AMENDMENT NO.______  Calendar No.______

Purpose: In the nature of a substitute.


S.______

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

Referred to the Committee on __________________ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended to be proposed by Mr. BARRASSO (for himself, Mr. CARPER, Ms. DUCKWORTH, and Mr. CRAMER)

Viz:

1. Strike all after the enacting clause and insert the following:

3 SECTION 1. SHORT TITLE.

This Act may be cited as the “Drinking Water Infrastructure Act of 2020”.

6 SEC. 2. HOST COMMUNITIES.

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

(1) in paragraph (1)—

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

10
(B) by striking "for the purpose of increasing" and inserting the following: "for the purpose of—

“(A) increasing”; and

(C) by adding at the end the following:

“(B) increasing the capacity of the community water system to adapt to an increase in population served by the community water system that is primarily caused by a natural hazard or a malevolent act in another community or State.”;

(2) in paragraph (5)—

(A) in the heading, by striking “SMALL” and inserting “SMALL, RURAL, AND DISADVANTAGED”;

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

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

(3) in paragraph (6), by striking “fiscal years 2020 and 2021” and inserting “fiscal years 2021 and 2022”.
SEC. 3. TECHNICAL ASSISTANCE AND GRANTS FOR EMERGENCIES AFFECTING PUBLIC WATER SYSTEMS.

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

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

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

“(d) Authorization of Appropriations.—There is authorized to be appropriated to carry out subsection (b) $35,000,000 for each of fiscal years 2021 through 2024.”;

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

(4) by redesignating subsection (f) as subsection (g); and

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

“(f) State-Based Nonprofit Organizations.—The Administrator may provide technical assistance consistent with the authority provided under subsection (e)
to State-based nonprofit organizations that are governed by community water systems.”.

SEC. 4. DRINKING WATER STATE REVOLVING LOAN FUNDS.

(a) Drinking Water Relief for Small, Rural, and Disadvantaged Communities.—Section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j–12) is amended—

(1) in subsection (a)—

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

“(H) Required subsidies for public water systems.—

“(i) In general.—Notwithstanding any other provision of this paragraph and to the extent that there are sufficient applications from public water systems, a State shall use not less than 14 percent of a capitalization grant to the State under this section to provide the additional subsidies described in clause (ii) to public water systems if the additional subsidies described in that clause are used—

“(I) as initial financing for the public water system; or
“(II) to buy, refinance, or restructure the debt obligations of the public water system, if—

“(aa) the debt obligation was incurred on or after the date of enactment of this subparagraph; or

“(bb) for a debt obligation that was incurred before the date of enactment of this subparagraph—

“(AA) the State, with the concurrence of the Administrator, determines that the additional subsidies described in clause (ii) would help the public water system address a threat to public health from heightened exposure to contaminants (including lead) in drinking water; or

“(BB) before the date of enactment of this subparagraph, an emergency
MAZ20382

1 has been declared by the
2 President under section 501
3 of the Robert T. Stafford
4 Disaster Relief and Emer-
5 gency Assistance Act (42
6 U.S.C. 5191) or a State
7 emergency declaration has
8 been issued due to a threat
9 to public health, including a
10 threat from heightened ex-
11 posure to lead, in the munic-
12 ipal drinking water supply of
13 the public water system.

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

“(I) forgiveness of principal of
18 loans owed to the State loan fund of
19 the State;

“(II) negative interest loans;

“(III) grants; or

“(IV) a combination of the sub-
23 sidies described in subclauses (I)
24 through (III).”; and
(B) in paragraph (4)(A), by striking “During fiscal years 2019 through 2023, funds” and inserting “Funds”; and

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

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

(1) in subsection (a)(2)(G)—

(A) in clause (i)—

(i) by striking “only”; and

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

“(i) DRINKING WATER.—

“(I) IN GENERAL.—Notwithstanding any other provision of law and subject to subclause (II),”;

(B) in clause (ii)—

(i) in subclause (I)—

(I) in the matter preceding item (aa), by striking “amounts described in clause (i)” and inserting “amounts made available to carry out this clause”; and
(II) by redesignating items (aa) and (bb) as subitems (AA) and (BB), respectively, and indenting appropriately;

(ii) in subclause (II), by striking “amounts described in clause (i)” and inserting “amounts made available to carry out this clause”; and

(iii) by redesignating subclauses (I) and (II) as items (aa) and (bb), respectively, and indenting appropriately;

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

(D) by inserting before clause (iii) the following:

“(ii) REMEDIATION OF CONTAMINATION OF GROUNDWATER.—

“(I) DEFINITION OF ELIGIBLE SITE.—In this clause, the term ‘eligible site’ means a site at which an emerging contaminant is present in, or has the potential to enter, a public water system or an underground source of drinking water.
“(II) GRANTS.—Notwithstanding any other provision of law and subject to subclause (III), amounts deposited under subsection (t) in a State loan fund established under this section may be used to provide grants to address contamination of groundwater at an eligible site, with a focus on perfluoroalkyl and polyfluoroalkyl substances.

“(III) REQUIREMENTS.—

“(aa) PRIORITIES.—In selecting the recipient of a grant using amounts made available to carry out this clause, a State shall use the priorities described in subsection (b)(3)(A).

“(bb) CLEANUP STANDARDS.—Any detection, treatment, and remediation of groundwater carried out using amounts made available to carry out this clause shall be carried out in accordance with applicable State toxicity values, standards, and regulations.
of the State in which the detection, treatment, or remediation is being carried out.”; and

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

SEC. 5. SOURCE WATER PETITION PROGRAM.

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

(1) in subsection (a)—

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

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

(C) by adding at the end the following:
“(5) SAVINGS PROVISION.—Unless otherwise provided within the agreement, an agreement between an unincorporated area and a county for the county to submit a petition under paragraph (1)(A) on behalf of the unincorporated area shall not authorize the county to act on behalf of the unincorporated area in any matter not within a program under this section.”; and

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

SEC. 6. ASSISTANCE FOR SMALL AND DISADVANTAGED COMMUNITIES.

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

(1) in subsection (b)(2)—

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

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

(C) by adding at the end the following:

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

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

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

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

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

“(3) CONTRACTING PARTIES.—A contract described in paragraph (2)(F) may be between a nonprofit organization described in that paragraph and—

“(A) an eligible entity; or

“(B) the State of an eligible entity, on behalf of that eligible entity.”;

(2) in subsection (c), in the matter preceding paragraph (1), by striking “An eligible entity” and inserting “Except for purposes of subsections (j) and (m), an eligible entity”;
(3) in subsection (g)(1), by striking “to pay not less than 45 percent” and inserting “except as provided in subsection (l)(5) and subject to subsection (h), to pay not less than 10 percent”;

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

“(h) WAIVER.—The Administrator may waive the requirement under subsection (g)(1).”;

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

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

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

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

(6) in subsection (l)—

(A) in paragraph (2)—

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

(ii) by striking “fiscal years 2019 and 2020” and inserting “fiscal years 2021 through 2024”;}
(B) in paragraph (5), by striking "$4,000,000 for each of fiscal years 2019 and 2020" and inserting "$10,000,000 for each of fiscal years 2021 through 2024";

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

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

"(5) FEDERAL SHARE FOR UNDERSERVED COMMUNITIES.—

"(A) IN GENERAL.—Subject to subparagraph (B), with respect to a program or project that serves an underserved community and is carried out using a grant under this subsection, the Federal share of the cost of the program or project shall be 90 percent.

"(B) WAIVER.—The Administrator may increase the Federal share under subparagraph (A)(ii) to 100 percent."

(b) CONNECTION TO PUBLIC WATER SYSTEMS.—

Section 1459A of the Safe Drinking Water Act (42 U.S.C. 300j–19a) is amended by adding at the end the following:

"(m) CONNECTION TO PUBLIC WATER SYSTEMS.—

"(1) DEFINITIONS.—In this subsection:
“(A) ELIGIBLE ENTITY.—The term ‘eligible entity’ means—

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

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

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

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

“(2) ESTABLISHMENT.—Subject to the availability of appropriations, the Administrator shall establish a competitive grant program under which the Administrator awards grants to eligible entities to provide funds to assist eligible individuals in covering the costs incurred by the eligible individual in
connecting the household of the eligible individual to a public water system.

“(3) APPLICATION.—An eligible entity seeking a grant under the program shall submit to the Administrator an application at such time, in such manner, and containing such information as the Administrator may require.

“(4) VOLUNTARY CONNECTION.—Before providing funds to an eligible individual for the costs described in paragraph (2), an eligible entity shall ensure that—

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

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

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

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

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

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

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

“(2) COMPETITIVE GRANTS.—

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

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

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

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

SEC. 7. REDUCING LEAD IN DRINKING WATER.

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

(1) in subsection (d)—

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

(B) by striking “2021” and inserting 
“2022”;
(2) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively; and

(3) by inserting after subsection (e) the following:

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

“(1) DEFINITIONS.—In this subsection:

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

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

“(2) ESTABLISHMENT.—The Administrator shall establish a pilot program under which the Administrator shall provide grants to eligible entities to carry out lead reduction projects that are demonstrated to exist based on existing lead mapping of those eligible entities.

“(3) SELECTION.—

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

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

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

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

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

“(C) how useful and accurate the lead
mapping described in subparagraph (B) was in
locating lead contaminants of the eligible entity.
“(5) Authorization of Appropriations.—

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

SEC. 8. OPERATIONAL SUSTAINABILITY OF SMALL PUBLIC
WATER SYSTEMS.

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

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

“(a) Definitions.—In this section:

“(1) Eligible entity.—The term ‘eligible en-
tity’ means—

“(A) a unit of local government;

“(B) a public corporation established by a
unit of local government to provide water serv-
ice; and

“(C) a nonprofit corporation, public trust,
or cooperative association that owns or operates
a public water system.

“(2) Operational sustainability.—The
term ‘operational sustainability’ means the ability to
improve the operation of a small system through the
identification and prevention of potable water loss
due to leaks, breaks, and other metering or infras-
structure failures.

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

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

“(A) serves fewer than 10,000 people; and
“(B) is owned or operated by—

“(i) a unit of local government;
“(ii) a public corporation;
“(iii) a nonprofit corporation;
“(iv) a public trust; or
“(v) a cooperative association.

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

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

“(1) a proposal of the project to be carried out
using grant funds under the program;
“(2) documentation prepared by the eligible entity describing the deficiencies or suspected deficiencies in operational sustainability of 1 or more small systems that are to be addressed through the proposed project;

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

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

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

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

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

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

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

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

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

“(B) global positioning system software;

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

“(4) the deployment of metering technology;
“(5) training in asset management strategies, techniques, and technologies appropriate staff employed by—

“(A) the eligible entity; or

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

“(6) the development or deployment of other strategies, techniques, or technologies that the Administrator may determine to be appropriate under the program.

“(e) Cost Share.—

“(1) In General.—Subject to paragraph (2), the Federal share of the cost of a project carried out using a grant under the program shall be 90 percent of the total cost of the project.

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

“(f) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 2021 through 2024.”.
SEC. 9. MIDSIZE DRINKING WATER SYSTEM INFRASTRUCTURE RESILIENCE AND SUSTAINABILITY PROGRAM.

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

"SEC. 1459F. MIDSIZE DRINKING WATER SYSTEM INFRASTRUCTURE RESILIENCE AND SUSTAINABILITY PROGRAM.

"(a) DEFINITIONS.—In this section:

"(1) ELIGIBLE ENTITY.—The term ‘eligible entity’ means a public water system that serves a community with a population of—

"(A) greater than 10,000; and

"(B) fewer than 100,000.

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

"(3) RESILIENCE AND SUSTAINABILITY PROGRAM.—The term ‘resilience and sustainability program’ means the Midsize Drinking Water System Infrastructure Resilience and Sustainability Program established under subsection (b).

"(b) ESTABLISHMENT.—The Administrator shall establish and carry out a program, to be known as the ‘Midsize Drinking Water System Infrastructure Resilience
and Sustainability Program', under which the Adminis-
trator, subject to the availability of appropriations for the
resilience and sustainability program, shall award grants
to eligible entities for the purpose of increasing resilience
to natural hazards.

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

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

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

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

“(4) the enhancement of water supply through
the use of watershed management and source water
protection;
“(5) the enhancement of energy efficiency or the use and generation of renewable energy in the conveyance or treatment of drinking water; or

“(6) the development and implementation of measures to increase the resilience of the eligible entity to natural hazards.

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

“(1) a proposal of the program or project to be planned, designed, constructed, implemented, operated, or maintained by the eligible entity;

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

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

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

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

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

“(e) Authorization of Appropriations.—There
is authorized to be appropriated to carry out the resilience
and sustainability program $10,000,000 for each of fiscal
years 2021 through 2024.”.

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

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

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

“(a) Definition of Low-Income Household.—In
this section, the term ‘low-income household’ means a
household that has an income that, as determined by the
State in which the household is located, does not exceed
the greater of—
“(1) an amount equal to 150 percent of the
poverty level of that State; and
“(2) an amount equal to 60 percent of the
State median income for that State.
“(b) Study; Report.—
“(1) In general.—Subject to the availability
of appropriations, not later than 2 years after the
date of enactment of this section, the Administrator
shall conduct, and submit to Congress a report de-
scribing the results of, a study regarding the preva-
ience throughout the United States of low-income
households, including low-income renters, that do
not have access to affordable public drinking water
services to meet household needs.
“(2) Inclusions.—The report under para-
graph (1) shall include—
“(A) recommendations of the Adminis-
trator regarding the best methods to increase
access to affordable and reliable drinking water
services;
“(B) a description of the cost of each
method described in subparagraph (A); and
“(C) with respect to the development of
the report, a consultation with all relevant
stakeholders.
“(3) AGREEMENTS.—The Administrator may enter into an agreement with another Federal agency to carry out the study under paragraph (1).

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

SEC. 11. LEAD CONTAMINATION IN SCHOOL DRINKING WATER.

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

(1) in subsection (b)—

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

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

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

(2) in subsection (d)—

(A) in paragraph (2)—

(i) in subparagraph (A)—

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

(II) by striking the period at the
end and inserting “; and’’;

(III) by striking “grants avail-
able to States’’ and inserting the fol-
lowing: “grants available to—
“(i) States’’; and

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

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

(ii) in subparagraph (B)—

(I) in clause (i), by striking “or’’
at the end;
(II) in clause (ii), by striking the period at the end and inserting a semicolon; and

(III) by adding at the end the following:

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

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

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

“(iv) a qualified nonprofit organization, as determined by the Administrator.”;

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

(C) in paragraph (4), by striking “States and local educational agencies” and inserting “States, local educational agencies, public water
countries, tribal consortia, and qualified non-profit organizations’’;

(D) in paragraph (6)—

(i) in the matter preceding subparagraph (A), by inserting ‘‘, public water system, tribal consortium, or qualified non-profit organization’’ after ‘‘each local educational agency’’;

(ii) in subparagraph (A)(ii), by inserting ‘‘or tribal’’ after ‘‘applicable State’’; and

(iii) in subparagraph (B)(i), by inserting ‘‘applicable’’ before ‘‘local educational agency’’; and

(E) in paragraph (8), by striking ‘‘2020 and 2021’’ and inserting ‘‘2021 and 2022’’.

SEC. 12. INDIAN RESERVATION DRINKING WATER PROGRAM.

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

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking ‘‘Subject to the availability of appropriations, the Administrator of the Environ-
mental Protection Agency” and inserting “The Administrator of the Environmental Protection Agency (referred to in this section as the ‘Administrator’)” ; and

(B) by striking “to implement” in the matter preceding paragraph (1) and all that follows through the period at the end of paragraph (2) and inserting “to implement eligible projects described in subsection (b).”;

(2) by redesignating subsection (d) as subsection (e);

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

“(c) REQUIRED PROJECTS.—

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

“(A) 10 eligible projects described in subsection (b) that are within the Upper Missouri River Basin;

“(B) 10 eligible projects described in subsection (b) that are within the Upper Río Grande Basin; and
“(C) 10 eligible projects described in subsection (b) that are within the Columbia River Basin.

“(2) REQUIREMENT.—In carrying out paragraph (1)(A), the Administrator shall select not fewer than 2 eligible projects for a reservation that serves more than 1 federally recognized Indian Tribe.

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

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

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

(B) by striking “subsection (a) $20,000,000” and inserting the following: “subsection (a)—

“(1) $20,000,000”;

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

and

(D) by adding at the end the following:

“(2) $50,000,000 for each of fiscal years 2021 through 2024.”.
SEC. 13. ADVANCED DRINKING WATER TECHNOLOGIES.

(a) Study.—

(1) In general.—Subject to the availability of appropriations, not later than 1 year after the date of enactment of this Act, the Administrator of the Environmental Protection Agency (referred to in this section as the “Administrator”) shall carry out a study that examines the state of existing and potential future technology that enhances or could enhance the treatment, monitoring, affordability, efficiency, and safety of drinking water provided by a public water system (as defined in section 1401 of the Safe Drinking Water Act (42 U.S.C. 300f)).

(2) Report.—The Administrator shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Energy and Commerce of the House of Representatives a report that describes the results of the study under paragraph (1).

(b) Advanced Drinking Water Technology Grant Program.—

(1) Definitions.—In this subsection:

(A) Eligible entity.—The term “eligible entity” means the owner or operator of a public water system that—

(i) serves—
(I) a population of not more than
100,000 people; or

(II) an underserved community;

and

(ii) has plans to identify or has identified opportunities in the operations of the
public water system to employ new or emerging, yet proven, technologies, as de-
determined by the Administrator, that enhance treatment, monitoring, affordability,
efficiency, or safety of the drinking water provided by the public water system, in-
cluding technologies not identified in the study conducted under subsection (a)(1).

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

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

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

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

(3) REQUIREMENTS.—

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

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

(C) FEDERAL SHARE.—

(i) IN GENERAL.—Subject to clause
(ii), the Federal share of the cost of a
project carried out using a grant under the
program shall not exceed 90 percent of the
total cost of the project.
(ii) **WAIVER.**—The Administrator may increase the Federal share under clause (i) to 100 percent.

(4) **REPORT.**—Not later than 1 year after the date on which Administrator first awards a grant under the program, and annually thereafter, the Administrator shall submit to Congress a report describing—

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

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

(5) **FUNDING.**—

(A) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out the program $10,000,000 for each of fiscal years 2021 through 2024, to remain available until expended.

(B) **ADMINISTRATIVE COSTS.**—Not more than 2 percent of the amount made available for a fiscal year under subparagraph (A) to carry out the program may be used by the Administrator for the administrative costs of carrying out the program.
SEC. 14. DRINKING WATER INFRASTRUCTURE DISCRETIONARY GRANT PROGRAM.

(a) Establishment.—Not later than 1 year after the date of enactment of this Act, the Administrator of the Environmental Protection Agency (referred to in this section as the “Administrator”) shall establish a drinking water discretionary grant program (referred to in this section as the “program”) to provide grants, on a competitive basis, to eligible entities described in subsection (b) for investments in drinking water infrastructure projects.

(b) Eligible Entities.—An entity eligible to receive a grant under the program is—

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

(2) a Tribal government or consortium of Tribal governments;

(3) a State infrastructure financing authority; and

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

(c) Eligible Projects.—

(1) In general.—A project eligible to be carried out with funds under the program includes—
(A) 1 or more activities described in sub-
paragraphs (B) through (E) of section
1452(a)(2) of the Safe Drinking Water Act (42
U.S.C. 300j–12(a)(2));

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

(C) any other drinking water infrastruc-
ture project that the Administrator determines
to appropriate.

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

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

(B) from a State water pollution control
revolving fund established under title VI of the
Federal Water Pollution Control Act (33 U.S.C.
1381 et seq.); or
(C) under the Water Infrastructure Finance and Innovation Act of 2014 (33 U.S.C. 3901 et seq.).

(d) Application.—

(1) In general.—To be eligible to receive a grant under the program, an eligible entity shall submit to the Administrator an application in such manner and containing such information as the Administrator may require.

(2) Bundling of projects.—An eligible entity may include more than 1 project in a single application.

(3) Deadline.—An application shall be submitted to the Administrator not later than 180 days after the date on which the notice of funding opportunity and the selection criteria are issued under subsection (e)(1)(B).

(e) Selection.—

(1) Criteria.—

(A) In general.—The Administrator shall establish criteria in accordance with this subsection to use in selecting projects to receive a grant under the program.

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

(i) issue a notice of funding opportunity for the program; and

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

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

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

(B) that would help bring public water systems (as defined in section 1401 of the Safe Drinking Water Act (42 U.S.C. 300f)) into compliance with the Safe Drinking Water Act (42 U.S.C. 300f et seq.).

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

(A) on an equitable geographical basis; and

(B) in a manner that balances the needs of urban, suburban, and rural communities.
(4) DEADLINE.—Not later than 18 months after the date on which funds are made available to carry out the program for each fiscal year, the Administrator shall select projects to receive grants under the program.

(f) REQUIREMENTS.—

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

(2) NON-FEDERAL SHARE.—

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

(B) OTHER FEDERAL SOURCES.—An eligible entity receiving a grant under the program may use funds provided from other Federal sources to meet the non-Federal share requirement under subparagraph (A).

(g) REGULATIONS.—The Administrator may promulgate such regulations as may be necessary to carry out this section.
(h) **Labor Standards.**—Notwithstanding any other provision of law, the Administrator may not provide a grant under the program for a project unless the project meets the requirements described in section 1450(e) of the Safe Drinking Water Act (42 U.S.C. 300j–9(e)).

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

(j) **Funding.**—

(1) **Authorization of Appropriations.**—There is authorized to be appropriated to carry out this section $50,000,000 for each of fiscal years 2022 through 2024.

(2) **Availability.**—Funds made available to carry out this section shall be available until expended.

(3) **Administrative Costs.**—Not more than 2 percent of the amount made available for a fiscal year under paragraph (1) may be used by the Administrator for the administrative costs of carrying out the program.

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

(a) **In General.**—The Administrator of the Environmental Protection Agency may provide competitive
grants to units of local government, including units of local government that own treatment works (as defined in section 212 of the Federal Water Pollution Control Act (33 U.S.C. 1292)), Indian tribes (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304)), and public water systems (as defined in section 1401 of the Safe Drinking Water Act (42 U.S.C. 300f)), as applicable, to support improvements in reducing and removing plastic waste and post-consumer materials, including microplastics and microfibers, from drinking water, including planning, design, construction, technical assistance, and planning support for operational adjustments.

(b) APPLICATIONS.—To be eligible to receive a grant under subsection (a), an applicant shall submit to the Administrator of the Environmental Protection Agency an application at such time, in such manner, and containing such information as the Administrator of the Environmental Protection Agency may require.

(c) AUTHORIZATION OF APPROPRIATIONS.—

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

(2) NO IMPACT ON OTHER FEDERAL FUNDS.—
(A) IN GENERAL.—No funds shall be made available under paragraph (1) to carry out this section in a fiscal year if the total amount made available to carry out the programs described in subparagraph (B) for that fiscal year is less than the total amount made available to carry out the programs described in subparagraph (B) for fiscal year 2019.

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

(i) State drinking water treatment revolving loan funds established under section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j–12);

(ii) programs for assistance for small and disadvantaged communities under subsections (a) through (j) of section 1459A of the Safe Drinking Water Act (42 U.S.C. 300j–19a); and

(iii) State water pollution control revolving funds established under title VI of the Federal Water Pollution Control Act (33 U.S.C. 1381 et seq.).
SEC. 16. PERFLUOROALKYL AND POLYFLUOROALKYL SUBSTANCES.

(a) National Primary Drinking Water Regulations for PFAS.—Section 1412(b) of the Safe Drinking Water Act (42 U.S.C. 300g–1(b)) is amended by adding at the end the following:

"(16) Perfluoroalkyl and Polyfluoroalkyl Substances.—

"(A) In general.—Not later than 2 years after the date of enactment of this paragraph, the Administrator shall, after notice and opportunity for public comment, promulgate a national primary drinking water regulation for perfluoroalkyl and polyfluoroalkyl substances, which shall, at a minimum, include standards for—

"(i) perfluorooctanoic acid (commonly referred to as ‘PFOA’); and

"(ii) perfluorooctane sulfonic acid (commonly referred to as ‘PFOS’).

"(B) Alternative Procedures.—

"(i) In general.—Not later than 1 year after the validation by the Administrator of an equally effective quality control and testing procedure to ensure compliance with the national primary drinking
water regulation promulgated under sub-
paragraph (A) to measure the levels de-
scribed in clause (ii) or other methods to
detect and monitor perfluoroalkyl and
polyfluoroalkyl substances in drinking
water, the Administrator shall add the pro-
cedure or method as an alternative to the
quality control and testing procedure de-
scribed in such national primary drinking
water regulation by publishing the proce-
dure or method in the Federal Register in
accordance with section 1401(1)(D).

“(ii) LEVELS DESCRIBED.—The levels
referred to in clause (i) are—

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

“(II) the total levels of
perfluoroalkyl and polyfluoroalkyl sub-
stances; and

“(III) the total levels of organic
fluorine.

“(C) INCLUSIONS.—The Administrator
may include a perfluoroalkyl or polyfluoroalkyl
substance or class of perfluoroalkyl or
polyfluoroalkyl substances on—
“(i) the list of contaminants for consideration of regulation under paragraph (1)(B)(i), in accordance with such paragraph; and

“(ii) the list of unregulated contaminants to be monitored under section 1445(a)(2)(B)(i), in accordance with such section.

“(D) Monitoring.—When establishing monitoring requirements for public water systems as part of a national primary drinking water regulation under subparagraph (A) or subparagraph (F)(ii), the Administrator shall tailor the monitoring requirements for public water systems that do not detect or are reliably and consistently below the maximum contaminant level (as defined in section 1418(b)(2)(B)) for the perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances subject to the national primary drinking water regulation.

“(E) Health Risk Reduction and Cost Analysis.—In meeting the requirements of paragraph (3)(C), the Administrator may rely on information available to the Administrator
with respect to 1 or more specific perfluoroalkyl or polyfluoroalkyl substances to extrapolate reasoned conclusions regarding the health risks and effects of a class of perfluoroalkyl or polyfluoroalkyl substances of which the specific perfluoroalkyl or polyfluoroalkyl substances are a part.

“(F) Regulation of additional substances.—

“(i) Determination.—The Administrator shall make a determination under paragraph (1)(A), using the criteria described in clauses (i) through (iii) of that paragraph, whether to include a perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances in the national primary drinking water regulation under subparagraph (A) not later than 18 months after the later of—

“(I) the date on which the perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances is listed on the list of contaminants for consider-
53

ation of regulation under paragraph

(1)(B)(i); and

“(II) the date on which—

“(aa) the Administrator has received the results of monitoring

under section 1445(a)(2)(B) for

the perfluoroalkyl or

polyfluoroalkyl substance or class

of perfluoroalkyl or

polyfluoroalkyl substances; or

“(bb) the Administrator has received reliable water data or

water monitoring surveys for the

perfluoroalkyl or polyfluoroalkyl

substance or class of

perfluoroalkyl or polyfluoroalkyl

substances from a Federal or

State agency that the Adminis-

trator determines to be of a qual-

ity sufficient to make a deter-

mination under paragraph

(1)(A).

“(ii) PRIMARY DRINKING WATER REG-

ULATIONS.—
“(I) IN GENERAL.—For each perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances that the Administrator determines to regulate under clause (i), the Administrator—

“(aa) not later than 18 months after the date on which the Administrator makes the determination, shall propose a national primary drinking water regulation for the perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances; and

“(bb) may publish the proposed national primary drinking water regulation described in item (aa) concurrently with the publication of the determination to regulate the perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances.

“(II) DEADLINE.—
“(aa) IN GENERAL.—Not later than 1 year after the date on which the Administrator publishes a proposed national primary drinking water regulation under clause (i)(I) and subject to item (bb), the Administrator shall take final action on the proposed national primary drinking water regulation.

“(bb) EXTENSION.—The Administrator, on publication of notice in the Federal Register, may extend the deadline under item (aa) by not more than 6 months.

“(G) HEALTH ADVISORY.—

“(i) IN GENERAL.—Subject to clause (ii), the Administrator shall publish a health advisory under paragraph (1)(F) for a perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances not subject to a national primary drinking water regulation not later than 1 year after the later of—
“(I) the date on which the Administrator finalizes a toxicity value for the perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances; and

“(II) the date on which the Administrator validates an effective quality control and testing procedure for the perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances.

“(ii) WAIVER.—The Administrator may waive the requirements of clause (i) with respect to a perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl and polyfluoroalkyl substances if the Administrator determines that there is a substantial likelihood that the perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances will not occur in drinking water with sufficient frequency to justify the publication of a health advisory, and publishes such determination, includ-
ing the information and analysis used, and basis for, such determination, in the Federal Register.”.

(b) EnforceMent.—Notwithstanding any other provision of law, the Administrator of the Environmental Protection Agency (referred to in this subsection as the “Administrator”) may not impose financial penalties for the violation of a national primary drinking water regulation (as defined in section 1401 of the Safe Drinking Water Act (42 U.S.C. 300f)) with respect to a perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances for which a national primary drinking water regulation has been promulgated under subparagraph (A) or (F) of paragraph (16) of section 1412(b) of the Safe Drinking Water Act (42 U.S.C. 300g–1(b)) earlier than the date that is 5 years after the date on which the Administrator promulgates the national primary drinking water regulation.