

116TH CONGRESS
2D SESSION

S. _____

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

IN THE SENATE OF THE UNITED STATES

_____ introduced the following bill; which was read twice
and referred to the Committee on _____

A BILL

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

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Drinking Water Infra-
5 structure Act of 2020”.

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

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

9 (1) in paragraph (1)—

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

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

6 “(A) increasing”; and

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

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

14 (2) in paragraph (5)—

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

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

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

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

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

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

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

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

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

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

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

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

24 (1) in subsection (a)—

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

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

3 “(i) IN GENERAL.—Notwithstanding
4 any other provision of this paragraph and
5 to the extent that there are sufficient ap-
6 plications from public water systems, a
7 State shall use not less than 20 percent of
8 a capitalization grant to the State under
9 this section to provide the additional sub-
10 sidies described in clause (ii) to public
11 water systems if the additional subsidies
12 described in that clause are used—

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

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

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

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

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

12 “(BB) before the date
13 of enactment of this sub-
14 paragraph, a Federal or
15 State emergency declaration
16 has been issued due to a
17 threat to public health, in-
18 cluding a threat from
19 heightened exposure to lead,
20 in the municipal drinking
21 water supply of the public
22 water system.

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

6

1 “(I) forgiveness of principal of
2 loans owed to the State loan fund of
3 the State;

4 “(II) negative interest loans;

5 “(III) grants; or

6 “(IV) a combination of the sub-
7 sidies described in subclauses (I)
8 through (III).”]; and

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

12 (2) in subsection (q), by striking “2016 through
13 2021” and inserting “2021 through 2024”.

14 (b) REMEDIATION OF CONTAMINATION.—Section
15 1452 of the Safe Drinking Water Act (42 U.S.C. 300j–
16 12) is amended—

17 (1) in subsection (a)(2)(G)—

18 (A) in clause (i)—

19 (i) by striking “only”; and

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

23 “(i) DRINKING WATER.—

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

4 (B) in clause (ii)—

5 (i) in subclause (I)—

6 (I) in the matter preceding item
7 (aa), by striking “amounts described
8 in clause (i)” and inserting “amounts
9 made available to carry out this
10 clause”; and

11 (II) by redesignating items (aa)
12 and (bb) as subitems (AA) and (BB),
13 respectively, and indenting appro-
14 priately;

15 (ii) in subclause (II), by striking
16 “amounts described in clause (i)” and in-
17 serting “amounts made available to carry
18 out this clause”; and

19 (iii) by redesignating subclauses (I)
20 and (II) as items (aa) and (bb), respec-
21 tively, and indenting appropriately;

22 (C) by redesignating clause (ii) as sub-
23 clause (II) and indenting appropriately; and

24 (D) by inserting before clause (iii) the fol-
25 lowing:

1 “(ii) REMEDIATION OF CONTAMINA-
2 TION OF GROUNDWATER.—

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

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

20 “(III) REQUIREMENTS.—

21 “(aa) PRIORITIES.—In se-
22 lecting the recipient of a grant
23 using amounts made available to
24 carry out this clause, a State

1 shall use the priorities described
2 in subsection (b)(3)(A).

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

14 (2) in subsection (t)(2), by striking
15 “\$100,000,000 for each of fiscal years 2020” and
16 inserting “\$300,000,000 for each of fiscal years
17 2021”.

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

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

21 (1) in subsection (a)—

22 (A) in paragraph (1)(A), in the matter
23 preceding clause (i), by striking “political sub-
24 division of a State,” and inserting “political
25 subdivision of a State (including a county that

1 is designated by the State to act on behalf of
2 an unincorporated area within that county, with
3 the agreement of that unincorporated area),”;

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

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

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

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

20 **SEC. 6. ASSISTANCE FOR SMALL AND DISADVANTAGED**
21 **COMMUNITIES.**

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

25 (1) in subsection (b)(2)—

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

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

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

7 “(D) the purchase of filters for the re-
8 moval of contaminants of concern;

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

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

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

17 “(F) entering into contracts with nonprofit
18 organizations that have water system technical
19 expertise, as determined by the Administrator,
20 to assist underserved communities that are in
21 significant noncompliance with this title with
22 asset management and mapping activities, if
23 those contracts use not more than 2 percent of
24 the funds awarded by a grant under this sec-
25 tion.”;

1 (2) in subsection (e), in the matter preceding
2 paragraph (1), by striking “An eligible entity” and
3 inserting “Except for purposes of subsection (m), an
4 eligible entity”;

5 (3) in subsection (g)(1), by inserting “except as
6 provided in subsections (j)(3) and (l)(5) and except
7 for grants provided under subsection (m),” before
8 “to pay”;

9 (4) in subsection (j), by adding at the end the
10 following:

11 “(3) FEDERAL SHARE.—

12 “(A) IN GENERAL.—With respect to an ac-
13 tivity carried out using a grant under this sub-
14 section—

15 “(i) subsection (g)(1) shall not apply;

16 and

17 “(ii) subject to subparagraph (B), the
18 Federal share of the cost of the activity
19 shall be 90 percent.

20 “(B) WAIVER.—The Administrator may
21 increase the Federal share under subparagraph
22 (A)(ii) to 100 percent.”;

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

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

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

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

7 (6) in subsection (l)—

8 (A) in paragraph (2)—

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

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

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

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

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

23 “(5) FEDERAL SHARE.—

24 “(A) IN GENERAL.—With respect to a pro-
25 gram or project carried out using a grant under

1 this subsection by an eligible entity that is or
2 serves an underserved community—

3 “(i) subsection (g)(1) shall not apply;

4 and

5 “(ii) subject to subparagraph (B), the
6 Federal share of the cost of the program
7 or project shall be 90 percent.

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

11 (b) CONNECTION TO PUBLIC WATER SYSTEMS.—
12 Section 1459A of the Safe Drinking Water Act (42 U.S.C.
13 300j–19a) is amended by adding at the end the following:

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

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

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

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

23 “(ii) a nonprofit entity that assists in-
24 dividuals with the costs associated with

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

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

6 “(C) QUALIFIED INDIVIDUAL.—The term
7 ‘qualified individual’ means a member of a
8 household, the members of which have a com-
9 bined income (for the most recent 12-month pe-
10 riod for which information is available) equal to
11 not more than 50 percent of the median non-
12 metropolitan household income for the State in
13 which the household is located, according to the
14 most recent decennial census.

15 “(2) ESTABLISHMENT.—The Administrator
16 shall establish a competitive grant program under
17 which the Administrator awards grants to eligible
18 entities to provide funds to assist qualified individ-
19 uals in covering the costs incurred by the qualified
20 individual in connecting the household of the quali-
21 fied individual to a public water system.

22 “(3) APPLICATION.—

23 “(A) IN GENERAL.—An eligible entity
24 seeking a grant under the program shall submit
25 to the Administrator an application at such

1 time, in such manner, and containing such in-
2 formation as the Administrator may by regula-
3 tion require.

4 “(B) REQUIREMENT.—Not later than 90
5 days after the date on which the Administrator
6 receives an application from an eligible entity
7 under subparagraph (A), the Administrator
8 shall notify the eligible entity of whether the
9 Administrator will award a grant to the eligible
10 entity under the program.

11 “(4) SELECTION CRITERIA.—In selecting recipi-
12 ents of grants under the program, the Administrator
13 shall use the following criteria:

14 “(A) Whether the eligible entity seeking a
15 grant provides services to, or works directly
16 with, qualified individuals.

17 “(B) Whether the eligible entity seeking a
18 grant—

19 “(i) has an existing program to assist
20 qualified individuals in covering the costs
21 incurred by the qualified individual in con-
22 necting the household of the qualified indi-
23 vidual to a public water system; or

24 “(ii) seeks to create a program de-
25 scribed in clause (i).

1 “(5) REQUIREMENTS.—

2 “(A) VOLUNTARY CONNECTION.—Before
3 providing funds to a qualified individual for the
4 costs described in paragraph (2), an eligible en-
5 tity shall ensure that—

6 “(i) the qualified individual has con-
7 nected to the public water system volun-
8 tarily; and

9 “(ii) if the eligible entity is not the
10 owner or operator of the public water sys-
11 tem to which the qualified individual has
12 connected, the public water system to
13 which the qualified individual has con-
14 nected has agreed to the connection.

15 “(B) REIMBURSEMENTS FROM PUBLIC
16 WATER SYSTEMS.—An eligible entity that is an
17 owner or operator of a public water system may
18 reimburse a qualified individual that has al-
19 ready incurred the costs described in paragraph
20 (2) by—

21 “(i) reducing the amount otherwise
22 owed by the qualified individual to the
23 owner or operator for drinking water or
24 other services provided by the owner or op-
25 erator; or

1 “(ii) providing a direct payment to the
2 qualified individual.

3 “(6) AUTHORIZATION OF APPROPRIATIONS.—
4 There is authorized to be appropriated to carry out
5 the program \$20,000,000 for each of fiscal years
6 2021 and 2022.”.

7 (c) COMPETITIVE GRANT PILOT PROGRAM.—Section
8 1459A of the Safe Drinking Water Act (42 U.S.C. 300j–
9 19a) (as amended by subsection (b)) is amended by adding
10 at the end the following:

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

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

19 “(2) COMPETITIVE GRANTS.—

20 “(A) IN GENERAL.—Notwithstanding any
21 other provision of this section, the Adminis-
22 trator shall distribute amounts made available
23 under paragraph (1) to States through a com-
24 petitive grant program.

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

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

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

21 **SEC. 7. REDUCING LEAD IN DRINKING WATER; LEAD MAP-**
22 **PING PILOT PROGRAM.**

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

25 (1) in subsection (d)—

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

3 (B) by striking “2021” and inserting
4 “2022”;

5 (2) by redesignating subsections (d) and (e) as
6 subsections (e) and (f), respectively; and

7 (3) by inserting after subsection (c) the fol-
8 lowing:

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

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

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

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

20 “(2) ESTABLISHMENT.—The Administrator
21 shall establish a pilot program under which the Ad-
22 ministrator shall provide grants to eligible entities to
23 carry out lead reduction projects that are dem-
24 onstrated to exist based on existing lead mapping of
25 those eligible entities.

1 “(3) SELECTION.—

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

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

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

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

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

1 “(C) how useful and accurate the lead
2 mapping described in subparagraph (B) was in
3 locating lead contaminants of the eligible entity.

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

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

10 Part E of the Safe Drinking Water Act (42 U.S.C.
11 300j et seq.) is amended by adding at the end the fol-
12 lowing:

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

15 “(a) DEFINITIONS.—In this section:

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

18 “(A) a municipality; or

19 “(B) an owner or operator of a public
20 water system.

21 “(2) OPERATIONAL SUSTAINABILITY.—The
22 term ‘operational sustainability’ means the ability to
23 improve the operation of a small system through the
24 identification and prevention of potable water loss

1 due to leaks, breaks, and other metering or infra-
2 structure failures.

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

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

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

8 “(B) is owned or operated by—

9 “(i) a unit of local government;

10 “(ii) a public corporation;

11 “(iii) a nonprofit corporation;

12 “(iv) a public trust; or

13 “(v) a cooperative association.

14 “(b) ESTABLISHMENT.—The Administrator shall es-
15 tablish a program to award grants to eligible entities for
16 the purpose of improving the operational sustainability of
17 1 or more small systems.

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

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

1 “(2) documentation prepared by the eligible en-
2 tity describing the deficiencies in operational sus-
3 tainability of 1 or more small systems that are to be
4 addressed through the proposed project;

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

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

13 “(5)(A) if the eligible entity is located in a
14 State that has established a State drinking water
15 treatment revolving loan fund under section 1452, a
16 copy of a written agreement between the eligible en-
17 tity and the State in which the eligible entity agrees
18 to provide a copy of any data collected under the
19 proposed project to the State agency administering
20 the State drinking water treatment revolving loan
21 fund (or a designee); or

22 “(B) if the eligible entity is located in an area
23 other than a State that has established a State
24 drinking water treatment revolving loan fund under
25 section 1452, a copy of a written agreement between

1 the eligible entity and the Administrator in which
2 the eligible entity agrees to provide a copy of any
3 data collected under the proposed project to the Ad-
4 ministrator (or a designee); and

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

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

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

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

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

21 “(B) global positioning system software;

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

24 “(4) the deployment of metering technology;

1 “(5) training in asset management strategies,
2 techniques, and technologies appropriate staff em-
3 ployed by—

4 “(A) the eligible entity; or

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

7 “(6) the development or deployment of other
8 strategies, techniques, or technologies that the Ad-
9 ministrator may determine to be appropriate under
10 the program.

11 “(e) COST SHARE.—

12 “(1) IN GENERAL.—Subject to paragraph (2),
13 the Federal share of the cost of a project carried out
14 using a grant under the program shall not exceed 90
15 percent of the total cost of the project.

16 “(2) WAIVER.—The Administrator may in-
17 crease the Federal share under paragraph (1) to 100
18 percent.

19 “(f) AUTHORIZATION OF APPROPRIATIONS.—There
20 is authorized to be appropriated to carry out this section
21 \$10,000,000 for each of fiscal years 2021 through 2024.”.

1 **SEC. 9. MIDSIZE DRINKING WATER SYSTEM INFRASTRUC-**
2 **TURE RESILIENCE AND SUSTAINABILITY**
3 **PROGRAM.**

4 Part E of the Safe Drinking Water Act (42 U.S.C.
5 300j et seq.) (as amended by section 8) is amended by
6 adding at the end the following:

7 **“SEC. 1459F. MIDSIZE DRINKING WATER SYSTEM INFRA-**
8 **STRUCTURE RESILIENCE AND SUSTAIN-**
9 **ABILITY PROGRAM.**

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

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

14 “(A) greater than 10,000; and

15 “(B) fewer than 100,000.

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

19 “(3) **RESILIENCE AND SUSTAINABILITY PRO-**
20 **GRAM.**—The term ‘resilience and sustainability pro-
21 gram’ means Midsize Drinking Water System Infra-
22 structure Resilience and Sustainability Program es-
23 tablished under subsection (b).

24 “(b) **ESTABLISHMENT.**—The Administrator shall es-
25 tablish and carry out a program, to be known as the
26 ‘Midsize Drinking Water System Infrastructure Resilience

1 and Sustainability Program’, under which the Adminis-
2 trator, subject to the availability of appropriations for the
3 resilience and sustainability program, shall award grants
4 to eligible entities for the purpose of increasing resilience
5 to natural hazards.

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

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

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

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

22 “(4) the enhancement of water supply through
23 the use of watershed management and source water
24 protection;

1 “(5) the enhancement of energy efficiency or
2 the use and generation of renewable energy in the
3 conveyance or treatment of drinking water; or

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

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

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

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

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

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

24 “(5) a description of how the proposed program
25 or project would improve the performance of the

1 community water system of the eligible entity under
2 the anticipated natural hazards; and

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

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

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

14 Part E of the Safe Drinking Water Act (42 U.S.C.
15 300j et seq.) (as amended by section 9) is amended by
16 adding at the end the following:

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

20 “(a) DEFINITION OF LOW-INCOME HOUSEHOLD.—In
21 this section, the term ‘low-income household’ means a
22 household that has an income that, as determined by the
23 State in which the household is located, does not exceed
24 the greater of—

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

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

5 “(b) STUDY; REPORT.—

6 “(1) IN GENERAL.—Not later than 2 years
7 after the date of enactment of this section, the Ad-
8 ministrator shall conduct, and submit to Congress a
9 report describing the results of, a study regarding
10 the prevalence throughout the United States of low-
11 income households that do not have access to afford-
12 able public drinking water services to meet house-
13 hold needs.

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

16 “(A) recommendations of the Adminis-
17 trator regarding the best methods to increase
18 access to affordable and functional drinking
19 water services;

20 “(B) a description of the cost of each
21 method described in subparagraph (A);

22 “(C) with respect to the development of
23 the report, a consultation with all relevant
24 stakeholders; and

1 “(D) a description of the results of the
2 study with respect to low-income renters who do
3 not receive bills for drinking water services but
4 pay for the services indirectly through rent pay-
5 ments.

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

9 “(c) AUTHORIZATION OF APPROPRIATIONS.—There
10 is authorized to be appropriated to carry out this section
11 \$5,000,000, to remain available until expended.”.

12 **SEC. 11. LEAD CONTAMINATION IN SCHOOL DRINKING**
13 **WATER.**

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

16 (1) in subsection (b)—

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

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

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

- 1 (2) in subsection (d)—
- 2 (A) in paragraph (2)—
- 3 (i) in subparagraph (A), by inserting
- 4 “, public water systems that serve schools
- 5 and child care programs under the juris-
- 6 diction of those local educational agencies,
- 7 and qualified nonprofit organizations” be-
- 8 fore “in voluntary”; and
- 9 (ii) in subparagraph (B)—
- 10 (I) in clause (i), by striking “or”
- 11 at the end;
- 12 (II) in clause (ii), by striking the
- 13 period at the end and inserting a
- 14 semicolon; and
- 15 (III) by adding at the end the
- 16 following:
- 17 “(iii) any public water system that—
- 18 “(I) assists schools or child care
- 19 programs in lead testing; or
- 20 “(II) provides technical assist-
- 21 ance to schools or child care programs
- 22 in carrying out lead testing; or
- 23 “(iv) a qualified nonprofit organiza-
- 24 tion, as determined by the Administrator.”;

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

6 (C) in paragraph (4), by striking “States
7 and local educational agencies” and inserting
8 “States, local educational agencies, public water
9 systems, and qualified nonprofit organizations”;

10 (D) in paragraph (6)—

11 (i) in the matter preceding subpara-
12 graph (A), by inserting “, public water sys-
13 tem, or qualified nonprofit organization”
14 after “each local educational agency”; and

15 (ii) in subparagraph (B)(i), by insert-
16 ing “applicable” before “local educational
17 agency”; and

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

20 **SEC. 12. INDIAN RESERVATION DRINKING WATER PRO-**
21 **GRAM.**

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

25 (1) in subsection (a)—

1 (A) in the matter preceding paragraph (1),
2 by striking “Subject to the availability of appro-
3 priations, the Administrator of the Environ-
4 mental Protection Agency” and inserting “The
5 Administrator of the Environmental Protection
6 Agency (referred to in this section as the ‘Ad-
7 ministrator’)”; and

8 (B) by striking “to implement” in the mat-
9 ter preceding paragraph (1) and all that follows
10 through the period at the end of paragraph (2)
11 and inserting “to implement eligible projects
12 described in subsection (b).”;

13 (2) by redesignating subsection (d) as sub-
14 section (e);

15 (3) by striking subsection (c) and inserting the
16 following:

17 “(c) REQUIRED PROJECTS.—

18 “(1) IN GENERAL.—Of the funds made avail-
19 able to carry out this section, the Administrator
20 shall use 50 percent to carry out—

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

1 “(B) 10 eligible projects described in sub-
2 section (b) that are within the Upper Rio
3 Grande Basin; and

4 “(C) 10 eligible projects described in sub-
5 section (b) that are within the Columbia River
6 Basin.

7 “(2) REQUIREMENT.—In carrying out para-
8 graph (1)(A), the Administrator shall select not
9 fewer than 2 eligible projects for a reservation that
10 serves more than 1 federally recognized Indian
11 Tribe.

12 “(d) FEDERAL SHARE.—The Federal share of the
13 cost of a project carried out under this section shall be
14 100 percent.”; and

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

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

18 (B) by striking “subsection (a)
19 \$20,000,000” and inserting the following: “sub-
20 section (a)—

21 “(1) \$20,000,000”;

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

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

1 “(2) \$50,000,000 for each of fiscal years 2021
2 through 2024.”.

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

4 (a) STUDY.—

5 (1) IN GENERAL.—Not later than 1 year after
6 the date of enactment of this Act, the Administrator
7 of the Environmental Protection Agency (referred to
8 in this section as the “Administrator”) shall carry
9 out a study that examines the state of existing and
10 potential future technology that enhances or could
11 enhance the treatment, monitoring, affordability, ef-
12 ficiency, and safety of drinking water provided by a
13 public water system (as defined in section 1401 of
14 the Safe Drinking Water Act (42 U.S.C. 300f)).

15 (2) REPORT.—The Administrator shall submit
16 to the Committee on Environment and Public Works
17 of the Senate and the Committee on Energy and
18 Commerce of the House of Representatives a report
19 that describes the results of the study under para-
20 graph (1).

21 (b) ADVANCED DRINKING WATER TECHNOLOGY
22 GRANT PROGRAM.—

23 (1) DEFINITIONS.—In this subsection:

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

4 (i) serves—

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

7 (II) a disadvantaged community;

8 and

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 de-
13 termined by the Administrator, that en-
14 hance treatment, monitoring, affordability,
15 efficiency, or safety of the drinking water
16 provided by the public water system, in-
17 cluding technologies not identified in the
18 study conducted under subsection (a)(1).

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

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

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

6 (3) REQUIREMENTS.—

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

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

16 (C) FEDERAL SHARE.—

17 (i) IN GENERAL.—Subject to clause
18 (ii), the Federal share of the cost of a
19 project carried out using a grant under the
20 program shall not exceed 90 percent of the
21 total cost of the project.

22 (ii) WAIVER.—The Administrator may
23 increase the Federal share under clause (i)
24 to 100 percent.

1 (4) REPORT.—Not later than 180 days after
2 the date on which Administrator first awards a
3 grant under the program, and every 180 days there-
4 after, the Administrator shall submit to Congress a
5 report describing—

6 (A) each recipient of a grant under the
7 program during the previous 180-day period;
8 and

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

11 (5) FUNDING.—

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

17 (B) ADMINISTRATIVE COSTS.—Not more
18 than 2 percent of the amount made available
19 for a fiscal year under subparagraph (A) to
20 carry out the program may be used by the Ad-
21 ministrator for the administrative costs of car-
22 rying out the program.

1 **SEC. 14. DRINKING WATER INFRASTRUCTURE DISCRE-**
2 **TIONARY GRANT PROGRAM.**

3 (a) **ESTABLISHMENT.**—Not later than 1 year after
4 the date of enactment of this Act, the Administrator of
5 the Environmental Protection Agency (referred to in this
6 section as the “Administrator”) shall establish a drinking
7 water discretionary grant program (referred to in this sec-
8 tion as the “program”) to provide grants, on a competitive
9 basis, to eligible entities described in subsection (b) for
10 investments in drinking water infrastructure projects.

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

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

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

17 (3) a State infrastructure financing authority;
18 and

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

23 (c) **ELIGIBLE PROJECTS.**—

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

1 (A) 1 or more activities described in sub-
2 paragraphs (B) through (E) of section
3 1452(a)(2) of the Safe Drinking Water Act (42
4 U.S.C. 300j–12(a)(2)); and

5 (B) any other drinking water infrastruc-
6 ture project that the Administrator determines
7 to appropriate.

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

13 (A) from a State drinking water treatment
14 revolving loan fund established under section
15 1452 of the Safe Drinking Water Act (42
16 U.S.C. 300j–12);

17 (B) from a State water pollution control
18 revolving fund established under title VI of the
19 Federal Water Pollution Control Act (33 U.S.C.
20 1381 et seq.); or

21 (C) under the Water Infrastructure Fi-
22 nance and Innovation Act of 2014 (33 U.S.C.
23 3901 et seq.).

24 (d) APPLICATION.—

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

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

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

14 (e) SELECTION.—

15 (1) CRITERIA.—

16 (A) IN GENERAL.—The Administrator
17 shall establish criteria in accordance with this
18 subsection to use in selecting projects to receive
19 a grant under the program.

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

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

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

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

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

10 (B) that would help bring public water sys-
11 tems (as defined in section 1401 of the Safe
12 Drinking Water Act (42 U.S.C. 300f)) into
13 compliance with the Safe Drinking Water Act
14 (42 U.S.C. 300f et seq.).

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

19 (A) on an equitable geographical basis; and

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

22 (4) DEADLINE.—Not later than 18 months
23 after the date on which funds are made available to
24 carry out the program for each fiscal year, the Ad-

1 administrator shall select projects to receive grants
2 under the program.

3 (f) REQUIREMENTS.—

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

9 (2) NON-FEDERAL SHARE.—

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

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

19 (g) REGULATIONS.—The Administrator may promul-
20 gate such regulations as may be necessary to carry out
21 this section.

22 (h) LABOR STANDARDS.—Notwithstanding any other
23 provision of law, the Administrator may not provide a
24 grant under the program for a project unless the project

1 meets the requirements described in section 1450(e) of the
2 Safe Drinking Water Act (42 U.S.C. 300j–9(e)).

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

7 (j) FUNDING.—

8 (1) AUTHORIZATION OF APPROPRIATIONS.—
9 There is authorized to be appropriated to carry out
10 this section \$50,000,000 for each of fiscal years
11 2022 through 2024.

12 (2) AVAILABILITY.—Funds made available to
13 carry out this section shall be available until ex-
14 pended.

15 (3) ADMINISTRATIVE COSTS.—Not more than 2
16 percent of the amount made available for a fiscal
17 year under paragraph (1) may be used by the Ad-
18 ministrator for the administrative costs of carrying
19 out the program.

20 **【The Committee continues to review the PFAS language**
21 **that passed both the Committee and the full Senate in**
22 **2019 but failed to be enacted into law for inclusion in a**
23 **managers’ amendment to the bill when the bill is consid-**
24 **ered.】**