technology that enhances or could enhance
15 the treatment, monitoring, affordability, efficiency,
16 and safety of drinking water provided by a public
17 water system (as defined in section 1401 of the Safe
18 Drinking Water Act (42 U.S.C. 300f)).

19 (2) *REPORT.*—The Administrator shall submit to
20 the Committee on Environment and Public Works of
21 the Senate and the Committee on Energy and Com-
22 merce of the House of Representatives a report that
23 describes the results of the study under paragraph (1).

24 (b) *ADVANCED DRINKING WATER TECHNOLOGY GRANT*
25 *PROGRAM.*—

1 (1) *DEFINITIONS.—In this subsection:*

2 (A) *ELIGIBLE ENTITY.—The term “eligible*
3 *entity” means the owner or operator of a public*
4 *water system that—*

5 (i) *serves—*

6 (I) *a population of not more than*
7 *100,000 people; or*

8 (II) *an underserved community;*

9 (ii) *has plans to identify or has identi-*
10 *fied opportunities in the operations of the*
11 *public water system to employ new or*
12 *emerging, yet proven, technologies, as deter-*
13 *mined by the Administrator, that enhance*
14 *treatment, monitoring, affordability, effi-*
15 *ciency, or safety of the drinking water pro-*
16 *vided by the public water system, including*
17 *technologies not identified in the study con-*
18 *ducted under subsection (a)(1); and*

19 (iii) *has expressed an interest in the*
20 *opportunities in the operation of the public*
21 *water system to employ new or emerging,*
22 *yet proven, technologies, as determined by*
23 *the Administrator, that enhance treatment,*
24 *monitoring, affordability, efficiency, or safe-*
25 *ty of the drinking water provided by the*

1 *public water system, including technologies*
2 *not identified in the study conducted under*
3 *subsection (a)(1).*

4 (B) *PROGRAM.*—*The term “program”*
5 *means the competitive grant program established*
6 *under paragraph (2).*

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

11 (D) *UNDERSERVED COMMUNITY.*—*The term*
12 *“underserved community” means a political sub-*
13 *division of a State that, as determined by the*
14 *Administrator, has an inadequate system for ob-*
15 *taining drinking water.*

16 (2) *ESTABLISHMENT.*—*The Administrator shall*
17 *establish a competitive grant program under which*
18 *the Administrator shall award grants to eligible enti-*
19 *ties for the purpose of identifying, deploying, or iden-*
20 *tifying and deploying technologies described in para-*
21 *graph (1)(A)(ii).*

22 (3) *REQUIREMENTS.*—

23 (A) *APPLICATIONS.*—*To be eligible to re-*
24 *ceive a grant under the program, an eligible en-*
25 *tity shall submit to the Administrator an appli-*

1 *cation at such time, in such manner, and con-*
2 *taining such information as the Administrator*
3 *may require.*

4 *(B) FEDERAL SHARE.—*

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

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

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

18 *(A) each recipient of a grant under the pro-*
19 *gram during the previous 1-year period; and*

20 *(B) a summary of the activities carried out*
21 *using grants awarded under the program.*

22 *(5) FUNDING.—*

23 *(A) AUTHORIZATION OF APPROPRIA-*
24 *TIONS.—There is authorized to be appropriated*
25 *to carry out the program \$10,000,000 for each of*

1 *fiscal years 2021 through 2024, to remain avail-*
 2 *able until expended.*

3 (B) *ADMINISTRATIVE COSTS.*—*Not more*
 4 *than 2 percent of the amount made available for*
 5 *a fiscal year under subparagraph (A) to carry*
 6 *out the program may be used by the Adminis-*
 7 *trator for the administrative costs of carrying*
 8 *out the program.*

9 **SEC. 14. DRINKING WATER INFRASTRUCTURE DISCRE-**
 10 **TIONARY GRANT PROGRAM.**

11 (a) *ESTABLISHMENT.*—*Not later than 1 year after the*
 12 *date of enactment of this Act, the Administrator of the En-*
 13 *vironmental Protection Agency (referred to in this section*
 14 *as the “Administrator”)* shall establish a drinking water
 15 *discretionary grant program (referred to in this section as*
 16 *the “program”)* to provide grants, on a competitive basis,
 17 *to eligible entities described in subsection (b) for invest-*
 18 *ments in drinking water infrastructure projects.*

19 (b) *ELIGIBLE ENTITIES.*—*An entity eligible to receive*
 20 *a grant under the program is—*

21 (1) *a State, interstate, intermunicipal, or local*
 22 *governmental entity, agency, or instrumentality;*

23 (2) *a Tribal government or consortium of Tribal*
 24 *governments;*

1 (3) a State infrastructure financing authority;
2 and

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

7 (c) *ELIGIBLE PROJECTS.*—

8 (1) *IN GENERAL.*—A project eligible to be carried
9 out with funds under the program includes—

10 (A) subject to paragraph (3), 1 or more ac-
11 tivities described in subparagraphs (B) through
12 (E) of section 1452(a)(2) of the Safe Drinking
13 Water Act (42 U.S.C. 300j–12(a)(2));

14 (B) a program or project described in sec-
15 tion 1459A(l)(3) of the Safe Drinking Water Act
16 (42 U.S.C. 300j–19a(l)(3)); and

17 (C) any other drinking water infrastructure
18 project that the Administrator determines to ap-
19 propriate.

20 (2) *OTHER FEDERAL FUNDS.*—Notwithstanding
21 any other provision of law, a project otherwise eligible
22 under paragraph (1) shall not be ineligible for fund-
23 ing because the project also received prior assist-
24 ance—

1 (A) from a State drinking water treatment
2 revolving loan fund established under section
3 1452 of the Safe Drinking Water Act (42 U.S.C.
4 300j-12);

5 (B) from a State water pollution control re-
6 volving fund established under title VI of the
7 Federal Water Pollution Control Act (33 U.S.C.
8 1381 et seq.); or

9 (C) under the Water Infrastructure Finance
10 and Innovation Act of 2014 (33 U.S.C. 3901 et
11 seq.).

12 (3) *NO INCREASED BONDING AUTHORITY.*—
13 Amounts made available under the program may not
14 be used as a source of payment of, or security for (di-
15 rectly or indirectly), in whole or in part, any obliga-
16 tion the interest on which is exempt from the tax im-
17 posed under chapter 1 of the Internal Revenue Code
18 of 1986.

19 (d) *APPLICATION.*—

20 (1) *IN GENERAL.*—To be eligible to receive a
21 grant under the program, an eligible entity shall sub-
22 mit to the Administrator an application in such
23 manner and containing such information as the Ad-
24 ministrator may require.

1 (2) *BUNDLING OF PROJECTS.*—*An eligible entity*
2 *may include more than 1 project in a single applica-*
3 *tion.*

4 (3) *DEADLINE.*—*An application shall be sub-*
5 *mitted to the Administrator not later than 180 days*
6 *after the date on which the notice of funding oppor-*
7 *tunity and the selection criteria are issued under sub-*
8 *section (e)(1)(B).*

9 (e) *SELECTION.*—

10 (1) *CRITERIA.*—

11 (A) *IN GENERAL.*—*The Administrator shall*
12 *establish criteria in accordance with this sub-*
13 *section to use in selecting projects to receive a*
14 *grant under the program.*

15 (B) *PUBLICATION.*—*Not later than 90 days*
16 *after the date on which funds are made available*
17 *to carry out the program for each fiscal year, the*
18 *Administrator shall—*

19 (i) *issue a notice of funding oppor-*
20 *tunity for the program; and*

21 (ii) *include in the notice the selection*
22 *criteria established under subparagraph*
23 *(A).*

1 (2) *PRIORITY.*—*In selecting projects to receive a*
2 *grant under the program, the Administrator shall*
3 *give priority to projects—*

4 (A) *for which a Federal grant would assist*
5 *in completing an overall financing package for*
6 *the project; and*

7 (B) *that would help bring public water sys-*
8 *tems (as defined in section 1401 of the Safe*
9 *Drinking Water Act (42 U.S.C. 300f)) into com-*
10 *pliance with the Safe Drinking Water Act (42*
11 *U.S.C. 300f et seq.).*

12 (3) *GEOGRAPHICAL DISTRIBUTION.*—*For each*
13 *fiscal year, in providing grants under the program,*
14 *the Administrator shall ensure that the funds are dis-*
15 *tributed—*

16 (A) *on an equitable geographical basis; and*

17 (B) *in a manner that balances the needs of*
18 *urban, suburban, and rural communities.*

19 (4) *DEADLINE.*—*Not later than 18 months after*
20 *the date on which funds are made available to carry*
21 *out the program for each fiscal year, the Adminis-*
22 *trator shall select projects to receive grants under the*
23 *program.*

24 (f) *REQUIREMENTS.*—

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

6 (2) *NON-FEDERAL SHARE.*—

7 (A) *IN GENERAL.*—The non-Federal share of
8 the cost of a project carried out with a grant
9 under the program shall be not less than 20 per-
10 cent.

11 (B) *OTHER FEDERAL SOURCES.*—An eligi-
12 ble entity receiving a grant under the program
13 may use funds provided from other Federal
14 sources to meet the non-Federal share require-
15 ment under subparagraph (A).

16 (g) *REGULATIONS.*—The Administrator may promul-
17 gate such regulations as may be necessary to carry out this
18 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 1450(e) of the
23 Safe Drinking Water Act (42 U.S.C. 300j-9(e)).

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 \$50,000,000 for each of fiscal years 2022*
7 *through 2024.*

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 year*
13 *under paragraph (1) may be used by the Adminis-*
14 *trator for the administrative costs of carrying out the*
15 *program.*

16 **SEC. 15. DRINKING WATER INFRASTRUCTURE GRANTS.**

17 (a) *IN GENERAL.—The Administrator of the Environ-*
18 *mental Protection Agency may provide competitive grants*
19 *to units of local government, including units of local gov-*
20 *ernment that own treatment works (as defined in section*
21 *212 of the Federal Water Pollution Control Act (33 U.S.C.*
22 *1292)), Indian tribes (as defined in section 4 of the Indian*
23 *Self-Determination and Education Assistance Act (25*
24 *U.S.C. 5304)), and public water systems (as defined in sec-*
25 *tion 1401 of the Safe Drinking Water Act (42 U.S.C. 300f)),*

1 *as applicable, to support improvements in reducing and re-*
2 *moving plastic waste and post-consumer materials, includ-*
3 *ing microplastics and microfibers, from drinking water, in-*
4 *cluding planning, design, construction, technical assistance,*
5 *and planning support for operational adjustments.*

6 (b) *APPLICATIONS.*—*To be eligible to receive a grant*
7 *under subsection (a), an applicant shall submit to the Ad-*
8 *ministrator of the Environmental Protection Agency an ap-*
9 *plication at such time, in such manner, and containing*
10 *such information as the Administrator of the Environ-*
11 *mental Protection Agency may require.*

12 (c) *AUTHORIZATION OF APPROPRIATIONS.*—

13 (1) *IN GENERAL.*—*Subject to paragraph (2),*
14 *there is authorized to be appropriated to carry out*
15 *this section \$10,000,000 for each of fiscal years 2021*
16 *through 2025.*

17 (2) *NO IMPACT ON OTHER FEDERAL FUNDS.*—

18 (A) *IN GENERAL.*—*No funds shall be made*
19 *available under paragraph (1) to carry out this*
20 *section in a fiscal year if the total amount made*
21 *available to carry out the programs described in*
22 *subparagraph (B) for that fiscal year is less than*
23 *the total amount made available to carry out the*
24 *programs described in subparagraph (B) for fis-*
25 *cal year 2019.*

1 (B) *PROGRAMS DESCRIBED.*—*The programs*
 2 *referred to in subparagraph (A) are—*

3 (i) *State drinking water treatment re-*
 4 *volving loan funds established under section*
 5 *1452 of the Safe Drinking Water Act (42*
 6 *U.S.C. 300j–12);*

7 (ii) *programs for assistance for small*
 8 *and disadvantaged communities under sub-*
 9 *sections (a) through (j) of section 1459A of*
 10 *the Safe Drinking Water Act (42 U.S.C.*
 11 *300j–19a); and*

12 (iii) *State water pollution control re-*
 13 *volving funds established under title VI of*
 14 *the Federal Water Pollution Control Act (33*
 15 *U.S.C. 1381 et seq.).*

16 **SEC. 16. PERFLUOROALKYL AND POLYFLUOROALKYL SUB-**
 17 **STANCES.**

18 (a) *NATIONAL PRIMARY DRINKING WATER REGULA-*
 19 *TIONS FOR PFAS.*—*Section 1412(b) of the Safe Drinking*
 20 *Water Act (42 U.S.C. 300g–1(b)) is amended by adding at*
 21 *the end the following:*

22 “(16) *PERFLUOROALKYL AND POLYFLUOROALKYL*
 23 *SUBSTANCES.*—

24 “(A) *IN GENERAL.*—*Not later than 2 years*
 25 *after the date of enactment of this paragraph, the*

1 Administrator shall, after notice and oppor-
2 tunity for public comment, promulgate a na-
3 tional primary drinking water regulation for
4 perfluoroalkyl and polyfluoroalkyl substances,
5 which shall, at a minimum, include standards
6 for—

7 “(i) perfluorooctanoic acid (commonly
8 referred to as ‘PFOA’); and

9 “(ii) perfluorooctane sulfonic acid
10 (commonly referred to as ‘PFOS’).

11 “(B) ALTERNATIVE PROCEDURES.—

12 “(i) IN GENERAL.—Not later than 1
13 year after the validation by the Adminis-
14 trator of an equally effective quality control
15 and testing procedure to ensure compliance
16 with the national primary drinking water
17 regulation promulgated under subpara-
18 graph (A) to measure the levels described in
19 clause (ii) or other methods to detect and
20 monitor perfluoroalkyl and polyfluoroalkyl
21 substances in drinking water, the Adminis-
22 trator shall add the procedure or method as
23 an alternative to the quality control and
24 testing procedure described in such national
25 primary drinking water regulation by pub-

1 *lishing the procedure or method in the Fed-*
2 *eral Register in accordance with section*
3 *1401(1)(D).*

4 *“(i) LEVELS DESCRIBED.—The levels*
5 *referred to in clause (i) are—*

6 *“(I) the level of a perfluoroalkyl*
7 *or polyfluoroalkyl substance;*

8 *“(II) the total levels of*
9 *perfluoroalkyl and polyfluoroalkyl sub-*
10 *stances; and*

11 *“(III) the total levels of organic*
12 *fluorine.*

13 *“(C) INCLUSIONS.—The Administrator may*
14 *include a perfluoroalkyl or polyfluoroalkyl sub-*
15 *stance or class of perfluoroalkyl or*
16 *polyfluoroalkyl substances on—*

17 *“(i) the list of contaminants for con-*
18 *sideration of regulation under paragraph*
19 *(1)(B)(i), in accordance with such para-*
20 *graph; and*

21 *“(ii) the list of unregulated contami-*
22 *nants to be monitored under section*
23 *1445(a)(2)(B)(i), in accordance with such*
24 *section.*

1 “(D) *MONITORING.*—When establishing
2 *monitoring requirements for public water sys-*
3 *tems as part of a national primary drinking*
4 *water regulation under subparagraph (A) or sub-*
5 *paragraph (F)(ii), the Administrator shall tailor*
6 *the monitoring requirements for public water*
7 *systems that do not detect or are reliably and*
8 *consistently below the maximum contaminant*
9 *level (as defined in section 1418(b)(2)(B)) for the*
10 *perfluoroalkyl or polyfluoroalkyl substance or*
11 *class of perfluoroalkyl or polyfluoroalkyl sub-*
12 *stances subject to the national primary drinking*
13 *water regulation.*

14 “(E) *HEALTH RISK REDUCTION AND COST*
15 *ANALYSIS.*—In meeting the requirements of para-
16 *graph (3)(C), the Administrator may rely on in-*
17 *formation available to the Administrator with*
18 *respect to 1 or more specific perfluoroalkyl or*
19 *polyfluoroalkyl substances to extrapolate rea-*
20 *soned conclusions regarding the health risks and*
21 *effects of a class of perfluoroalkyl or*
22 *polyfluoroalkyl substances of which the specific*
23 *perfluoroalkyl or polyfluoroalkyl substances are a*
24 *part.*

1 “(F) *REGULATION OF ADDITIONAL SUB-*
2 *STANCES.*—

3 “(i) *DETERMINATION.*—*The Adminis-*
4 *trator shall make a determination under*
5 *paragraph (1)(A), using the criteria de-*
6 *scribed in clauses (i) through (iii) of that*
7 *paragraph, whether to include a*
8 *perfluoroalkyl or polyfluoroalkyl substance*
9 *or class of perfluoroalkyl or polyfluoroalkyl*
10 *substances in the national primary drink-*
11 *ing water regulation under subparagraph*
12 *(A) not later than 18 months after the later*
13 *of—*

14 “(I) *the date on which the*
15 *perfluoroalkyl or polyfluoroalkyl sub-*
16 *stance or class of perfluoroalkyl or*
17 *polyfluoroalkyl substances is listed on*
18 *the list of contaminants for consider-*
19 *ation of regulation under paragraph*
20 *(1)(B)(i); and*

21 “(II) *the date on which—*

22 “(aa) *the Administrator has*
23 *received the results of monitoring*
24 *under section 1445(a)(2)(B) for*
25 *the perfluoroalkyl or*

1 *polyfluoroalkyl substance or class*
 2 *of perfluoroalkyl or*
 3 *polyfluoroalkyl substances; or*

4 “(bb) *the Administrator has*
 5 *received reliable water data or*
 6 *water monitoring surveys for the*
 7 *perfluoroalkyl or polyfluoroalkyl*
 8 *substance or class of*
 9 *perfluoroalkyl or polyfluoroalkyl*
 10 *substances from a Federal or*
 11 *State agency that the Adminis-*
 12 *trator determines to be of a qual-*
 13 *ity sufficient to make a deter-*
 14 *mination under paragraph*
 15 *(1)(A).*

16 “(ii) *PRIMARY DRINKING WATER REGU-*
 17 *LATIONS.—*

18 “(I) *IN GENERAL.—For each*
 19 *perfluoroalkyl or polyfluoroalkyl sub-*
 20 *stance or class of perfluoroalkyl or*
 21 *polyfluoroalkyl substances that the Ad-*
 22 *ministrator determines to regulate*
 23 *under clause (i), the Administrator—*

24 “(aa) *not later than 18*
 25 *months after the date on which*

1 the Administrator makes the de-
2 termination, shall propose a na-
3 tional primary drinking water
4 regulation for the perfluoroalkyl
5 or polyfluoroalkyl substance or
6 class of perfluoroalkyl or
7 polyfluoroalkyl substances; and

8 “(bb) may publish the pro-
9 posed national primary drinking
10 water regulation described in item
11 (aa) concurrently with the publi-
12 cation of the determination to reg-
13 ulate the perfluoroalkyl or
14 polyfluoroalkyl substance or class
15 of perfluoroalkyl or
16 polyfluoroalkyl substances.

17 “(II) DEADLINE.—

18 “(aa) IN GENERAL.—Not
19 later than 1 year after the date on
20 which the Administrator publishes
21 a proposed national primary
22 drinking water regulation under
23 clause (i)(I) and subject to item
24 (bb), the Administrator shall take
25 final action on the proposed na-

1 *tional primary drinking water*
2 *regulation.*

3 “(bb) *EXTENSION.*—*The Ad-*
4 *ministrator, on publication of no-*
5 *tice in the Federal Register, may*
6 *extend the deadline under item*
7 *(aa) by not more than 6 months.*

8 “(G) *HEALTH ADVISORY.*—

9 “(i) *IN GENERAL.*—*Subject to clause*
10 *(ii), the Administrator shall publish a*
11 *health advisory under paragraph (1)(F) for*
12 *a perfluoroalkyl or polyfluoroalkyl substance*
13 *or class of perfluoroalkyl or polyfluoroalkyl*
14 *substances not subject to a national pri-*
15 *mary drinking water regulation not later*
16 *than 1 year after the later of—*

17 “(I) *the date on which the Admin-*
18 *istrator finalizes a toxicity value for*
19 *the perfluoroalkyl or polyfluoroalkyl*
20 *substance or class of perfluoroalkyl or*
21 *polyfluoroalkyl substances; and*

22 “(II) *the date on which the Ad-*
23 *ministrator validates an effective qual-*
24 *ity control and testing procedure for*
25 *the perfluoroalkyl or polyfluoroalkyl*

1 *substance or class of perfluoroalkyl or*
2 *polyfluoroalkyl substances.*

3 “(ii) *WAIVER.—The Administrator*
4 *may waive the requirements of clause (i)*
5 *with respect to a perfluoroalkyl or*
6 *polyfluoroalkyl substance or class of*
7 *perfluoroalkyl and polyfluoroalkyl sub-*
8 *stances if the Administrator determines that*
9 *there is a substantial likelihood that the*
10 *perfluoroalkyl or polyfluoroalkyl substance*
11 *or class of perfluoroalkyl or polyfluoroalkyl*
12 *substances will not occur in drinking water*
13 *with sufficient frequency to justify the pub-*
14 *lication of a health advisory, and publishes*
15 *such determination, including the informa-*
16 *tion and analysis used, and basis for, such*
17 *determination, in the Federal Register.”.*

18 (b) *ENFORCEMENT.—Notwithstanding any other pro-*
19 *vision of law, the Administrator of the Environmental Pro-*
20 *tection Agency (referred to in this subsection as the “Ad-*
21 *ministrato*”) *may not impose financial penalties for the*
22 *violation of a national primary drinking water regulation*
23 *(as defined in section 1401 of the Safe Drinking Water Act*
24 *(42 U.S.C. 300f)) with respect to a perfluoroalkyl or*
25 *polyfluoroalkyl substance or class of perfluoroalkyl or*

1 *polyfluoroalkyl substances for which a national primary*
2 *drinking water regulation has been promulgated under sub-*
3 *paragraph (A) or (F) of paragraph (16) of section 1412(b)*
4 *of the Safe Drinking Water Act (42 U.S.C. 300g-1(b)) ear-*
5 *lier than the date that is 5 years after the date on which*
6 *the Administrator promulgates the national primary drink-*
7 *ing water regulation.*

Calendar No. 452

116TH CONGRESS
2^D SESSION

S. 3590

A BILL

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

MAY 11, 2020

Reported with an amendment