118TH CONGRESS  
1ST SESSION  

S. 

To amend the Consolidated Farm and Rural Development Act to establish a grant program to assist with the purchase, installation, and maintenance of point-of-entry and point-of-use drinking water quality improvement products, and for other purposes.

IN THE SENATE OF THE UNITED STATES 

introduced the following bill; which was read twice and referred to the Committee on 

A BILL 

To amend the Consolidated Farm and Rural Development Act to establish a grant program to assist with the purchase, installation, and maintenance of point-of-entry and point-of-use drinking water quality improvement products, 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 “Healthy Drinking
5 Water Affordability Act” or the “Healthy H2O Act”.

6 SEC. 2. FINDINGS.

7 Congress finds that—
(1) clean and safe drinking water is necessary to ensure public health and a vibrant economy;

(2) communities that are dependent on private groundwater supplies to meet domestic drinking water needs, as well as those that continue to experience drinking water infrastructure challenges from public water supplies, including with infrastructure into and within households and living facilities, are disproportionately impacted by drinking water quality issues;

(3) in many instances, those communities and their households have been adversely impacted by the presence of 1 or more naturally occurring and human-caused contaminants found in drinking water, such as lead, arsenic, nitrate, nitrite, and volatile organic compounds, as well as federally unregulated contaminants, including perfluoroalkyl and polyfluoroalkyl substances and hexavalent chromium (chrome-6), in local groundwater or other drinking water supplies;

(4) public health organizations and institutions, such as the Centers for Disease Control and Prevention, have cited giardia, enterovirus, radon, rotavirus, norovirus, shigella, campylobacter, salmonella, hepatitis A, cryptosporidium, and e. coli as
among the major diseases and contaminants that can be present in drinking water sources;

(5) investments in projects to improve and support drinking water infrastructure are critically important to addressing water quality in the United States, but because those projects can typically take many years to complete, the current, and in some cases the ongoing, needs of communities impacted with immediate drinking water quality challenges cannot be or are not addressed in a timely manner;

(6) as an interim measure (and in some cases in rural areas, for longer term or permanently), point-of-entry and point-of-use water quality improvement products are viable solutions to address drinking water contamination challenges for the people of the United States; and

(7) grants provided under this Act are intended to provide financial assistance for eligible grant recipients (as defined in section 306F(a) of the Consolidated Farm and Rural Development Act (as added by section 3)) that voluntarily seek to improve the quality of the drinking water of eligible end users (as defined in that section), and not to demonstrate that an eligible end user is in compliance
with a Federal, State, or local primary drinking water standard or regulation.

SEC. 3. HEALTHY DRINKING WATER AFFORDABILITY ASSISTANCE PROGRAM.

Subtitle A of the Consolidated Farm and Rural Development Act is amended by inserting after section 306E (7 U.S.C. 1926e) the following:

“SEC. 306F. HEALTHY DRINKING WATER AFFORDABILITY ASSISTANCE PROGRAM.

“(a) DEFINITIONS.—In this section:

“(1) APPROVED INSTALLATION.—The term ‘approved installation’ means the installation of an eligible drinking water quality improvement product or a certified filter component by a qualified third-party installer that—

“(A) complies with all local and State regulations; and

“(B) follows the installation instructions of the manufacturer.

“(2) APPROVED MAINTENANCE.—The term ‘approved maintenance’ means required maintenance—

“(A) performed on an eligible drinking water quality improvement product that includes maintenance and replacement of the certified filter component;
“(B) performed by a service technician who—

“(i) is—

“(I) professionally qualified, certified, or licensed as a water treatment product maintenance professional, including a professional credentialed through a manufacturer or third party;

“(II) operating under the supervision of a service technician described in subclause (I);

“(III) a licensed plumber or a plumber operating under the supervision of a licensed plumbing contractor; or

“(IV) an individual who holds a license or certification related to water treatment technologies issued by a State or local government; and

“(ii) regularly completes continuing education on water treatment technology and other subjects that enhance the services provided under this section;
“(C) that complies with all local and State regulations; and

“(D) that follows the maintenance instructions of the manufacturer.

“(3) CERTIFIED FILTER COMPONENT.—The term ‘certified filter component’ means a replaceable or replacement filter component—

“(A) for which approved maintenance can be performed; and

“(B) that is certified by a third-party certifier as compliant with—

“(i) NSF P231;

“(ii) NSF/ANSI Standard 42, 44, 53, 55, 58, or 401; or

“(iii) another successor or relevant consensus-based standard for drinking water treatment units or systems that addresses health contaminant reduction, as determined by the Secretary.

“(4) ELIGIBLE DRINKING WATER QUALITY IMPROVEMENT PRODUCT.—The term ‘eligible drinking water quality improvement product’ means a point-of-use or point-of-entry system—

“(A) incorporating a certified filter component; and
“(B) that is certified by a third-party certifier to meet standards described in paragraph (3)(B)—

“(i) for material safety and performance; and

“(ii) to improve drinking water quality.

“(5) ELIGIBLE END USER.—The term ‘eligible end user’ means a person or entity located in a rural area (as defined in section 343(a)(13)(B)) that is—

“(A)(i) a homeowner;

“(ii) an individual lessee or renter of a home, apartment, or other dwelling;

“(iii) a property owner of a multi-unit residential building with 25 or fewer owned, leased, or rented dwelling units;

“(iv) a licensed child-care facility; or

“(v) an owned, leased, or rented facility;

and

“(B) supported by a finding of need through—

“(i) a qualified water quality test demonstrating the presence of 1 or more health contaminants; or
“(ii) other documentation determined
to be satisfactory by the Secretary dem-
onstrating the presence of 1 or more
health contaminants.

“(6) ELIGIBLE GRANT RECIPIENT.—The term
‘eligible grant recipient’ means—

“(A) an eligible end user; and

“(B) a nonprofit organization that uses a
grant provided under this section for the pur-
poses described in subsection (e)(2).

“(7) HEALTH CONTAMINANT.—The term
‘health contaminant’ means—

“(A) a health contaminant found in drink-
ing water, including lead, arsenic, nitrate, ni-
trite, perfluoroalkyl and polyfluoroalkyl sub-
stances, hexavalent chromium (chrome-6), and
volatile organic compounds; and

“(B) any other contaminant—

“(i) that can be reduced by an eligible
drinking water quality improvement prod-
uct or a certified filter component in ac-
cordance with the standards described in
paragraph (3)(B); and
“(ii)(I) with respect to which the Administrator of the Environmental Protection Agency has established—

“(aa) a primary drinking water regulation (as defined in section 1401 of the Safe Drinking Water Act (42 U.S.C. 300f);

“(bb) a maximum contaminant level goal established in accordance with section 1412(b) of that Act (42 U.S.C. 300g–1(b)); or

“(cc) a health advisory issued pursuant to section 1412(b)(1)(F) of that Act (42 U.S.C. 300g–1(b)(1)(F)); or

“(II) that is regulated by a State agency.

“(8) IMPROVE DRINKING WATER QUALITY.—

The term ‘improve drinking water quality’ means to improve the quality of the water supplied between its source and human consumption by reducing or removing 1 or more health contaminants.

“(9) QUALIFIED THIRD-PARTY INSTALLER.—

The term ‘qualified third-party installer’ means a person who—
“(A) is—

“(i) a professionally qualified, certified, or licensed water treatment product installation professional, including such a professional credentialed through a manufacturer or third party;

“(ii) a licensed plumber or individual who holds a license or certification related to water treatment technologies issued by a State or local government; or

“(iii) a company or plumbing contractor employing individuals described in clause (i) or (ii); and

“(B) regularly completes, or requires applicable employees to complete, continuing education on water treatment technology and other subjects that enhance the services provided under this section.

“(10) QUALIFIED WATER QUALITY TEST.—The term ‘qualified water quality test’ means a baseline analysis of the bacterial and chemical characteristics of concern from a drinking water sample collected at the point of consumption and tested by a laboratory certified to conduct water quality testing—

“(A) that is provided to—
“(i) the Secretary; and

“(ii) as applicable—

“(I) a person seeking a grant under this section;

“(II) an eligible end user receiving a grant under this section; or

“(III) an eligible grant recipient receiving a grant under this section and any eligible end users served by the eligible grant recipient; and

“(B) that includes information that provides—

“(i) guidance on test interpretation, including whether the bacteria or chemical characteristic of concern meets or exceeds a prescribed health-based contaminant level; and

“(ii) sources and citations that eligible grant recipients, independent third-party organizations and institutions, and government agencies may review and consult—

“(I) to determine available eligible drinking water quality improvement products for addressing detected contaminants; and
“(II) to evaluate efficacy across eligible drinking water quality improvement products.

“(11) THIRD-PARTY CERTIFIER.—The term ‘third-party certifier’ means an independent certification body accredited to ISO Standard 17065, ‘Conformity assessment — Requirements for bodies certifying products, processes and services’, by an entity domiciled in the United States that is a signatory to the International Accreditation Forum Multilateral Recognition Arrangement, such as the Water Quality Association, NSF International, the International Association of Plumbing and Mechanical Officials, and the International Code Council Evaluation Service.

“(b) ESTABLISHMENT OF PROGRAM.—Not later than 120 days after the date of enactment of this section, the Secretary shall promulgate regulations to establish, and shall carry out, a clean drinking water program, to be known as the ‘Healthy Drinking Water Affordability Assistance Program’ or the ‘Healthy H2O Program’, to provide grants to eligible grant recipients to improve drinking water quality of eligible end users.

“(c) ELIGIBLE USES OF GRANTS.—
“(1) IN GENERAL.—A grant under this section shall be used, as directed by the Secretary, for—

“(A) the purchase of an eligible drinking water quality improvement product or a replacement certified filter component;

“(B) the approved installation by a qualified third-party installer of an eligible drinking water quality improvement product;

“(C) the purchase and approved installation by a qualified third-party installer of a replacement certified filter component;

“(D) the approved maintenance of an eligible drinking water quality improvement product; or

“(E) qualified water quality tests to support products and services described in subparagraphs (A) through (D).

“(2) NONPROFIT ORGANIZATIONS.—A nonprofit organization that receives a grant under this section shall use the grant, in a manner consistent with the uses described in paragraph (1) and as directed by the Secretary—

“(A) to offer qualified water quality tests for eligible end users on a voluntary basis;
“(B) to facilitate the analysis of qualified water quality test results for eligible end users;
“(C) to assist an eligible end user in determining the response options available and supporting the selection by the eligible end user of a response that best fits the needs of the eligible end user, informed by—
“(i) a qualified water quality test; and
“(ii) an understanding of the relevant plumbing systems and environmental factors that will impact point-of-use or point-of-entry water safety; and
“(D) to coordinate or facilitate the approved installation by a qualified third-party installer of the eligible drinking water quality improvement product selected by an eligible end user.
“(d) GRANT LIMITATIONS.—
“(1) AMOUNT.—The amount of a grant under this section shall not exceed the reasonable costs, as determined by the Secretary, of the purposes described in subsection (c) for which the grant is provided.
“(2) INCOME.—No grant provided under this section shall be used to assist an eligible end user
who is a member of a household the members of
which have a combined income, or an eligible end
user with business income, for the most recent 12-
month period for which the information is available,
that is more than 150 percent of the median non-
metropolitan household income for the State or terri-
tory in which the eligible end user resides, according
to the most recent decennial census of the United
States.

“(e) GRANT ADMINISTRATOR.—The Secretary shall
appoint an officer or employee of the Department of Agri-
culture to administer and manage grants provided under
this section.

“(f) GRANT ALLOCATION.—In providing grants
under this section to eligible grant recipients, the Sec-
retary shall allocate funds and make grants available in
a manner that—

“(1) responds to a range of water quality chal-
lenges;

“(2) prioritizes funding to eligible end-users the
sources of drinking water of which are private wells;

“(3) improves local and regional capacity to re-
spond to contamination; and

“(4) ensures reasonable access to funds for—
“(A) eligible end users seeking a grant under this section; and

“(B) nonprofit organizations seeking a grant under this section.

“(g) REPORTS.—Not later than 1 year after the date of enactment of this section, and not less frequently than annually thereafter, the Secretary shall submit to Congress, and make publicly available, a report—

“(1) identifying ongoing barriers to universal safe drinking water prior to and after filtration or other treatment;

“(2) analyzing conditions impacting eligible grant recipients, including—

“(A) sources of contamination or degradation of water resources, especially groundwater resources or upstream resources that recharge stores of drinking water;

“(B) trends in bioaccumulation and attenuation of contaminants and nutrients; and

“(C) impacts of infrastructure materials, crop and land management practices, waste management, and other factors that impact drinking water quantity and quality;

“(3) providing a comprehensive analysis of—
“(A) technologies available to and purchased by eligible grant recipients; and

“(B) the emerging safe drinking water needs of rural and other homeowners, renters, residential multi-unit property owners, licensed child-care facilities, and other groups, as determined by the Secretary;

“(4) that includes information describing—

“(A) the types of treatment systems and filter components used under the program established under this section;

“(B) the number of qualified water quality tests conducted under the program established under this section;

“(C) emerging and changing trends relating to steps taken to ensure safe drinking water in communities and households; and

“(D) trends relating to the availability and use of eligible drinking water quality improvement products, including—

“(i) affordability at purchase and through the lifecycle of the products;

“(ii) consisteney of operation as intended by the manufacturer and installer, including effectiveness across systems and
technologies at achieving stated health protections; and

“(iii) lifecycle product performance, energy use, and environmental impact;

“(5) providing recommendations regarding the best methods to increase access to—

“(A) grants under this section; and

“(B) the products and services described in subsection (e);

“(6) that incorporates input from relevant—

“(A) nongovernmental organizations; and

“(B) certification institutions that oversee the criteria for products and training of installation and maintenance professionals; and

“(7) the purposes of which are—

“(A) to improve data on health contaminants in drinking water;

“(B) to provide educational resources on water testing and water quality improvement products and services to eligible grant recipients with drinking water contamination issues;

“(C) to collect information that improves understanding of water testing and water quality improvement products and services, includ-
ing their associated health and economic benefits; and

“(D) to increase public awareness of water quality issues and treatment options.

“(h) Authorization of Appropriations.—There is authorized to be appropriated to the Secretary to carry out this section $10,000,000 for each of fiscal years 2024 through 2028.”