[~116H4832]

(Original Si	ignature of Member)

117TH CONGRESS 1ST SESSION

H.R. 3293

To amend the Safe Drinking Water Act and the Federal Water Pollution Control Act to establish programs to assist low-income households in maintaining access to drinking water and wastewater services, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Ms.	BLUNT ROCHESTER Int	roduced the	following	bill; which	ı was	referred	to
	the Committee o	n					

A BILL

- To amend the Safe Drinking Water Act and the Federal Water Pollution Control Act to establish programs to assist low-income households in maintaining access to drinking water and wastewater services, 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 "Low-Income Water
- 5 Customer Assistance Programs Act of 2021".

1	SEC. 2. LOW-INCOME DRINKING WATER ASSISTANCE PRO-
2	GRAM.
3	Part E of the Safe Drinking Water Act (42 U.S.C.
4	300j et seq.) is amended by adding at the end the fol-
5	lowing:
6	"SEC. 1459E. LOW-INCOME DRINKING WATER ASSISTANCE
7	PROGRAM.
8	"(a) Definitions.—In this section:
9	"(1) ELIGIBLE ENTITY.—The term 'eligible en-
10	tity' means—
11	"(A) a community water system that is
12	owned or operated by a municipality, other than
13	a small community-serving water system; or
14	"(B) a State, with respect to a small com-
15	munity-serving water system located in the
16	State.
17	"(2) HOUSEHOLD.—The term 'household'
18	means any individual or group of individuals who
19	are living together as 1 economic unit.
20	"(3) Local drinking water access pro-
21	GRAM.—The term 'local drinking water access pro-
22	gram' means a program developed or implemented
23	by an eligible entity using a grant awarded under
24	this section.
25	"(4) Low-income Household.—The term
26	'low-income household' means a household—

1	"(A) in which 1 or more individuals are re-
2	ceiving—
3	"(i) assistance under a State program
4	funded under part A of title IV of the So-
5	cial Security Act (42 U.S.C. 601 et seq.);
6	"(ii) supplemental security income
7	payments under title XVI of the Social Se-
8	curity Act (42 U.S.C. 1381 et seq.);
9	"(iii) supplemental nutrition assist-
10	ance program benefits under the Food and
11	Nutrition Act of 2008 (7 U.S.C. 2011 et
12	seq.); or
13	"(iv) payments under—
14	"(I) section 1315, 1521, 1541, or
15	1542 of title 38, United States Code;
16	or
17	"(II) section 306 of the Veterans"
18	and Survivors' Pension Improvement
19	Act of 1978 (38 U.S.C. 1521 note;
20	Public Law 95–588); or
21	"(B) that has an income that—
22	"(i) as determined by the State in
23	which the household is located, does not
24	exceed the greater of—

1	"(I) an amount equal to 150 per-
2	cent of the poverty level; and
3	"(II) an amount equal to 60 per-
4	cent of the State median income for
5	that State; or
6	"(ii) does not exceed an amount, de-
7	termined by an eligible entity receiving a
8	grant under this section, that—
9	"(I) is lower that the amount de-
10	scribed in clause (i); and
11	"(II) is greater than or equal to
12	110 percent of the poverty level.
13	"(5) POVERTY LEVEL.—The term 'poverty
14	level' means, with respect to a household in a State,
15	the income described in the poverty guidelines issued
16	by the Secretary of Health and Human Services
17	pursuant to section 673 of the Community Services
18	Block Grant Act (42 U.S.C. 9902), as applicable to
19	the household.
20	"(6) Small community-serving water sys-
21	TEM.—The term 'small community-serving water
22	system' means a community water system that pro-
23	vides drinking water services to a municipality with
24	a population of fewer than 10,000 residents, at least

1	20 percent of whom are at or below the poverty
2	level.
3	"(7) STATE MEDIAN INCOME.—The term 'State
4	median income' has the meaning given that term in
5	section 2603 of the Low-Income Home Energy As-
6	sistance Act of 1981 (42 U.S.C. 8622).
7	"(b) Establishment.—
8	"(1) In general.—The Administrator shall es-
9	tablish a Federal low-income drinking water assist-
10	ance program to award grants to eligible entities to
11	develop and implement local drinking water access
12	programs to assist low-income households in main-
13	taining access to affordable drinking water.
14	"(2) Requirements for small community-
15	SERVING WATER SYSTEMS.—In order for a State to
16	be eligible to receive a grant under this section for
17	a small community-serving water system, the State
18	and the small community-serving water system shall
19	enter into a memorandum of understanding, under
20	which the State shall—
21	"(A) submit to the Administrator an appli-
22	cation under paragraph (6) for the small com-
23	munity-serving water system; and
24	"(B) on receipt of a grant under this sec-
25	tion, develop and implement a local drinking

1	water access program for the small community-
2	serving water system.
3	"(3) Limitations.—A grant awarded under
4	this subsection—
5	"(A) shall not be used to replace funds for
6	any existing similar local program to assist low-
7	income households in maintaining access to af-
8	fordable drinking water; but
9	"(B) may be used to supplement or en-
10	hance such a local program.
11	"(4) Term.—The term of a grant awarded
12	under this subsection shall be one year.
13	"(5) Minimum local program require-
14	MENTS.—
15	"(A) IN GENERAL.—Not later than 6
16	months after the date of enactment of this sec-
17	tion, the Administrator shall develop, in con-
18	sultation with relevant stakeholders, the min-
19	imum requirements for a local drinking water
20	access program.
21	"(B) Inclusions.—The local drinking
22	water access program requirements developed
23	under subparagraph (A) may include—
24	"(i) direct financial assistance;
25	"(ii) a lifeline rate;

1	"(iii) bill discounting;
2	"(iv) special hardship provisions;
3	"(v) a percentage-of-income payment
4	plan;
5	"(vi) water efficiency assistance, in-
6	cluding subsidizing the cost of the installa-
7	tion of water efficient fixtures or leak re-
8	pair work that is carried out or contracted
9	by a homeowner; or
10	"(vii) any other form of assistance
11	identified by the Administrator.
12	"(6) APPLICATION.—To receive a grant under
13	this subsection—
14	"(A) an eligible entity shall submit to the
15	Administrator an application that demonstrates
16	that—
17	"(i) the proposed local drinking water
18	access program meets the requirements de-
19	veloped under paragraph (5); and
20	"(ii) the proposed local drinking water
21	access program will treat households that
22	live in owner-occupied homes and house-
23	holds that live in rental housing equitably;
24	and

1	"(B) in the case of an eligible entity de-
2	scribed in subsection (a)(1)(A), the eligible enti-
3	ty shall submit to the Administrator an applica-
4	tion that demonstrates that—
5	"(i) the eligible entity has—
6	"(I) a long-term financial plan
7	based on an analysis of the rates the
8	applicable community water system
9	charges for drinking water services;
10	"(II) an asset management plan;
11	"(III) a capital improvement plan
12	with a period of not less than 20
13	years;
14	"(IV) a fiscal management plan;
15	or
16	"(V) another plan similar to the
17	plans described in clauses (i) through
18	(iv);
19	"(ii) a grant awarded under this sub-
20	section would support the efforts of the eli-
21	gible entity to generate the necessary funds
22	to achieve or maintain compliance with this
23	Act while mitigating the cost to low-income
24	households; and

1	"(iii) the eligible entity has the capac-
2	ity to create and implement an effective
3	community outreach plan to inform low-in-
4	come households of the local drinking
5	water access program and assist with en-
6	rollment.
7	"(7) Priority.—In awarding grants under this
8	subsection, the Administrator shall give priority to
9	applications for local drinking water access pro-
10	grams with respect to which—
11	"(A) the owner or operator of the applica-
12	ble community water system—
13	"(i) owns or operates a—
14	"(I) treatment works (as defined
15	in section 212 of the Federal Water
16	Pollution Control Act (33 U.S.C.
17	1292)) for municipal waste; or
18	"(II) a municipal separate storm
19	sewer system (as such term is used in
20	the Federal Water Pollution Control
21	Act); and
22	"(ii) is subject to a consent decree re-
23	lating to compliance with the Federal
24	Water Pollution Control Act (33 U.S.C.

1	1251 et seq.) with respect to a treatment
2	works or system described in clause (i);
3	"(B) the residential customers of the appli-
4	cable community water system have experienced
5	rate or fee increases for drinking water services
6	or wastewater services (including stormwater
7	services) of 30 percent or more during the 3-
8	year period ending on the date of enactment of
9	this section; or
10	"(C) the eligible entity will provide match-
11	ing funds in an amount equal to or greater
12	than the amount of the grant.
13	"(8) Reporting requirements.—
14	"(A) IN GENERAL.—As a condition of re-
15	ceiving a grant under this subsection, an eligi-
16	ble entity shall submit to the Administrator, in
17	a manner determined by the Administrator, in-
18	formation regarding the applicable local drink-
19	ing water access program, including—
20	"(i) key features, including rate struc-
21	tures, rebates, discounts, and related ini-
22	tiatives that assist low-income households,
23	including—

1	"(I) billing methods that average
2	rates over the course of a year, known
3	as 'budget billing';
4	"(II) bill timing; and
5	"(III) pretermination protections;
6	"(ii) sources of funding;
7	"(iii) eligibility criteria;
8	"(iv) participation rates by house-
9	holds;
10	"(v) the average amount of assistance
11	provided to participating households;
12	"(vi) program costs;
13	"(vii) the demonstrable impacts of the
14	program on arrearage and service dis-
15	connection for households, based on data
16	from before and after the implementation
17	of the program, to the maximum extent
18	practicable; and
19	"(viii) other relevant information re-
20	quired by the Administrator.
21	"(B) Publication.—The Administrator
22	shall publish a report that compiles and sum-
23	marizes the information submitted under sub-
24	paragraph (A).

1	"(9) Assistance exempt from taxation.—
2	Notwithstanding any other provision of law, assist-
3	ance provided to a low-income household under a
4	local drinking water access program shall not be in-
5	cludible in the gross income of the recipient of such
6	assistance for purposes of the Internal Revenue
7	Code of 1986.
8	"(c) Technical Assistance.—The Administrator
9	shall provide technical assistance to each eligible entity
10	that receives a grant under this section to ensure—
11	"(1) full implementation of the applicable local
12	drinking water access program; and
13	"(2) maximum enrollment of low-income house-
14	holds in the applicable local drinking water access
15	program, including through—
16	"(A) community outreach campaigns; or
17	"(B) coordination with local health depart-
18	ments to determine the eligibility of households
19	for assistance.
20	"(d) Report.—Not later than 2 years after the date
21	on which grant funds are first disbursed to an eligible enti-
22	ty under this section, and annually thereafter, the Admin-
23	istrator shall submit to Congress a report on the results
24	of the Federal program established under this section.".

1	SEC. 3. LOW-INCOME WASTEWATER ASSISTANCE PROGRAM.
2	Title I of the Federal Water Pollution Control Act
3	(33 U.S.C. 1251 et seq.) is amended by adding at the end
4	the following:
5	"SEC. 124. LOW-INCOME WASTEWATER ASSISTANCE PRO-
6	GRAM.
7	"(a) Definitions.—In this section:
8	"(1) COVERED FACILITY.—The term 'covered
9	facility' means—
10	"(A) a treatment works for municipal
11	waste; or
12	"(B) a municipal separate storm sewer
13	system.
14	"(2) ELIGIBLE ENTITY.—The term 'eligible en-
15	tity' means—
16	"(A) a municipality that owns or operates
17	a covered facility, other than a small commu-
18	nity-serving wastewater facility;
19	"(B) 2 or more municipalities described in
20	subparagraph (A) that have entered into a part-
21	nership agreement or a cooperative agreement;
22	or
23	"(C) a State, with respect to a small com-
24	munity-serving wastewater facility located in
25	the State.

1	"(3) Household.—The term 'household'
2	means any individual or group of individuals who
3	are living together as 1 economic unit.
4	"(4) Local Wastewater Services access
5	PROGRAM.—The term 'local wastewater services ac-
6	cess program' means a program developed or imple-
7	mented by an eligible entity using a grant awarded
8	under this section.
9	"(5) Low-income Household.—The term
10	'low-income household' means a household—
11	"(A) in which 1 or more individuals are re-
12	ceiving—
13	"(i) assistance under a State program
14	funded under part A of title IV of the So-
15	cial Security Act (42 U.S.C. 601 et seq.);
16	"(ii) supplemental security income
17	payments under title XVI of the Social Se-
18	curity Act (42 U.S.C. 1381 et seq.);
19	"(iii) supplemental nutrition assist-
20	ance program benefits under the Food and
21	Nutrition Act of 2008 (7 U.S.C. 2011 et
22	seq.); or
23	"(iv) payments under—

1	"(I) section 1315, 1521, 1541, or
2	1542 of title 38, United States Code;
3	or
4	"(II) section 306 of the Veterans'
5	and Survivors' Pension Improvement
6	Act of 1978 (38 U.S.C. 1521 note;
7	Public Law 95–588); or
8	"(B) that has an income that—
9	"(i) as determined by the State in
10	which the household is located, does not
11	exceed the greater of—
12	"(I) an amount equal to 150 per-
13	cent of the poverty level; and
14	"(II) an amount equal to 60 per-
15	cent of the State median income for
16	that State; or
17	"(ii) does not exceed an amount, de-
18	termined by an eligible entity receiving a
19	grant under this section, that—
20	"(I) is lower that the amount de-
21	scribed in clause (i); and
22	"(II) is greater than or equal to
23	110 percent of the poverty level.
24	"(6) POVERTY LEVEL.—The term poverty
25	level' means, with respect to a household in a State,

1	the income described in the poverty guidelines issued
2	by the Secretary of Health and Human Services
3	pursuant to section 673 of the Community Services
4	Block Grant Act (42 U.S.C. 9902), as applicable to
5	the household.
6	"(7) Small community-serving waste-
7	WATER FACILITY.—The term 'small community-serv-
8	ing wastewater facility' means a covered facility that
9	provides services to municipality with a population
10	of fewer than 10,000 residents, at least 20 percent
11	of whom are at or below the poverty level.
12	"(8) State median income.—The term 'State
13	median income' has the meaning given that term in
14	section 2603 of the Low-Income Home Energy As-
15	sistance Act of 1981 (42 U.S.C. 8622).
16	"(b) Establishment.—
17	"(1) In general.—The Administrator shall es-
18	tablish a Federal low-income wastewater assistance
19	program to award grants to eligible entities to de-
20	velop and implement local wastewater access pro-
21	grams to assist low-income households in maintain-
22	ing access to affordable wastewater services, includ-
23	ing municipal stormwater services.
24	"(2) Requirements for small community-
25	SERVING WASTEWATER FACILITIES.—In order for a

1	State to be eligible to receive a grant under this sec-
2	tion for a small community-serving wastewater facil-
3	ity, the State and the small community-serving
4	wastewater facility shall enter into a memorandum
5	of understanding, under which the State shall—
6	"(A) submit to the Administrator an appli-
7	cation under paragraph (6) for the small com-
8	munity-serving wastewater facility; and
9	"(B) on receipt of a grant under this sec-
10	tion, develop and implement a local wastewater
11	access program for the small community-serv-
12	ing wastewater facility.
13	"(3) Limitations.—A grant awarded under
14	this subsection—
15	"(A) shall not be used to replace funds for
16	any existing similar local program to assist low-
17	income households in maintaining access to af-
18	fordable wastewater services, including munic-
19	ipal stormwater services; but
20	"(B) may be used to supplement or en-
21	hance such a local program.
22	"(4) Term.—The term of a grant awarded
23	under this subsection shall be one year.
24	"(5) Minimum local program require-
25	MENTS.—

1	"(A) In General.—Not later than 6
2	months after the date of enactment of this sec-
3	tion, the Administrator shall develop, in con-
4	sultation with relevant stakeholders, the min-
5	imum requirements for a local wastewater ac-
6	cess program.
7	"(B) Inclusions.—The local wastewater
8	access program requirements developed under
9	subparagraph (A) may include—
10	"(i) direct financial assistance;
11	"(ii) a lifeline rate;
12	"(iii) bill discounting;
13	"(iv) special hardship provisions;
14	"(v) a percentage-of-income payment
15	plan;
16	"(vi) water efficiency assistance, in-
17	cluding subsidizing the cost of the installa-
18	tion of water efficient fixtures or leak re-
19	pair work that is carried out or contracted
20	by a homeowner; or
21	"(vii) any other form of assistance
22	identified by the Administrator.
23	"(6) APPLICATION.—To receive a grant under
24	this subsection—

1	"(A) an eligible entity shall submit to the
2	Administrator an application that demonstrates
3	that—
4	"(i) the proposed local wastewater ac-
5	cess program meets the requirements de-
6	veloped under paragraph (5); and
7	"(ii) the proposed local wastewater ac-
8	cess program will treat households that live
9	in owner-occupied homes and households
10	that live in rental housing equitably; and
11	"(B) in the case of an eligible entity de-
12	scribed in subsection (a)(1)(A), the eligible enti-
13	ty shall submit to the Administrator an applica-
14	tion that demonstrates that—
15	"(i) the eligible entity has—
16	"(I) a long-term financial plan
17	based on an analysis of the rates the
18	applicable covered facility charges for
19	services;
20	"(II) an asset management plan;
21	"(III) a capital improvement plan
22	with a period of not less than 20
23	years;
24	"(IV) a fiscal management plan;
25	0 r $^{\circ}$

1	"(V) another plan similar to the
2	plans described in clauses (i) through
3	(iv);
4	"(ii) a grant awarded under this sub-
5	section would support the efforts of the eli-
6	gible entity to generate the necessary funds
7	to achieve or maintain compliance with this
8	Act while mitigating the cost to low-income
9	households; and
10	"(iii) the eligible entity has the capac-
11	ity to create and implement an effective
12	community outreach plan to inform low-in-
13	come households of the local wastewater
14	access program and assist with enrollment.
15	"(7) Priority.—In awarding grants under this
16	subsection, the Administrator shall give priority to
17	applications for local wastewater access programs
18	with respect to which—
19	"(A) the applicable covered facility is sub-
20	ject to a consent decree relating to compliance
21	with this Act;
22	"(B) the residential customers of the appli-
23	cable covered facility have experienced rate or
24	fee increases for drinking water services or
25	wastewater services (including stormwater serv-

1	ices) of 30 percent or more during the 3-year
2	period ending on the date of enactment of this
3	section;
4	"(C) the eligible entity develops an equiva-
5	lent program, as determined by the Adminis-
6	trator, that is administered separately by the el-
7	igible entity;
8	"(D) matching funds will be provided in an
9	amount equal to or greater than the amount of
10	the grant; or
11	"(E) the eligible entity is described in sub-
12	section $(a)(2)(B)$.
13	"(8) Reporting requirements.—
14	"(A) IN GENERAL.—As a condition of re-
15	ceiving a grant under this subsection, an eligi-
16	ble entity shall submit to the Administrator, in
17	a manner determined by the Administrator, in-
18	formation regarding the applicable local waste-
19	water access program, including—
20	"(i) key features, including rate struc-
21	tures, rebates, discounts, and related ini-
22	tiatives that assist low-income households,
23	including—

1	"(I) billing methods that average
2	rates over the course of a year, known
3	as 'budget billing';
4	"(II) bill timing; and
5	"(III) pretermination protections;
6	"(ii) sources of funding;
7	"(iii) eligibility criteria;
8	"(iv) participation rates by house-
9	holds;
10	"(v) the average amount of assistance
11	provided to households;
12	"(vi) program costs;
13	"(vii) the demonstrable impacts of the
14	program on arrearage and service dis-
15	connection for households, based on data
16	from before and after the implementation
17	of the program, to the maximum extent
18	practicable; and
19	"(viii) other relevant information re-
20	quired by the Administrator.
21	"(B) Publication.—The Administrator
22	shall publish a report that compiles and sum-
23	marizes the information submitted under sub-
24	paragraph (A).

1	"(9) Assistance exempt from taxation.—
2	Notwithstanding any other provision of law, assist-
3	ance provided to a low-income household under a
4	local wastewater access program shall not be includ-
5	ible in the gross income of the recipient of such as-
6	sistance for purposes of the Internal Revenue Code
7	of 1986.
8	"(c) Technical Assistance.—The Administrator
9	shall provide technical assistance to each eligible entity
10	that receives a grant under this section to ensure—
11	"(1) full implementation of the applicable local
12	wastewater access program; and
13	"(2) maximum enrollment of low-income house-
14	holds in the applicable local wastewater access pro-
15	gram, including through—
16	"(A) community outreach campaigns; or
17	"(B) coordination with local health depart-
18	ments to determine the eligibility of households
19	for assistance.
20	"(d) Report.—Not later than 2 years after the date
21	on which grant funds are first disbursed to an eligible enti-
22	ty under this section, and annually thereafter, the Admin-
23	istrator shall submit to Congress a report on the results
24	of the Federal program established under this section.".

1	SEC. 4. NEEDS ASSESSMENT FOR NATIONWIDE RURAL AND
2	URBAN LOW-INCOME COMMUNITY WATER AS-
3	SISTANCE PROGRAM.
4	(a) Definitions.—In this section:
5	(1) Administrator.—The term "Adminis-
6	trator" means the Administrator of the Environ-
7	mental Protection Agency.
8	(2) Household.—The term "household"
9	means any individual or group of individuals who
10	are living together as 1 economic unit.
11	(3) Low-income Household.—The term
12	"low-income household" means a household—
13	(A) in which 1 or more individuals are re-
14	ceiving—
15	(i) assistance under a State program
16	funded under part A of title IV of the So-
17	cial Security Act (42 U.S.C. 601 et seq.);
18	(ii) supplemental security income pay-
19	ments under title XVI of the Social Secu-
20	rity Act (42 U.S.C. 1381 et seq.);
21	(iii) supplemental nutrition assistance
22	program benefits under the Food and Nu-
23	trition Act of 2008 (7 U.S.C. 2011 et
24	seq.); or
25	(iv) payments under—

1	(I) section 1315, 1521, 1541, or
2	1542 of title 38, United States Code;
3	or
4	(II) section 306 of the Veterans'
5	and Survivors' Pension Improvement
6	Act of 1978 (38 U.S.C. 1521 note;
7	Public Law 95–588); or
8	(B) that has an income that, as deter-
9	mined by the State in which the household is lo-
10	cated, does not exceed the greater of—
11	(i) an amount equal to 150 percent of
12	the poverty level; and
13	(ii) an amount equal to 60 percent of
14	the State median income for that State.
15	(4) POVERTY LEVEL.—The term "poverty
16	level" means, with respect to a household in a State,
17	the income described in the poverty guidelines issued
18	by the Secretary of Health and Human Services
19	pursuant to section 673 of the Community Services
20	Block Grant Act (42 U.S.C. 9902), as applicable to
21	the household.
22	(5) STATE MEDIAN INCOME.—The term "State
23	median income" has the meaning given that term in
24	section 2603 of the Low-Income Home Energy As-
25	sistance Act of 1981 (42 U.S.C. 8622).

1	(b) Study; Report.—
2	(1) In general.—Not later than one year
3	after the date of enactment of this Act, the Adminis-
4	trator shall conduct, and submit to Congress a re-
5	port describing the results of, a study regarding the
6	prevalence throughout the United States of low-in-
7	come households that do not have access to—
8	(A) affordable and functional centralized
9	or onsite wastewater services that protect the
10	health of individuals in the households;
11	(B) affordable municipal stormwater serv-
12	ices; or
13	(C) affordable public drinking water serv-
14	ices to meet household needs.
15	(2) Inclusions.—The report under paragraph
16	(1) shall include—
17	(A) recommendations of the Administrator
18	regarding the best methods to increase access
19	to the services described in paragraph (1);
20	(B) a description of the cost of each meth-
21	od described in subparagraph (A);
22	(C) a description of all consultation with
23	relevant stakeholders carried out in developing
24	the report; and

1	(D) a description of the results of the
2	study with respect to low-income households
3	that live in rental housing and do not receive
4	bills for such services, but pay for the services
5	indirectly through rent payments.
6	(3) AGREEMENTS.—The Administrator may
7	enter into an agreement with another Federal agen-
8	cy to carry out the study under paragraph (1).