

117TH CONGRESS
1ST SESSION

H. R. 3291

To amend the Safe Drinking Water Act to provide assistance for States, territories, areas affected by natural disasters, and water systems and schools affected by PFAS or lead, and to require the Environmental Protection Agency to promulgate national primary drinking water regulations for PFAS, microcystin toxin, and 1,4-dioxane, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 18, 2021

Mr. TONKO (for himself and Mr. PALLONE) introduced the following bill;
which was referred to the Committee on Energy and Commerce

A BILL

To amend the Safe Drinking Water Act to provide assistance for States, territories, areas affected by natural disasters, and water systems and schools affected by PFAS or lead, and to require the Environmental Protection Agency to promulgate national primary drinking water regulations for PFAS, microcystin toxin, and 1,4-dioxane, 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,*

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) SHORT TITLE.—This Act may be cited as the
3 “Assistance, Quality, and Affordability Act of 2021”.

4 (b) TABLE OF CONTENTS.—The table of contents for
5 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—INFRASTRUCTURE

Sec. 101. Drinking water system resilience funding.
Sec. 102. Grants for State programs.
Sec. 103. American iron and steel products.
Sec. 104. Allotments for territories.
Sec. 105. Drinking water SRF funding.
Sec. 106. Lead service line replacement.
Sec. 107. PFAS treatment grants.
Sec. 108. Voluntary school and child care program lead testing grant program.
Sec. 109. Drinking water fountain replacement for schools.
Sec. 110. Indian reservation drinking water program.
Sec. 111. Assistance for areas affected by natural disasters.

TITLE II—SAFETY

Sec. 201. Enabling EPA to set standards for new drinking water contaminants.
Sec. 202. National primary drinking water regulations for PFAS.
Sec. 203. National primary drinking water regulations for microcystin toxin.
Sec. 204. National primary drinking water regulations for 1,4-dioxane.
Sec. 205. Elimination of small system variances.

TITLE III—AFFORDABILITY

Sec. 301. Emergency relief program.

6 **TITLE I—INFRASTRUCTURE**

7 **SEC. 101. DRINKING WATER SYSTEM RESILIENCE FUNDING.**

8 Section 1433(g)(6) of the Safe Drinking Water Act
9 (42 U.S.C. 300i-2(g)(6)) is amended—

10 (1) by striking “25,000,000” and inserting
11 “50,000,000”; and
12 (2) by striking “2020 and 2021” and inserting
13 “2022 through 2031”.

1 **SEC. 102. GRANTS FOR STATE PROGRAMS.**

2 Section 1443(a)(7) of the Safe Drinking Water Act
3 (42 U.S.C. 300j–2(a)(7)) is amended by striking “and
4 2021” and inserting “through 2031”.

5 **SEC. 103. AMERICAN IRON AND STEEL PRODUCTS.**

6 Section 1452(a)(4)(A) of the Safe Drinking Water
7 Act (42 U.S.C. 300j–12(a)(4)(A)) is amended by striking
8 “During fiscal years 2019 through 2023, funds” and in-
9 serting “Funds”.

10 **SEC. 104. ALLOTMENTS FOR TERRITORIES.**

11 Section 1452(j) of the Safe Drinking Water Act (42
12 U.S.C. 300j–12(j)) is amended by striking “0.33 percent”
13 and inserting “1.5 percent”.

14 **SEC. 105. DRINKING WATER SRF FUNDING.**

15 Section 1452(m)(1) of the Safe Drinking Water Act
16 (42 U.S.C. 300j–12(m)(1)) is amended—

17 (1) in subparagraph (B), by striking “and”;

18 (2) in subparagraph (C), by striking “2021.”

19 and inserting “2021;”; and

20 (3) by adding at the end the following:

21 “(D) \$4,140,000,000 for fiscal year 2022;

22 “(E) \$4,800,000,000 for fiscal year 2023;

23 and

24 “(F) \$5,500,000,000 for each of fiscal
25 years 2024 through 2031.”.

1 **SEC. 106. LEAD SERVICE LINE REPLACEMENT.**

2 (a) IN GENERAL.—Section 1452 of the Safe Drink-
3 ing Water Act (42 U.S.C. 300j–12) is amended by adding
4 at the end the following:

5 “(u) LEAD SERVICE LINE REPLACEMENT.—

6 “(1) IN GENERAL.—In addition to the capital-
7 ization grants to eligible States under subsection
8 (a)(1), the Administrator shall offer to enter into
9 agreements with eligible States, Indian Tribes, and
10 the territories described in subsection (j) to make
11 capitalization grants, including letters of credit, to
12 such States, Indian Tribes, and territories under
13 this subsection to fund the replacement of lead serv-
14 ice lines.

15 “(2) ALLOTMENTS.—

16 “(A) STATES.—Funds made available
17 under this subsection shall be allotted and real-
18 lotted to the extent practicable, to States as if
19 allotted or reallocated under subsection (a)(1) as
20 a capitalization grant under such subsection.

21 “(B) INDIAN TRIBES.—The Administrator
22 shall set aside 1½ percent of the amounts
23 made available each fiscal year to carry out this
24 subsection to make grants to Indian Tribes.

25 “(C) OTHER AREAS.—The funds made
26 available under this subsection shall be allotted

1 to territories described in subsection (j) in ac-
2 cordance with such subsection.

3 “(3) PRIORITY.—Each State that has entered
4 into a capitalization agreement pursuant to this sec-
5 tion shall annually prepare a plan that identifies the
6 intended uses of the amounts made available pursu-
7 ant to this subsection, which shall—

8 “(A) comply with the requirements of sub-
9 section (b)(2); and

10 “(B) provide, to the maximum extent prac-
11 ticable, that priority for the use of funds be
12 given to projects that replace lead service lines
13 serving disadvantaged communities and envi-
14 ronmental justice communities.

15 “(4) AMERICAN MADE IRON AND STEEL AND
16 PREVAILING WAGES.—The requirements of para-
17 graphs (4) and (5) of subsection (a) shall apply to
18 any project carried out in whole or in part with
19 funds made available under this subsection.

20 “(5) LIMITATION.—

21 “(A) PROHIBITION ON PARTIAL LINE RE-
22 PLACEMENT.—None of the funds made avail-
23 able under this subsection may be used for par-
24 tial lead service line replacement if, at the con-
25 clusion of the service line replacement, drinking

1 water is delivered through a publicly or pri-
2 vately owned portion of a lead service line.

3 “(B) NO PRIVATE OWNER CONTRIBU-
4 TION.—Any recipient of funds made available
5 under this subsection shall offer to replace any
6 privately owned portion of the lead service line
7 at no cost to the private owner.

8 “(6) STATE CONTRIBUTION.—Notwithstanding
9 subsection (e), agreements under paragraph (1) shall
10 not require that the State deposit in the State loan
11 fund from State moneys any contribution before re-
12 ceiving funds pursuant to this subsection.

13 “(7) AUTHORIZATION OF APPROPRIATIONS.—

14 “(A) IN GENERAL.—There are authorized
15 to be appropriated to carry out this subsection
16 \$4,500,000,000 for each of fiscal years 2022
17 through 2031. Such sums shall remain available
18 until expended.

19 “(B) ADDITIONAL AMOUNTS.—To the ex-
20 tent amounts authorized to be appropriated
21 under this subsection in any fiscal year are not
22 appropriated in that fiscal year, such amounts
23 are authorized to be appropriated in a subse-
24 quent fiscal year. Such sums shall remain avail-
25 able until expended.

1 “(8) DEFINITIONS.—For purposes of this sub-
2 section:

3 “(A) DISADVANTAGED COMMUNITY.—The
4 term ‘disadvantaged community’ has the mean-
5 ing given such term in subsection (d)(3).

6 “(B) ENVIRONMENTAL JUSTICE COMMU-
7 NITY.—The term ‘environmental justice com-
8 munity’ means any population of color, commu-
9 nity of color, indigenous community, or low-in-
10 come community that experiences a dispropor-
11 tionate burden of the negative human health
12 and environmental impacts of pollution or other
13 environmental hazards.

14 “(C) LEAD SERVICE LINE.—The term
15 ‘lead service line’ means a pipe and its fittings,
16 which are not lead free (as defined in section
17 1417(d)), that connect the drinking water main
18 to the building inlet.”.

19 (b) CONFORMING AMENDMENT.—Section
20 1452(m)(1) of the Safe Drinking Water Act (42 U.S.C.
21 300j–12(m)(1)) is amended by striking “(a)(2)(G) and
22 (t)” and inserting “(a)(2)(G), (t), and (u)”.

1 **SEC. 107. PFAS TREATMENT GRANTS.**

2 Part E of the Safe Drinking Water Act (42 U.S.C.
3 300j et seq.) is amended by adding at the end the fol-
4 lowing new section:

5 **“SEC. 1459E. ASSISTANCE FOR COMMUNITY WATER SYS-**
6 **TEMS AFFECTED BY PFAS.**

7 “(a) ESTABLISHMENT.—Not later than 180 days
8 after the date of enactment of this section, the Adminis-
9 trator shall establish a program to award grants to af-
10 fected community water systems to pay for capital costs
11 associated with the implementation of eligible treatment
12 technologies.

13 “(b) APPLICATIONS.—

14 “(1) GUIDANCE.—Not later than 12 months
15 after the date of enactment of this section, the Ad-
16 ministrator shall publish guidance describing the
17 form and timing for community water systems to
18 apply for grants under this section.

19 “(2) REQUIRED INFORMATION.—The Adminis-
20 trator shall require a community water system ap-
21 plying for a grant under this section to submit—

22 “(A) information showing the presence of a
23 perfluoroalkyl or polyfluoroalkyl substance in
24 water of the community water system; and

25 “(B) a certification that the treatment
26 technology in use by the community water sys-

1 tem at the time of application is not sufficient
2 to remove all detectable amounts of
3 perfluoroalkyl and polyfluoroalkyl substances.

4 “(c) LIST OF ELIGIBLE TREATMENT TECH-
5 NOLOGIES.—Not later than 150 days after the date of en-
6 actment of this section, and every 2 years thereafter, the
7 Administrator shall publish a list of treatment tech-
8 nologies that the Administrator determines are effective
9 at removing all detectable amounts of perfluoroalkyl and
10 polyfluoroalkyl substances from drinking water.

11 “(d) PRIORITY FOR FUNDING.—In awarding grants
12 under this section, the Administrator shall prioritize af-
13 fected community water systems that—

14 “(1) serve a disadvantaged community;

15 “(2) will provide at least a 10-percent cost
16 share for the cost of implementing an eligible treat-
17 ment technology; or

18 “(3) demonstrate the capacity to maintain the
19 eligible treatment technology to be implemented
20 using the grant.

21 “(e) AUTHORIZATION OF APPROPRIATIONS.—

22 “(1) IN GENERAL.—There is authorized to be
23 appropriated to carry out this section not more than
24 \$500,000,000 for each of the fiscal years 2022
25 through 2031.

1 “(2) SPECIAL RULE.—Of the amounts author-
2 ized to be appropriated by paragraph (1),
3 \$25,000,000 are authorized to be appropriated for
4 each of fiscal years 2022 and 2023 for grants under
5 subsection (a) to pay for capital costs associated
6 with the implementation of eligible treatment tech-
7 nologies during the period beginning on October 1,
8 2014, and ending on the date of enactment of this
9 section.

10 “(f) DEFINITIONS.—In this section:

11 “(1) AFFECTED COMMUNITY WATER SYSTEM.—
12 The term ‘affected community water system’ means
13 a community water system that is affected by the
14 presence of a perfluoroalkyl or polyfluoroalkyl sub-
15 stance in the water in the community water system.

16 “(2) DISADVANTAGED COMMUNITY.—The term
17 ‘disadvantaged community’ has the meaning given
18 that term in section 1452.

19 “(3) ELIGIBLE TREATMENT TECHNOLOGY.—
20 The term ‘eligible treatment technology’ means a
21 treatment technology included on the list published
22 under subsection (c).”.

1 **SEC. 108. VOLUNTARY SCHOOL AND CHILD CARE PROGRAM**

2 **LEAD TESTING GRANT PROGRAM.**

3 Section 1464(d)(8) of the Safe Drinking Water Act
4 (42 U.S.C. 300j-24(d)(8)) is amended by striking “and
5 2021” and inserting “through 2031”.

6 **SEC. 109. DRINKING WATER FOUNTAIN REPLACEMENT FOR**

7 **SCHOOLS.**

8 Section 1465(d) of the Safe Drinking Water Act (42
9 U.S.C. 300j-25(d)) is amended by striking “2021” and
10 inserting “2031”.

11 **SEC. 110. INDIAN RESERVATION DRINKING WATER PRO-**

12 **GRAM.**

13 Section 2001(d) of America’s Water Infrastructure
14 Act of 2018 (Public Law 115–270) is amended by striking
15 “2022” and inserting “2031”.

16 **SEC. 111. ASSISTANCE FOR AREAS AFFECTED BY NATURAL**

17 **DISASTERS.**

18 Section 2020 of America’s Water Infrastructure Act
19 of 2018 (Public Law 115–270) is amended—

20 (1) in subsection (b)(1), by striking “subsection
21 (e)(1)” and inserting “subsection (f)(1)”;

22 (2) by redesignating subsections (e) through (e)
23 as subsections (d) through (f), respectively;

24 (3) by inserting after subsection (b) the fol-
25 lowing:

1 “(c) ASSISTANCE FOR TERRITORIES.—The Adminis-
 2 trator may use funds made available under subsection
 3 (f)(1) to make grants to Guam, the Virgin Islands, Amer-
 4 ican Samoa, and the Northern Mariana Islands for the
 5 purposes of providing assistance to eligible systems to re-
 6 store or increase compliance with national primary drink-
 7 ing water regulations.”; and

8 (4) in subsection (f), as so redesignated—

9 (A) in the heading, by striking “STATE
 10 REVOLVING FUND CAPITALIZATION”; and

11 (B) in paragraph (1)—

12 (i) in the matter preceding subpara-
 13 graph (A), by inserting “and to make
 14 grants under subsection (c) of this sec-
 15 tion,” before “to be available”; and

16 (ii) in subparagraph (A), by inserting
 17 “or subsection (c), as applicable” after
 18 “subsection (b)(1)”.

19 **TITLE II—SAFETY**

20 **SEC. 201. ENABLING EPA TO SET STANDARDS FOR NEW** 21 **DRINKING WATER CONTAMINANTS.**

22 Section 1412(b)(6) of the Safe Drinking Water Act
 23 (42 U.S.C. 300g–1(b)(6)) is repealed.

1 **SEC. 202. NATIONAL PRIMARY DRINKING WATER REGULA-**
2 **TIONS FOR PFAS.**

3 Section 1412(b) of the Safe Drinking Water Act (42
4 U.S.C. 300g–1(b)) is amended by adding at the end the
5 following:

6 “(16) PERFLUOROALKYL AND
7 POLYFLUOROALKYL SUBSTANCES.—

8 “(A) IN GENERAL.—Not later than 2 years
9 after the date of enactment of this paragraph,
10 the Administrator shall, after notice and oppor-
11 tunity for public comment, promulgate a na-
12 tional primary drinking water regulation for
13 perfluoroalkyl and polyfluoroalkyl substances,
14 which shall, at a minimum, include standards
15 for—

16 “(i) perfluorooctanoic acid (commonly
17 referred to as ‘PFOA’); and

18 “(ii) perfluorooctane sulfonic acid
19 (commonly referred to as ‘PFOS’).

20 “(B) ALTERNATIVE PROCEDURES.—

21 “(i) IN GENERAL.—Not later than 1
22 year after the validation by the Adminis-
23 trator of an equally effective quality con-
24 trol and testing procedure to ensure com-
25 pliance with the national primary drinking
26 water regulation promulgated under sub-

1 paragraph (A) to measure the levels de-
2 scribed in clause (ii) or other methods to
3 detect and monitor perfluoroalkyl and
4 polyfluoroalkyl substances in drinking
5 water, the Administrator shall add the pro-
6 cedure or method as an alternative to the
7 quality control and testing procedure de-
8 scribed in such national primary drinking
9 water regulation by publishing the proce-
10 dure or method in the Federal Register in
11 accordance with section 1401(1)(D).

12 “(ii) LEVELS DESCRIBED.—The levels
13 referred to in clause (i) are—

14 “(I) the level of a perfluoroalkyl
15 or polyfluoroalkyl substance;

16 “(II) the total levels of
17 perfluoroalkyl and polyfluoroalkyl sub-
18 stances; and

19 “(III) the total levels of organic
20 fluorine.

21 “(C) INCLUSIONS.—The Administrator
22 may include a perfluoroalkyl or polyfluoroalkyl
23 substance or class of perfluoroalkyl or
24 polyfluoroalkyl substances on—

1 “(i) the list of contaminants for con-
2 sideration of regulation under paragraph
3 (1)(B)(i), in accordance with such para-
4 graph; and

5 “(ii) the list of unregulated contami-
6 nants to be monitored under section
7 1445(a)(2)(B)(i), in accordance with such
8 section.

9 “(D) MONITORING.—When establishing
10 monitoring requirements for public water sys-
11 tems as part of a national primary drinking
12 water regulation under subparagraph (A) or
13 subparagraph (G)(ii), the Administrator shall
14 tailor the monitoring requirements for public
15 water systems that do not detect or are reliably
16 and consistently below the maximum contami-
17 nant level (as defined in section 1418(b)(2)(B))
18 for the perfluoroalkyl or polyfluoroalkyl sub-
19 stance or class of perfluoroalkyl or
20 polyfluoroalkyl substances subject to the na-
21 tional primary drinking water regulation.

22 “(E) HEALTH PROTECTION.—The national
23 primary drinking water regulation promulgated
24 under subparagraph (A) shall be protective of

1 the health of subpopulations at greater risk, as
2 described in section 1458.

3 “(F) HEALTH RISK REDUCTION AND COST
4 ANALYSIS.—In meeting the requirements of
5 paragraph (3)(C), the Administrator may rely
6 on information available to the Administrator
7 with respect to one or more specific
8 perfluoroalkyl or polyfluoroalkyl substances to
9 extrapolate reasoned conclusions regarding the
10 health risks and effects of a class of
11 perfluoroalkyl or polyfluoroalkyl substances of
12 which the specific perfluoroalkyl or
13 polyfluoroalkyl substances are a part.

14 “(G) REGULATION OF ADDITIONAL SUB-
15 STANCES.—

16 “(i) DETERMINATION.—The Adminis-
17 trator shall make a determination under
18 paragraph (1)(A), using the criteria de-
19 scribed in clauses (i) through (iii) of that
20 paragraph, whether to include a
21 perfluoroalkyl or polyfluoroalkyl substance
22 or class of perfluoroalkyl or polyfluoroalkyl
23 substances in the national primary drink-
24 ing water regulation under subparagraph

1 (A) not later than 18 months after the
2 later of—

3 “(I) the date on which the
4 perfluoroalkyl or polyfluoroalkyl sub-
5 stance or class of perfluoroalkyl or
6 polyfluoroalkyl substances is listed on
7 the list of contaminants for consider-
8 ation of regulation under paragraph
9 (1)(B)(i); and

10 “(II) the date on which—

11 “(aa) the Administrator has
12 received the results of monitoring
13 under section 1445(a)(2)(B) for
14 the perfluoroalkyl or
15 polyfluoroalkyl substance or class
16 of perfluoroalkyl or
17 polyfluoroalkyl substances; or

18 “(bb) the Administrator has
19 received reliable water data or
20 water monitoring surveys for the
21 perfluoroalkyl or polyfluoroalkyl
22 substance or class of
23 perfluoroalkyl or polyfluoroalkyl
24 substances from a Federal or
25 State agency that the Adminis-

1 trator determines to be of a qual-
2 ity sufficient to make a deter-
3 mination under paragraph
4 (1)(A).

5 “(ii) PRIMARY DRINKING WATER REG-
6 ULATIONS.—

7 “(I) IN GENERAL.—For each
8 perfluoroalkyl or polyfluoroalkyl sub-
9 stance or class of perfluoroalkyl or
10 polyfluoroalkyl substances that the
11 Administrator determines to regulate
12 under clause (i), the Administrator—

13 “(aa) not later than 18
14 months after the date on which
15 the Administrator makes the de-
16 termination, shall propose a na-
17 tional primary drinking water
18 regulation for the perfluoroalkyl
19 or polyfluoroalkyl substance or
20 class of perfluoroalkyl or
21 polyfluoroalkyl substances; and

22 “(bb) may publish the pro-
23 posed national primary drinking
24 water regulation described in
25 item (aa) concurrently with the

1 publication of the determination
2 to regulate the perfluoroalkyl or
3 polyfluoroalkyl substance or class
4 of perfluoroalkyl or
5 polyfluoroalkyl substances.

6 “(II) DEADLINE.—

7 “(aa) IN GENERAL.—Not
8 later than 1 year after the date
9 on which the Administrator pub-
10 lishes a proposed national pri-
11 mary drinking water regulation
12 under clause (i)(I) and subject to
13 item (bb), the Administrator
14 shall take final action on the pro-
15 posed national primary drinking
16 water regulation.

17 “(bb) EXTENSION.—The
18 Administrator, on publication of
19 notice in the Federal Register,
20 may extend the deadline under
21 item (aa) by not more than 6
22 months.

23 “(H) HEALTH ADVISORY.—

24 “(i) IN GENERAL.—Subject to clause
25 (ii), the Administrator shall publish a

1 health advisory under paragraph (1)(F) for
2 a perfluoroalkyl or polyfluoroalkyl sub-
3 stance or class of perfluoroalkyl or
4 polyfluoroalkyl substances not subject to a
5 national primary drinking water regulation
6 not later than 1 year after the later of—

7 “(I) the date on which the Ad-
8 ministrator finalizes a toxicity value
9 for the perfluoroalkyl or
10 polyfluoroalkyl substance or class of
11 perfluoroalkyl or polyfluoroalkyl sub-
12 stances; and

13 “(II) the date on which the Ad-
14 ministrator validates an effective qual-
15 ity control and testing procedure for
16 the perfluoroalkyl or polyfluoroalkyl
17 substance or class of perfluoroalkyl or
18 polyfluoroalkyl substances.

19 “(ii) WAIVER.—The Administrator
20 may waive the requirements of clause (i)
21 with respect to a perfluoroalkyl or
22 polyfluoroalkyl substance or class of
23 perfluoroalkyl and polyfluoroalkyl sub-
24 stances if the Administrator determines
25 that there is a substantial likelihood that

1 the perfluoroalkyl or polyfluoroalkyl sub-
2 stance or class of perfluoroalkyl or
3 polyfluoroalkyl substances will not occur in
4 drinking water with sufficient frequency to
5 justify the publication of a health advisory,
6 and publishes such determination, includ-
7 ing the information and analysis used, and
8 basis for, such determination, in the Fed-
9 eral Register.”.

10 **SEC. 203. NATIONAL PRIMARY DRINKING WATER REGULA-**
11 **TIONS FOR MICROCYSTIN TOXIN.**

12 Section 1412(b) of the Safe Drinking Water Act (42
13 U.S.C. 300g–1(b)) is further amended by adding at the
14 end the following:

15 “(17) MICROCYSTIN TOXIN.—

16 “(A) IN GENERAL.—Notwithstanding any
17 other deadline established in this subsection,
18 not later than 2 years after the date of enact-
19 ment of the Assistance, Quality, and Afford-
20 ability Act of 2021, the Administrator shall
21 publish a maximum contaminant level goal and
22 promulgate a national primary drinking water
23 regulation for microcystin toxin.

24 “(B) HEALTH PROTECTION.—The max-
25 imum contaminant level goal and national pri-

1 mary drinking water regulation promulgated
2 under subparagraph (A) shall be protective of
3 the health of subpopulations at greater risk, as
4 described in section 1458.”.

5 **SEC. 204. NATIONAL PRIMARY DRINKING WATER REGULA-**
6 **TIONS FOR 1,4-DIOXANE.**

7 Section 1412(b) of the Safe Drinking Water Act (42
8 U.S.C. 300g–1(b)) is further amended by adding at the
9 end the following:

10 “(18) 1,4–DIOXANE.—

11 “(A) IN GENERAL.—Notwithstanding any
12 other deadline established in this subsection,
13 not later than 2 years after the date of enact-
14 ment of the Assistance, Quality, and Afford-
15 ability Act of 2021, the Administrator shall
16 publish a maximum contaminant level goal and
17 promulgate a national primary drinking water
18 regulation for 1,4–dioxane.

19 “(B) HEALTH PROTECTION.—The max-
20 imum contaminant level goal and national pri-
21 mary drinking water regulation promulgated
22 under subparagraph (A) shall be protective of
23 the health of subpopulations at greater risk, as
24 described in section 1458.”.

1 **SEC. 205. ELIMINATION OF SMALL SYSTEM VARIANCES.**

2 (a) SMALL SYSTEM VARIANCES.—Section 1415 (42
3 U.S.C. 300g–4) of the Safe Drinking Water Act is amend-
4 ed by striking subsection (e).

5 (b) CONFORMING AMENDMENTS.—

6 (1) Section 1414(c)(1)(B) of the Safe Drinking
7 Water Act (42 U.S.C. 300g–3(c)(1)(B)) is amended
8 by striking “, (a)(2), or (e)” and inserting “or
9 (a)(2)”.

10 (2) Section 1416(b)(2) of the Safe Drinking
11 Water Act (42 U.S.C. 300g–5(b)(2)) is amended by
12 striking subparagraph (D).

13 (3) Section 1445(h) of the Safe Drinking Water
14 Act (42 U.S.C. 300j–4(h)) is amended—

15 (A) by striking “sections 1412(b)(4)(E)
16 and 1415(e) (relating to small system variance
17 program)” and inserting “section
18 1412(b)(4)(E)”;

19 (B) by striking “guidance under sections
20 1412(b)(4)(E) and 1415(e)” and inserting
21 “guidance under section 1412(b)(4)(E)”.

22 **TITLE III—AFFORDABILITY**

23 **SEC. 301. EMERGENCY RELIEF PROGRAM.**

24 Part F of the Safe Drinking Water Act (42 U.S.C.
25 300j–21 et seq.) is amended by adding at the end the fol-
26 lowing new section:

1 **“SEC. 1466. EMERGENCY RELIEF PROGRAM.**

2 “(a) EMERGENCY RELIEF PROGRAM.—The Adminis-
3 trator shall establish and carry out a residential emer-
4 gency relief program to provide payments to public water
5 systems to reimburse such public water systems for pro-
6 viding forgiveness of arrearages and fees incurred by eligi-
7 ble residential customers before the date of enactment of
8 this section to help such eligible residential customers re-
9 tain water service.

10 “(b) CONDITIONS.—To receive funds under this sec-
11 tion, a public water system shall agree to—

12 “(1) except as provided in paragraph (2), use
13 such funds to forgive all arrearages and fees relating
14 to nonpayment or arrearages incurred by eligible
15 residential customers before the date of enactment
16 of this section;

17 “(2) if forgiveness of all arrearages and fees de-
18 scribed in paragraph (1) is not possible given the
19 amount of funds received, use such funds to reduce
20 such arrearages and fees for each eligible residential
21 customer by, to the extent practicable, a consistent
22 percentage;

23 “(3) take no action that negatively affects the
24 credit score of an eligible residential customer, or
25 pursue any type of collection action against such eli-
26 gible residential customer, during the 5-year period

1 that begins on the date on which the public water
2 system receives such funds; and

3 “(4) not disconnect or interrupt the service of
4 any eligible residential customer as a result of non-
5 payment or arrearages during such 5-year period.

6 “(c) ELIGIBLE CUSTOMERS.—To be eligible for for-
7 giveness or reduction of arrearages and fees pursuant to
8 the program established under subsection (a), a residential
9 customer of a public water system shall have accrued new
10 arrears on or after March 1, 2020.

11 “(d) ADMINISTRATIVE EXPENSES.—The Adminis-
12 trator may authorize—

13 “(1) States to implement the program estab-
14 lished under subsection (a); and

15 “(2) a State implementing such program to use
16 up to 4 percent of funds made available to carry out
17 such program in such State for administrative ex-
18 penses.

19 “(e) AUTHORIZATION OF APPROPRIATIONS.—There
20 is authorized to be appropriated to carry out this section
21 \$4,000,000,000, to remain available until expended.”.

○