

117TH CONGRESS
1ST SESSION

S. _____

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

Mr. PADILLA (for himself and Ms. STABENOW) introduced the following bill;
which was read twice and referred to the Committee on

A BILL

To amend the Safe Drinking Water Act to increase funding
for lead reduction projects, 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 “Lead-Free Drinking
5 Water for All Act of 2021”.

6 **SEC. 2. REDUCING LEAD IN DRINKING WATER.**

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

9 (1) in subsection (a)—

1 (A) in paragraph (1), by striking subpara-
2 graph (D) and inserting the following:

3 “(D) a qualified nonprofit organization
4 with experience in lead reduction, as determined
5 by the Administrator; and”;

6 (B) in paragraph (2)(A)—

7 (i) in clause (i), by striking “publicly
8 owned”; and

9 (ii) by striking clause (iii) and insert-
10 ing the following:

11 “(iii) providing assistance to eligible
12 entities to inventory and replace lead serv-
13 ice lines, with priority for disadvantaged
14 communities based on the affordability cri-
15 teria established by the applicable State
16 under section 1452(d)(3), low-income
17 homeowners, and landlords or property
18 owners providing housing to low-income
19 renters.”; and

20 (C) in paragraph (3), by striking “an indi-
21 vidual provided”;

22 (2) in subsection (b)—

23 (A) in paragraph (5)—

24 (i) in subparagraph (A), by striking
25 “to provide assistance” and all that follows

1 through the period at the end and insert-
2 ing “to inventory and replace lead service
3 lines, with first priority given to assisting
4 disadvantaged communities based on the
5 affordability criteria established by the ap-
6 plicable State under section 1452(d)(3),
7 low-income homeowners, and landlords or
8 property owners providing housing to low-
9 income renters.”; and

10 (ii) in subparagraph (B)—

11 (I) by striking “to a low-income
12 homeowner”;

13 (II) by striking “privately owned
14 portion of the”; and

15 (III) by striking “line” and in-
16 sserting “lines”;

17 (B) in paragraph (6)—

18 (i) in subparagraph (A), by striking
19 “any publicly owned portion of”; and

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

22 “(B) shall offer to replace the full lead
23 service line at no cost to the property owner;
24 and

1 “(C) shall notify relevant State and local
2 authorities of any planned replacement of lead
3 service lines under this subsection and coordi-
4 nate, where practicable, with other relevant in-
5 frastructure projects.”;

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

7 “(7) PREVAILING WAGES.—In carrying out lead
8 service line replacement using amounts made avail-
9 able under this section, section 1452(a)(5) shall
10 apply.

11 “(8) TIMELY COMPLETION OF PROJECTS.—

12 “(A) IN GENERAL.—An eligible entity that
13 receives assistance under this section shall en-
14 sure that all lead service lines being serviced by
15 the eligible entity are fully replaced not later
16 than the date that is 10 years after the date on
17 which the eligible entity first receives funding
18 for a lead reduction project for which assistance
19 is provided under this section after the date of
20 enactment of this paragraph.

21 “(B) PLAN REQUIRED.—An eligible entity
22 that receives assistance under this section shall
23 submit to the Administrator a plan that de-
24 scribes how the eligible entity intends to meet
25 the requirement under subparagraph (A).”;

1 (3) in subsection (d)—

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

4 (B) by striking “\$60,000,000 for each of
5 fiscal years 2017 through 2021” and inserting
6 “\$4,500,000,000 for each of fiscal years 2022
7 through 2031”;

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

10 (5) by inserting after subsection (c) the fol-
11 lowing:

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

14 “(1) IN GENERAL.—The Administrator—

15 “(A) shall, in carrying out this section, co-
16 ordinate with each State that has established a
17 State drinking water treatment revolving loan
18 fund under section 1452; and

19 “(B) may delegate the implementation of
20 this section to any State described in subpara-
21 graph (A).

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

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

1 State under paragraph (1)(B), the Adminis-
2 trator shall, for each fiscal year, allot to the
3 State an amount equal to the product obtained
4 by multiplying—

5 “(i) the total amount made available
6 to carry out this section (except for sub-
7 section (e)) for the fiscal year; by

8 “(ii)(I) for fiscal years 2022 and
9 2023, the proportion that—

10 “(aa) the amount allotted to the
11 State under section 1452(a)(1)(D) for
12 the fiscal year; bears to

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

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

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

23 “(bb) the need for lead service
24 line replacement within all States, as

1 documented in the most recent needs
2 assessment under section 1452(h)(2).

3 “(B) USE OF FUNDS.—

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

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

14 “ (iii) NO STATE CONTRIBUTION.—
15 Notwithstanding any other provision of
16 law, including section 1452(e), no State
17 contribution requirement may be imposed
18 on amounts allotted to a State under sub-
19 paragraph (A).

20 “(e) LEAD INVENTORYING UTILIZATION GRANT
21 PILOT PROGRAM.—

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

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

1 noncommunity water system in which not less
2 than 30 percent of the service lines are known,
3 or suspected, to contain lead, based on available
4 data, information, or resources, including exist-
5 ing lead inventorying.

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

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

16 “(3) SELECTION.—

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

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

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

4 “(ii) an eligible entity that is located
5 in an area other than a State that has es-
6 tablished affordability criteria under sec-
7 tion 1452(d)(3).

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

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

17 “(B) the existing lead inventorying that
18 was available to recipients of grants under the
19 pilot program; and

20 “(C) how useful and accurate the lead
21 inventorying described in subparagraph (B) was
22 in locating lead service lines of the eligible enti-
23 ty.

24 “(5) AUTHORIZATION OF APPROPRIATIONS.—

25 There is authorized to be appropriated to carry out

1 the pilot program \$10,000,000, to remain available
2 until expended.”.