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(Original Signature of Member)

119TH CONGRESS
2D SESSION

H. R.

To establish a low-income water assistance program, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Ms. TLAIB introduced the following bill; which was referred to the Committee
on _____

A BILL

To establish a low-income water assistance program, 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 “Water Access and Af-
5 fordability Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) Safe, accessible, and affordable drinking
9 water is essential to the protection of public health.

1 (2) After 50 years, the Safe Drinking Water
2 Act (42 U.S.C. 300f et seq.) has demonstrably im-
3 proved drinking water quality across the nation.
4 However, millions of Americans are unable to afford
5 their water bills and many water utilities have been
6 unable to fund and maintain infrastructure critical
7 to providing high quality, reliable, and affordable
8 drinking water. Therefore, the Federal Government
9 needs to increase water assistance to households and
10 communities.

11 (3) The Federal Government provides low-in-
12 come household assistance for basic necessities, in-
13 cluding food, housing, and energy. Water is also a
14 basic necessity and requires assistance from the
15 Federal Government.

16 (4) Every low-income household should be able
17 to access water assistance.

18 (5) Other programs that provide financial and
19 technical assistance for safe drinking water should
20 incorporate water affordability as a goal.

21 (6) More effective protection of public health re-
22 quires—

23 (A) a Federal commitment to ensuring the
24 collection and transparency of data on water

1 safety, access, and affordability at a national
2 level;

3 (B) a Federal commitment to water access
4 for all Native American Tribes; and

5 (C) a Federal commitment to having water
6 utilities capable of serving safe and affordable
7 drinking water to all households, including sup-
8 port for and oversight of State drinking water
9 programs in the areas of financial and technical
10 assistance, equitable utility consolidations,
11 workforce development and training, community
12 engagement, and enforcement.

13 (7) Consumers served by public water systems
14 should be provided with easy-to-understand informa-
15 tion on the cost of their water, opportunities to re-
16 duce their bill, and bill payment assistance pro-
17 grams.

18 **SEC. 3. LOW-INCOME WATER ASSISTANCE PROGRAM.**

19 (a) DEFINITIONS.—In this section:

20 (1) ADMINISTRATOR.—The term “Adminis-
21 trator” means the Administrator of the Environ-
22 mental Protection Agency.

23 (2) AREA MEDIAN INCOME.—The term “area
24 median income” means the unadjusted median in-
25 come for an area determined by the Secretary of

1 Housing and Urban Development under section
2 16(a) of the United States Housing Act of 1937 (42
3 U.S.C. 1437n(a)).

4 (3) COMMUNITY WATER SYSTEM.—The term
5 “community water system” has the meaning given
6 that term in section 1401 of the Safe Drinking
7 Water Act (42 U.S.C. 300f).

8 (4) ELIGIBLE ENTITY.—The term “eligible enti-
9 ty” means an eligible water system, a State, or an
10 Indian Tribe.

11 (5) ELIGIBLE WATER SYSTEM.—The term “eli-
12 gible water system” means—

13 (A) a community water system that serves
14 a population of 100,000 or more; or

15 (B) a treatment works that serves a popu-
16 lation of 100,000 or more.

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

20 (7) LOW-INCOME HOUSEHOLD.—The term
21 “low-income household” means a household—

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

- 1 (i) assistance under a State program
2 funded under part A of title IV of the So-
3 cial Security Act (42 U.S.C. 601 et seq.);
- 4 (ii) supplemental security income pay-
5 ments under title XVI of the Social Secu-
6 rity Act (42 U.S.C. 1381 et seq.);
- 7 (iii) supplemental nutrition assistance
8 program benefits under the Food and Nu-
9 trition Act of 2008 (7 U.S.C. 2011 et
10 seq.);
- 11 (iv) payments under—
- 12 (I) section 1315, 1521, 1541, or
13 1542 of title 38, United States Code;
14 or
- 15 (II) section 306 of the Veterans’
16 and Survivors’ Pension Improvement
17 Act of 1978 (38 U.S.C. 1521 note;
18 Public Law 95–588);
- 19 (v) assistance under the Low-Income
20 Home Energy Assistance Act of 1981 (42
21 U.S.C. 8621 et seq.); or
- 22 (vi) assistance under the special sup-
23 plemental nutrition program for women,
24 infants, and children under section 17 of

1 the Child Nutrition Act of 1966 (42
2 U.S.C. 1786); or

3 (B) that has an income that, as deter-
4 mined by the entity that is implementing a
5 water service access program in the area in
6 which the household is located, does not exceed
7 the greater of—

8 (i) an amount equal to 200 percent of
9 the poverty level; and

10 (ii) an amount equal to 80 percent of
11 the area median income.

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

19 (9) SMALL AND MID-SIZE WATER SYSTEMS.—
20 The term “small and mid-size water systems”
21 means—

22 (A) community water systems that serve a
23 population of less than 100,000; and

24 (B) treatment works that serve a popu-
25 lation of less than 100,000.

1 (10) STATE.—The term “State” means a State,
2 the District of Columbia, the Commonwealth of
3 Puerto Rico, the Virgin Islands, Guam, American
4 Samoa, and the Commonwealth of the Northern
5 Mariana Islands.

6 (11) TECHNICAL ASSISTANCE PROVIDER.—The
7 term “technical assistance provider” means a com-
8 munity-based organization, environmental justice or-
9 ganization, university, rural assistance corporation,
10 energy utility, business, or other organization identi-
11 fied by the Administrator as having relevant exper-
12 tise in community outreach, assistance program en-
13 rollment processes and administration, utility data
14 and billing systems, developing applications for fund-
15 ing, or other areas determined appropriate by the
16 Administrator.

17 (12) TREATMENT WORKS.—The term “treat-
18 ment works” has the meaning given that term in
19 section 212 of the Federal Water Pollution Control
20 Act (33 U.S.C. 1292).

21 (13) WATER CRISIS.—The term “water crisis”
22 means a weather-related or supply shortage emer-
23 gency or other household water-related emergency,
24 including disconnection of water service for non-
25 payment, imminent disconnection of water service

1 for nonpayment, or other emergency threatening a
2 household's access to safe water services.

3 (14) WATER SERVICE.—The term “water serv-
4 ice” means—

5 (A) drinking water service provided by a
6 community water system; or

7 (B) sanitary sewer service provided by a
8 treatment works.

9 (15) WATER SERVICE ACCESS PROGRAM.—The
10 term “water service access program” means a pro-
11 gram to provide low-income households the ability to
12 maintain access to water services through the receipt
13 of Federal financial assistance.

14 (b) FEDERAL LOW-INCOME WATER ASSISTANCE
15 PROGRAM.—

16 (1) ESTABLISHMENT.—Not later than 12
17 months after the date of enactment of this section,
18 the Administrator shall establish a Federal low-in-
19 come water assistance program to assist low-income
20 households in maintaining access to affordable water
21 services, which program shall include—

22 (A) development and implementation of
23 water service access programs that include
24 funding to assist low-income households;

1 (B) technical assistance for the implemen-
2 tation of such water service access programs;
3 and

4 (C) data collection and reporting.

5 (2) COMMUNITY ADVISORY COMMITTEES.—

6 (A) ESTABLISHMENT.—The Administrator
7 shall establish a community advisory committee
8 for each region of the Environmental Protection
9 Agency to provide advice and recommendations
10 to each entity implementing a water service ac-
11 cess program under subsection (c) within the
12 region.

13 (B) MEMBERSHIP.—The Administrator
14 shall include in each community advisory com-
15 mittee established under this paragraph mem-
16 bers from low-income communities, non-govern-
17 mental organizations, and other stakeholders
18 determined relevant by the Administrator.

19 (c) WATER SERVICE ACCESS PROGRAMS.—

20 (1) IN GENERAL.—The Administrator shall—

21 (A) develop a water service access pro-
22 gram; and

23 (B) implement such water service access
24 program in each State.

25 (2) DELEGATION OF IMPLEMENTATION.—

1 (A) AUTHORITY TO DELEGATE.—

2 (i) DELEGATION OF AREAS.—Except
3 as provided in clause (ii), upon application
4 by an eligible entity under subparagraph
5 (B), the Administrator may delegate to the
6 eligible entity the implementation of a
7 water service access program for—

8 (I) with respect to an eligible en-
9 tity that is an eligible water system,
10 the service area of such eligible water
11 system;

12 (II) with respect to an eligible
13 entity that is an Indian Tribe, the ge-
14 ographic area under the jurisdiction of
15 the Indian Tribe; and

16 (III) with respect to an eligible
17 entity that is a State, the area within
18 the geographic boundaries of the
19 State.

20 (ii) NON-OVERLAPPING PROGRAMS.—
21 If the Administrator delegates the imple-
22 mentation of a water service access pro-
23 gram for an area to an eligible entity that
24 is an eligible water system or an Indian
25 Tribe, the Administrator shall withhold or

1 withdraw, as applicable, delegation for
2 such area from the State in which such
3 area is located.

4 (B) APPLICATION.—To implement a water
5 service access program under this subsection,
6 an eligible entity shall submit to the Adminis-
7 trator an application that demonstrates that—

8 (i) the water service access program
9 proposed to be implemented by the eligible
10 entity—

11 (I) meets the requirements estab-
12 lished under paragraph (3); and

13 (II) was developed in accordance
14 with paragraph (4); and

15 (ii) the eligible entity has the capacity
16 to—

17 (I) make assistance under the
18 water service access program available
19 to all low-income households in its ju-
20 risdiction or service area, without re-
21 gard to where that household resides
22 within the jurisdiction or service area;

23 (II) fulfill the data collection and
24 management requirements set forth in
25 subsection (e); and

1 (III) develop and implement, in
2 coordination with technical assistance
3 providers, an effective community out-
4 reach plan to inform low-income
5 households of the water service access
6 program and assist with enrollment.

7 (C) GRANTS.—

8 (i) AWARD.—If the Administrator del-
9 egates implementation of a water service
10 access program to an eligible entity under
11 this paragraph, the Administrator shall
12 award a grant to the eligible entity to im-
13 plement such program.

14 (ii) LIMITATIONS.—A grant awarded
15 under this paragraph—

16 (I) shall not be used to replace
17 funds for any existing similar pro-
18 gram of a State, community water
19 system, or treatment works to assist
20 low-income households in maintaining
21 access to affordable water services in
22 the area for which the water service
23 access program will be implemented;
24 but

1 (II) may be used to supplement
2 or enhance such a program.

3 (D) REVOCATION.—

4 (i) NOTIFICATION AND OPPORTUNITY
5 TO REMEDY.—If the Administrator deter-
6 mines, based on information required to be
7 submitted to the Administrator under this
8 section by an eligible entity implementing a
9 water service access program under this
10 subsection, that the water service access
11 program is not being implemented in com-
12 pliance with all requirements of this sec-
13 tion, the Administrator shall promptly no-
14 tify the eligible entity of such noncompli-
15 ance, the necessary remedial actions, and a
16 deadline for promptly implementing such
17 remedial actions.

18 (ii) FAILURE TO REMEDY.—The Ad-
19 ministrator shall revoke delegation under
20 this subsection to an eligible entity if the
21 eligible entity fails to take the necessary
22 remedial actions by the deadline set by the
23 Administrator under clause (i).

24 (iii) EFFECT.—If the Administrator
25 revokes delegation under this subsection to

1 an eligible entity, implementation of a
2 water service access program under this
3 subsection for the previously delegated
4 area shall revert to the Administrator, who
5 may delegate such implementation to the
6 State in which such area is located if such
7 State is implementing a water service ac-
8 cess program pursuant to subparagraph
9 (A).

10 (3) MINIMUM WATER SERVICE ACCESS PRO-
11 GRAM REQUIREMENTS.—

12 (A) IN GENERAL.—Not later than 6
13 months after the date of enactment of this sec-
14 tion, the Administrator shall establish minimum
15 requirements for water service access programs
16 developed and implemented under this sub-
17 section.

18 (B) CONSULTATION.—In carrying out sub-
19 paragraph (A), the Administrator shall—

20 (i) consult with relevant stakeholders,
21 including frontline community groups,
22 Tribal communities, and technical assist-
23 ance providers; and

24 (ii) provide an opportunity for public
25 comment on the proposed requirements.

1 (C) INCLUSIONS.—The minimum require-
2 ments established under subparagraph (A) for a
3 water service access program shall include—

4 (i) provisions to promote universal ac-
5 cess for low-income households to assist-
6 ance under the water service access pro-
7 gram (including low-income households in
8 which none of the individual members is a
9 named account holder of the applicable
10 community water system or treatment
11 works), including provisions for—

12 (I) sharing of data from other
13 administrators of Federal, State, or
14 local income-qualified assistance pro-
15 grams to facilitate automatic enroll-
16 ment in the water service access pro-
17 gram of all households participating
18 in those other programs that are eligi-
19 ble to receive assistance under the
20 water service access program, without
21 the need for those households to apply
22 separately for the water service access
23 program;

24 (II) allowance for community
25 water systems and treatment works to

1 receive program funds for low-income
2 household debt reduction and directly
3 apply such funds to customer ac-
4 counts;

5 (III) allowance for self-attesta-
6 tion by households served by commu-
7 nity water systems or treatment works
8 of eligibility, including self-attestation
9 of income qualification or enrollment
10 in an existing Federal, State, or local
11 assistance program on the basis of in-
12 come;

13 (IV) with respect to any portion
14 of the process for enrollment in the
15 water service access program for
16 which a signature of a member of a
17 low-income household is required, al-
18 lowance for the use of an electronic
19 signature; and

20 (V) prohibitions on—

21 (aa) asset tests and in-per-
22 son enrollment appointments as
23 requirements to receive assist-
24 ance under the water service ac-
25 cess program; and

1 (bb) citizenship or legal resi-
2 dency requirements for members
3 of a low-income household in
4 order for the household to receive
5 assistance under the water serv-
6 ice access program; and

7 (ii) assistance to low-income house-
8 holds served by community water systems
9 or treatment works (including low-income
10 households in which none of the individual
11 members is a named account holder of the
12 applicable community water system or
13 treatment works), with greater assistance
14 amounts provided to households with high-
15 er water service costs and lower incomes,
16 taking into account household size, in the
17 form of—

18 (I) direct financial assistance, in-
19 cluding bill discounting, percentage-of-
20 income payment plan, a lifeline rate,
21 or any other form of direct assistance
22 identified by the Administrator;

23 (II) debt relief;

24 (III) water crisis assistance; and

1 (IV) water efficiency assistance,
2 including providing or subsidizing the
3 cost of installation of water-efficient
4 appliances and fixtures or leak detec-
5 tion and plumbing repair work;

6 (iii) provisions prohibiting the inclu-
7 sion of eligibility restrictions or enrollment
8 requirements not specifically required by
9 this section;

10 (iv) provisions, including penalties on
11 community water systems and treatment
12 works for violations, as established by the
13 Administrator, to ensure that no household
14 receiving assistance under the program—

15 (I) is disconnected from water
16 service, loses access to or ownership of
17 its current housing, or is otherwise
18 denied access to an amount and flow
19 of water sufficient to meet its essen-
20 tial needs because of the household's
21 inability to pay bills owed to a com-
22 munity water system or treatment
23 works, or, where the water service ac-
24 count-holder for the household's dwell-
25 ing is not a member of the household,

1 due to the failure of the account-hold-
2 er to pay bills owed to the community
3 water system or treatment works; or

4 (II) is required to pay any fees,
5 charges, or deposits associated with
6 late payments, unpaid bills, service
7 initiation, or service reconnection;

8 (v) procedures that minimize burdens
9 on low-income households of filing a com-
10 plete application for assistance under the
11 program, including allowing for alternative
12 forms of identification;

13 (vi) provisions that require equal ac-
14 cess to assistance to households that pay
15 bills for water services directly and house-
16 holds the water services of which are in-
17 cluded in rent or other payments, including
18 by providing for households that cannot re-
19 ceive assistance through a bill for water
20 services other types of assistance, such as
21 cash assistance, credits on a different util-
22 ity bill, and receipt of water quality and ef-
23 ficiency upgrades and devices; and

24 (vii) coordination of development and
25 implementation of the water service access

1 program with other existing water assist-
2 ance programs, energy assistance pro-
3 grams, and other relevant Federal, State,
4 and local programs that provide financial
5 or other assistance to low-income house-
6 holds.

7 (4) PUBLIC PROCESS.—Each entity developing
8 or implementing a water service access program
9 under this subsection shall, each fiscal year—

10 (A) consult with the applicable community
11 advisory committee established under subsection
12 (b)(2), Tribal communities, and other commu-
13 nity representatives, as applicable; and

14 (B) provide an opportunity for a public
15 hearing and public comment on the water serv-
16 ice access program.

17 (d) TECHNICAL ASSISTANCE.—

18 (1) IN GENERAL.—The Administrator shall pro-
19 vide funding to technical assistance providers to—

20 (A) facilitate enrollment by low-income
21 households in water service access programs im-
22 plemented under this section; and

23 (B) assist small and mid-size water sys-
24 tems in participating in water service access
25 programs implemented under this section.

1 (2) MINIMUM REQUIREMENTS.—The Adminis-
2 trator shall establish minimum requirements for
3 technical assistance provided under paragraph (1),
4 which shall include requirements for—

5 (A) outreach to low-income households in
6 communities with high incidence of disconnec-
7 tions of water service or that may face difficulty
8 enrolling in or accessing assistance through a
9 water service access program, including house-
10 holds in geographically remote locations, house-
11 holds lacking access to telecommunications net-
12 works (including home broadband internet serv-
13 ice), households with limited English pro-
14 ficiency, and households in which an individual
15 with a disability (as defined in section 3 of the
16 Americans with Disabilities Act of 1990 (42
17 U.S.C. 12102)) resides; and

18 (B) developing the capacity of small and
19 mid-size water systems to—

20 (i) carry out any applicable activities
21 necessary for assistance to be provided
22 pursuant to a water service access program
23 implemented under this section; and

24 (ii) provide complete and accurate in-
25 formation to the entity implementing an

1 applicable water service access program as
2 necessary for such entity to comply with
3 the reporting requirements of this section.

4 (3) SET-ASIDES.—

5 (A) DATA MANAGEMENT SYSTEMS.—Of
6 the funds made available to carry out this sub-
7 section, the Administrator shall ensure that a
8 minimum of 20 percent is used for—

9 (i) the improvement of data manage-
10 ment systems, including billing systems,
11 websites, and electronic customer commu-
12 nications, for small and mid-size water sys-
13 tems; and

14 (ii) implementation of easily accessible
15 enrollment and data transmission tech-
16 nologies, such as smartphone applications.

17 (B) UNDER-RESOURCED COMMUNITIES.—

18 Of the funds made available to carry out this
19 subsection, the Administrator shall ensure that
20 a minimum of 20 percent is provided to tech-
21 nical service providers that are environmental
22 justice organizations and community-based or-
23 ganizations to build capacity and provide assist-
24 ance for under-resourced communities to fully
25 access a water service access program.

1 (4) COMMUNITY ENGAGEMENT.—The Adminis-
2 trator shall engage with environmental justice orga-
3 nizations and community-based organizations—

4 (A) in establishing the minimum require-
5 ments under paragraph (2); and

6 (B) to encourage their participation in the
7 provision of technical assistance under this sub-
8 section, including by making them aware of the
9 funds set aside under paragraph (3)(B).

10 (e) DATA COLLECTION AND REPORTING.—

11 (1) REPORTING TO THE ADMINISTRATOR.—

12 (A) IN GENERAL.—Each eligible entity im-
13 plementing a water service access program
14 under this section shall annually submit to the
15 Administrator, in a manner determined by the
16 Administrator, information regarding the appli-
17 cable water service access program, including—

18 (i) the demonstrable impacts of the
19 program on bill debt and timely bill pay-
20 ments for low-income households that re-
21 ceive assistance under the program, based
22 on data from before and after the imple-
23 mentation of the program, including, for
24 each county and ZIP code within the geo-
25 graphic area served by the program—

1 (I) the number of households
2 that experienced a disconnection of
3 water service for nonpayment and the
4 number of households for which dis-
5 connection was avoided directly due to
6 the provision of assistance under the
7 program;

8 (II) the number of households
9 and amount of debt subject to sale or
10 enforcement of property liens and the
11 number of households for which sale
12 or enforcement of property liens was
13 avoided directly due to the provision
14 of assistance under the program;

15 (III) the number of households
16 enrolled in the program;

17 (IV) the benefit levels, amount of
18 debt reduction, and total amount of
19 assistance provided to enrolled house-
20 holds; and

21 (V) the number of enrolled
22 households reconnected to water serv-
23 ice and a summary of the fees and
24 charges waived for enrolled house-
25 holds, including disconnection and re-

1 connection charges, late payment fees,
2 and interest charges;

3 (ii) revenue collection information
4 from each community water system and
5 treatment works within the geographic
6 area served by the program, including—

7 (I) rate design for residential
8 customers;

9 (II) billing frequency;

10 (III) fees, taxes, and other
11 charges that are included on every
12 residential bill or that are billed to a
13 residential customer under specific
14 circumstances but are not included on
15 every residential bill; and

16 (IV) projected rate increases dur-
17 ing the 5-year period following sub-
18 mission of the information under this
19 subsection;

20 (iii) information regarding any other
21 water service customer assistance pro-
22 grams within the geographic area served
23 by the program, including information
24 about such other programs relating to rate
25 structures, rebates, discounts, billing meth-

1 ods that average rates over the course of
2 a year (known as “budget billing”), and
3 procedures that ensure that households re-
4 ceive notice and an opportunity to dispute
5 charges before service is disconnected or
6 interrupted due to non-payment; and

7 (iv) other relevant information re-
8 quired by the Administrator.

9 (B) ADDITIONAL TIME FOR COMPLETION
10 OF CERTAIN REPORTING REQUIREMENTS.—The
11 Administrator may postpone a requirement to
12 include in an annual submission data required
13 under subparagraph (A), taking into consider-
14 ation the availability of technical assistance
15 pursuant to subsection (d) related to data re-
16 porting.

17 (C) PUBLICATION.—The Administrator
18 shall annually—

19 (i) make information on water service
20 access programs implemented under this
21 section available in an easily accessible for-
22 mat on the website of the Environmental
23 Protection Agency, including—

24 (I) a list of all such water service
25 access programs and contact informa-

1 tion for the entities implementing
2 such programs; and

3 (II) the information submitted
4 under subparagraph (A); and

5 (ii) publish a report that compiles and
6 summarizes the information submitted
7 under this paragraph.

8 (2) REPORTING TO STATES.—An eligible water
9 system that is implementing a water service access
10 program pursuant to this section shall report to each
11 agency or office of the State in which the water serv-
12 ice access program is implemented that funds or
13 regulates water systems—

14 (A) the amount of all grants it receives
15 under this section; and

16 (B) all information it submits to the Ad-
17 ministrator under paragraph (1) and subsection
18 (c)(2)(B).

19 (f) ADMINISTRATIVE PROVISIONS.—

20 (1) ASSISTANCE EXEMPT FROM INCLUSION AS
21 INCOME.—

22 (A) INDIVIDUAL ASSISTANCE.—In the case
23 of any individual who is a member of a low-in-
24 come household receiving assistance under a

1 water service access program implemented
2 under this section—

3 (i) for purposes of the Internal Rev-
4 enue Code of 1986, gross income shall not
5 include any such assistance provided to
6 such individual; and

7 (ii) notwithstanding any other provi-
8 sion of law, any such assistance provided
9 to such individual shall not be considered
10 income or resources of such household (or
11 any member thereof) for any purpose
12 under any other Federal or State law, in-
13 cluding any law relating to taxation or gov-
14 ernmental assistance programs.

15 (B) ASSISTANCE TO ELIGIBLE WATER SYS-
16 TEMS.—A grant received under this section by
17 an eligible water system that is subject to Fed-
18 eral or State income tax shall not be considered
19 income for purposes of any Federal or State in-
20 come tax law if the Administrator determines
21 that the eligible water system complied with the
22 requirements established under subsection
23 (c)(3)(C)(iv) during the year in which the grant
24 was received.

1 (2) ASSISTANCE NOT A FEDERAL PUBLIC BEN-
2 EFIT.—Notwithstanding section 401(c) of the Per-
3 sonal Responsibility and Work Opportunity Rec-
4 onciliation Act of 1996 (8 U.S.C. 1611(c)), assist-
5 ance provided to a low-income household under a
6 water service access program implemented under
7 this section shall not be considered a Federal public
8 benefit for purposes of title IV of such Act (8 U.S.C.
9 1601 et seq.).

10 (3) FINANCIAL TERMS FOR PRIVATE UTILI-
11 TIES.—A community water system or treatment
12 works that is not wholly-owned by a governmental
13 entity may not use any funds received under or pur-
14 suant to this section to provide any financial benefits
15 to the owners of the community water system or
16 treatment works, including increased rates of return
17 on capital investments, dividends, and interest.

18 (g) REPORT.—Not later than 5 years after the date
19 on which grant funds are first disbursed to an eligible enti-
20 ty under this section, and every 5 years thereafter, the
21 Administrator shall submit to Congress a report on the
22 results of the Federal low-income water assistance pro-
23 gram established under this section, which report shall in-
24 clude—

1 (1) an assessment of the remaining need and
2 obstacles to achieving universal water service access
3 and affordability; and

4 (2) relevant findings and information from
5 other programs and assessments, including—

6 (A) State revolving fund programs under
7 the Safe Drinking Water Act and the Federal
8 Water Pollution Control Act;

9 (B) State drinking water program plans,
10 as applicable;

11 (C) the national drinking water infrastruc-
12 ture needs survey and assessment conducted
13 under section 1452(h) of the Safe Drinking
14 Water Act (42 U.S.C. 300j–12(h)); and

15 (D) the National Climate Assessment car-
16 ried out pursuant to the Global Change Re-
17 search Act of 1990 (15 U.S.C. 2921 et seq.).

18 (h) USE OF NATIONAL SURVEYS.—

19 (1) QUESTIONS.—The Director of the United
20 States Census Bureau shall, in coordination with the
21 Administrator, add one or more questions into the
22 American Community Survey to ascertain whether
23 households have faced difficulty paying for water
24 services.

1 (2) USE.—The Administrator shall use infor-
2 mation from the American Community Survey to in-
3 form the reports submitted under subsection (g).

4 (i) FUNDING.—

5 (1) AUTHORIZATION OF APPROPRIATIONS.—
6 There is authorized to be appropriated to carry out
7 this section \$20,000,000,000 for each of fiscal years
8 2027 through 2037.

9 (2) ALLOCATION OF FUNDS.—

10 (A) IN GENERAL.—The Administrator
11 shall establish a formula to annually allocate
12 funds made available to carry out this section
13 among entities implementing water service ac-
14 cess programs, based on—

15 (i) number of low-income persons and
16 households served by each such program;

17 (ii) technical assistance needs of eligi-
18 ble entities implementing such programs,
19 including needs for enrollment support,
20 community outreach, and data collection
21 and reporting;

22 (iii) administrative costs of imple-
23 menting such programs;

24 (iv) water service costs in the area
25 served by each such program;

1 (v) exceptional community needs
2 owing to water quality and water scarcity;
3 and

4 (vi) any other criteria determined rel-
5 evant by the Administrator.

6 (B) REQUIREMENTS.—In establishing the
7 allocation formula under subparagraph (A), the
8 Administrator shall—

9 (i) ensure that equal amounts of
10 funds are made available with respect to
11 drinking water services and sanitary sewer
12 services; and

13 (ii) determine appropriate allotments
14 for the provision of technical assistance
15 through each water service access program.

16 (C) RESERVATION OF FUNDS.—The Ad-
17 ministrator may reserve up to 10 percent of
18 funds made available to carry out this section
19 for each fiscal year to provide supplementary
20 funds for water service access programs that
21 serve—

22 (i) territories, or areas under the ju-
23 risdiction of an Indian Tribe, that have
24 historically lacked equitable access to Fed-
25 eral and State financial assistance for

1 drinking water and wastewater infrastruc-
2 ture; and

3 (ii) communities experiencing lack of
4 access to safe public drinking water serv-
5 ices to meet essential household needs.

6 **SEC. 4. STATE REVOLVING LOAN FUNDS.**

7 (a) SAFE DRINKING WATER ACT.—

8 (1) INTENDED USE PLANS.—Section 1452(b) of
9 the Safe Drinking Water Act (42 U.S.C. 300j–
10 12(b)) is amended—

11 (A) in paragraph (1), by inserting “in ac-
12 cordance with paragraph (4)” after “public re-
13 view and comment”; and

14 (B) by adding at the end the following:

15 “(4) PUBLIC REVIEW AND COMMENT.—In pre-
16 paring an intended use plan under paragraph (1), a
17 State shall—

18 “(A) before adopting a final plan—

19 “(i) make a draft of the plan, and in-
20 structions for how to provide comments on
21 the draft, available on a publicly accessible
22 website;

23 “(ii) provide a minimum of 30 days
24 for public comment on the draft;

1 “(iii) provide written responses to
2 timely submitted written public comments
3 on the draft; and

4 “(iv) after providing such written re-
5 sponses, hold at least one public hearing
6 on the draft;

7 “(B) make the final plan available on a
8 publicly accessible website; and

9 “(C) allow for submission of applications
10 for financial and technical assistance at any
11 time.

12 “(5) TRANSPARENCY AND EVALUATION.—

13 “(A) REGULATIONS.—

14 “(i) PROMULGATION.—Not later than
15 one year after the date of enactment of
16 this paragraph, the Administrator shall
17 promulgate regulations to increase trans-
18 parency and promote evaluation of—

19 “(I) the distribution by States of
20 the amounts available to the State
21 loan fund among the intended uses
22 identified in a plan under this sub-
23 section; and

1 “(II) the criteria and methods es-
2 tablished by States under paragraph
3 (2)(B) for the distribution of funds.

4 “(ii) INCLUSIONS.—The Adminis-
5 trator shall include in the regulations pro-
6 mulgated under clause (i)—

7 “(I) a requirement that States
8 provide to the Administrator data
9 about—

10 “(aa) funded and unfunded
11 projects that are eligible for as-
12 sistance from the State loan
13 fund; and

14 “(bb) the geographic and so-
15 cioeconomic distribution of such
16 funded projects, including the
17 amount and percentage of assist-
18 ance allocated to projects that
19 serve disadvantaged communities;

20 “(II) creation of a central online
21 repository for intended use plans and
22 data provided pursuant to subclause
23 (I); and

24 “(III) creation of an advisory
25 group within each State to provide ad-

1 vice and recommendations on intended
2 use plans, State loan fund policies,
3 and implementation of such plans and
4 policies.

5 “(B) ANNUAL REPORT.—The Adminis-
6 trator shall make available on a publicly acces-
7 sible website an annual report, prepared based
8 on the data provided pursuant to subparagraph
9 (A)(ii)(I) and feedback from State advisory
10 groups created under subparagraph (A)(ii)(III),
11 which shall include—

12 “(i) information on and analysis of
13 the use by each State of the amounts avail-
14 able to the State loan fund of the State,
15 including, for each State, the amount of
16 assistance provided under this section, and
17 the number of public water systems receiv-
18 ing such assistance;

19 “(ii) data and metrics on disadvan-
20 taged communities served and technical as-
21 sistance and outreach efforts; and

22 “(iii) ongoing challenges at the na-
23 tional and State level.”.

1 (2) ASSISTANCE FOR DISADVANTAGED COMMU-
2 NITIES.—Section 1452(d) of the Safe Drinking
3 Water Act (42 U.S.C. 300j–12(d)) is amended—

4 (A) in paragraph (3), by adding at the end
5 the following: “Each State shall, during cal-
6 endar year 2027 and every three years there-
7 after, conduct a review of, and if appropriate
8 revise, the affordability criteria established by
9 the State under this subsection.”; and

10 (B) by adding at the end the following:

11 “(4) ADDITIONAL REQUIREMENTS.—Not later
12 than one year after the date of enactment of this
13 paragraph, the Administrator shall promulgate regu-
14 lations to expedite the provision of assistance to, and
15 provide flexible repayment options for, disadvan-
16 taged communities receiving assistance under this
17 section.”.

18 (3) ADMINISTRATION OF STATE LOAN
19 FUNDS.—Section 1452(g)(2)(A)(i) of the Safe
20 Drinking Water Act (42 U.S.C. 300j–12(g)(2)(A)(i))
21 is amended—

22 (A) in the matter preceding subclause (I),
23 by striking “may” and inserting “shall”; and

24 (B) in subclause (I), by striking “; and”
25 and inserting “, except that a State may not

1 use more than 30 percent of such amount to
2 cover costs under this subclause; and”.

3 (b) FEDERAL WATER POLLUTION CONTROL ACT.—

4 (1) WATER POLLUTION CONTROL REVOLVING
5 LOAN FUNDS.—

6 (A) ADDITIONAL SUBSIDIZATION.—Section
7 603(i)(2) of the Federal Water Pollution Con-
8 trol Act (33 U.S.C. 1383(i)(2)) is amended by
9 adding at the end the following:

10 “(D) REVIEW AND REVISION.—Each State
11 shall, during calendar year 2027 and every
12 three years thereafter, conduct a review of, and
13 if appropriate revise, the affordability criteria
14 established by the State under this paragraph.

15 “(E) ADDITIONAL REQUIREMENTS.—Not
16 later than one year after the date of enactment
17 of this subparagraph, the Administrator shall
18 promulgate regulations to expedite the provision
19 by a State of assistance to, and flexible repay-
20 ment options for, municipalities that meet the
21 affordability criteria established by the State
22 under this paragraph.”.

23 (B) ADDITIONAL USE OF FUNDS.—Section
24 603(k) of the Federal Water Pollution Control

1 Act (33 U.S.C. 1383(k)) is amended by striking
2 “may” and inserting “shall”.

3 (2) AUDITS, REPORTS, AND FISCAL CONTROLS;
4 INTENDED USE PLAN.—Section 606 of the Federal
5 Water Pollution Control Act (33 U.S.C. 1386) is
6 amended—

7 (A) in subsection (c), in the matter pre-
8 ceding paragraph (1), by inserting “in accord-
9 ance with subsection (g)” after “public com-
10 ment and review”; and

11 (B) by adding at the end the following:

12 “(g) PUBLIC COMMENT AND REVIEW.—In preparing
13 an intended use plan under subsection (c), a State shall—

14 “(1) before adopting a final plan—

15 “(A) make a draft of the plan, and instruc-
16 tions for how to provide comments on the draft,
17 available on a publicly accessible website;

18 “(B) provide a minimum of 30 days for
19 public comment on the draft;

20 “(C) provide written responses to timely
21 submitted written public comments on the
22 draft; and

23 “(D) after providing such written re-
24 sponses, hold at least one public hearing on the
25 draft;

1 “(2) make the final plan available on a publicly
2 accessible website; and

3 “(3) allow for submission of applications for fi-
4 nancial and technical assistance at any time.

5 “(h) TRANSPARENCY AND EVALUATION.—

6 “(1) REGULATIONS.—

7 “(A) PROMULGATION.—Not later than one
8 year after the date of enactment of this sub-
9 section, the Administrator shall promulgate reg-
10 ulations to increase transparency and promote
11 evaluation of—

12 “(i) the distribution by States of the
13 amounts available to the State water pollu-
14 tion control revolving fund among the in-
15 tended uses identified in a plan under sub-
16 section (c); and

17 “(ii) the criteria and methods estab-
18 lished by States under subsection (c)(5) for
19 the distribution of funds.

20 “(B) INCLUSIONS.—The Administrator
21 shall include in the regulations promulgated
22 under subparagraph (A)—

23 “(i) a requirement that States provide
24 to the Administrator, in each annual re-

1 port provided under subsection (d), data
2 about—

3 “(I) funded and unfunded
4 projects that are eligible for assistance
5 from the State water pollution control
6 revolving fund; and

7 “(II) the geographic and socio-
8 economic distribution of such funded
9 projects, including the amount and
10 percentage of assistance allocated to
11 projects that serve municipalities that
12 meet the affordability criteria estab-
13 lished by the State under section
14 603(i)(2);

15 “(ii) creation of a central online re-
16 pository for intended use plans and data
17 provided pursuant to clause (i); and

18 “(iii) creation of an advisory group
19 within each State to provide advice and
20 recommendations on intended use plans,
21 State water pollution control revolving
22 fund policies, and implementation of such
23 plans and policies.

24 “(2) ANNUAL REPORT.—The Administrator
25 shall make available on a publicly accessible website

1 an annual report, prepared based on the data pro-
2 vided pursuant to paragraph (1)(B)(i) and feedback
3 from State advisory groups created under paragraph
4 (1)(B)(iii), which shall include—

5 “(A) information on and analysis of the
6 use by each State of the amounts available to
7 the State water pollution control revolving fund
8 of the State, including, for each State, the
9 amount of assistance provided under this title,
10 and the number of treatment works with re-
11 spect to which such assistance was provided;

12 “(B) data and metrics on disadvantaged
13 communities served and technical assistance
14 and outreach efforts; and

15 “(C) ongoing challenges at the national
16 and State level.”.