

AMENDMENT TO RULES COMMITTEE PRINT 117-9
OFFERED BY MS. TLAIB OF MICHIGAN

Strike sections 13302 through 13304 and insert the following:

1 **SEC. 13302. LOW-INCOME DRINKING WATER ASSISTANCE**
2 **PROGRAM.**

3 Part E of the Safe Drinking Water Act (42
4 U.S.C300j et seq.) is further amended by adding at the
5 end the following:

6 **“SEC. 1459F. LOW-INCOME DRINKING WATER ASSISTANCE**
7 **PROGRAM.**

8 “(a) DEFINITIONS.—In this section:

9 “(1) ELIGIBLE COMMUNITY WATER SYSTEM.—

10 The term ‘eligible community water system’ means
11 a community water system that serves a population
12 of 100,000 or more.

13 “(2) ELIGIBLE ENTITY.—The term ‘eligible en-
14 tity’ means an eligible community water system or
15 a State, Territory, or Tribe.

16 “(3) HOUSEHOLD.—The term ‘household’
17 means any individual or group of individuals who
18 are living together as 1 economic unit.

1 “(4) DRINKING WATER ACCESS PROGRAM.—The
2 term ‘drinking water access program’ means a pro-
3 gram developed or implemented by an eligible entity
4 using a grant awarded under paragraph (b)(7) or by
5 a Regional Administrator under paragraph (b)(3).

6 “(5) LOW-INCOME HOUSEHOLD.—The term
7 ‘low-income household’ means a household—

8 “(A) in which 1 or more individuals are re-
9 ceiving—

10 “(i) assistance under a State program
11 funded under part A of title IV of the So-
12 cial Security Act (42 U.S.C. 601 et seq.);

13 “(ii) supplemental security income
14 payments under title XVI of the Social Se-
15 curity Act (42 U.S.C. 1381 et seq.);

16 “(iii) supplemental nutrition assist-
17 ance program benefits under the Food and
18 Nutrition Act of 2008 (7 U.S.C. 2011 et
19 seq.);

20 “(iv) payments under—

21 “(I) section 1315, 1521, 1541, or
22 1542 of title 38, United States Code;
23 or

24 “(II) section 306 of the Veterans’
25 and Survivors’ Pension Improvement

1 Act of 1978 (38 U.S.C. 1521 note;
2 Public Law 95–588);

3 “(v) assistance under the Low Income
4 Home Energy Assistance Program (42
5 U.S.C. 8621); or

6 “(vi) assistance under the Women In-
7 fants and Children program (42 U.S.C.
8 1786); or

9 “(B) that has an income that—

10 “(i) as determined by the Regional
11 Administrator or eligible entity, as applica-
12 ble, that is implementing a drinking water
13 access program in the location in which the
14 household resides, does not exceed the
15 greater of—

16 “(I) an amount equal to 200 per-
17 cent of the poverty level; and

18 “(II) an amount equal to 80 per-
19 cent of the Area median income; or

20 “(ii) does not exceed an amount, de-
21 termined by the Regional Administrator or
22 an eligible entity, as applicable, that is im-
23 plementing a drinking water access pro-
24 gram in the location in which the house-

1 hold resides, that is higher than the
2 amount described in clause (i).

3 “(6) POVERTY LEVEL.—The term ‘poverty
4 level’ means, with respect to a household in a State,
5 the income described in the poverty guidelines issued
6 by the Secretary of Health and Human Services
7 pursuant to section 673 of the Community Services
8 Block Grant Act (42 U.S.C.9902), as applicable to
9 the household.

10 “(7) AREA MEDIAN INCOME.—The term ‘Area
11 median income’ means the unadjusted median in-
12 come levels by geographic area as determined annu-
13 ally by the Secretary of Housing and Urban Devel-
14 opment.

15 “(8) WATER CRISIS.—The term ‘water crisis’
16 means weather-related and supply shortage emer-
17 gencies and other household water-related emer-
18 gencies, including but not limited to disconnection of
19 water service for nonpayment, imminent disconnec-
20 tion of service for nonpayment, or other emergency
21 threatening a household’s access to safe water serv-
22 ice.

23 “(b) ESTABLISHMENT.—

24 “(1) IN GENERAL.—The Administrator shall es-
25 tablish within 12 months of the effective date of this

1 section a Federal low-income drinking water assist-
2 ance program to develop and implement drinking
3 water access programs to assist low-income house-
4 holds in maintaining access to affordable drinking
5 water. The Federal low-income drinking water as-
6 sistance program shall include funding to assist low-
7 income households, technical assistance to commu-
8 nity water systems, and data collection and report-
9 ing as provided in this section.

10 “(2) The Administrator shall delegate develop-
11 ment and implementation of a drinking water access
12 program within the service area of an eligible com-
13 munity water system or within geographic bound-
14 aries of a State, Territory, or Tribe to an eligible en-
15 tity that submits an application for a grant that sat-
16 isfies the requirements of paragraph (7). If an eligi-
17 ble community water system located within the juris-
18 diction of a State, Territory, or Tribe that has ap-
19 plied for or is developing and implementing a drink-
20 ing water access program pursuant to a grant under
21 paragraph (7) submits an application for a grant
22 that satisfies the requirements of paragraph (7), the
23 Administrator shall delegate development and imple-
24 mentation of a drinking water access program within
25 the service area of the eligible community water sys-

1 tem to the eligible community water system and
2 shall not grant to or shall withdraw from the State,
3 Territory, or Tribe delegation of a drinking water
4 access program within the service area of the eligible
5 community water system. If required reports sub-
6 mitted to the Administrator by an eligible entity fail
7 to demonstrate that the eligible entity's drinking
8 water access program is being developed and imple-
9 mented in compliance with all requirements of this
10 section, the Administrator shall promptly notify the
11 eligible entity that its program is not in compliance
12 and identify the necessary remedial actions and pro-
13 vide a deadline for promptly implementing those re-
14 medial actions. The Administrator shall revoke or
15 refuse to renew delegation to the eligible entity if the
16 eligible entity fails to take the necessary remedial ac-
17 tions by the deadline set by the Administrator.

18 “(3) In any State, Territory, Tribe or portion
19 thereof where an eligible entity is not developing and
20 implementing a drinking water access program pur-
21 suant to authority delegated by the Administrator
22 under paragraph (b)(2), the Administrator shall di-
23 rect the applicable Regional Administrator, in con-
24 sultation with relevant stakeholders and with an op-
25 portunity for a public hearing and public comment

1 on a proposed program for each fiscal year, to de-
2 velop and implement a drinking water access pro-
3 gram that meets the requirements developed under
4 paragraph (5) and treats households that live in
5 owner-occupied homes and households that live in
6 rental housing equitably.

7 “(4) LIMITATIONS.—A grant awarded under
8 this subsection—

9 “(A) shall not be used to replace funds for
10 any existing similar program to assist low-in-
11 come households in maintaining access to af-
12 fordable drinking water; but

13 “(B) may be used to supplement or en-
14 hance such a program.

15 “(5) MINIMUM DRINKING WATER ACCESS PRO-
16 GRAM REQUIREMENTS.—

17 “(A) IN GENERAL.—Not later than 6
18 months after the date of enactment of this sec-
19 tion, the Administrator shall develop, in con-
20 sultation with relevant stakeholders, including
21 frontline community groups, tribal communities,
22 and impacted customers and with an oppor-
23 tunity for public comment on proposed require-
24 ments, the minimum requirements for a drink-
25 ing water access program.

1 “(B) INCLUSIONS.—The drinking water
2 access program requirements developed under
3 subparagraph (A) shall include—

4 “(i) the following types of assistance,
5 with greater assistance amounts provided
6 to households with lower incomes, taking
7 into account household size, and higher
8 drinking water costs—

9 “(I) direct financial assistance,
10 including bill discounting, percentage-
11 of-income payment plan, a lifeline
12 rate, or any other form of direct as-
13 sistance identified by the Adminis-
14 trator;

15 “(II) arrearage management as-
16 sistance, including a partial payment
17 and debt reduction plan,

18 “(III) water crisis assistance; and

19 “(IV) water efficiency assistance,
20 including providing or subsidizing the
21 cost of installation of water efficient
22 appliances and fixtures or leak detec-
23 tion and plumbing repair work; and

1 “(ii) provisions to ensure that all low-
2 income households will be eligible for as-
3 sistance; and

4 “(iii) provisions to ensure that no
5 household receiving assistance under the
6 program;

7 “(I) is disconnected from service,
8 loses access to or ownership of its cur-
9 rent housing, or is otherwise denied
10 access to an amount of water suffi-
11 cient to meet its essential needs be-
12 cause of the household’s inability to
13 pay bills owed to a community water
14 system or, where the drinking water
15 account-holder for the household’s
16 dwelling is not a member of the
17 household, due to the failure of the
18 account-holder to pay bills owed to the
19 community water system; or

20 “(II) is required to pay any fees,
21 charges, or deposits associated with
22 late payments, unpaid bills, service
23 initiation, and service reconnection;

24 “(iv) procedures that minimize bur-
25 dens on low-income households of filing a

1 complete application for assistance, includ-
2 ing but not limited to allowing for alter-
3 native forms of identification; and

4 “(v) coordination of development and
5 implementation of the drinking water ac-
6 cess program with other existing water as-
7 sistance programs, energy assistance pro-
8 grams, and other relevant Federal, State,
9 and local programs that provide financial
10 or other assistance to low-income house-
11 holds.

12 “(6) ALLOCATION OF FUNDS.—

13 “(A) IN GENERAL.—The Administrator
14 shall allocate funds appropriated annually for
15 the Federal low-income drinking water assist-
16 ance program to eligible entities and Regional
17 Administrators developing and implementing
18 drinking water access programs proportionally
19 based upon the percentage which the number of
20 households within the geographic area served by
21 the drinking water access program with income
22 equal or less than 200 percent of the poverty
23 level bears to the number of households in all
24 States, Territories, and Tribes with income
25 equal or less than 200 percent of the poverty

1 level; provided that, following collection of suffi-
2 cient data, including data reported pursuant to
3 this section, the allocation criteria shall also ac-
4 count for the number of drinking water service
5 disconnections for nonpayment and the amount
6 of drinking water services debt held by low-in-
7 come households within the geographic area
8 served by the drinking water access program.

9 “(B) EXCEPTIONS.—Notwithstanding
10 paragraph (b)(6)(A), the Administrator may re-
11 serve up to 10percent of appropriated funds to
12 provide supplementary funds to assist low-in-
13 come households in—

14 “(i) Tribes and Territories that have
15 historically lacked equitable access to Fed-
16 eral and State financial assistance for
17 water and wastewater infrastructure; and

18 “(ii) Communities experiencing lack of
19 access to safe public drinking water serv-
20 ices to meet essential household needs;

21 “(7) APPLICATION.—

22 “(A) IN GENERAL.—To receive a grant
23 under this subsection, an eligible entity shall
24 submit annually to the Administrator an appli-
25 cation that demonstrates that—

1 “(i) the proposed drinking water ac-
2 cess program meets the requirements de-
3 veloped under paragraph (5); and

4 “(ii) the proposed drinking water ac-
5 cess program will treat households that live
6 in owner-occupied homes and households
7 that live in rental housing equitably.

8 “(B) ADDITIONAL REQUIREMENTS.—To
9 receive a grant under this subsection, the eligi-
10 ble entity shall include in an application sub-
11 mitted under subparagraph (A) information
12 demonstrating that—

13 “(i) the eligible entity has the capacity
14 to make assistance under a drinking water
15 access program available to all low-income
16 households in its jurisdiction or service
17 area, without regard to where that house-
18 hold resides within the jurisdiction or serv-
19 ice area;

20 “(ii) the eligible entity has the capaci-
21 ty to fulfill the data collection and man-
22 agement requirements set forth in para-
23 graph (9);

24 “(iii) the eligible entity has the capaci-
25 ty to develop and implement, in coordina-

1 tion with technical assistance providers, an
2 effective community outreach plan to in-
3 form low-income households of the drink-
4 ing water access program and assist with
5 enrollment; and

6 “*(iv)* the eligible entity has developed
7 its proposed drinking water access pro-
8 gram in consultation with relevant stake-
9 holders, including frontline community
10 groups, tribal communities, and impacted
11 stakeholders, and with an opportunity for
12 a public hearing and public comment on a
13 proposed program for each fiscal year.

14 “(8) TECHNICAL ASSISTANCE.—Within the
15 funds allocated to each eligible entity and Regional
16 Administrator under paragraph (6), the Adminis-
17 trator shall allocate technical assistance funding to
18 facilitate enrollment by low-income households and
19 ensure fulfillment of reporting requirements under
20 this section. The Administrator shall set minimum
21 requirements for technical assistance administered
22 by eligible entities and Regional Administrators, in-
23 cluding but not limited to:

24 “(A) outreach to low-income households in
25 communities with high incidence of disconnec-

1 tions or that may face difficulty accessing as-
2 sistance, including households in geographically
3 remote locations, households lacking access to
4 telecommunications networks including home
5 broadband internet service, households with
6 limited English proficiency, and households
7 with disabilities as defined under the Americans
8 with Disabilities Act;

9 “(B) developing the capacity of small and
10 mid-size community water systems to effectuate
11 the assistance types described in paragraph (5);

12 “(C) set aside a minimum of 20 percent of
13 total technical assistance funding for improve-
14 ment of data management systems, including
15 billing systems, websites, electronic customer
16 communications, and use of easily accessible
17 technologies, such as smartphone applications,
18 for community water systems that provide serv-
19 ice to populations of fewer than 100,000; and

20 “(D) set aside a minimum of 20 percent of
21 total technical assistance funding for environ-
22 mental justice and community based organiza-
23 tions to build capacity and provide assistance
24 for under-resourced communities to fully access
25 the program and to address other urgent water

1 affordability needs in under-resourced commu-
2 nities. Prior to setting the minimum require-
3 ments for technical assistance, the Adminis-
4 trator shall engage with environmental justice
5 and community based organizations to make
6 them aware of the technical assistance set
7 aside.

8 “(9) REPORTING REQUIREMENTS.—

9 “(A) IN GENERAL.—An eligible entity or
10 Regional Administrator developing or imple-
11 menting a drinking water access program under
12 this section shall submit to the Administrator,
13 in a manner determined by the Administrator,
14 information regarding the applicable drinking
15 water access program, including—

16 “(i) key features, including—

17 “(I) An explanation, with rel-
18 evant supporting data, for the pro-
19 gram design selected pursuant to the
20 requirements of paragraphs (5) and
21 (7);

22 “(II) the demonstrable impacts
23 of the program on arrearages, service
24 disconnection, and other debt collec-
25 tion activities for low-income house-

1 holds that participate in the program,
2 based on data from before and after
3 the initiation of the program, includ-
4 ing at minimum: number of dis-
5 connections for nonpayment, length of
6 disconnections, amount of debt at
7 time of disconnection, number of
8 households and amount of debt sub-
9 ject to sale or enforcement of property
10 liens, number of households enrolled
11 in the program, number of eligible
12 households, benefit levels, and amount
13 of debt reduction for enrolled house-
14 holds, and number of enrolled house-
15 holds reconnected to water service,
16 provided that such information shall
17 be provided by zip code;

18 “(III) Revenue collection infor-
19 mation from each community water
20 system within the geographic area
21 served by the program, including at
22 minimum: rate design for residential
23 customers, billing frequency, fees and
24 charges included on the bill, and pro-

1 jected rate increases over the next five
2 years;

3 “**(IV)** Information regarding
4 drinking water customer assistance
5 programs within the geographic area
6 served by the program that are not
7 funded by a grant under this section,
8 including: rate structures, rebates,
9 discounts, billing methods that aver-
10 age rates over the course of a year,
11 known as ‘budget billing,’ and proce-
12 dures that ensure that households re-
13 ceive notice and an opportunity to dis-
14 pute charges before service is discon-
15 nected or interrupted due to non-
16 payment; and

17 “(ii) other relevant information re-
18 quired by the Administrator.

19 “**(B)** With respect to drinking water access
20 programs developed or implemented by States,
21 Territories, Tribes, or Regional Administrator,
22 the Administrator may provide for a phase-in of
23 the reporting requirements under paragraph
24 (9)(A)(i)(II), (9)(A)(i)(III) and (9)(A)(ii), tak-
25 ing into consideration the availability of tech-

1 nical assistance pursuant to paragraph (8) re-
2 lated to data reporting.

3 “(C) Use of national surveys The Director
4 of the United States Census Bureau shall, in
5 coordination with the Administrator, add one or
6 more questions into the American Community
7 Survey to ascertain whether households have
8 faced difficulty paying for drinking water and
9 wastewater.

10 “(D) An eligible community water system
11 that is developing or implementing a drinking
12 water access program shall report to its State
13 drinking water quality regulator the amount of
14 all grants it receives under this section and all
15 information it submits to the Administrator
16 pursuant to paragraphs (b)(7) and (b)(9).

17 “(E) PUBLICATION.—The Administrator
18 shall annually make all program data available
19 in an easily accessible format on its website and
20 publish a report that compiles and summarizes
21 the information submitted under subparagraphs
22 (A) and (B).

23 “(10) ASSISTANCE EXEMPT FROM TAXATION.—

24 “(A) Notwithstanding any other provision
25 of law, assistance provided to a low-income

1 household under a drinking water access pro-
2 gram shall not be includible in the gross income
3 of the recipient of such assistance for purposes
4 of the Internal Revenue Code of 1986 and shall
5 not be considered income or resources of such
6 household (or any member thereof) for any pur-
7 pose under any other Federal or State law, in-
8 cluding any law relating to taxation or govern-
9 mental assistance programs.

10 “(B) A grant received under this section
11 by an eligible community water system that is
12 subject to Federal or State income tax shall not
13 be considered income for purposes of any Fed-
14 eral or State income tax law if the eligible com-
15 munity water system certifies to the Adminis-
16 trator that it has adopted and is implementing
17 a policy that prevents any household from being
18 disconnected from service or otherwise denied
19 access to an amount of water sufficient to meet
20 its essential needs because of the household’s
21 inability to pay bills owed to the community
22 water system or, where the drinking water ac-
23 count-holder for the household’s dwelling is not
24 a member of the household, due to the failure
25 of the account-holder to pay bills owed to the

1 community water system, except that if the Ad-
2 ministrator determines that the certification
3 does not adequately demonstrate that the com-
4 munity water system has adopted and is imple-
5 menting such a policy then nothing in this sec-
6 tion shall affect the application of Federal or
7 State tax law to the grant.

8 “(11) FINANCIAL TERMS FOR PRIVATE UTILI-
9 TIES.—

10 “(A) Any community water system that is
11 owned by shareholders or individuals shall not
12 derive any financial benefits, including but not
13 limited to increased rates of return on capital
14 investments, dividends, and interest, from re-
15 ceipt of funding under this section.

16 “(B) An eligible community water system
17 that is regulated by a State utility commission
18 and is owned by shareholders that is developing
19 or implementing a drinking water access pro-
20 gram shall report to its State utility commission
21 or equivalent financial regulator the amount of
22 all grants it receives under this section and all
23 information it submits to the Administrator
24 pursuant to paragraphs (b)(7) and (b)(9).

1 “(c) REPORT.—Not later than 2 years after the date
2 on which grant funds are first disbursed to an eligible enti-
3 ty under this section, and annually thereafter, the Admin-
4 istrator shall submit to Congress a report on the results
5 of the Federal program established under this section.

6 “(d) AUTHORIZATION OF APPROPRIATIONS.—There
7 is authorized to be appropriated to carry out this section
8 \$4,000,000,000, to remain available until expended.”.

9 **SEC. 13303. LOW-INCOME WASTEWATER ASSISTANCE PRO-**
10 **GRAM.**

11 Title I of the Federal Water Pollution Control Act
12 (33 U.S.C. 1251 et seq.) is amended by adding at the end
13 the following:

14 **“SEC. 124. LOW-INCOME WASTEWATER ASSISTANCE PRO-**
15 **GRAM.**

16 “(a) DEFINITIONS.—In this section:

17 “(1) ELIGIBLE WASTEWATER OR STORMWATER
18 SYSTEM.—The term ‘eligible wastewater or
19 stormwater system’ means—

20 “(A) a treatment works for municipal
21 waste that serves a population of 100,000 or
22 more;

23 “(B) a municipal separate storm sewer
24 system that serves a population of 100,000 or
25 more; or

1 “(C) 2 or more treatment works for munic-
2 ipal waste or municipal separate storm sewer
3 systems that jointly serve a population of
4 100,000 or more and have entered into a part-
5 nership agreement or a cooperative agreement.

6 “(2) ELIGIBLE ENTITY.—The term ‘eligible en-
7 tity’ means an eligible wastewater or stormwater
8 system or a State, Territory, or Tribe.

9 “(3) HOUSEHOLD.—The term ‘household’
10 means any individual or group of individuals who
11 are living together as 1 economic unit.

12 “(4) WASTEWATER SERVICES ACCESS PRO-
13 GRAM.—The term ‘wastewater services access pro-
14 gram’ means a program developed or implemented
15 by an eligible entity using a grant awarded under
16 paragraph (b)(7) or by the Administrator under
17 paragraph (b)(3).

18 “(5) LOW-INCOME HOUSEHOLD.—The term
19 ‘low-income household’ means a household—

20 “(A) in which 1 or more individuals are re-
21 ceiving—

22 “(i) assistance under a State program
23 funded under part A of title IV of the So-
24 cial Security Act (42 U.S.C. 601 et seq.);

1 “(ii) supplemental security income
2 payments under title XVI of the Social Se-
3 curity Act (42 U.S.C. 1381 et seq.);

4 “(iii) supplemental nutrition assist-
5 ance program benefits under the Food and
6 Nutrition Act of 2008 (7 U.S.C. 2011 et
7 seq.);

8 “(iv) payments under—

9 “(I) section 1315, 1521, 1541, or
10 of title 38, United States Code; or

11 “(II) section 306 of the Veterans’
12 and Survivors’ Pension Improvement
13 Act of 1978 (38 U.S.C. 1521 note;
14 Public Law 95–588);

15 “(v) assistance under the Low Income
16 Home Energy Assistance Program (42
17 U.S.C. 8621); or

18 “(vi) assistance under the Women In-
19 fants and Children program (42 U.S.C.
20 1786); or

21 “(B) that has an income that—

22 “(i) as determined by the Regional
23 Administrator or eligible entity, as applica-
24 ble, that is implementing a wastewater
25 services access program in the location in

1 which the household resides, does not ex-
2 ceed the greater of—

3 “(I) an amount equal to 200 per-
4 cent of the poverty level; and

5 “(II) an amount equal to 80 per-
6 cent of the Area median income; or

7 “(ii) does not exceed an amount, de-
8 termined by the Administrator or eligible
9 entity, as applicable, that is implementing
10 a wastewater services access program in
11 the location in which the household resides,
12 that is higher than the amount described in
13 clause (i).

14 “(6) POVERTY LEVEL.—The term ‘poverty
15 level’ means, with respect to a household in a State,
16 the income described in the poverty guidelines issued
17 by the Secretary of Health and Human Services
18 pursuant to section 673 of the Community Services
19 Block Grant Act (42 U.S.C. 9902), as applicable to
20 the household.

21 “(7) AREA MEDIAN INCOME.—The term ‘Area
22 median income’ means the unadjusted median in-
23 come levels by geographic area as determined annu-
24 ally by the Secretary of Housing and Urban Devel-
25 opment.

1 “(8) WASTEWATER.—The term ‘wastewater cri-
2 sis’ means weather-related and supply shortage
3 emergencies and other household wastewater-related
4 emergencies, including but not limited to disconnec-
5 tion of water service for nonpayment of wastewater
6 or stormwater bills or charges, imminent disconnec-
7 tion of water service for nonpayment of wastewater
8 or stormwater bills or charges, or other emergency
9 threatening a household’s access to safe wastewater
10 service.

11 “(9) HOUSEHOLD.—The term ‘household’
12 means any individual or group of individuals who
13 are living together as 1 economic unit.

14 “(b) ESTABLISHMENT.—

15 “(1) IN GENERAL.—The Administrator shall es-
16 tablish within 12 months of the effective date of this
17 section a Federal low-income wastewater assistance
18 program to develop and implement wastewater serv-
19 ices access programs to assist low-income households
20 in maintaining access to affordable wastewater serv-
21 ices and municipal stormwater services. The Federal
22 low-income wastewater assistance program shall in-
23 clude funding to assist low-income households, tech-
24 nical assistance to treatment works for municipal
25 waste and municipal separate storm sewer systems,

1 and data collection and reporting as provided in this
2 section.

3 “(2) The Administrator shall delegate develop-
4 ment and implementation of a wastewater services
5 access program within the service area of an eligible
6 wastewater or stormwater system or within geo-
7 graphic boundaries of a State, Territory, or Tribe to
8 an eligible entity that submits an application for a
9 grant that satisfies the requirements of paragraph
10 (7). If an eligible wastewater or stormwater system
11 located within the jurisdiction of a State, Territory,
12 or Tribe that has applied for or is developing and
13 implementing a wastewater services access program
14 pursuant to a grant under paragraph (7) submits an
15 application for a grant that satisfies the require-
16 ments of paragraph (7), the Administrator shall del-
17 egate development and implementation of a waste-
18 water services access program within the service
19 area of the eligible wastewater or stormwater system
20 to the eligible wastewater or stormwater system and
21 shall not grant to or shall withdraw from the State,
22 Territory, or Tribe delegation of a wastewater serv-
23 ices access program within the service area of the el-
24 ible wastewater or stormwater water system. If re-
25 quired reports submitted to the Administrator by an

1 eligible entity fail to demonstrate that the eligible
2 entity's wastewater services access program is being
3 developed and implemented in compliance with all
4 requirements of this section, the Administrator shall
5 promptly notify the eligible entity that its program
6 is not in compliance and identify the necessary re-
7 medial actions and provide a deadline for promptly
8 implementing those remedial actions. The Adminis-
9 trator shall revoke or refuse to renew delegation to
10 the eligible entity if the eligible entity fails to take
11 the necessary remedial actions by the deadline set by
12 the Administrator.

13 “(3) In any State, Territory, Tribe or portion
14 thereof where an eligible entity is not developing and
15 implementing a wastewater services access program
16 pursuant to authority delegated by the Adminis-
17 trator under paragraph (b)(2), the Administrator
18 shall direct the applicable Regional Administrator, in
19 consultation with relevant stakeholders and with an
20 opportunity for a public hearing and public comment
21 on a proposed program for each fiscal year, to de-
22 velop and implement a wastewater services access
23 program that meets the requirements developed
24 under paragraph (5) and treats households that live

1 in owner-occupied homes and households that live in
2 rental housing equitably.

3 “(4) LIMITATIONS.—A grant awarded under
4 this subsection—

5 “(A) shall not be used to replace funds for
6 any existing similar program to assist low in-
7 come households in maintaining access to af-
8 fordable wastewater and municipal stormwater
9 services; but

10 “(B) may be used to supplement or en-
11 hance such a program.

12 “(5) MINIMUM WASTEWATER SERVICES ACCESS
13 PROGRAM REQUIREMENTS.—

14 “(A) IN GENERAL.—Not later than 6
15 months after the date of enactment of this sec-
16 tion, the Administrator shall develop, in con-
17 sultation with relevant stakeholders, including
18 frontline community groups, tribal communities,
19 and impacted customers, and with an oppor-
20 tunity for public comment on proposed require-
21 ments, the minimum requirements for a waste-
22 water services access program.

23 “(B) INCLUSIONS.—The wastewater serv-
24 ices access program requirements developed
25 under subparagraph (A) shall include—

1 “(i) the following types of assistance,
2 with greater assistance amounts provided
3 to households with lower incomes , taking
4 into account household size, and higher
5 wastewater and municipal stormwater serv-
6 ices costs—

7 “(I) direct financial assistance,
8 including bill discounting, percentage-
9 of-income payment plan, a lifeline
10 rate, or any other form of direct as-
11 sistance identified by the Adminis-
12 trator;

13 “(II) Arrearage management as-
14 sistance, including a partial payment
15 and debt reduction plan;

16 “(III) wastewater crisis assist-
17 ance; and

18 “(IV) water efficiency assistance,
19 including providing or subsidizing the
20 cost of installation of water efficient
21 appliances and fixtures or leak detec-
22 tion and plumbing repair work;

23 “(ii) provisions to ensure that all low-
24 income households will be eligible for as-
25 sistance;

1 “(iii) provisions to ensure that no
2 household receiving assistance under the
3 program:

4 “(I) is disconnected from drink-
5 ing water service, loses access to or
6 ownership of its current housing, or is
7 otherwise denied access to an amount
8 of water sufficient to meet its essen-
9 tial needs because of the household’s
10 inability to pay bills owed to a waste-
11 water or stormwater system or, where
12 the wastewater or stormwater ac-
13 count-holder for the household’s dwell-
14 ing is not a member of the household,
15 due to the failure of the account-hold-
16 er to pay bills owed to the wastewater
17 or stormwater system; or

18 “(II) is required to pay any fees,
19 charges, or deposits associated with
20 late payments, unpaid bills, service
21 initiation, and service reconnection;

22 “(iv) procedures that minimize bur-
23 dens on low-income households of filing a
24 complete application for assistance, includ-

1 ing but not limited to allowing for alter-
2 native forms of identification; and

3 “(v) coordination of development and
4 implementation of the wastewater services
5 access program with other existing water
6 assistance programs, energy assistance
7 programs, and other relevant Federal,
8 State, and local programs that provide fi-
9 nancial or other assistance to low-income
10 households.

11 “(6) ALLOCATION OF FUNDS.—

12 “(A) IN GENERAL.—The Administrator
13 shall allocate funds appropriated annually for
14 the Federal low-income wastewater assistance
15 program to eligible entities and Regional Ad-
16 ministrators developing and implementing
17 wastewater services access programs propor-
18 tionally based upon the percentage which the
19 number of households within the geographic
20 area served by the wastewater services access
21 program with income equal or less than 200
22 percent of the poverty level bears to the number
23 of households in all States, Territories, and
24 Tribes with income equal or less than 200 per-
25 cent of the poverty level; provided that, fol-

1 lowing collection of sufficient data, including
2 data reported pursuant to this section, the allo-
3 cation criteria shall also account for the number
4 of drinking service disconnections for non-
5 payment and the amount of wastewater and
6 municipal stormwater services debt held by low-
7 income households within the geographic area
8 served by the wastewater services access pro-
9 gram.

10 “(B) EXCEPTIONS.—Notwithstanding
11 paragraph (b)(6)(A), the Administrator may re-
12 serve up to 10 percent of appropriated funds to
13 provide supplementary funds to assist low-in-
14 come households in:

15 “(i) Tribes and Territories that have
16 historically lacked equitable access to Fed-
17 eral and State financial assistance for
18 water and wastewater infrastructure; and

19 “(ii) Communities experiencing lack of
20 access to safe public wastewater services;

21 “(7) APPLICATION.—

22 “(A) IN GENERAL.—To receive a grant
23 under this subsection, an eligible entity shall
24 submit annually to the Administrator an appli-
25 cation that demonstrates that—

1 “(i) the proposed wastewater services
2 access program meets the requirements de-
3 veloped under paragraph (5); and

4 “(ii) the proposed wastewater services
5 access program will treat households that
6 live in owner-occupied homes and house-
7 holds that live in rental housing equitably.

8 “(B) ADDITIONAL REQUIREMENTS.—To
9 receive a grant under this subsection, the eligi-
10 ble entity shall include in an application sub-
11 mitted under subparagraph (A) information
12 demonstrating that—

13 “(i) the eligible entity has the capacity
14 to make assistance under a wastewater
15 services access program available to all
16 low-income households in its jurisdiction or
17 service area, without regard to where that
18 household resides within the jurisdiction or
19 service area;

20 “(ii) the eligible entity has the capaci-
21 ty to fulfill the data collection and man-
22 agement requirements set forth in para-
23 graph (9);

24 “(iii) the eligible entity has the capaci-
25 ty to develop and implement, in coordina-

1 tion with technical assistance providers, an
2 effective community outreach plan to in-
3 form low-income households of the waste-
4 water services access program and assist
5 with enrollment; and

6 “(iv) the eligible entity has developed
7 its proposed wastewater services access
8 program in consultation with relevant
9 stakeholders, including frontline commu-
10 nity groups, tribal communities, and im-
11 pacted stakeholders, and with an oppor-
12 tunity for a public hearing and public com-
13 ment on a proposed program for each fis-
14 cal year.

15 “(8) TECHNICAL ASSISTANCE.—Within the
16 funds allocated to each eligible entity and Regional
17 Administrator under paragraph (6), the Adminis-
18 trator shall allocate technical assistance funding to
19 facilitate enrollment by low-income households and
20 ensure fulfillment of reporting requirements under
21 this section. The Administrator shall set minimum
22 requirements for technical assistance administered
23 by eligible entities and Regional Administrators, in-
24 cluding but not limited to:

1 “(A) outreach to low-income households in
2 communities with high incidence of disconnec-
3 tions or that may face difficulty accessing as-
4 sistance, including households in geographically
5 remote locations, households lacking access to
6 telecommunications networks including home
7 broadband internet service, households with
8 limited English proficiency, and households
9 with disabilities as defined under the Americans
10 with Disabilities Act;

11 “(B) developing the capacity of small and
12 mid-size treatment works for municipal waste
13 and municipal separate storm sewer systems to
14 effectuate the assistance types described in
15 paragraph (5);

16 “(C) set aside a minimum of 20 percent of
17 total technical assistance funding for improve-
18 ment of data management systems, including
19 billing systems, websites, electronic customer
20 communications, and use of easily accessible
21 technologies, such as smartphone applications,
22 for treatment works for municipal waste and
23 municipal separate storm sewer systems that
24 provide service to populations of fewer than
25 100,000; and

1 “(D) set aside a minimum of 20 percent of
2 total technical assistance funding for environ-
3 mental justice and community based organiza-
4 tions to build capacity and provide assistance
5 for under-resourced communities to fully access
6 the program and to address other urgent waste-
7 water and stormwater affordability needs in
8 under-resourced communities. Prior to setting
9 the minimum requirements for technical assist-
10 ance, the Administrator shall engage with envi-
11 ronmental justice and community based organi-
12 zations to make them aware of the technical as-
13 sistance set aside.

14 “(9) REPORTING REQUIREMENTS.—

15 “(A) IN GENERAL.—An eligible entity or
16 Regional Administrator implementing a waste-
17 water services access program under this sec-
18 tion shall submit to the Administrator, in a
19 manner determined by the Administrator, infor-
20 mation regarding the applicable wastewater
21 services access program, including—

22 “(i) key features, including—

23 “(I) an explanation, with relevant
24 supporting data, for the program de-

1 sign selected pursuant to the require-
2 ments of paragraphs (5) and (7);

3 “(II) the demonstrable impacts
4 of the program on arrearages, drink-
5 ing water service disconnection, and
6 other debt collection activities for low-
7 income households that participate in
8 the program, based on data from be-
9 fore and after the initiation of the
10 program, including at minimum: num-
11 ber of disconnections for nonpayment,
12 length of disconnections, amount of
13 debt at time of disconnection, number
14 of households and amount of debt
15 subject to sale or enforcement of
16 property liens, number of households
17 enrolled in the program, number of el-
18 igible households, benefit levels, and
19 amount of debt reduction for enrolled
20 households, and number of enrolled
21 households reconnected to water serv-
22 ice, provided that such information
23 shall be provided by zip code;

24 “(III) revenue collection informa-
25 tion from each treatment works for

1 municipal waste and municipal sepa-
2 rate storm sewer system within the
3 geographic area served by the pro-
4 gram, including at minimum: rate de-
5 sign for residential customers, billing
6 frequency, fees and charges included
7 on the bill, and projected rate in-
8 creases over the next five years;

9 “(IV) information regarding
10 wastewater and stormwater customer
11 assistance programs within the geo-
12 graphic area served by the program
13 that are not funded by a grant under
14 this section, including: rate structures,
15 rebates, discounts, billing methods
16 that average rates over the course of
17 a year, known as ‘budget billing,’ and
18 procedures that ensure that house-
19 holds receive notice and an oppor-
20 tunity to dispute charges before serv-
21 ice is disconnected or interrupted due
22 to nonpayment; and

23 “(ii) other relevant information re-
24 quired by the Administrator.

1 “(B) With respect to wastewater services
2 access programs developed or implemented by
3 States, Territories, Tribes, or Regional Admin-
4 istrator, the Administrator may provide for a
5 phase-in of the reporting requirements under
6 paragraph (9)(A)(i)(II), (9)(A)(i)(III) and
7 (9)(A)(ii), taking into consideration the avail-
8 ability of technical assistance pursuant to para-
9 graph (8) related to data reporting.

10 “(C) USE OF NATIONAL SURVEYS.—The
11 Director of the United States Census Bureau
12 shall, in coordination with the Administrator,
13 add one or more questions into the American
14 Community Survey to ascertain whether house-
15 holds have faced difficulty paying for waste-
16 water.

17 “(E) PUBLICATION.—The Administrator
18 shall annually make all program data available
19 in an easily accessible format on its website and
20 publish a report that compiles and summarizes
21 the information submitted under subparagraphs
22 (A) and (B).

23 “(10) ASSISTANCE EXEMPT FROM TAXATION.—

24 “(A) Notwithstanding any other provision
25 of law, assistance provided to a low-income

1 household under a wastewater access program
2 shall not be includible in the gross income of
3 the recipient of such assistance for purposes of
4 the Internal Revenue Code of 1986 and shall
5 not be considered income or resources of such
6 household (or any member thereof) for any pur-
7 pose under any other Federal or State law, in-
8 cluding any law relating to taxation or govern-
9 mental assistance programs.

10 “(B) A grant received under this section
11 by a treatment works for municipal waste that
12 is subject to Federal or State income tax shall
13 not be considered income for purposes of any
14 Federal or State income tax law if the treat-
15 ment works certifies to the Administrator that
16 it has adopted and is implementing a policy
17 that prevents any household from being discon-
18 nected from drinking water service or otherwise
19 denied access to an amount of water sufficient
20 to meet its essential needs because of the
21 household’s inability to pay bills owed to the
22 treatment works or, where the wastewater ac-
23 count-holder for the household’s dwelling is not
24 a member of the household, due to the failure
25 of the account-holder to pay bills owed to the

1 treatment works, except that if the Adminis-
2 trator determines that the certification does not
3 adequately demonstrate that the treatment
4 works has adopted and is implementing such a
5 policy then nothing in this section shall affect
6 the application of Federal or State tax law to
7 the grant.

8 “(11) FINANCIAL TERMS FOR PRIVATE UTILI-
9 TIES.—

10 “(A) Any treatment works that is owned
11 by shareholders or individuals shall not derive
12 any financial benefits, including but not limited
13 to increased rates of return on capital invest-
14 ments, dividends, and interest from receipt of
15 funding under this section.

16 “(B) An eligible wastewater or stormwater
17 system that is regulated by a State utility com-
18 mission and is owned by shareholders that is
19 developing or implementing a wastewater serv-
20 ices access program shall report to its State
21 utility commission or equivalent financial regu-
22 lator the amount of all grants it receives under
23 this section and all information it submits to
24 the Administrator pursuant to paragraphs
25 (b)(7) and (b)(9).

1 “(c) REPORT.—Not later than 2 years after the date
2 on which grant funds are first disbursed to an eligible enti-
3 ty under this section, and annually thereafter, the Admin-
4 istrator shall submit to Congress a report on the results
5 of the Federal program established under this section.

6 “(d) AUTHORIZATION OF APPROPRIATIONS.—There
7 is authorized to be appropriated carry out this section
8 \$4,000,000,000, to remain available until expended.”.

9 **SEC. 13304. NEEDS ASSESSMENT FOR NATIONWIDE RURAL**
10 **AND URBAN LOW-INCOME COMMUNITY**
11 **WATER ASSISTANCE PROGRAM.**

12 (a) DEFINITIONS.—In this section:

13 (1) ADMINISTRATOR.—The term “Adminis-
14 trator” means the Administrator of the Environ-
15 mental Protection Agency.

16 (2) HOUSEHOLD.—The term “household”
17 means any individual or group of individuals who
18 are living together as 1 economic unit.

19 “(3) LOW-INCOME HOUSEHOLD.—The term
20 ‘low-income household’ means a household—

21 “(A) in which 1 or more individuals are re-
22 ceiving—

23 “(i) assistance under a State program
24 funded under part A of title IV of the So-
25 cial Security Act (42 U.S.C. 601 et seq.);

1 “(ii) supplemental security income
2 payments under title XVI of the Social Se-
3 curity Act (42 U.S.C. 1381 et seq.);

4 “(iii) supplemental nutrition assist-
5 ance program benefits under the Food and
6 Nutrition Act of 2008 (7 U.S.C. 2011 et
7 seq.);

8 “(iv) payments under—

9 “(I) section 1315, 1521, 1541, or
10 of title 38, United States Code; or

11 “(II) section 306 of the Veterans’
12 and Survivors’ Pension Improvement
13 Act of 1978 (38 U.S.C. 1521 note;
14 Public Law 95–588);

15 “(v) assistance under the Low Income
16 Home Energy Assistance Program (42
17 U.S.C. 8621); or

18 “(vi) assistance under the Women In-
19 fants and Children program (42 U.S.C.
20 1786); or

21 “(B) that has an income that as deter-
22 mined by the State in which the household is lo-
23 cated that is receiving a grant under paragraph
24 (7)(b), or an eligible wastewater or stormwater

1 system receiving a grant under paragraph
2 (7)(b), does not exceed the greater of—

3 “(i) an amount equal to 200 per-cent
4 of the poverty level; and

5 “(ii) an amount equal to 80 percent of
6 the Area median income.

7 “(4) POVERTY LEVEL.—The term ‘poverty
8 level’ means, with respect to a household in a State,
9 the income described in the poverty guidelines issued
10 by the Secretary of Health and Human Services
11 pursuant to section 673 of the Community Services
12 Block Grant Act (42 U.S.C. 9902), as applicable to
13 the household.

14 “(5) AREA MEDIAN INCOME.—The term ‘Area
15 median income’ means the unadjusted median in-
16 come levels by geographic area as determined annu-
17 ally by the Secretary of Housing and Urban Devel-
18 opment.”.

19 (b) STUDY; REPORT.—

20 (1) IN GENERAL.—Not later than one year
21 after the date of enactment of this Act, the Adminis-
22 trator shall conduct, and submit to Congress a re-
23 port describing the results of, a study regarding the
24 prevalence throughout the United States of low-in-
25 come households that do not have access to—

1 (A) affordable and functional centralized
2 or onsite wastewater services that protect the
3 health of individuals in the households;

4 (B) affordable municipal stormwater serv-
5 ices; or

6 (C) affordable public drinking water serv-
7 ices to meet household needs.

8 (2) INCLUSIONS.—The report under paragraph
9 (1) shall include—

10 (A) recommendations of the Administrator
11 regarding the best methods to increase access
12 to the services described in paragraph (1);

13 (B) a description of the cost of each meth-
14 od described in subparagraph (A);

15 (C) a description of all consultation with
16 relevant stakeholders carried out in developing
17 the report; and

18 (D) a description of the results of the
19 study with respect to low-income households
20 that live in rental housing and do not receive
21 bills for such services, but pay for the services
22 indirectly through rent payments.

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

