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117TH CONGRESS
1ST SESSION

S. 2272

To amend the Safe Drinking Water Act to increase funding for lead reduction projects, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 24, 2021

Mr. PADILLA (for himself, Ms. STABENOW, Mr. DURBIN, Mr. BOOKER, Mrs. FEINSTEIN, Mrs. GILLIBRAND, Ms. WARREN, Mr. WYDEN, and Mr. MARKEY) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

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A BILL

To amend the Safe Drinking Water Act to increase funding for lead reduction projects, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Lead-Free Drinking Water for All Act of 2021''.

SEC. 2. REDUCING LEAD IN DRINKING WATER.

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

(1) in subsection (a)—

(A) in paragraph (1), by striking subparagraph (D) and inserting the following:

''(D) a qualified nonprofit organization with experience in lead reduction, as determined by the Administrator; and'';

(B) in paragraph (2)(A)—

(i) in clause (i), by striking ''publicly owned''; and

(ii) by striking clause (iii) and inserting the following:

''(iii) providing assistance to eligible entities to inventory and replace lead service lines, with priority for disadvantaged communities based on the affordability criteria established by the applicable State under section 1452(d)(3), low-income homeowners, and landlords or property owners providing housing to low-income renters.''; and

(C) in paragraph (3), by striking ''an individual provided'';

(2) in subsection (b)—

(A) in paragraph (5)—

(i) in subparagraph (A), by striking ''to provide assistance'' and all that follows through the period at the end and inserting "to inventory and replace lead service lines, with first priority given to assisting disadvantaged communities based on the affordability criteria established by the applicable State under section 1452(d)(3), low-income homeowners, and landlords or property owners providing housing to low-income renters."; and

(ii) in subparagraph (B)—

(I) by striking "to a low-income homeowner";

(II) by striking "privately owned portion of the"; and

(III) by striking "line" and inserting "lines";

(B) in paragraph (6)—

(i) in subparagraph (A), by striking "any publicly owned portion of"; and

(ii) by striking subparagraphs (B) through (E) and inserting the following:

"(B) shall offer to replace the full lead service line at no cost to the property owner; and

"(C) shall notify relevant State and local authorities of any planned replacement of lead service lines under this subsection and coordinate, where practicable, with other relevant infrastructure projects.";

(C) by adding at the end the following:

"(7) PREVAILING WAGES.—In carrying out lead service line replacement using amounts made available under this section, section 1452(a)(5) shall apply.

"(8) TIMELY COMPLETION OF PROJECTS.—

"(A) IN GENERAL.—An eligible entity that receives assistance under this section shall ensure that all lead service lines being serviced by the eligible entity are fully replaced not later than the date that is 10 years after the date on which the eligible entity first receives funding for a lead reduction project for which assistance is provided under this section after the date of enactment of this paragraph.

"(B) PLAN REQUIRED.—An eligible entity that receives assistance under this section shall submit to the Administrator a plan that describes how the eligible entity intends to meet the requirement under subparagraph (A).";

(3) in subsection (d)—

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

(B) by striking “$60,000,000 for each of fiscal years 2017 through 2021” and inserting “$4,500,000,000 for each of fiscal years 2022 through 2031”;

(4) by redesignating subsections (d) and (e) as subsections (f) and (g), respectively; and

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

“(d) DELEGATION TO AND COORDINATION WITH STATES.—

“(1) IN GENERAL.—The Administrator—

“(A) shall, in carrying out this section, coordinate with each State that has established a State drinking water treatment revolving loan fund under section 1452; and

“(B) may delegate the implementation of this section to any State described in subparagraph (A).

“(2) ALLOTMENT OF FUNDS TO DELEGATED STATES.—

“(A) IN GENERAL.—If the Administrator delegates implementation of this section to a

State under paragraph (1)(B), the Administrator shall, for each fiscal year, allot to the State an amount equal to the product obtained by multiplying—

"(i) the total amount made available to carry out this section (except for subsection (e)) for the fiscal year; by

"(ii)(I) for fiscal years 2022 and 2023, the proportion that—

"(aa) the amount allotted to the State under section 1452(a)(1)(D) for the fiscal year; bears to

"(bb) the amount allotted to all States under section 1452(a)(1)(D) for the fiscal year; and

"(II) for each of fiscal years 2024 through 2031, the proportion that—

"(aa) the need for lead service line replacement within the State, as documented in the most recent needs assessment under section 1452(h)(2); bears to

"(bb) the need for lead service line replacement within all States, as documented in the most recent needs assessment under section 1452(h)(2).

"(B) USE OF FUNDS.—

"(i) IN GENERAL.—Amounts allotted to a State under subparagraph (A) shall be used by the State only to make grants for inventorying or replacing lead service lines in accordance with this section.

"(ii) LIMITATION.—Of the amounts allotted to a State under subparagraph (A), not more than 4 percent may be used to pay the administrative costs of the State.

"(iii) NO STATE CONTRIBUTION.— Notwithstanding any other provision of law, including section 1452(e), no State contribution requirement may be imposed on amounts allotted to a State under subparagraph (A).

"(e) LEAD INVENTORYING 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 suspected, to contain lead, based on available data, information, or resources, including existing lead inventorying.

"(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 or are suspected to exist, based on available data, information, or resources, including existing lead inventorying of those eligible entities.

"(3) SELECTION.—

"(A) APPLICATION.—To be eligible to receive a grant under the pilot 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.

"(B) PRIORITIZATION.—In selecting recipients under the pilot program, the Administrator shall give priority to—

"(i) an eligible entity that meets the affordability criteria of the applicable State established under section 1452(d)(3); and

"(ii) an eligible entity that is located in an area other than a State that has established affordability criteria under section 1452(d)(3).

"(4) REPORT.—Not later 2 years after the Administrator first awards a grant under the pilot program, 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 describing—

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

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

"(C) how useful and accurate the lead inventorying described in subparagraph (B) was in locating lead service lines 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.''.

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