

**AMENDMENT TO THE RULES COMMITTEE PRINT
FOR H.R. 5303
OFFERED BY MR. KILDEE OF MICHIGAN**

Add at the end the following:

1 **TITLE V—DRINKING WATER**

2 **SEC. 501. DRINKING WATER INFRASTRUCTURE.**

3 (a) DEFINITIONS.—In this section:

4 (1) ELIGIBLE STATE.—The term “eligible
5 State” means a State for which the President has
6 declared an emergency under the Robert T. Stafford
7 Disaster Relief and Emergency Assistance Act (42
8 U.S.C. 5121 et seq.) relating to the public health
9 threats associated with the presence of lead or other
10 contaminants in a public drinking water supply sys-
11 tem.

12 (2) ELIGIBLE SYSTEM.—The term “eligible sys-
13 tem” means a public drinking water supply system
14 that has been the subject of an emergency declara-
15 tion referred to in paragraph (1).

16 (b) STATE REVOLVING LOAN FUND ASSISTANCE.—

17 (1) IN GENERAL.—An eligible system shall be—

18 (A) considered to be a disadvantaged com-
19 munity under section 1452(d) of the Safe

1 Drinking Water Act (42 U.S.C. 300j-12(d));
2 and

3 (B) eligible to receive loans with additional
4 subsidization under that Act (42 U.S.C. 300f et
5 seq.), including forgiveness of principal under
6 section 1452(d)(1) of that Act (42 U.S.C. 300j-
7 12(d)(1)).

8 (2) AUTHORIZATION.—

9 (A) IN GENERAL.—Using funds provided
10 under subsection (e)(1)(A), an eligible State
11 may provide assistance to an eligible system
12 within the eligible State, for the purpose of ad-
13 dressing lead or other contaminants in drinking
14 water, including repair and replacement of pub-
15 lic and private drinking water infrastructure.

16 (B) INCLUSION.—Assistance provided
17 under subparagraph (A) may include additional
18 subsidization under the Safe Drinking Water
19 Act (42 U.S.C. 300f et seq.), as described in
20 paragraph (1)(B).

21 (C) EXCLUSION.—Assistance provided
22 under subparagraph (A) shall not include as-
23 sistance for a project that is financed (directly
24 or indirectly), in whole or in part, with proceeds

1 of any obligation issued after the date of enact-
2 ment of this Act—

3 (i) the interest of which is exempt
4 from the tax imposed under chapter 1 of
5 the Internal Revenue Code of 1986; or

6 (ii) with respect to which credit is al-
7 lowable under subpart I or J of part IV of
8 subchapter A of chapter 1 of such Code.

9 (3) LIMITATION.—Section 1452(d)(2) of the
10 Safe Drinking Water Act (42 U.S.C. 300j-12(d)(2))
11 shall not apply to—

12 (A) any funds provided under subsection
13 (e)(1)(A); or

14 (B) any other loan provided to an eligible
15 system.

16 (c) WATER INFRASTRUCTURE FINANCING.—

17 (1) SECURED LOANS.—

18 (A) IN GENERAL.—Using funds provided
19 under subsection (e)(2)(A), the Administrator
20 may make a secured loan under the Water In-
21 frastructure Finance and Innovation Act of
22 2014 (33 U.S.C. 3901 et seq.) to—

23 (i) an eligible State to carry out a
24 project eligible under paragraphs (2)
25 through (9) of section 5026 of that Act

1 (33 U.S.C. 3905) to address lead or other
2 contaminants in drinking water in an eligi-
3 ble system, including repair and replace-
4 ment of public and private drinking water
5 infrastructure; and

6 (ii) any eligible entity under section
7 5025 of that Act (33 U.S.C. 3904) for a
8 project eligible under paragraphs (2)
9 through (9) of section 5026 of that Act
10 (33 U.S.C. 3905).

11 (B) AMOUNT.—Notwithstanding section
12 5029(b)(2) of the Water Infrastructure Finance
13 and Innovation Act of 2014 (33 U.S.C.
14 3908(b)(2)), the amount of a secured loan pro-
15 vided under subparagraph (A)(i) may be equal
16 to not more than 80 percent of the reasonably
17 anticipated costs of the projects.

18 (2) FEDERAL INVOLVEMENT.—Notwithstanding
19 section 5029(b)(9) of the Water Infrastructure Fi-
20 nance and Innovation Act of 2014 (33 U.S.C.
21 3908(b)(9)), any costs for a project to address lead
22 or other contaminants in drinking water in an eligi-
23 ble system that are not covered by a secured loan
24 under paragraph (1) may be covered using amounts
25 in the State revolving loan fund under section 1452

1 of the Safe Drinking Water Act (42 U.S.C. 300j-
2 12).

3 (d) NONDUPLICATION OF WORK.—An activity car-
4 ried out pursuant to this section shall not duplicate the
5 work or activity of any other Federal or State department
6 or agency.

7 (e) FUNDING.—

8 (1) ADDITIONAL DRINKING WATER STATE RE-
9 VOLVING FUND CAPITALIZATION GRANTS.—

10 (A) IN GENERAL.—The Secretary of the
11 Treasury shall make available to the Adminis-
12 trator a total of \$100,000,000 to provide addi-
13 tional grants to eligible States pursuant to sec-
14 tion 1452 of the Safe Drinking Water Act (42
15 U.S.C. 300j-12), to be available for a period of
16 18 months beginning on the date on which the
17 funds are made available, for the purposes de-
18 scribed in subsection (b)(2), and after the end
19 of the 18-month period, until expended for the
20 purposes described in subparagraph(C).

21 (B) SUPPLEMENTED INTENDED USE
22 PLANS.—From funds made available under sub-
23 paragraph (A), the Administrator shall obligate
24 to an eligible State such amounts as are nec-
25 essary to meet the needs identified in a supple-

1 mented intended use plan by not later than 30
2 days after the date on which the eligible State
3 submits to the Administrator a supplemented
4 intended use plan under section 1452(b) of the
5 Safe Drinking Water Act (42 U.S.C. 300j-
6 12(b)) that includes preapplication information
7 regarding projects to be funded using the addi-
8 tional assistance, including, with respect to each
9 such project—

10 (i) a description of the project;

11 (ii) an explanation of the means by
12 which the project will address a situation
13 causing a declared emergency in the eligi-
14 ble State;

15 (iii) the estimated cost of the project;

16 and

17 (iv) the projected start date for con-
18 struction of the project.

19 (C) UNOBLIGATED AMOUNTS.—Of any
20 amounts made available to the Administrator
21 under subparagraph (A) that are unobligated
22 on the date that is 18 months after the date on
23 which the amounts are made available shall be
24 available to provide additional grants to States
25 to capitalize State loan funds as provided under

1 section 1452 of the Safe Drinking Water Act
2 (42 U.S.C. 300j-12).

3 (D) APPLICABILITY.—Section 1452(b)(1)
4 of the Safe Drinking Water Act (42 U.S.C.
5 300j-12(b)(1)) shall not apply to a supplement
6 to an intended use plan under subparagraph
7 (B).

8 (2) WIFLA FUNDING.—

9 (A) IN GENERAL.—As soon as practicable
10 after the date of enactment of this Act, the Sec-
11 retary of the Treasury shall make available to
12 the Administrator \$70,000,000 to provide cred-
13 it subsidies, in consultation with the Director of
14 the Office of Management and Budget, for se-
15 cured loans under subsection (c)(1)(A) with a
16 goal of providing secured loans totaling at least
17 \$700,000,000.

18 (B) USE.—Secured loans provided pursu-
19 ant to subparagraph (A) shall be available to
20 carry out activities described in subsection
21 (c)(1)(A).

22 (C) EXCLUSION.—Of the amounts made
23 available under subparagraph (A), \$20,000,000
24 shall not be used to provide assistance for a
25 project that is financed (directly or indirectly),

1 in whole or in part, with proceeds of any obliga-
2 tion issued after the date of enactment of this
3 Act—

4 (i) the interest of which is exempt
5 from the tax imposed under chapter 1 of
6 the Internal Revenue Code of 1986; or

7 (ii) with respect to which credit is al-
8 lowable under subpart I or J of part IV of
9 subchapter A of chapter 1 of such Code.

10 (3) APPLICABILITY.—Unless explicitly waived,
11 all requirements under the Safe Drinking Water Act
12 (42 U.S.C. 300f et seq.) and the Water Infrastruc-
13 ture Finance and Innovation Act of 2014 (33 U.S.C.
14 3901 et seq.) shall apply to funding provided under
15 this subsection.

16 (f) HEALTH EFFECTS EVALUATION.—

17 (1) IN GENERAL.—Pursuant to section
18 104(i)(1)(E) of the Comprehensive Environmental
19 Response, Compensation, and Liability Act of 1980
20 (42 U.S.C. 9604(i)(1)(E)), and on receipt of a re-
21 quest of an appropriate State or local health official
22 of an eligible State, the Director of the Agency for
23 Toxic Substances and Disease Registry of the Na-
24 tional Center for Environmental Health shall in co-
25 ordination with other agencies, as appropriate, con-

1 duct voluntary surveillance activities to evaluate any
2 adverse health effects on individuals exposed to lead
3 from drinking water in the affected communities.

4 (2) CONSULTATIONS.—Pursuant to section
5 104(i)(4) of the Comprehensive Environmental Re-
6 sponse, Compensation, and Liability Act of 1980 (42
7 U.S.C. 9604(i)(4)), and on receipt of a request of an
8 appropriate State or local health official of an eligi-
9 ble State, the Director of the Agency for Toxic Sub-
10 stances and Disease Registry of the National Center
11 for Environmental Health shall provide consultations
12 regarding health issues described in paragraph (1).

13 **SEC. 502. LOAN FORGIVENESS.**

14 The matter under the heading “State and Tribal As-
15 sistance Grants” under the heading “ENVIRON-
16 MENTAL PROTECTION AGENCY” in title II of divi-
17 sion G of the Consolidated Appropriations Act, 2016
18 (Public Law 114–113), is amended in paragraph (1), by
19 striking the semicolon at the end and inserting the fol-
20 lowing: “or, if a Federal or State emergency declaration
21 has been issued due to a threat to public health from
22 heightened exposure to lead in a municipal drinking water
23 supply, before the date of enactment of this Act: *Provided*
24 *further*, That in a State in which such an emergency dec-
25 laration has been issued, the State may use more than

1 20 percent of the funds made available under this title
2 to the State for Drinking Water State Revolving Fund
3 capitalization grants to provide additional subsidy to eligi-
4 ble recipients;”.

5 **SEC. 503. REGISTRY FOR LEAD EXPOSURE AND ADVISORY**
6 **COMMITTEE.**

7 (a) DEFINITIONS.—In this section:

8 (1) CITY.—The term “City” means a city ex-
9 posed to lead contamination in the local drinking
10 water system.

11 (2) COMMITTEE.—The term “Committee”
12 means the Advisory Committee established under
13 subsection (c).

14 (3) SECRETARY.—The term “Secretary” means
15 the Secretary of Health and Human Services.

16 (b) LEAD EXPOSURE REGISTRY.—The Secretary
17 shall establish within the Agency for Toxic Substances and
18 Disease Registry or another relevant agency at the discre-
19 tion of the Secretary, or establish through a grant award
20 or contract, a lead exposure registry to collect data on the
21 lead exposure of residents of a City on a voluntary basis.

22 (c) ADVISORY COMMITTEE.—

23 (1) MEMBERSHIP.—

24 (A) IN GENERAL.—The Secretary shall es-
25 tablish an advisory committee in coordination

1 with the Director of the Centers for Disease
2 Control and Prevention and other relevant
3 agencies as determined by the Secretary con-
4 sisting of Federal members and non-Federal
5 members, and which shall include—

6 (i) an epidemiologist;

7 (ii) a toxicologist;

8 (iii) a mental health professional;

9 (iv) a pediatrician;

10 (v) an early childhood education ex-
11 pert;

12 (vi) a special education expert;

13 (vii) a dietician; and

14 (viii) an environmental health expert.

15 (B) REQUIREMENTS.—Membership in the
16 Committee shall not exceed 15 members and
17 not less than 1/2 of the members shall be Fed-
18 eral members.

19 (2) CHAIR.—The Secretary shall designate a
20 chair from among the Federal members appointed to
21 the Committee.

22 (3) TERMS.—Members of the Committee shall
23 serve for a term of not more than 3 years and the
24 Secretary may reappoint members for consecutive
25 terms.

1 (4) APPLICATION OF FACA.—The Committee
2 shall be subject to the Federal Advisory Committee
3 Act (5 U.S.C. App.).

4 (5) RESPONSIBILITIES.—The Committee shall,
5 at a minimum—

6 (A) review the Federal programs and serv-
7 ices available to individuals and communities
8 exposed to lead;

9 (B) review current research on lead poi-
10 soning to identify additional research needs;

11 (C) review and identify best practices, or
12 the need for best practices, regarding lead
13 screening and the prevention of lead poisoning;

14 (D) identify effective services, including
15 services relating to healthcare, education, and
16 nutrition for individuals and communities af-
17 fected by lead exposure and lead poisoning, in-
18 cluding in consultation with, as appropriate, the
19 lead exposure registry as established in sub-
20 section (b); and

21 (E) undertake any other review or activi-
22 ties that the Secretary determines to be appro-
23 priate.

24 (6) REPORT.—Annually for 5 years and there-
25 after as determined necessary by the Secretary or as

1 required by Congress, the Committee shall submit to
2 the Secretary, the Committees on Finance, Health,
3 Education, Labor, and Pensions, and Agriculture,
4 Nutrition, and Forestry of the Senate and the Com-
5 mittees on Education and the Workforce, Energy
6 and Commerce, and Agriculture of the House of
7 Representatives a report that includes—

8 (A) an evaluation of the effectiveness of
9 the Federal programs and services available to
10 individuals and communities exposed to lead;

11 (B) an evaluation of additional lead poi-
12 soning research needs;

13 (C) an assessment of any effective screen-
14 ing methods or best practices used or developed
15 to prevent or screen for lead poisoning;

16 (D) input and recommendations for im-
17 proved access to effective services relating to
18 healthcare, education, or nutrition for individ-
19 uals and communities impacted by lead expo-
20 sure; and

21 (E) any other recommendations for com-
22 munities affected by lead exposure, as appro-
23 priate.

24 (d) MANDATORY FUNDING.—

1 (1) IN GENERAL.—On the date of enactment of
2 this Act, out of any funds in the Treasury not other-
3 wise appropriated, the Secretary of the Treasury
4 shall transfer to the Secretary, to be available during
5 the period of fiscal years 2016 through 2020—

6 (A) \$17,500,000 to carry out subsection
7 (b); and

8 (B) \$2,500,000 to carry out subsection (c).

9 (2) RECEIPT AND ACCEPTANCE.—The Sec-
10 retary shall be entitled to receive, shall accept, and
11 shall use to carry out subsections (b) and (c) the
12 funds transferred under subparagraphs (A) and (B)
13 of paragraph (1), respectively, without further ap-
14 propriation.

15 **SEC. 504. ADDITIONAL FUNDING FOR CERTAIN CHILDHOOD**
16 **HEALTH PROGRAMS.**

17 (a) CHILDHOOD LEAD POISONING PREVENTION
18 PROGRAM.—

19 (1) IN GENERAL.—On the date of enactment of
20 this Act, out of any funds in the Treasury not other-
21 wise appropriated, the Secretary of the Treasury
22 shall transfer to the Director of the Centers for Dis-
23 ease Control and Prevention, to be available during
24 the period of fiscal years 2017 and 2018,
25 \$10,000,000 for the childhood lead poisoning pre-

1 vention program authorized under section 317A of
2 the Public Health Service Act (42 U.S.C. 247b-1).

3 (2) RECEIPT AND ACCEPTANCE.—The Director
4 of the Centers for Disease Control and Prevention
5 shall be entitled to receive, shall accept, and shall
6 use to carry out the childhood lead poisoning preven-
7 tion program authorized under section 317A of the
8 Public Health Service Act (42 U.S.C. 247b-1) the
9 funds transferred under paragraph (1), without fur-
10 ther appropriation.

11 (b) HEALTHY HOMES PROGRAM.—

12 (1) IN GENERAL.—On the date of enactment of
13 this Act, out of any funds in the Treasury not other-
14 wise appropriated, the Secretary of the Treasury
15 shall transfer to the Secretary of Housing and
16 Urban Development, to be available during the pe-
17 riod of fiscal years 2017 and 2018, \$10,000,000 to
18 carry out the Healthy Homes Initiative of the De-
19 partment of Housing and Urban Development.

20 (2) RECEIPT AND ACCEPTANCE.—The Sec-
21 retary of Housing and Urban Development shall be
22 entitled to receive, shall accept, and shall use to
23 carry out the Healthy Homes Initiative of the De-
24 partment of Housing and Urban Development the

1 funds transferred under paragraph (1), without fur-
2 ther appropriation.

3 (c) HEALTHY START PROGRAM.—

4 (1) IN GENERAL.—On the date of enactment of
5 this Act, out of any funds in the Treasury not other-
6 wise appropriated, the Secretary of the Treasury
7 shall transfer to the Administrator of the Health Re-
8 sources and Services Administration, to be available
9 during the period of fiscal years 2017 and 2018,
10 \$10,000,000 to carry out the Healthy Start Initia-
11 tive under section 330H of the Public Health Serv-
12 ice Act (42 U.S.C. 254c-8).

13 (2) RECEIPT AND ACCEPTANCE.—The Adminis-
14 trator of the Health Resources and Services Admin-
15 istration shall be entitled to receive, shall accept,
16 and shall use to carry out the Healthy Start Initia-
17 tive under section 330H of the Public Health Serv-
18 ice Act (42 U.S.C. 254c-8) the funds transferred
19 under paragraph (1), without further appropriation.

20 **SEC. 505. REVIEW AND REPORT.**

21 (a) IN GENERAL.—Not later than 1 year after the
22 date of enactment of this Act, the Attorney General and
23 the Inspector General of the Environmental Protection
24 Agency shall submit to the Committees on Appropriations,
25 Environment and Public Works, and Homeland Security

1 and Governmental Affairs of the Senate and the Commit-
2 tees on Appropriations, Energy and Commerce, Transpor-
3 tation and Infrastructure, and Oversight and Government
4 Reform of the House of Representatives a report on the
5 status of any ongoing investigations into the Federal and
6 State response to the contamination of the drinking water
7 supply of the City of Flint, Michigan.

8 (b) REVIEW.—Not later than 30 days after the com-
9 pletion of the investigations described in subsection (a),
10 the Comptroller General of the United States shall com-
11 mence a review of issues that are not addressed by the
12 investigations and relating to—

13 (1) the adequacy of the response by the State
14 of Michigan and the City of Flint to the drinking
15 water crisis in Flint, Michigan, including the timeli-
16 ness and transparency of the response, as well as the
17 capacity of the State and City to manage the drink-
18 ing water system; and

19 (2) the adequacy of the response by Region 5
20 of the Environmental Protection Agency to the
21 drinking water crisis in Flint, Michigan, including
22 the timeliness and transparency of the response.

23 (c) CONTENTS OF REPORT.—Not later than 1 year
24 after commencing each review under subsection (b), the

1 Comptroller General of the United States shall submit to
2 Congress a report that includes—

3 (1) a statement of the principal findings of the
4 review; and

5 (2) recommendations for Congress and the
6 President to take any actions to prevent a similar
7 situation in the future and to protect public health.

8 **SEC. 506. NOTICE TO PERSONS SERVED.**

9 (a) EXCEEDANCE OF LEAD ACTION LEVEL.—Section
10 1414(c) of the Safe Drinking Water Act (42 U.S.C. 300g-
11 3(c)) is amended—

12 (1) in paragraph (1), by adding at the end the
13 following:

14 “(D) Notice of any exceedance of a lead
15 action level or any other prescribed level of lead
16 in a regulation issued under section 1412, in-
17 cluding the concentrations of lead found in a
18 monitoring activity.”;

19 (2) in paragraph (2)—

20 (A) in subparagraph (C)(iii)—

21 (i) by striking “Administrator or” and
22 inserting “Administrator, the Director of
23 the Centers for Disease Control and Pre-
24 vention, and, if applicable,”; and

1 (ii) by inserting “and the appropriate
2 State and county health agencies” after
3 “1413”;

4 (B) by redesignating subparagraphs (D)
5 and (E) as subparagraphs (E) and (F), respec-
6 tively; and

7 (C) by inserting after subparagraph (C)
8 the following:

9 “(D) EXCEEDANCE OF LEAD ACTION
10 LEVEL.—Regulations issued under subpara-
11 graph (A) shall specify notification procedures
12 for an exceedance of a lead action level or any
13 other prescribed level of lead in a regulation
14 issued under section 1412.”;

15 (3) by redesignating paragraphs (3) and (4) as
16 paragraphs (4) and (5), respectively;

17 (4) by inserting after paragraph (2) the fol-
18 lowing:

19 “(3) NOTIFICATION OF THE PUBLIC RELATING
20 TO LEAD.—

21 “(A) EXCEEDANCE OF LEAD ACTION
22 LEVEL.—Not later than 15 days after the date
23 of an exceedance of a lead action level or any
24 other prescribed level of lead in a regulation
25 issued under section 1412, the Administrator

1 shall notify the public of the concentrations of
2 lead found in the monitoring activity conducted
3 by the public water system if the public water
4 system or the State does not notify the public
5 of the concentrations of lead found in a moni-
6 toring activity.

7 “(B) RESULTS OF LEAD MONITORING.—

8 “(i) IN GENERAL.—The Administrator
9 may provide notice of any result of lead
10 monitoring conducted by a public water
11 system to—

12 “(I) any person that is served by
13 the public water system; or

14 “(II) the local or State health de-
15 partment of a locality or State in
16 which the public water system is lo-
17 cated.

18 “(ii) FORM OF NOTICE.—The Admin-
19 istrator may provide the notice described
20 in clause (i) by—

21 “(I) press release; or

22 “(II) other form of communica-
23 tion, including local media.

1 “(C) PRIVACY.—Notice to the public shall
2 protect the privacy of individual customer infor-
3 mation.”; and

4 (5) by adding at the end the following:

5 “(6) STRATEGIC PLAN.—Not later than 120
6 days after the date of enactment of this paragraph,
7 the Administrator, in collaboration with States and
8 owners and operators of public water systems, shall
9 establish a strategic plan for how the Administrator,
10 a State with primary enforcement responsibility, and
11 the owners and operators of public water systems
12 shall conduct targeted outreach, education, technical
13 assistance, and risk communication to populations
14 affected by lead in a public water system.”.

15 (b) CONFORMING AMENDMENTS.—Section 1414(c)
16 of the Safe Drinking Water Act (42 U.S.C. 300g-3(c)) is
17 amended—

18 (1) in paragraph (1)(C), by striking “paragraph
19 (2)(E)” and inserting “paragraph (2)(F)”;

20 (2) in paragraph (2)(B)(i)(II), by striking “sub-
21 paragraph (D)” and inserting “subparagraph (E)”;
22 and

23 (3) in paragraph (4)(B) (as redesignated by
24 subsection (a)(3)), in the first sentence, by striking
25 “(D)” and inserting “(E)”.

1 **SEC. 507. OFFSET.**

2 None of the funds available to the Secretary of En-
3 ergy to provide any credit subsidy under subsection (d)
4 of section 136 of the Energy Independence and Security
5 Act of 2007 (42 U.S.C. 17013) as of the date of enact-
6 ment of this Act shall be obligated for new loan commit-
7 ments under that subsection on or after October 1, 2020.

