

117TH CONGRESS
1ST SESSION

S. _____

To provide emergency loans to maintain access to essential services during the COVID–19 pandemic, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. MERKLEY introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To provide emergency loans to maintain access to essential services during the COVID–19 pandemic, 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 “Maintaining Access
5 to Essential Services Act of 2021”.

6 **SEC. 2. EMERGENCY LOANS TO PUBLICLY OWNED AND**
7 **NONPROFIT WATER AND WASTEWATER UTILI-**
8 **TIES.**

9 (a) DEFINITIONS.—In this section:

1 (1) EMERGENCY PERIOD.—The term “emer-
2 gency period” means the period that—

3 (A) begins on March 13, 2020; and

4 (B) ends on the date on which the national
5 emergency terminates under section 202 of the
6 National Emergencies Act (50 U.S.C. 1622).

7 (2) LOAN PROGRAM.—The term “loan pro-
8 gram” means the loan program established by the
9 Secretary under subsection (b).

10 (3) LOAN REPAYMENT DATE.—The term “loan
11 repayment date” means the date that is 2 years
12 after the date described in paragraph (1)(B).

13 (4) NATIONAL EMERGENCY.—The term “na-
14 tional emergency” means the national emergency de-
15 clared by the President under the National Emer-
16 gencies Act (50 U.S.C. 1601 et seq.) with respect to
17 the Coronavirus Disease 2019 (COVID–19).

18 (5) PAYMENT SHORTFALL.—

19 (A) IN GENERAL.—The term “payment
20 shortfall”, with respect to a qualified utility,
21 means a good faith estimate of the total
22 amount of rates and charges for water service
23 provided during the emergency period that the
24 qualified utility has not collected from residen-
25 tial water consumers of the qualified utility, as

1 certified by the qualified utility to the Secretary
2 under subsection (g)(1).

3 (B) EXCLUSION.—The term “payment
4 shortfall” does not include any portion of the
5 uncollected amounts described in subparagraph
6 (A) that the qualified utility has sold to a third
7 party.

8 (6) QUALIFIED UTILITY.—The term “qualified
9 utility” means—

10 (A) a publicly owned or nonprofit commu-
11 nity water system (as defined in section 1401 of
12 the Safe Drinking Water Act (42 U.S.C.
13 300f)); and

14 (B) a publicly owned treatment works (as
15 defined in section 212 of the Federal Water
16 Pollution Control Act (33 U.S.C. 1292)).

17 (7) RESIDENTIAL WATER CONSUMER.—The
18 term “residential water consumer” means a house-
19 hold that serves as a principal residence to which
20 water services are provided for any purpose other
21 than resale.

22 (8) SECRETARY.—The term “Secretary” means
23 Secretary of the Treasury.

24 (9) WATER SERVICE.—The term “water serv-
25 ice” means the treatment and provision of drinking

1 water, the collection and treatment of wastewater, or
2 stormwater management provided by a qualified util-
3 ity to a residential water consumer, including any
4 activities necessary to provide those services.

5 (b) ESTABLISHMENT.—

6 (1) IN GENERAL.—The Secretary shall establish
7 a loan program to ensure that qualified utilities are
8 able to continue providing water service to residen-
9 tial water consumers during the emergency period.

10 (2) REQUIREMENT.—In carrying out the loan
11 program, the Secretary shall take all necessary
12 steps, including outreach and the provision of tech-
13 nical assistance to qualified utilities, to ensure that
14 all qualified utilities, without reference to the size of
15 the customer base of the qualified utility, have a fair
16 opportunity to apply for and obtain loans under the
17 loan program.

18 (c) LOAN AUTHORIZATION.—The Secretary may
19 make 1 or more loans to a qualified utility under the loan
20 program, such that the total amount of loans provided to
21 the qualified utility is not greater than the payment short-
22 fall of the qualified utility.

23 (d) LOAN REPAYMENT.—

24 (1) IN GENERAL.—Except as provided in para-
25 graph (2) and subsection (e), a qualified utility re-

1 nonpayment of a deposit for the provision
2 of water service;

3 (iii) the qualified utility sells any un-
4 collected residential water consumer debt;

5 (iv) the qualified utility places, sells,
6 or initiates the collection of a lien on the
7 residence of a residential water consumer
8 to collect outstanding rates or charges for
9 water service;

10 (v) the qualified utility files an ad-
11 verse report on a residential water con-
12 sumer to a credit reporting agency due to
13 the nonpayment of rates or charges for the
14 provision of water service; or

15 (vi) the qualified utility charges a
16 service restoration fee for the restoration
17 of service described in subparagraph (B).

18 (B) Not later than 30 days after the date
19 on which the qualified utility receives the loan,
20 the qualified utility fails to restore (except for
21 reasons of safety) water service to all residential
22 water consumers of the qualified utility who
23 had been disconnected due to nonpayment of
24 rates or charges for the provision of water serv-
25 ice.

1 (e) LOAN FORGIVENESS.—

2 (1) IN GENERAL.—Except as provided in sub-
3 section (d)(2), after receipt of a certification under
4 subsection (g)(2), the Secretary shall forgive any
5 loans provided to a qualified utility under the loan
6 program in an amount equal to the total amount of
7 the payment shortfall from the residential water con-
8 sumers of the qualified utility for water service pro-
9 vided by the qualified utility to those residential
10 water consumers during the emergency period.

11 (2) REQUIREMENTS.—On forgiveness of a loan
12 or a portion of a loan under paragraph (1), the
13 qualified utility shall—

14 (A) forgive all outstanding debt owed to
15 the qualified utility, including any interest
16 charges, late fees, or other charges or penalties
17 associated with late payment or the non-
18 payment of rates or charges for the provision of
19 water service, that results from the provision of
20 water services to residential water consumers
21 during the emergency period;

22 (B) not later than 30 days after the date
23 on which the debt described in subparagraph
24 (A) is forgiven for a residential water consumer,

1 notify the residential water consumer of the
2 amount of that forgiveness; and

3 (C) file with the applicable State regu-
4 latory commission documents demonstrating
5 that rates and charges for the provision of
6 water service have been appropriately adjusted.

7 (f) INTEREST RATE.—A loan made under the loan
8 program shall bear interest at a rate not to exceed 1 per-
9 cent per year.

10 (g) BORROWER REQUIREMENTS.—

11 (1) APPLICATION.—A qualified utility seeking a
12 loan under the loan program shall submit to the
13 Secretary an application at such time, in such man-
14 ner, and containing such information as the Sec-
15 retary may require, including—

16 (A) the amount of the loan sought by the
17 qualified utility, which shall be in an amount
18 not greater than the payment shortfall of the
19 qualified utility; and

20 (B) a good faith certification that—

21 (i) a significant number of the resi-
22 dential water consumers of the qualified
23 utility have not paid for the water service
24 received by those residential water con-
25 sumers during the emergency period;

1 (ii) the amount of the loan sought by
2 the qualified utility is a good faith estimate
3 of the payment shortfall of the qualified
4 utility; and

5 (iii) a loan in the amount described in
6 subparagraph (A) is needed to support the
7 qualified utility in continuing to provide
8 water service to the residential water con-
9 sumers of the qualified utility during the
10 emergency period.

11 (2) FINAL CERTIFICATION.—Not earlier than
12 18 months after the date described in subsection
13 (a)(1)(B) and not later than the loan repayment
14 date, a qualified utility that receives a loan under
15 the loan program shall make a good faith certifi-
16 cation to the Secretary of the total amount of rates
17 that the qualified utility has not collected from the
18 residential water consumers of the qualified utility
19 for the water service provided to those residential
20 water consumers during the emergency period, ex-
21 cluding any such amount of uncollected payments
22 that the qualified utility has sold to a third party.

23 (3) REPORTING REQUIREMENT.—A qualified
24 utility that receives a loan under the loan program
25 shall, for each month until the month after the

1 month of the loan repayment date or the month in
2 which the loan is forgiven under subsection (e), as
3 applicable, submit to the Secretary a report that in-
4 cludes—

5 (A) by ZIP Code—

6 (i) the number of residential water
7 consumers disconnected from water service
8 by the qualified utility due to nonpayment
9 of rates and charges for the provision of
10 water service;

11 (ii) the number of restorations of
12 water service by the qualified utility of res-
13 idential water consumers that had been
14 disconnected for nonpayment of rates and
15 charges for the provision of water service;

16 (iii) for each applicable residential
17 water consumer, the time between—

18 (I) the disconnection of water
19 service by the qualified utility for non-
20 payment of rates and charges for the
21 provision of water service; and

22 (II) the restoration of that water
23 service;

24 (iv) the average time between the dis-
25 connection and restoration described in

1 clause (iii) for all residential water con-
2 sumers disconnected during the applicable
3 month;

4 (v) the number of residential water
5 consumers for which the time between the
6 disconnection and restoration described in
7 clause (iii) exceeded 2 days;

8 (vi) the number of residential water
9 consumers of the qualified utility that be-
10 came eligible for disconnection of water
11 service due to nonpayment of rates and
12 charges for the provision of water service
13 but, because of a loan received under the
14 loan program, avoided disconnection;

15 (vii)(I) the number of residential
16 water consumers of the qualified utility
17 that are in arrears of payment of rates and
18 charges for the provision of water service
19 by the qualified utility; and

20 (II) the total amount and the range of
21 arrearages for which all residential water
22 consumers described in subclause (I) are in
23 arrears;

24 (viii) the total amount for which the
25 residential water consumers described in

1 clause (vii)(I) have had the amounts de-
2 scribed in that clause forgiven;

3 (ix) the number of residential water
4 consumers that have had an arrearage de-
5 scribed in clause (vii)(I) forgiven in full;

6 (x) a good faith estimate of the aver-
7 age amount per residential water consumer
8 of the forgiveness described in clause (ix);

9 (xi) the number, if any, of residential
10 water consumers that have had an arrear-
11 age described in clause (vii)(I) forgiven
12 only in part;

13 (xii)(I) the number, if any, of residen-
14 tial water consumers for whom an arrear-
15 age described in clause (vii)(I) has been
16 sold to a third-party debt buyer; and

17 (II) the total amount of arrearages
18 described in clause (vii)(I) that have been
19 sold to a third-party debt buyer, if any;
20 and

21 (xiii) data similar to the data de-
22 scribed in clauses (i) through (xii) for the
23 arrearages that had accrued at the begin-
24 ning of the emergency period, including
25 how much of those arrearages have been

1 forgiven or sold, and how much of those
2 arrearages remain; and

3 (B) a statement of whether the qualified
4 utility has carried out any of the actions de-
5 scribed in subsection (d)(2)(A) or failed to
6 carry out any of the actions described in sub-
7 section (d)(2)(B) within the applicable month.

8 (h) SUBMISSIONS TO CONGRESS.—

9 (1) MONTHLY REPORTS.—Not later than 180
10 days after the date of enactment of this Act, and
11 every other month thereafter for which funding for
12 this section remains available, the Secretary shall
13 submit to the Committees on Appropriations, Finan-
14 cial Services, Energy and Commerce, and Transpor-
15 tation and Infrastructure of the House of Represent-
16 atives and the Committees on Appropriations, Envi-
17 ronment and Public Works, and Finance of the Sen-
18 ate a report that describes—

19 (A) each qualified utility that received a
20 loan under or pursuant to this section;

21 (B) the total amount of each loan provided
22 under or pursuant to this section;

23 (C) the amount forgiven under subsection
24 (e) for each loan provided under or pursuant to
25 this section; and

1 (D) a summary of the information pro-
2 vided by each qualified utility that receives a
3 loan under or pursuant to this section under
4 paragraphs (2) and (3) of subsection (g).

5 (2) OTHER REPORTS.—The Secretary shall sub-
6 mit to the Committees on Appropriations, Financial
7 Services, Energy and Commerce, and Transportation
8 and Infrastructure of the House of Representatives
9 and the Committees on Appropriations, Environment
10 and Public Works, and Finance of the Senate a re-
11 port that describes the results of activities carried
12 out pursuant to this section—

13 (A) not later than 1 year after the date of
14 enactment of this Act;

15 (B) on the date on which all funds appro-
16 priated under subsection (j) have been fully dis-
17 bursed; and

18 (C) on the date on which all loans made
19 under or pursuant to this section have been re-
20 paid or forgiven.

21 (i) SAVINGS CLAUSE.—Except as provided in sub-
22 section (e), nothing in this section affects the obligation
23 of—

1 (1) a residential water consumer to pay for
2 water service received by the residential water con-
3 sumer; or

4 (2) a qualified utility to make reasonable, good
5 faith efforts to collect payment for water services
6 provided to residential water consumers of the quali-
7 fied utility.

8 (j) MANDATORY SPENDING.—

9 (1) IN GENERAL.—There is appropriated to the
10 Secretary, out of any funds in the Treasury not oth-
11 erwise appropriated, \$9,000,000,000 to carry out
12 this section, to remain available until September 30,
13 2025.

14 (2) REQUIREMENT.—Of the amounts made
15 available under paragraph (1) to provide loans under
16 the loan program—

17 (A) 50 percent shall be used to provide
18 loans to qualified utilities described in sub-
19 section (a)(6)(A); and

20 (B) 50 percent shall be used to provide
21 loans to qualified utilities described in sub-
22 section (a)(6)(B).

23 **SEC. 3. EMERGENCY LOANS TO PRIVATELY-OWNED WATER**
24 **UTILITIES.**

25 (a) DEFINITIONS.—In this section:

1 (1) EMERGENCY PERIOD.—The term “emer-
2 gency period” means the period that—

3 (A) begins on March 13, 2020; and

4 (B) ends on the date on which the national
5 emergency terminates under section 202 of the
6 National Emergencies Act (50 U.S.C. 1622).

7 (2) LOAN PROGRAM.—The term “loan pro-
8 gram” means the loan program established by the
9 Secretary under subsection (b).

10 (3) LOAN REPAYMENT DATE.—The term “loan
11 repayment date” means the date that is 2 years
12 after the date described in paragraph (1)(B).

13 (4) NATIONAL EMERGENCY.—The term “na-
14 tional emergency” means the national emergency de-
15 clared by the President under the National Emer-
16 gencies Act (50 U.S.C. 1601 et seq.) with respect to
17 the Coronavirus Disease 2019 (COVID–19).

18 (5) PAYMENT SHORTFALL.—

19 (A) IN GENERAL.—The term “payment
20 shortfall”, with respect to a qualified utility,
21 means a good faith estimate of the total
22 amount of rates and charges for water service
23 provided during the emergency period that the
24 qualified utility has not collected from residen-
25 tial water consumers of the qualified utility, as

1 certified by the qualified utility to the Secretary
2 under subsection (g)(1).

3 (B) EXCLUSION.—The term “payment
4 shortfall” does not include any portion of the
5 uncollected amounts described in subparagraph
6 (A) that the qualified utility has sold to a third
7 party.

8 (6) QUALIFIED UTILITY.—The term “qualified
9 utility” means—

10 (A) a privately owned, for-profit commu-
11 nity water system (as defined in section 1401 of
12 the Safe Drinking Water Act (42 U.S.C.
13 300f)); and

14 (B) a privately owned, for-profit treatment
15 works (as defined in section 212 of the Federal
16 Water Pollution Control Act (33 U.S.C. 1292)).

17 (7) RESIDENTIAL WATER CONSUMER.—The
18 term “residential water consumer” means a house-
19 hold that serves as a principal residence to which
20 water services are provided for any purpose other
21 than resale.

22 (8) SECRETARY.—The term “Secretary” means
23 the Secretary of the Treasury.

24 (9) WATER SERVICE.—The term “water serv-
25 ice” means the treatment and provision of drinking

1 water, the collection and treatment of wastewater, or
2 stormwater management provided by a qualified util-
3 ity to a residential water consumer, including any
4 activities necessary to provide those services.

5 (b) ESTABLISHMENT.—

6 (1) IN GENERAL.—The Secretary shall establish
7 a loan program to ensure that qualified utilities are
8 able to continue providing water service to residen-
9 tial water consumers during the emergency period.

10 (2) REQUIREMENT.—In carrying out the loan
11 program, the Secretary shall take all necessary
12 steps, including outreach and the provision of tech-
13 nical assistance to qualified utilities, to ensure that
14 all qualified utilities, without reference to the size of
15 the customer base of the qualified utility, have a fair
16 opportunity to apply for and obtain loans under the
17 loan program.

18 (c) LOAN AUTHORIZATION.—The Secretary may
19 make 1 or more loans to a qualified utility under the loan
20 program, such that the total amount of loans provided to
21 the qualified utility is not greater than the payment short-
22 fall of the qualified utility.

23 (d) LOAN REPAYMENT.—

24 (1) IN GENERAL.—Except as provided in para-
25 graph (2) and subsection (e), a qualified utility re-

1 ceiving a loan under the loan program shall repay
2 the loan in full, with accrued interest, not later than
3 the loan repayment date.

4 (2) RIGHT TO CALL.—Notwithstanding para-
5 graph (1) and subsection (e), if the qualified utility
6 carries out or fails to carry out, as applicable, any
7 of the following actions, a loan received by the quali-
8 fied utility under the loan program shall be due and
9 payable in full, with accrued interest, 90 days after
10 the date on which the utility carries out or fails to
11 carry out, as applicable, that action:

12 (A) During the emergency period and after
13 the date on which the qualified utility receives
14 the loan—

15 (i) the qualified utility charges any
16 residential water consumer interest, late
17 fees, or other charges or penalties associ-
18 ated with the late payment or nonpayment
19 of rates or charges for the provision of
20 water service;

21 (ii) the qualified utility discontinues
22 water service or refuses to establish new
23 water service to any residential water con-
24 sumer of the qualified utility due to the
25 nonpayment of rates or charges or the

1 nonpayment of a deposit for the provision
2 of water service;

3 (iii) the qualified utility sells any un-
4 collected residential water consumer debt;

5 (iv) the qualified utility files an ad-
6 verse report on a residential water con-
7 sumer to a credit reporting agency due to
8 the nonpayment of rates or charges for the
9 provision of water service; or

10 (v) the qualified utility charges a serv-
11 ice restoration fee for the restoration of
12 service described in subparagraph (B).

13 (B) Not later than 30 days after the date
14 on which the qualified utility receives the loan,
15 the qualified utility fails to restore (except for
16 reasons of safety) water service to all residential
17 water consumers of the qualified utility who
18 had been disconnected due to nonpayment of
19 rates or charges for the provision of water serv-
20 ice.

21 (e) LOAN FORGIVENESS.—

22 (1) IN GENERAL.—Except as provided in sub-
23 section (d)(2), after receipt of a certification under
24 subsection (g)(2), the Secretary shall forgive any
25 loans provided to a qualified utility under the loan

1 program in an amount equal to 50 percent of the
2 total amount of the payment shortfall from the resi-
3 dential water consumers of the qualified utility for
4 water service provided by the qualified utility to
5 those residential water consumers during the emer-
6 gency period.

7 (2) REQUIREMENTS.—On forgiveness of a loan
8 or a portion of a loan under paragraph (1), the
9 qualified utility shall—

10 (A) forgive all outstanding debt owed to
11 the qualified utility, including any interest
12 charges, late fees, or other charges or penalties
13 associated with late payment or the non-
14 payment of rates or charges for the provision of
15 water service, that results from the provision of
16 water services to residential water consumers
17 during the emergency period; and

18 (B) not later than 30 days after the date
19 on which the debt described in subparagraph
20 (A) is forgiven for a residential water consumer,
21 notify the residential water consumer of the
22 amount of that forgiveness.

23 (f) INTEREST RATE.—A loan made under the loan
24 program shall bear interest at a rate not to exceed 1 per-
25 cent per year.

1 (g) BORROWER REQUIREMENTS.—

2 (1) APPLICATION.—A qualified utility seeking a
3 loan under the loan program shall submit to the
4 Secretary an application at such time, in such man-
5 ner, and containing such information as the Sec-
6 retary may require, including—

7 (A) the amount of the loan sought by the
8 qualified utility, which shall be in an amount
9 not greater than the payment shortfall of the
10 qualified utility; and

11 (B) a good faith certification that—

12 (i) a significant number of the resi-
13 dential water consumers of the qualified
14 utility are unable to pay for the water serv-
15 ice received by those residential water con-
16 sumers during the emergency period; and

17 (ii) the amount of the loan sought by
18 the qualified utility is a good faith estimate
19 of the payment shortfall of the qualified
20 utility.

21 (2) FINAL CERTIFICATION.—Not earlier than
22 18 months after the date described in subsection
23 (a)(1)(B) and not later than the loan repayment
24 date, a qualified utility that receives a loan under
25 the loan program shall make a good faith certifi-

1 cation to the Secretary of the total amount of rates
2 that the qualified utility has not collected from the
3 residential water consumers of the qualified utility
4 for the water service provided to those residential
5 water consumers during the emergency period, ex-
6 cluding any such amount of uncollected payments
7 that the qualified utility has sold to a third party.

8 (3) REPORTING REQUIREMENT.—A qualified
9 utility that receives a loan under the loan program
10 shall, for each month until the month after the
11 month of the loan repayment date or the month in
12 which the loan is forgiven under subsection (e), as
13 applicable, submit to the Secretary a report that in-
14 cludes—

15 (A) by ZIP Code—

16 (i) the number of residential water
17 consumers disconnected from water service
18 by the qualified utility due to nonpayment
19 of rates and charges for the provision of
20 water service;

21 (ii) the number of restorations of
22 water service by the qualified utility of res-
23 idential water consumers that had been
24 disconnected for nonpayment of rates and
25 charges for the provision of water service;

1 (iii) the average time of the qualified
2 utility between—

3 (I) the disconnection of water
4 service by the qualified utility for non-
5 payment of rates and charges for the
6 provision of water service; and

7 (II) the restoration of that water
8 service;

9 (iv) the number of residential water
10 consumers of the qualified utility that be-
11 came eligible for disconnection of water
12 service due to nonpayment of rates and
13 charges for the provision of water service
14 but, because of a loan received under the
15 loan program, avoided disconnection;

16 (v)(I) the number of residential water
17 consumers of the qualified utility that are
18 in arrears of payment of rates and charges
19 for the provision of water service by the
20 qualified utility; and

21 (II) the total amount and the range of
22 arrearages for which all residential water
23 consumers described in subclause (I) are in
24 arrears;

1 (vi) the total amount for which the
2 residential water consumers described in
3 clause (v)(I) have had the amounts de-
4 scribed in that clause forgiven;

5 (vii) the number of residential water
6 consumers that have had an arrearage de-
7 scribed in clause (v)(I) forgiven in full;

8 (viii) a good faith estimate of the av-
9 erage amount per residential water con-
10 sumer of the forgiveness described in
11 clause (vii);

12 (ix) the number, if any, of residential
13 water consumers that have had an arrear-
14 age described in clause (v)(I) forgiven only
15 in part;

16 (x)(I) the number, if any, of residen-
17 tial water consumers for whom an arrear-
18 age described in clause (v)(I) has been sold
19 to a third-party debt buyer; and

20 (II) the total amount of arrearages
21 described in clause (v)(I) that have been
22 sold to a third-party debt buyer, if any;
23 and

24 (xi) data similar to the data described
25 in clauses (i) through (x) for the arrear-

1 ages that had accrued at the beginning of
2 the emergency period, including how much
3 of those arrearages have been forgiven or
4 sold, and how much of those arrearages re-
5 main; and

6 (B) a statement of whether the qualified
7 utility has carried out any of the actions de-
8 scribed in subsection (d)(2)(A) or failed to
9 carry out any of the actions described in sub-
10 section (d)(2)(B) within the applicable month.

11 (h) SUBMISSIONS TO CONGRESS.—

12 (1) MONTHLY REPORTS.—Not later than 180
13 days after the date of enactment of this Act, and
14 every other month thereafter for which funding for
15 this section remains available, the Secretary shall
16 submit to the Committees on Appropriations, Finan-
17 cial Services, Energy and Commerce, and Transpor-
18 tation and Infrastructure of the House of Represent-
19 atives and the Committees on Appropriations, Envi-
20 ronment and Public Works, and Finance of the Sen-
21 ate a report that describes—

22 (A) each qualified utility that received a
23 loan under or pursuant to this section;

24 (B) the total amount of each loan provided
25 under or pursuant to this section;

1 (C) the amount forgiven under subsection
2 (e) for each loan provided under or pursuant to
3 this section; and

4 (D) a summary of the information pro-
5 vided by each qualified utility that receives a
6 loan under or pursuant to this section under
7 paragraphs (2) and (3) of subsection (g).

8 (2) OTHER REPORTS.—The Secretary shall sub-
9 mit to the Committees on Appropriations, Financial
10 Services, Energy and Commerce, and Transportation
11 and Infrastructure of the House of Representatives
12 and the Committees on Appropriations, Environment
13 and Public Works, and Finance of the Senate a re-
14 port that describes the results of activities carried
15 out pursuant to this section—

16 (A) not later than 1 year after the date of
17 enactment of this Act;

18 (B) on the date on which all funds appro-
19 priated under subsection (k) have been fully
20 disbursed; and

21 (C) on the date on which all loans made
22 under or pursuant to this section have been re-
23 paid or forgiven.

1 (i) TAXABILITY.—A loan forgiven under subsection
2 (e) shall be excluded from gross income for purposes of
3 the Internal Revenue Code of 1986.

4 (j) SAVINGS CLAUSE.—Except as provided in sub-
5 section (e), nothing in this section affects the obligation
6 of—

7 (1) a residential water consumer to pay for
8 water service received by the residential water con-
9 sumer; or

10 (2) a qualified utility to make reasonable, good
11 faith efforts to collect payment for water services
12 provided to residential water consumers of the quali-
13 fied utility.

14 (k) MANDATORY SPENDING.—

15 (1) IN GENERAL.—There is appropriated to the
16 Secretary, out of any funds in the Treasury not oth-
17 erwise appropriated, \$1,000,000,000 to carry out
18 this section, to remain available until September 30,
19 2025.

20 (2) REQUIREMENT.—Of the amounts made
21 available under paragraph (1) to provide loans under
22 the loan program—

23 (A) 75 percent shall be used to provide
24 loans to qualified utilities described in sub-
25 section (a)(6)(A); and

1 (B) 25 percent shall be used to provide
2 loans to qualified utilities described in sub-
3 section (a)(6)(B).

4 **SEC. 4. EMERGENCY LOANS TO MUNICIPAL AND COOPERA-**
5 **TIVE ELECTRIC UTILITIES.**

6 (a) DEFINITIONS.—In this section:

7 (1) ELECTRIC SERVICE.—The term “electric
8 service” means the delivery of electric energy by a
9 qualified utility to a residential electricity consumer.

10 (2) ELECTRICITY CONSUMER.—The term “elec-
11 tricity consumer” means a person to which electric
12 energy is sold by a qualified utility for any purpose
13 other than resale.

14 (3) EMERGENCY PERIOD.—The term “emer-
15 gency period” means the period that—

16 (A) begins on March 13, 2020; and

17 (B) ends on the date on which the national
18 emergency terminates under section 202 of the
19 National Emergencies Act (50 U.S.C. 1622).

20 (4) LOAN PROGRAM.—The term “loan pro-
21 gram” means the loan program established by the
22 Secretary under subsection (b).

23 (5) LOAN REPAYMENT DATE.—The term “loan
24 repayment date” means the date that is 2 years
25 after the date described in paragraph (3)(B).

1 (6) NATIONAL EMERGENCY.—The term “na-
2 tional emergency” means the national emergency de-
3 clared by the President in response to the
4 coronavirus disease on March 13, 2020 (Proclama-
5 tion 9994, 85 Fed. Reg. 15337 (Mar. 18, 2020)).

6 (7) PAYMENT SHORTFALL.—The term “pay-
7 ment shortfall”, with respect to a qualified utility,
8 means a good faith estimate of the total amount of
9 rates and charges (including interest and fees) for
10 electric service provided during the emergency period
11 that the qualified utility is unable to collect from all
12 residential electricity consumers of the qualified util-
13 ity, as certified by the qualified utility to the Sec-
14 retary under subsection (g)(1).

15 (8) QUALIFIED UTILITY.—The term “qualified
16 utility” means—

17 (A) an electric cooperative (as defined in
18 section 3 of the Federal Power Act (16 U.S.C.
19 796)); and

20 (B) an agency, authority, or instrumen-
21 tality of a State or political subdivision of a
22 State that sells electric energy to residential
23 electricity consumers.

24 (9) SECRETARY.—The term “Secretary” means
25 the Secretary of Energy.

1 (b) ESTABLISHMENT.—The Secretary shall establish
2 a loan program to ensure that qualified utilities are able
3 to continue providing electric service to residential elec-
4 tricity consumers during the emergency period.

5 (c) LOAN AUTHORIZATION.—The Secretary may
6 make 1 or more loans to a qualified utility under the loan
7 program, such that the total amount of loans provided to
8 the qualified utility is not more than the payment shortfall
9 of the qualified utility.

10 (d) LOAN REPAYMENT.—

11 (1) IN GENERAL.—Except as provided in para-
12 graph (2) and subsection (e), a qualified utility re-
13 ceiving a loan under the loan program shall repay
14 the loan in full, with accrued interest, not later than
15 the loan repayment date.

16 (2) RIGHT TO CALL.—Notwithstanding para-
17 graph (1) and subsection (e), if, during the emer-
18 gency period and after the date on which a qualified
19 utility receives a loan under the loan program, the
20 qualified utility discontinues electric service to the
21 residential electricity consumers of the qualified util-
22 ity due to nonpayment of rates and charges for the
23 provision of electric service, the loan shall be due
24 and payable in full, with accrued interest, 90 days

1 after the date on which the qualified utility discon-
2 tinues that electric service.

3 (e) LOAN FORGIVENESS.—Except as provided in sub-
4 section (d)(2), the Secretary shall forgive any loans pro-
5 vided to a qualified utility under the loan program in an
6 amount equal to the total amount of payments the quali-
7 fied utility was unable to collect from the residential elec-
8 tricity consumers of the qualified utility for electric service
9 provided by the qualified utility to those residential elec-
10 tricity consumers during the emergency period.

11 (f) INTEREST RATE.—A loan made under the loan
12 program shall bear interest at a rate not to exceed 1 per-
13 cent per year.

14 (g) BORROWER REQUIREMENTS.—

15 (1) APPLICATION.—A qualified utility seeking a
16 loan under the loan program shall submit to the
17 Secretary an application at such time, in such man-
18 ner, and containing such information as the Sec-
19 retary may require, including—

20 (A) the amount of the loan sought by the
21 qualified utility, which shall be in an amount
22 equal to the payment shortfall of the qualified
23 utility; and

24 (B) a good faith certification that—

1 (i) a significant number of the resi-
2 dential electricity consumers of the quali-
3 fied utility are unable to pay for the elec-
4 tric service received by those residential
5 electricity consumers during the emergency
6 period;

7 (ii) the amount of the loan sought by
8 the qualified utility is a good faith estimate
9 of the payment shortfall of the qualified
10 utility; and

11 (iii) a loan in the amount described in
12 subparagraph (A) is needed to support the
13 qualified utility in continuing to provide
14 electric service to the residential electricity
15 consumers of the qualified utility during
16 the emergency period.

17 (2) FINAL CERTIFICATION.—Not earlier than
18 the date described in subsection (a)(3)(B) and not
19 later than the loan repayment date, a qualified util-
20 ity that receives a loan under the loan program shall
21 make a good faith certification to the Secretary of
22 the total amount of rates and charges (including in-
23 terest and fees) that the qualified utility has been
24 unable to recover from the residential electricity con-
25 sumers of the qualified utility for the electric service

1 provided to those residential electricity consumers
2 during the emergency period.

3 (h) TAXABILITY.—A loan forgiven under subsection
4 (e) shall be excluded from gross income for purposes of
5 the Internal Revenue Code of 1986.

6 (i) SAVINGS CLAUSE.—Except as provided in sub-
7 section (e), nothing in this section affects the obligation
8 of—

9 (1) an electricity consumer to pay for electric
10 service received by the electricity consumer; or

11 (2) a qualified utility to make reasonable, good
12 faith efforts to collect payment for electric service
13 provided to electricity consumers of the qualified
14 utility.

15 (j) MANDATORY SPENDING.—

16 (1) IN GENERAL.—There is appropriated to the
17 Secretary, out of any funds in the Treasury not oth-
18 erwise appropriated, \$4,000,000,000 to carry out
19 this section, to remain available until September 30,
20 2025.

21 (2) REQUIREMENT.—Of the amounts made
22 available under paragraph (1) to provide loans under
23 the loan program—

1 (A) 50 percent shall be used to provide
2 loans to qualified utilities described in sub-
3 section (a)(8)(A); and

4 (B) 50 percent shall be used to provide
5 loans to qualified utilities described in sub-
6 section (a)(8)(B).

7 **SEC. 5. EMERGENCY LOANS TO INVESTOR-OWNED ENERGY**
8 **UTILITIES.**

9 (a) DEFINITIONS.—In this section:

10 (1) EMERGENCY PERIOD.—The term “emer-
11 gency period” means the period that—

12 (A) begins on March 13, 2020; and

13 (B) ends on the date on which the national
14 emergency terminates under section 202 of the
15 National Emergencies Act (50 U.S.C. 1622).

16 (2) ENERGY CONSUMER.—The term “energy
17 consumer” means a person to which electric energy,
18 natural gas, or propane is sold by a qualified utility
19 for any purpose other than resale.

20 (3) ENERGY SERVICE.—The term “energy serv-
21 ice” means the delivery of electric energy, natural
22 gas, or propane by a qualified utility to a residential
23 energy consumer.

24 (4) INTEREST, LATE FEES, OR OTHER
25 CHARGES.—The term “interest, late fees, or other

1 charges”, with respect to the provision of energy
2 service to a residential energy consumer, includes—

3 (A) any late fee charged by a qualified util-
4 ity with respect to the payment or nonpayment
5 of rates;

6 (B) any other fee charged by a qualified
7 utility that is associated with—

8 (i) the payment or nonpayment of
9 rates; or

10 (ii) the connection, disconnection, or
11 reconnection of a residential energy con-
12 sumer; and

13 (C) any interest charged by a qualified
14 utility to a residential energy consumer.

15 (5) LOAN PROGRAM.—The term “loan pro-
16 gram” means the loan program established by the
17 Secretary under subsection (b).

18 (6) LOAN REPAYMENT DATE.—The term “loan
19 repayment date” means the date that is 2 years
20 after the date described in paragraph (1)(B).

21 (7) NATIONAL EMERGENCY.—The term “na-
22 tional emergency” means the national emergency de-
23 clared by the President in response to the
24 coronavirus disease on March 13, 2020 (Proclama-
25 tion 9994, 85 Fed. Reg. 15337 (Mar. 18, 2020)).

1 (8) PAYMENT SHORTFALL.—The term “pay-
2 ment shortfall”, with respect to a qualified utility,
3 means a good faith estimate of the total amount of
4 rates for energy service provided during the emer-
5 gency period that the qualified utility is unable to
6 collect from all residential energy consumers of the
7 qualified utility, as certified by the qualified utility
8 to the Secretary under subsection (g)(1).

9 (9) QUALIFIED UTILITY.—The term “qualified
10 utility” means an investor-owned—

11 (A) electric utility;

12 (B) gas utility; or

13 (C) utility that sells and delivers propane
14 to energy consumers.

15 (10) RATE.—

16 (A) IN GENERAL.—The term “rate”, with
17 respect to the provision of energy service to a
18 residential energy consumer, means the amount
19 charged by a qualified utility for that energy
20 service.

21 (B) EXCLUSIONS.—The term “rate” does
22 not include—

23 (i) any late fee charged by a qualified
24 utility with respect to the payment or non-

1 payment of an amount described in sub-
2 paragraph (A);

3 (ii) any other fee charged by a quali-
4 fied utility that is associated with—

5 (I) the payment or nonpayment
6 of an amount described in that sub-
7 paragraph; or

8 (II) the connection, disconnec-
9 tion, or reconnection of a residential
10 energy consumer; or

11 (iii) any interest charged by a quali-
12 fied utility to a residential energy con-
13 sumer, including any interest on—

14 (I) a fee described in clause (i) or
15 (ii); or

16 (II) an amount described in sub-
17 paragraph (A).

18 (11) SECRETARY.—The term “Secretary”
19 means the Secretary of the Treasury.

20 (b) ESTABLISHMENT.—The Secretary shall establish
21 a loan program to ensure that qualified utilities are able
22 to continue providing energy service to residential energy
23 consumers during the emergency period.

24 (c) LOAN AUTHORIZATION.—The Secretary may
25 make 1 or more loans to a qualified utility under the loan

1 program, such that the total amount of loans provided to
2 the qualified utility is not more than the payment shortfall
3 of the qualified utility.

4 (d) LOAN REPAYMENT.—

5 (1) IN GENERAL.—Except as provided in para-
6 graph (2) and subsection (e), a qualified utility re-
7 ceiving a loan under the loan program shall repay
8 the loan in full, with accrued interest, not later than
9 the loan repayment date.

10 (2) RIGHT TO CALL.—Notwithstanding para-
11 graph (1) and subsection (e), if, during the emer-
12 gency period and after the date on which a qualified
13 utility receives a loan under the loan program, the
14 qualified utility charges residential energy consumers
15 interest, late fees, or other charges, does not recon-
16 nect all residential energy consumers who have been
17 disconnected for nonpayment of rates or interest,
18 late fees, or other charges by the date that is 30
19 days after the date on which the loan is made, or
20 discontinues energy service to a residential energy
21 consumer due to nonpayment of rates or interest,
22 late fees, or other charges, the loan shall be due and
23 payable in full, with accrued interest, 90 days after,
24 as applicable—

1 (A) the date on which the qualified utility
2 first charged residential energy consumers in-
3 terest, late fees, or other charges after receiving
4 the loan;

5 (B) the deadline by which to reconnect all
6 residential energy consumers under this para-
7 graph; or

8 (C) the first date after receipt of the loan
9 on which the qualified utility disconnected a
10 residential energy consumer.

11 (e) LOAN FORGIVENESS.—

12 (1) IN GENERAL.—Except as provided in sub-
13 section (d)(2), after receiving from a qualified utility
14 the final certification described in subsection (g)(2),
15 the Secretary shall forgive any loans provided to
16 that qualified utility under the loan program in an
17 amount equal to 50 percent of the total amount of
18 rates the qualified utility was unable to collect from
19 the residential energy consumers of the qualified
20 utility for energy service provided by the qualified
21 utility to those residential energy consumers during
22 the emergency period.

23 (2) REQUIREMENT.—On forgiveness of a loan
24 or a portion of a loan under paragraph (1), the
25 qualified utility shall forgive all outstanding debt

1 owed to the qualified utility that results from the
2 provision of energy service to residential energy con-
3 sumers during the emergency period.

4 (f) INTEREST RATE.—A loan made under the loan
5 program shall bear interest at a rate not to exceed 1 per-
6 cent per year.

7 (g) BORROWER REQUIREMENTS.—

8 (1) APPLICATION.—A qualified utility seeking a
9 loan under the loan program shall submit to the
10 Secretary an application at such time, in such man-
11 ner, and containing such information as the Sec-
12 retary may require, including—

13 (A) the amount of the loan sought by the
14 qualified utility, which shall be in an amount
15 equal to the payment shortfall of the qualified
16 utility; and

17 (B) a good faith certification that—

18 (i) a significant number of the resi-
19 dential energy consumers of the qualified
20 utility are unable to pay for the energy
21 service received by those residential energy
22 consumers during the emergency period;
23 and

24 (ii) the amount of the loan sought by
25 the qualified utility is a good faith estimate

1 of the payment shortfall of the qualified
2 utility.

3 (2) FINAL CERTIFICATION.—Not earlier than
4 the date that is 18 months after the date described
5 in subsection (a)(1)(B) and not later than the loan
6 repayment date, a qualified utility that receives a
7 loan under the loan program shall make a good faith
8 certification to the Secretary of the amount of rates
9 that the qualified utility has not recovered from the
10 residential energy consumers of the qualified utility
11 for the energy service provided to those residential
12 energy consumers during the emergency period.

13 (3) REPORTING REQUIREMENTS.—A qualified
14 utility that receives a loan under the loan program
15 shall submit to the Secretary a monthly report de-
16 scribing—

17 (A) the number of residential energy con-
18 sumers disconnected by the qualified utility for
19 nonpayment;

20 (B) the number of service restorations to
21 residential energy consumers disconnected for
22 nonpayment;

23 (C) the average time between service dis-
24 connection for nonpayment and service restora-
25 tion;

1 (D) the number of residential energy con-
2 sumers that became eligible for disconnection
3 for nonpayment but avoided disconnection be-
4 cause of a loan under the loan program;

5 (E) the number of residential energy con-
6 sumers in arrears and the total dollar amount
7 of arrears for residential energy consumers of
8 the qualified utility; and

9 (F) the amount of arrears forgiven by the
10 qualified utility with respect to residential en-
11 ergy consumers.

12 (h) TAXABILITY.—A loan forgiven under subsection
13 (e) shall be excluded from gross income for purposes of
14 the Internal Revenue Code of 1986.

15 (i) SAVINGS CLAUSE.—Except as provided in sub-
16 section (e), nothing in this section affects the obligation
17 of—

18 (1) an energy consumer to pay for energy serv-
19 ice received by the energy consumer; or

20 (2) a qualified utility to make reasonable, good
21 faith efforts to collect payment for energy service
22 provided to energy consumers of the qualified utility.

23 (j) MANDATORY SPENDING.—There is appropriated
24 to the Secretary, out of any funds in the Treasury not

1 otherwise appropriated, \$6,000,000,000 to carry out this
2 section, to remain available until September 30, 2025.

3 **SEC. 6. EMERGENCY LOANS TO INTERNET SERVICE PRO-**
4 **VIDERS.**

5 (a) DEFINITIONS.—In this section:

6 (1) COVERED LOAN.—The term “covered loan”
7 means a loan made by the Secretary to an internet
8 service provider under the program established
9 under subsection (c).

10 (2) INTERNET CONSUMER.—The term “internet
11 consumer” means a household to which internet
12 service is provided.

13 (3) EMERGENCY PERIOD.—The term “emer-
14 gency period” means the period during which the
15 national emergency declaration by the President
16 under the National Emergencies Act (50 U.S.C.
17 1601 et seq.) with respect to the Coronavirus Dis-
18 ease 2019 (COVID–19) is in effect.

19 (4) LARGE INTERNET SERVICE PROVIDER.—
20 The term “large internet service provider” means an
21 internet service provider that provides internet serv-
22 ice to not fewer than 250,000 customers.

23 (5) LOAN REPAYMENT DATE.—The term “loan
24 repayment date” means the date that is 2 years
25 after the last day of the emergency period.

1 (6) PAYMENT SHORTFALL.—The term “pay-
2 ment shortfall” means the total amount of rates and
3 charges for internet service provided by an internet
4 service provider during the emergency period that
5 the provider is unable to recover from internet con-
6 sumers.

7 (7) SECRETARY.—The term “Secretary” means
8 the Secretary of the Treasury.

9 (8) SMALL INTERNET SERVICE PROVIDER.—
10 The term “small internet service provider” means an
11 internet service provider that provides internet serv-
12 ice to fewer than 250,000 customers.

13 (b) ESTABLISHMENT OF LOAN PROGRAM.—The Sec-
14 retary shall establish a loan program in accordance with
15 this section to ensure that internet service providers are
16 able to continue providing internet service to their internet
17 consumers during the emergency period.

18 (c) LOAN AUTHORIZATION.—The Secretary may
19 make 1 or more loans to an internet service provider under
20 this section in a total amount equal to the payment short-
21 fall of the internet service provider, based on a good-faith
22 estimate of the payment shortfall made by the provider
23 when applying for the loan.

24 (d) LOAN REPAYMENT.—

1 (1) IN GENERAL.—Except as provided in para-
2 graph (2) and subsections (e) and (f), not later than
3 the loan repayment date, an internet service provider
4 receiving a covered loan shall repay the covered loan
5 in full, with accrued interest.

6 (2) EXTENSION IF FORGIVENESS AMOUNT
7 PENDING.—It shall not be considered a violation of
8 paragraph (1) if an internet service provider—

9 (A) submits a final certification under sub-
10 section (h)(2) on or before the loan repayment
11 date;

12 (B) is unable to meet the deadline under
13 paragraph (1) of this subsection because the
14 internet service provider is waiting for the Sec-
15 retary to calculate the amount of the covered
16 loan that will be forgiven; and

17 (C) pays the final balance owed on the cov-
18 ered loan within a reasonable amount of time,
19 as determined by the Secretary, after the Sec-
20 retary forgives the covered loan (in whole or in
21 part) under subsection (e)(1).

22 (e) LOAN FORGIVENESS.—

23 (1) FORGIVENESS OF COVERED LOANS.—

24 (A) IN GENERAL.—Except as provided in
25 subsection (f), after receiving a final certifi-

1 cation from an internet service provider under
2 subsection (h)(2), the Secretary shall forgive—

3 (i) the portion of the total amount of
4 covered loans made to the internet service
5 provider that is equal to the applicable
6 amount; and

7 (ii) the interest accrued on the for-
8 given amount described in clause (i).

9 (B) APPLICABLE AMOUNT.—For purposes
10 of this paragraph, the term “applicable
11 amount”—

12 (i) with respect to a small internet
13 service provider, means the payment short-
14 fall; and

15 (ii) with respect to a large internet
16 service provider, means one-half of the
17 payment shortfall.

18 (2) FORGIVENESS OF CUSTOMER DEBT.—Upon
19 forgiveness of the covered loans (in whole or in part)
20 made to an internet service provider under para-
21 graph (1), the internet service provider shall forgive
22 all outstanding debt of the internet consumers of the
23 internet service provider relating to internet service
24 provided during the emergency period.

1 (f) RIGHT TO CALL.—If, after receipt of a covered
2 loan, an internet service provider discontinues internet
3 service to an internet consumer for nonpayment of a bill
4 during the emergency period, the covered loan shall be due
5 and payable in full to the Secretary, with accrued interest,
6 not later than 90 days after the date of discontinuance.

7 (g) INTEREST RATE.—A covered loan shall bear in-
8 terest at a rate of not more than 1 percent per year.

9 (h) BORROWER REQUIREMENTS.—

10 (1) INITIAL CERTIFICATION.—In applying for a
11 covered loan, an internet service provider shall cer-
12 tify to the Secretary that—

13 (A) a significant number of its internet
14 consumers are unable to pay for internet service
15 during the national emergency; and

16 (B) the amount of the covered loan re-
17 quested is a good faith estimate of the payment
18 shortfall of the internet service provider.

19 (2) FINAL CERTIFICATION.—Not earlier than
20 18 months after the last day of the emergency pe-
21 riod, and not later than the loan repayment date, an
22 internet service provider that receives a covered loan
23 shall certify to the Secretary the amount of the pay-
24 ment shortfall.

1 (i) TAXABILITY.—For purposes of the Internal Rev-
2 enue Code of 1986, any amount that (but for this sub-
3 section) would be included in the gross income of an inter-
4 net service provider by reason of forgiveness under sub-
5 section (e)(1) shall be excluded from gross income.

6 (j) SAVINGS CLAUSE.—Except as provided in sub-
7 section (e), nothing in this section shall be construed to
8 relieve—

9 (1) an internet consumer from paying for inter-
10 net service provided to the internet consumer; or

11 (2) an internet service provider from making
12 reasonable, good faith efforts to collect payment for
13 internet service from its internet consumers.

14 (k) DIRECT APPROPRIATION.—Out of any funds in
15 the Treasury not otherwise appropriated, there is appro-
16 priated to the Secretary to carry out this section
17 \$10,000,000,000 for fiscal year 2021, to remain available
18 through September 30, 2025, of which—

19 (1) \$4,000,000,000 shall be for covered loans to
20 small internet service providers; and

21 (2) \$6,000,000,000 shall be for covered loans to
22 large internet service providers.