

description of the reasons for which boil water advisories were issued during the year covered by the report.

(Pub. L. 117-58, div. E, title I, § 50115, Nov. 15, 2021, 135 Stat. 1157.)

Editorial Notes

CODIFICATION

Section enacted as part of the Drinking Water and Wastewater Infrastructure Act of 2021 and also as part of the Infrastructure Investment and Jobs Act, and not as part of the Public Health Service Act which comprises this chapter.

Statutory Notes and Related Subsidiaries

DEFINITION OF ADMINISTRATOR

Pub. L. 117-58, div. E, § 50002, Nov. 15, 2021, 135 Stat. 1135, provided that: “In this division [see Short Title of 2021 Amendment note set out under section 1251 of Title 33, Navigation and Navigable Waters], the term ‘Administrator’ means the Administrator of the Environmental Protection Agency.”

§ 300j-19. Algal toxin risk assessment and management

(a) Strategic plan

(1) Development

Not later than 90 days after August 7, 2015, the Administrator shall develop and submit to Congress a strategic plan for assessing and managing risks associated with algal toxins in drinking water provided by public water systems. The strategic plan shall include steps and timelines to—

(A) evaluate the risk to human health from drinking water provided by public water systems contaminated with algal toxins;

(B) establish, publish, and update a comprehensive list of algal toxins which the Administrator determines may have an adverse effect on human health when present in drinking water provided by public water systems, taking into account likely exposure levels;

(C) summarize—

(i) the known adverse human health effects of algal toxins included on the list published under subparagraph (B) when present in drinking water provided by public water systems; and

(ii) factors that cause toxin-producing cyanobacteria and algae to proliferate and express toxins;

(D) with respect to algal toxins included on the list published under subparagraph (B), determine whether to—

(i) publish health advisories pursuant to section 300g-1(b)(1)(F) of this title for such algal toxins in drinking water provided by public water systems;

(ii) establish guidance regarding feasible analytical methods to quantify the presence of algal toxins; and

(iii) establish guidance regarding the frequency of monitoring necessary to determine if such algal toxins are present in drinking water provided by public water systems;

(E) recommend feasible treatment options, including procedures, equipment, and source water protection practices, to mitigate any adverse public health effects of algal toxins included on the list published under subparagraph (B); and

(F) enter into cooperative agreements with, and provide technical assistance to, affected States and public water systems, as identified by the Administrator, for the purpose of managing risks associated with algal toxins included on the list published under subparagraph (B).

(2) Updates

The Administrator shall, as appropriate, update and submit to Congress the strategic plan developed under paragraph (1).

(b) Information coordination

In carrying out this section the Administrator shall—

(1) identify gaps in the Agency’s understanding of algal toxins, including—

(A) the human health effects of algal toxins included on the list published under subsection (a)(1)(B); and

(B) methods and means of testing and monitoring for the presence of harmful algal toxins in source water of, or drinking water provided by, public water systems;

(2) as appropriate, consult with—

(A) other Federal agencies that—

(i) examine or analyze cyanobacteria or algal toxins; or

(ii) address public health concerns related to harmful algal blooms;

(B) States;

(C) operators of public water systems;

(D) multinational agencies;

(E) foreign governments;

(F) research and academic institutions; and

(G) companies that provide relevant drinking water treatment options; and

(3) assemble and publish information from each Federal agency that has—

(A) examined or analyzed cyanobacteria or algal toxins; or

(B) addressed public health concerns related to harmful algal blooms.

(c) Use of science

The Administrator shall carry out this section in accordance with the requirements described in section 300g-1(b)(3)(A) of this title, as applicable.

(d) Feasible

For purposes of this section, the term “feasible” has the meaning given such term in section 300g-1(b)(4)(D) of this title.

(July 1, 1944, ch. 373, title XIV, § 1459, as added Pub. L. 114-45, § 2(a), Aug. 7, 2015, 129 Stat. 473.)

§ 300j-19a. Assistance for small and disadvantaged communities

(a) Definition of underserved community

In this section:

(1) In general

The term “underserved community” means a political subdivision of a State that, as de-

terminated by the Administrator, has an inadequate system for obtaining drinking water.

(2) Inclusions

The term “underserved community” includes a political subdivision of a State that either, as determined by the Administrator—

(A) does not have household drinking water or wastewater services; or

(B) is served by a public water system that violates, or exceeds, as applicable, a requirement of a national primary drinking water regulation issued under section 300g-1 of this title, including—

- (i) a maximum contaminant level;
- (ii) a treatment technique; and
- (iii) an action level.

(b) Establishment

(1) In general

The Administrator shall establish a program under which grants are provided to eligible entities for use in carrying out projects and activities the primary purposes of which are to assist public water systems in meeting the requirements of this subchapter.

(2) Inclusions

Projects and activities under paragraph (1) include—

(A) investments necessary for the public water system to comply with the requirements of this subchapter;

(B) assistance that directly and primarily benefits the disadvantaged community on a per-household basis;

(C) programs to provide household water quality testing, including testing for unregulated contaminants;

(D) the purchase of point-of-entry or point-of-use filters and filtration systems that are certified by a third party using science-based test methods for the removal of contaminants of concern;

(E) investments necessary for providing accurate and current information about—

- (i) the need for filtration and filter safety, including proper use and maintenance practices; and
- (ii) the options for replacing lead service lines (as defined in section 300j-19b(a) of this title) and removing other sources of lead in water; and

(F) entering into contracts, including contracts with nonprofit organizations that have water system technical expertise, to assist—

- (i) an eligible entity; or
- (ii) the State of an eligible entity, on behalf of that eligible entity.

(c) Eligible entities

Except for purposes of subsections (j) and (m), an eligible entity under this section—

(1) is—

- (A) a public water system;
- (B) a water system that is located in an area governed by an Indian Tribe; or
- (C) a State, on behalf of an underserved community; and

(2) serves a community—

(A) that, under affordability criteria established by the State under section 300j-12(d)(3) of this title, is determined by the State—

- (i) to be a disadvantaged community; or
- (ii) to be a community that may become a disadvantaged community as a result of carrying out a project or activity under subsection (b); or

(B) with a population of less than 10,000 individuals that the Administrator determines does not have the capacity to incur debt sufficient to finance a project or activity under subsection (b).

(d) Priority

In prioritizing projects and activities for implementation under this section, the Administrator shall give priority to projects and activities that benefit underserved communities.

(e) Local participation

In prioritizing projects and activities for implementation under this section, the Administrator shall consult with and consider the priorities of States, Indian Tribes, and local governments in which communities described in subsection (c)(2) are located.

(f) Technical, managerial, and financial capability

The Administrator may provide assistance to increase the technical, managerial, and financial capability of an eligible entity receiving a grant under this section if the Administrator determines that the eligible entity lacks appropriate technical, managerial, or financial capability and is not receiving such assistance under another Federal program.

(g) Cost sharing

Before providing a grant to an eligible entity under this section, the Administrator shall enter into a binding agreement with the eligible entity to require the eligible entity—

- (1) except as provided in subsection (l)(5) and subject to subsection (h), to pay not less than 10 percent of the total costs of the project or activity, which may include services, materials, supplies, or other in-kind contributions;
- (2) to provide any land, easements, rights-of-way, and relocations necessary to carry out the project or activity; and
- (3) to pay 100 percent of any operation and maintenance costs associated with the project or activity.

(h) Waiver

The Administrator may waive, in whole or in part, the requirement under subsection (g)(1) if the Administrator determines that an eligible entity is unable to pay, or would experience significant financial hardship if required to pay, the non-Federal share.

(i) Limitation on use of funds

Not more than 4 percent of funds made available for grants under this section may be used to pay the administrative costs of the Administrator.

(j) State response to contaminants

(1) In general

The Administrator may, subject to the terms and conditions of this section, issue a

grant to a requesting State, on behalf of a community described in subsection (c)(2), so the State may assist in, or otherwise carry out, necessary and appropriate activities related to a contaminant—

(A) that is determined by the State to—

(i) be present in, or likely to enter into, a public water system serving, or an underground source of drinking water for, that community; and

(ii) potentially present an imminent and substantial endangerment to the health of persons; and

(B) with respect to which the State determines appropriate authorities have not acted sufficiently to protect the health of such persons.

(2) Recovery of funds

If, subsequent to the Administrator's award of a grant to a State under this subsection, any person or entity (including an eligible entity), is found by the Administrator or a court of competent jurisdiction to have caused or contributed to contamination that was detected as a result of testing conducted, or treated, with funds provided under this subsection, and such contamination violated a law administered by the Administrator, such person or entity shall, upon issuance of a final judgment or settlement and the exhaustion of all appellate and administrative remedies—

(A) notify the Administrator in writing not later than 30 days after such issuance of a final judgment or settlement and the exhaustion of all appellate and administrative remedies; and

(B) promptly pay the Administrator an amount equal to the amount of such funds.

(k) Authorization of appropriations

There are authorized to be appropriated to carry out subsections (a) through (j)—

- (1) \$70,000,000 for fiscal year 2022;
- (2) \$80,000,000 for fiscal year 2023;
- (3) \$100,000,000 for fiscal year 2024;
- (4) \$120,000,000 for fiscal year 2025; and
- (5) \$140,000,000 for fiscal year 2026.

(l) Drinking water infrastructure resilience and sustainability

(1) Resilience and natural hazard

The terms “resilience” and “natural hazard” have the meaning given such terms in section 300i-2(h) of this title.

(2) In general

The Administrator shall establish and carry out a program, to be known as the Drinking Water System Infrastructure Resilience and Sustainability Program, under which the Administrator, subject to the availability of appropriations for such purpose, shall award grants in each of fiscal years 2022 through 2026 to eligible entities for the purpose of increasing resilience to natural hazards.

(3) Use of funds

An eligible entity may only use grant funds received under this subsection to assist in the planning, design, construction, implementation, operation, or maintenance of a program

or project that increases resilience to natural hazards through—

(A) the conservation of water or the enhancement of water use efficiency;

(B) the modification or relocation of existing drinking water system infrastructure made, or that is at risk of being, significantly impaired by natural hazards, including risks to drinking water from flooding;

(C) the design or construction of desalination facilities to serve existing communities;

(D) the enhancement of water supply through the use of watershed management and source water protection;

(E) the enhancement of energy efficiency or the use and generation of renewable energy in the conveyance or treatment of drinking water; or

(F) the development and implementation of measures to increase the resilience of the eligible entity to natural hazards.

(4) Application

To seek a grant under this subsection, the eligible entity shall submit to the Administrator an application that—

(A) includes a proposal of the program or project to be planned, designed, constructed, implemented, operated, or maintained by the eligible entity;

(B) identifies the natural hazard risk to be addressed by the proposed program or project;

(C) provides documentation prepared by a Federal, State, regional, or local government agency of the natural hazard risk to the area where the proposed program or project is to be located;

(D) includes a description of any recent natural hazard events that have affected the applicable water system;

(E) includes a description of how the proposed program or project would improve the performance of the system under the anticipated natural hazards; and

(F) explains how the proposed program or project is expected to enhance the resilience of the system to the anticipated natural hazards.

(5) Federal share for small, rural, and disadvantaged communities

(A) In general

Subject to subparagraph (B), with respect to a program or project that serves an eligible entity and is carried out using a grant under this subsection, the Federal share of the cost of the program or project shall be 90 percent.

(B) Waiver

The Administrator may increase the Federal share under subparagraph (A) to 100 percent if the Administrator determines that an eligible entity is unable to pay, or would experience significant financial hardship if required to pay, the non-Federal share.

(6) Authorization of appropriations

There is authorized to be appropriated to carry out this subsection \$25,000,000 for each of fiscal years 2022 through 2026.

(m) Connection to public water systems**(1) Definitions**

In this subsection:

(A) Eligible entity

The term “eligible entity” means—

(i) an owner or operator of a public water system that assists or is seeking to assist eligible individuals with connecting the household of the eligible individual to the public water system; or

(ii) a nonprofit entity that assists or is seeking to assist eligible individuals with the costs associated with connecting the household of the eligible individual to a public water system.

(B) Eligible individual

The term “eligible individual” has the meaning given the term in section 1383(j) of title 33.

(C) Program

The term “program” means the competitive grant program established under paragraph (2).

(2) Establishment

Subject to the availability of appropriations, the Administrator shall establish a competitive grant program for the purpose of improving the general welfare under which the Administrator awards grants to eligible entities to provide funds to assist eligible individuals in covering the costs incurred by the eligible individual in connecting the household of the eligible individual to a public water system.

(3) Application

An eligible entity seeking a grant under the program shall submit to the Administrator an application at such time, in such manner, and containing such information as the Administrator may require.

(4) Voluntary connection

Before providing funds to an eligible individual for the costs described in paragraph (2), an eligible entity shall ensure and certify to the Administrator that—

(A) the eligible individual is voluntarily seeking connection to the public water system;

(B) if the eligible entity is not the owner or operator of the public water system to which the eligible individual seeks to connect, the public water system to which the eligible individual seeks to connect has agreed to the connection; and

(C) the connection of the household of the eligible individual to the public water system meets all applicable local and State regulations, requirements, and codes.

(5) Report

Not later than 3 years after November 15, 2021, the Administrator shall submit to Congress a report that describes the implementation of the program, which shall include a description of the use and deployment of amounts made available under the program.

(6) Authorization of appropriations

There is authorized to be appropriated to carry out the program \$20,000,000 for each of fiscal years 2022 through 2026.

(n) State competitive grants for underserved communities**(1) In general**

In addition to amounts authorized to be appropriated under subsection (k), there is authorized to be appropriated to carry out subsections (a) through (j) \$50,000,000 for each of fiscal years 2022 through 2026 in accordance with paragraph (2).

(2) Competitive grants**(A) In general**

Notwithstanding any other provision of this section, the Administrator shall distribute amounts made available under paragraph (1) to States through a competitive grant program.

(B) Applications

To seek a grant under the competitive grant program under subparagraph (A), a State shall submit to the Administrator an application at such time, in such manner, and containing such information as the Administrator may require.

(C) Criteria

In selecting recipients of grants under the competitive grant program under subparagraph (A), the Administrator shall establish criteria that give priority to States with a high proportion of underserved communities that meet the condition described in subsection (a)(2)(A).

(3) Report

Not later than 2 years after November 15, 2021, the Administrator shall submit to Congress a report that describes the implementation of the competitive grant program under paragraph (2)(A), which shall include a description of the use and deployment of amounts made available under the competitive grant program.

(4) Savings provision

Nothing in this paragraph affects the distribution of amounts made available under subsection (k), including any methods used by the Administrator for distribution of amounts made available under that subsection as in effect on the day before November 15, 2021.

(July 1, 1944, ch. 373, title XIV, §1459A, as added Pub. L. 114-322, title II, §2104, Dec. 16, 2016, 130 Stat. 1718; amended Pub. L. 115-270, title II, §2005, Oct. 23, 2018, 132 Stat. 3842; Pub. L. 117-58, div. E, title I, §§50104, 50114, Nov. 15, 2021, 135 Stat. 1137, 1157.)

Editorial Notes**AMENDMENTS**

2021—Subsec. (b)(2)(D) to (F). Pub. L. 117-58, §50104(a)(1), added subpars. (D) to (F).

Subsec. (c). Pub. L. 117-58, §50104(a)(2), substituted “Except for purposes of subsections (j) and (m), an eligible entity” for “An eligible entity” in introductory provisions.

Subsec. (g)(1). Pub. L. 117-58, §50104(a)(3), substituted “except as provided in subsection (l)(5) and subject to subsection (h), to pay not less than 10 percent” for “to pay not less than 45 percent”.

Subsec. (j)(1). Pub. L. 117-58, §50114(1), substituted “a community described in subsection (c)(2)” for “an underserved community” in introductory provisions.

Subsec. (j)(1)(A)(i). Pub. L. 117-58, §50114(2), substituted “that” for “such underserved”.

Subsec. (k). Pub. L. 117-58, §50104(a)(4), added subsec. (k) and struck out former subsec. (k). Prior to amendment, text read as follows: “There are authorized to be appropriated to carry out subsections (a) through (j) of this section, \$60,000,000 for each of fiscal years 2017 through 2021.”

Subsec. (l)(2). Pub. L. 117-58, §50104(a)(5)(A), substituted “The Administrator shall” for “The Administrator may” and “fiscal years 2022 through 2026” for “fiscal years 2019 and 2020”.

Subsec. (l)(5). Pub. L. 117-58, §50104(a)(5)(C), (D), added par. (5) and redesignated former par. (5) as (6).

Pub. L. 117-58, §50104(a)(5)(B), substituted “\$25,000,000 for each of fiscal years 2022 through 2026” for “\$4,000,000 for each of fiscal years 2019 and 2020”.

Subsec. (l)(6). Pub. L. 117-58, §50104(a)(5)(C), redesignated par. (5) as (6).

Subsec. (m). Pub. L. 117-58, §50104(b), added subsec. (m).

Subsec. (n). Pub. L. 117-58, §50104(c), added subsec. (n).

2018—Subsec. (j). Pub. L. 115-270, §2005(3), added subsec. (j). Former subsec. (j) redesignated (k).

Subsec. (k). Pub. L. 115-270, §2005(1), (2), redesignated subsec. (j) as (k) and substituted “subsections (a) through (j) of this section” for “this section”.

Subsec. (l). Pub. L. 115-270, §2005(4), added subsec. (l).

Statutory Notes and Related Subsidiaries

RURAL AND URBAN LOW-INCOME COMMUNITY WATER ASSISTANCE; NEEDS ASSESSMENT; PILOT PROGRAM

Pub. L. 117-58, div. E, title I, §§50108, 50109, Nov. 15, 2021, 135 Stat. 1146, 1148, provided that:

“SEC. 50108. NEEDS ASSESSMENT FOR NATIONWIDE RURAL AND URBAN LOW-INCOME COMMUNITY WATER ASSISTANCE.

“(a) DEFINITIONS.—In this section and section 50109:

“(1) COMMUNITY WATER SYSTEM.—The term ‘community water system’ has the meaning given the term in section 1401 of the Safe Drinking Water Act (42 U.S.C. 300f).

“(2) LARGE WATER SERVICE PROVIDER.—The term ‘large water service provider’ means a community water system, treatment works, or municipal separate storm sewer system that serves more than 100,000 people.

“(3) MEDIUM WATER SERVICE PROVIDER.—The term ‘medium water service provider’ means a community water system, treatment works, or municipal separate storm sewer system that serves more than 10,000 people and not more than 100,000 people.

“(4) NEED.—The term ‘need’, with respect to a qualifying household, means the expenditure of a disproportionate amount of household income on access to public drinking water or wastewater services.

“(5) QUALIFYING HOUSEHOLD.—The term ‘qualifying household’ means a household that—

“(A) includes an individual who is—

“(i) the holder of an account for drinking water or wastewater service that is provided to that household by a large water service provider, a medium water service provider, or a rural water service provider; or

“(ii) separately billed by a landlord that holds an account with a large water service provider, a medium water service provider, or a rural water service provider for the cost of drinking water or wastewater service provided to that household by the respective large water service provider, medium water service provider, or rural water service provider; and

“(B) is determined—

“(i) by a large water service provider, a medium water service provider, or a rural water service

provider to be eligible for assistance through a low-income ratepayer assistance program;

“(ii) by the Governor of the State in which the household is located to be low-income, based on the affordability criteria established by the State under section 1452(d)(3) of the Safe Drinking Water Act (42 U.S.C. 300j-12(d)(3));

“(iii) by the Administrator [of the Environmental Protection Agency] to experience drinking water and wastewater service costs that exceed the metrics of affordability established in the most recent guidance of the Administrator entitled ‘Financial Capability Assessment Guidance’; or

“(iv) in the case of a household serviced by a rural water service provider, by the State in which the household is located to have an annual income that does not exceed the greater of—

“(I) an amount equal to 150 percent of the poverty level of that State; and

“(II) an amount equal to 60 percent of the State median income for that State.

“(6) RURAL WATER SERVICE PROVIDER.—The term ‘rural water service provider’ means a community water system, treatment works, or municipal separate storm sewer system that serves not more than 10,000 people.

“(7) TREATMENT WORKS.—The term ‘treatment works’ has the meaning given the term in section 212 of the Federal Water Pollution Control Act (33 U.S.C. 1292).

“(b) STUDY; REPORT.—

“(1) IN GENERAL.—The Administrator shall conduct, and submit to Congress a report describing the results of, a study that examines the prevalence throughout the United States of municipalities, public entities, or Tribal governments that—

“(A) are serviced by rural water service providers, medium water service providers, or large water service providers that service a disproportionate percentage, as determined by the Administrator, of qualifying households with need; or

“(B) as determined by the Administrator, have taken on an unsustainable level of debt due to customer nonpayment for the services provided by a large water service provider, a medium water service provider, or a rural water service provider.

“(2) AFFORDABILITY INCLUSIONS.—The report under paragraph (1) shall include—

“(A) a definition of the term ‘affordable access to water services’;

“(B) a description of the criteria used in defining ‘affordable access to water services’ under subparagraph (A);

“(C) a definition of the term ‘lack of affordable access to water services’;

“(D) a description of the methodology and criteria used in defining ‘lack of affordable access to water services’ under subparagraph (C);

“(E) a determination of the prevalence of a lack of affordable access to water services, as defined under subparagraph (C);

“(F) the methodology and criteria used to determine the prevalence of a lack of affordable access to water services under subparagraph (E);

“(G) any additional information with respect to the affordable access to water services, as defined under subparagraph (A), provided by rural water service providers, medium water service providers, and large water service providers;

“(H) with respect to the development of the report, a consultation with all relevant stakeholders, including rural advocacy associations;

“(I) recommendations of the Administrator regarding the best methods to reduce the prevalence of a lack of affordable access to water services, as defined under subparagraph (C); and

“(J) a description of the cost of each method described in subparagraph (I).

“(3) AGREEMENTS.—The Administrator may enter into an agreement with another Federal agency to carry out the study under paragraph (1).

“SEC. 50109. RURAL AND LOW-INCOME WATER ASSISTANCE PILOT PROGRAM.

“(a) DEFINITIONS.—In this section:

“(1) ELIGIBLE ENTITY.—The term ‘eligible entity’ means—

“(A) a municipality, Tribal government, or other entity that—

“(i) owns or operates a community water system, treatment works, or municipal separate storm sewer system; or

“(ii) as determined by the Administrator [of the Environmental Protection Agency], has taken on an unsustainable level of debt due to customer nonpayment for the services provided by a community water system, treatment works, or municipal separate storm sewer system; and

“(B) a State exercising primary enforcement responsibility over a rural water service provider under the Safe Drinking Water Act (42 U.S.C. 300f et seq.) or the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), as applicable.

“(2) PILOT PROGRAM.—The term ‘pilot program’ means the pilot program established by the Administrator under subsection (b)(1).

“(3) WATER SERVICES NEEDS ASSESSMENT.—The term ‘water services needs assessment’ means the report required under section 50108(b)(1).

“(b) ESTABLISHMENT.—

“(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act [Nov. 15, 2021], the Administrator shall establish a pilot program to award grants to eligible entities to develop and implement programs to assist qualifying households with need in maintaining access to drinking water and wastewater treatment.

“(2) REQUIREMENT.—In establishing the pilot program, the Administrator shall ensure that data from the water services needs assessment directly contributes to the structure of the pilot program by informing the types of assistance and criteria used for priority consideration with the demonstrated need from the study conducted under section 50108(b)(1) and the water services needs assessment.

“(3) USE OF FUNDS LIMITATIONS.—A grant under the pilot program—

“(A) shall not be used to replace funds for any existing similar program; but

“(B) may be used to supplement or enhance an existing program, including a program that receives assistance from other Federal grants.

“(4) TERM.—The term of a grant awarded under the pilot program shall be subject to the availability of appropriations.

“(5) TYPES OF ASSISTANCE.—In establishing the pilot program, the Administrator may include provisions for—

“(A) direct financial assistance;

“(B) a lifeline rate;

“(C) bill discounting;

“(D) special hardship provisions;

“(E) a percentage-of-income payment plan; or

“(F) debt relief for the eligible entity or the community water system owned by the eligible entity for debt that is due to customer nonpayment for the services provided by the eligible entity or the community water system that is determined by the Administrator to be in the interest of public health.

“(6) REQUIREMENT.—The Administrator shall award not more than 40 grants under the pilot program, of which—

“(A) not more than 8 shall be to eligible entities that own, operate, or exercise primary enforcement responsibility over a rural water service provider under the Safe Drinking Water Act (42 U.S.C. 300f et seq.) or the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), as applicable;

“(B) not more than 8 shall be to eligible entities that own or operate a medium water service provider;

“(C) not more than 8 shall be to eligible entities that own or operate a large water service provider that serves not more than 500,000 people;

“(D) not more than 8 shall be to eligible entities that own or operate a large water service provider that serves more than 500,000 people; and

“(E) not more than 8 shall be to eligible entities that own or operate a community water system, treatment works, or municipal separate storm sewer system that services a disadvantaged community (consistent with the affordability criteria established by the applicable State under section 1452(d)(3) of the Safe Drinking Water Act (42 U.S.C. 300j-12(d)(3)) or section 603(i)(2) of the Federal Water Pollution Control Act (33 U.S.C. 1383(i)(2)), as applicable).

“(7) CRITERIA.—In addition to any priority criteria established by the Administrator in response to the findings in the water services needs assessment, in awarding grants under the pilot program, the Administrator shall give priority consideration to eligible entities that—

“(A) serve a disproportionate percentage, as determined by the Administrator, of qualifying households with need, as identified in the water services needs assessment;

“(B) are subject to State or Federal enforcement actions relating to compliance with the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) or the Safe Drinking Water Act (42 U.S.C. 300f et seq.); or

“(C) maintain or participate in an existing community assistance program with objectives similar to the objectives of the pilot program, as determined by the Administrator.

“(8) REPORTING REQUIREMENTS.—

“(A) IN GENERAL.—In addition to any other applicable Federal or agency-specific grant reporting requirements, as a condition of receiving a grant under the pilot program, an eligible entity (or a State, on behalf of an eligible entity) shall submit to the Administrator an annual report that summarizes, in a manner determined by the Administrator, the use of grant funds by the eligible entity, including—

“(i) key features of the assistance provided by the eligible entity;

“(ii) sources of funding used to supplement Federal funds; and

“(iii) eligibility criteria.

“(B) PUBLICATION.—The Administrator shall publish each report submitted under subparagraph (A).

“(c) TECHNICAL ASSISTANCE.—The Administrator shall provide technical assistance to each eligible entity, and each State, on behalf of an eligible entity, that receives a grant under the pilot program to support implementation of the program.

“(d) REPORT.—Not later than 2 years after the date on which grant funds are first disbursed to an eligible entity (or a State, on behalf of an eligible entity) under the program, and every year thereafter for the duration of the terms of the grants, the Administrator shall submit to Congress a report on the results of the pilot program.”

§ 300j-19b. Reducing lead in drinking water

(a) Definitions

In this section:

(1) Eligible entity

The term ‘eligible entity’ means—

(A) a community water system;

(B) a water system located in an area governed by an Indian Tribe;

(C) a nontransient noncommunity water system;

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

(E) a municipality or State, interstate, or intermunicipal agency.