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(Original Signature of Member)

117TH CONGRESS
1ST SESSION

H. R. 3300

To amend the Safe Drinking Water Act with respect to replacement of lead service lines, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. SMITH of New Jersey introduced the following bill; which was referred to the Committee on _____

A BILL

To amend the Safe Drinking Water Act with respect to replacement of lead service lines, 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 “Get the Lead Out
5 Act”.

1 **SEC. 2. PLANS FOR REPLACEMENT OF LEAD SERVICE**
2 **LINES.**

3 (a) IN GENERAL.—Part E of the Safe Drinking
4 Water Act (42 U.S.C. 300j et seq.) is amended by adding
5 at the end the following:

6 **“SEC. 1459E. REPLACEMENT OF LEAD SERVICE LINES.**

7 “(a) PLANS.—

8 “(1) SUBMISSION.—

9 “(A) SYSTEMS SERVING 3,300 OR MORE.—

10 “(i) IN GENERAL.—Subject to clause
11 (ii), each community water system serving
12 a population of 3,300 or more shall—

13 “(I) not later than 1 year after
14 the date of enactment of this section,
15 submit to the Administrator a plan to
16 inventory and fully replace all of the
17 lead service lines of the community
18 water system, including the portions
19 of such lead service lines that are
20 owned by the community water sys-
21 tem and any remaining portions of
22 such lead service lines; and

23 “(II) not later than 3 years after
24 the date of enactment of this section,
25 complete such inventory.

1 “(ii) EXCEPTION.—The plan of a
2 community water system under clause (i)
3 shall not allow the partial replacement of
4 the lead service lines of the system, except
5 in the case of an emergency, in which case
6 the community water system shall ensure
7 prompt full replacement of the lead service
8 lines of the system not more than 90 days
9 after the end of the emergency.

10 “(iii) PROCEDURES.—Not later than
11 1 year after the date of enactment of this
12 section, the Administrator shall establish
13 procedures to ensure that inventories con-
14 ducted pursuant to a plan under clause (i)
15 are rigorous and complete.

16 “(B) SMALL SYSTEMS.—Each community
17 water system serving fewer than 3,300 persons
18 shall—

19 “(i) by such deadline as the Adminis-
20 trator determines appropriate, but not
21 later than 5 years after the date of enact-
22 ment of this section, submit to the Admin-
23 istrator a plan to inventory and fully re-
24 place all the lead service lines of the com-
25 munity water system, as described in sub-

1 paragraph (A)(i) and subject to subpara-
2 graph (A)(ii); and

3 “(ii) not later than 5 years after the
4 date of enactment of this section, complete
5 such inventory.

6 “(2) INCLUSIONS.—Each plan submitted under
7 this subsection shall include a plan and schedule
8 for—

9 “(A) notifying persons served by the appli-
10 cable community water system that the commu-
11 nity water system will install interim filters that
12 meet the criteria under paragraph (3) on all
13 primary drinking water taps served by the com-
14 munity water system with lead service lines;

15 “(B) installing such interim filters and
16 providing replacement filter cartridges in ac-
17 cordance with manufacturer instructions for so
18 long as such interim filters are in use;

19 “(C) not later than 10 years after such
20 plan is approved under subsection (b), fully re-
21 placing all of the lead service lines of the com-
22 munity water system; and

23 “(D) including local community-based or
24 other local organizations, as deemed appro-
25 priate by the community water system, in train-

1 ing the public in the proper use and mainte-
2 nance of the interim filters.

3 “(3) FILTER CRITERIA.—Interim filters, and
4 any replacement thereof, installed pursuant to a
5 plan under this section—

6 “(A) shall—

7 “(i) be certified for lead reduction in
8 compliance with NSF International/Amer-
9 ican National Standards Institute (‘ANSI’)
10 Standard 53–2017, ‘Drinking Water
11 Treatment Units—Health Effects’, pub-
12 lished by NSF International; and

13 “(ii) incorporate an integral perform-
14 ance indication device as specified in sec-
15 tion 6.1 of NSF/ANSI standard 53–2017;

16 or

17 “(B) shall be certified as compliant with
18 any standards for lead reduction adopted by
19 NSF International, ANSI, or the Agency that
20 are more stringent than the standards under
21 subparagraph (A).

22 “(b) APPROVAL.—Not later than 6 months after a
23 community water system submits a plan under this sec-
24 tion, the Administrator shall approve the plan or notify

1 the community water system in writing of revisions the
2 Administrator determines necessary to approve the plan.

3 “(c) IMPLEMENTATION.—

4 “(1) IN GENERAL.—Not later than 10 years
5 after a plan under this section of a community water
6 system is approved by the Administrator, the com-
7 munity water system shall submit to the Adminis-
8 trator a certification that all the lead service lines of
9 the community water system have been fully re-
10 placed pursuant to such plan except for any lead
11 service line that—

12 “(A) is not owned by the community water
13 system; and

14 “(B) with respect to which the owner has
15 declined replacement by the community water
16 system at the system’s expense.

17 “(2) PAYMENT.—The community water sys-
18 tem—

19 “(A) shall pay the full costs of all lead
20 service line replacements and filters required
21 pursuant to the system’s plan under subsection
22 (a); and

23 “(B) may incorporate into its rate base the
24 costs of replacement and filters not fully cov-

1 ered by grants and other Federal and non-Fed-
2 eral assistance.

3 “(d) EXTENSION.—

4 “(1) APPLICATION.—A community water sys-
5 tem may submit an application to the Administrator
6 for an extension of the 10-year deadline applicable
7 under subsection (c).

8 “(2) APPROVAL.—The Administrator shall ap-
9 prove an application for an extension under para-
10 graph (1) only if—

11 “(A) the community water system submit-
12 ting the application has held a public hearing
13 and solicited public comment prior to submit-
14 ting the application;

15 “(B) the Administrator determines that
16 lead service line replacement by the community
17 water system is not feasible by the 10-year
18 deadline applicable under subsection (c); and

19 “(C) the community water system submit-
20 ting the application has more than 100,000
21 known or suspected lead service lines.

22 “(3) PERIOD OF EXTENSION.—The Adminis-
23 trator may only grant an extension under this sub-
24 section for the minimum period of time necessary for
25 the applicable community water system to replace all

1 of the lead service lines of the community water sys-
2 tem.

3 “(e) ENFORCEMENT AUTHORITY.—The Adminis-
4 trator may take action to enforce a requirement of this
5 section pursuant to section 1414(a)(2) with respect to a
6 community water system in a State regardless of whether
7 the State has primary enforcement responsibility for pub-
8 lic water systems.

9 “(f) DEFINITION.—In this section, the term ‘lead
10 service line’ has the meaning given such term in section
11 1459B(a).

12 “(g) AUTHORIZATION OF APPROPRIATIONS.—There
13 is authorized to be appropriated to carry out this section
14 \$10,000,000 for each of fiscal years 2022 and 2023.”.

15 (b) ENFORCEMENT.—Section 1414(i)(1) of the Safe
16 Drinking Water Act (42 U.S.C. 300g–3(i)(1)) is amended
17 by striking “or 1445” and inserting “1445, or 1459E”.

18 **SEC. 3. STATE REVOLVING LOAN FUNDS.**

19 (a) USE OF FUNDS.—Paragraph (2) of section
20 1452(a) of the Safe Drinking Water Act (42 U.S.C. 300j–
21 12(a)) is amended by adding at the end the following:

22 “(H) REPLACEMENT OF LEAD SERVICE
23 LINES.—Financial assistance under this section
24 may also be used for replacement of lead service
25 lines in accordance with section 1459E, with

1 priority given to loans and loan guarantees for
2 disadvantaged communities (as defined in sub-
3 section (d)(3)).”.

4 (b) AUTHORIZATION OF APPROPRIATIONS.—Section
5 1452(m) of the Safe Drinking Water Act (42 U.S.C.
6 300j–12(m)) is amended—

7 (1) in paragraph (1)—

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

10 (B) in subparagraph (C), by striking the
11 period at the end and inserting “; and”; and

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

13 “(D) \$6,600,000,000 for each of fiscal
14 years 2022 through 2031.”; and

15 (2) by adding at the end the following:

16 “(3) Of the amount authorized by paragraph
17 (1)(D) to be appropriated for each of fiscal years
18 2022 through 2031, \$4,650,000,000 shall be for re-
19 placement of lead service lines as described in sub-
20 section (a)(2)(H).”.