

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

MAY 18, 2021

Mr. SMITH of New Jersey (for himself and Mr. CUELLAR) introduced the following bill; which was referred to the Committee on Energy and Commerce

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”.

6 **SEC. 2. PLANS FOR REPLACEMENT OF LEAD SERVICE**

7 **LINES.**

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

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

2 “(a) PLANS.—

3 “(1) SUBMISSION.—

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

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

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

18 “(II) not later than 3 years after
19 the date of enactment of this section,
20 complete such inventory.

21 “(ii) EXCEPTION.—The plan of a
22 community water system under clause (i)
23 shall not allow the partial replacement of
24 the lead service lines of the system, except
25 in the case of an emergency, in which case
26 the community water system shall ensure

1 prompt full replacement of the lead service
2 lines of the system not more than 90 days
3 after the end of the emergency.

4 “(iii) PROCEDURES.—Not later than
5 1 year after the date of enactment of this
6 section, the Administrator shall establish
7 procedures to ensure that inventories con-
8 ducted pursuant to a plan under clause (i)
9 are rigorous and complete.

10 “(B) SMALL SYSTEMS.—Each community
11 water system serving fewer than 3,300 persons
12 shall—

13 “(i) by such deadline as the Adminis-
14 trator determines appropriate, but not
15 later than 5 years after the date of enact-
16 ment of this section, submit to the Admin-
17 istrator a plan to inventory and fully re-
18 place all the lead service lines of the com-
19 munity water system, as described in sub-
20 paragraph (A)(i) and subject to subpara-
21 graph (A)(ii); and

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

1 “(2) INCLUSIONS.—Each plan submitted under
2 this subsection shall include a plan and schedule
3 for—

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

10 “(B) installing such interim filters and
11 providing replacement filter cartridges in ac-
12 cordance with manufacturer instructions for so
13 long as such interim filters are in use;

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

18 “(D) including local community-based or
19 other local organizations, as deemed appro-
20 priate by the community water system, in train-
21 ing the public in the proper use and mainte-
22 nance of the interim filters.

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

1 “(A) shall—

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

8 “(ii) incorporate an integral perform-
9 ance indication device as specified in sec-
10 tion 6.1 of NSF/ANSI standard 53–2017;
11 or

12 “(B) shall be certified as compliant with
13 any standards for lead reduction adopted by
14 NSF International, ANSI, or the Agency that
15 are more stringent than the standards under
16 subparagraph (A).

17 “(b) APPROVAL.—Not later than 6 months after a
18 community water system submits a plan under this sec-
19 tion, the Administrator shall approve the plan or notify
20 the community water system in writing of revisions the
21 Administrator determines necessary to approve the plan.

22 “(c) IMPLEMENTATION.—

23 “(1) IN GENERAL.—Not later than 10 years
24 after a plan under this section of a community water
25 system is approved by the Administrator, the com-

1 community water system shall submit to the Adminis-
2 trator a certification that all the lead service lines of
3 the community water system have been fully re-
4 placed pursuant to such plan except for any lead
5 service line that—

6 “(A) is not owned by the community water
7 system; and

8 “(B) with respect to which the owner has
9 declined replacement by the community water
10 system at the system’s expense.

11 “(2) PAYMENT.—The community water sys-
12 tem—

13 “(A) shall pay the full costs of all lead
14 service line replacements and filters required
15 pursuant to the system’s plan under subsection
16 (a); and

17 “(B) may incorporate into its rate base the
18 costs of replacement and filters not fully cov-
19 ered by grants and other Federal and non-Fed-
20 eral assistance.

21 “(d) EXTENSION.—

22 “(1) APPLICATION.—A community water sys-
23 tem may submit an application to the Administrator
24 for an extension of the 10-year deadline applicable
25 under subsection (c).

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

4 “(A) the community water system submit-
5 ting the application has held a public hearing
6 and solicited public comment prior to submit-
7 ting the application;

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

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

15 “(3) PERIOD OF EXTENSION.—The Adminis-
16 trator may only grant an extension under this sub-
17 section for the minimum period of time necessary for
18 the applicable community water system to replace all
19 of the lead service lines of the community water sys-
20 tem.

21 “(e) ENFORCEMENT AUTHORITY.—The Adminis-
22 trator may take action to enforce a requirement of this
23 section pursuant to section 1414(a)(2) with respect to a
24 community water system in a State regardless of whether

1 the State has primary enforcement responsibility for pub-
2 lic water systems.

3 “(f) DEFINITION.—In this section, the term ‘lead
4 service line’ has the meaning given such term in section
5 1459B(a).

6 “(g) AUTHORIZATION OF APPROPRIATIONS.—There
7 is authorized to be appropriated to carry out this section
8 \$10,000,000 for each of fiscal years 2022 and 2023.”.

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

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

13 (a) USE OF FUNDS.—Paragraph (2) of section
14 1452(a) of the Safe Drinking Water Act (42 U.S.C. 300j–
15 12(a)) is amended by adding at the end the following:

16 “(H) REPLACEMENT OF LEAD SERVICE
17 LINES.—Financial assistance under this section
18 may also be used for replacement of lead service
19 lines in accordance with section 1459E, with
20 priority given to loans and loan guarantees for
21 disadvantaged communities (as defined in sub-
22 section (d)(3)).”.

23 (b) AUTHORIZATION OF APPROPRIATIONS.—Section
24 1452(m) of the Safe Drinking Water Act (42 U.S.C.
25 300j–12(m)) is amended—

1 (1) in paragraph (1)—

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

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

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

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

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

10 “(3) Of the amount authorized by paragraph
11 (1)(D) to be appropriated for each of fiscal years
12 2022 through 2031, \$4,650,000,000 shall be for re-
13 placement of lead service lines as described in sub-
14 section (a)(2)(H).”.

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