

117TH CONGRESS
1ST SESSION

H. R. 616

To prohibit water shutoffs during the COVID–19 emergency period, provide drinking and waste water assistance to households, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 28, 2021

Ms. TLAIB (for herself, Ms. BARRAGÁN, Ms. BASS, Mr. BLUMENAUER, Ms. BONAMICI, Mr. BOWMAN, Ms. BUSH, Mrs. BUSTOS, Ms. CLARK of Massachusetts, Ms. CLARKE of New York, Mr. COHEN, Mrs. WATSON COLEMAN, Mr. CONNOLLY, Mr. DEUTCH, Mrs. DINGELL, Mr. MICHAEL F. DOYLE of Pennsylvania, Ms. ESCOBAR, Mr. ESPAILLAT, Mr. GARCÍA of Illinois, Mr. HASTINGS, Mrs. HAYES, Ms. JACKSON LEE, Ms. JAYAPAL, Ms. KAPTUR, Mr. KHANNA, Mr. LARSON of Connecticut, Ms. LEE of California, Mr. LEVIN of Michigan, Mr. LOWENTHAL, Mr. LYNCH, Mrs. CAROLYN B. MALONEY of New York, Mr. MCNERNEY, Ms. NEWMAN, Ms. NORTON, Ms. OCASIO-CORTEZ, Ms. PINGREE, Mr. POCAN, Ms. PRESSLEY, Mr. RYAN, Ms. SÁNCHEZ, Ms. SCHAKOWSKY, Ms. SPEIER, Ms. STEVENS, Mr. SUOZZI, Mrs. TRAHAN, Ms. VELÁZQUEZ, Ms. WASSERMAN SCHULTZ, Mr. THOMPSON of Mississippi, Ms. MOORE of Wisconsin, Mr. SIRES, Mr. HORSFORD, Ms. SCANLON, Mr. JONES, Mr. GOMEZ, Mr. MCGOVERN, Mrs. AXNE, Mr. SARBANES, Ms. KELLY of Illinois, Mr. CÁRDENAS, Mr. SOTO, Ms. KUSTER, Ms. MENG, Ms. BROWNLEY, Mr. WELCH, Mr. GRIJALVA, Mr. GREEN of Texas, Ms. MATSUI, Mrs. LAWRENCE, Ms. CRAIG, Ms. CASTOR of Florida, and Mr. RASKIN) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To prohibit water shutoffs during the COVID–19 emergency

period, provide drinking and waste water assistance to households, 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 “Emergency Water is
5 a Human Right Act”.

6 **SEC. 2. HOME ENERGY AND WATER SERVICE CONTINUITY.**

7 Any entity receiving financial assistance pursuant to
8 this Act shall, to the maximum extent practicable, estab-
9 lish or maintain in effect policies to ensure that no home
10 energy service or public water system service to an indi-
11 vidual or household, which is provided or regulated by
12 such entity, is or remains disconnected or interrupted dur-
13 ing the emergency period described in section
14 1135(g)(1)(B) of the Social Security Act. For purposes
15 of this Act, the term “home energy service” means a serv-
16 ice to provide home energy, as such term is defined in sec-
17 tion 2603 of the Low-Income Home Energy Assistance
18 Act of 1981, and electric service, as that term is used in
19 the Public Utility Regulatory Policies Act of 1978, and
20 the term “public water system” has the meaning given
21 that term in section 1401 of the Safe Drinking Water Act.
22 Nothing in this Act shall be construed to require forgive-
23 ness of outstanding debt owed to an entity or to absolve
24 an individual of any obligation to an entity for service.

1 **SEC. 3. LOW-INCOME HOUSEHOLD DRINKING WATER AND**
2 **WASTEWATER ASSISTANCE.**

3 (a) AUTHORIZATION OF APPROPRIATIONS.—There is
4 authorized to be appropriated \$1,500,000,000 to the Sec-
5 retary to carry out this section. Such sums shall remain
6 available until expended.

7 (b) LOW-INCOME HOUSEHOLD DRINKING WATER
8 AND WASTEWATER ASSISTANCE.—The Secretary shall
9 make grants to States and Indian Tribes to assist low-
10 income households, particularly those with the lowest in-
11 comes, that pay a high proportion of household income
12 for drinking water and wastewater services.

13 (c) USE OF LIHEAP RESOURCES.—In carrying out
14 this section, the Secretary, States, and Indian Tribes, as
15 applicable, shall use the existing processes, procedures,
16 policies, and systems in place to carry out the Low-Income
17 Home Energy Assistance Act of 1981, as the Secretary
18 determines appropriate, including by using the application
19 and approval process under such Act to the maximum ex-
20 tent practicable.

21 (d) ALLOTMENT.—

22 (1) FACTORS.—The Secretary shall allot
23 amounts appropriated pursuant to this section to a
24 State or Indian Tribe taking into account—

25 (A) the percentage of households in the
26 State, or under the jurisdiction of the Indian

1 Tribe, that are low-income, as determined by
2 the Secretary;

3 (B) the average State or Tribal drinking
4 water and wastewater service rates; and

5 (C) the extent to which the State or Indian
6 Tribe has been impacted by the public health
7 emergency.

8 (2) NOTIFICATION TO CONGRESS.—Not later
9 than 15 days after determining an amount to allot
10 to each State or Indian Tribe pursuant to paragraph
11 (1), and prior to making grants under this section,
12 the Secretary shall notify Congress of such allotment
13 amounts.

14 (e) DETERMINATION OF LOW-INCOME HOUSE-
15 HOLDS.—

16 (1) MINIMUM DEFINITION OF LOW-INCOME.—In
17 determining whether a household is considered low-
18 income for the purposes of this section, a State or
19 Indian Tribe shall—

20 (A) ensure that, at a minimum, all house-
21 holds within 150 percent of the Federal poverty
22 line are included as low-income households; and

23 (B) consider households that have not pre-
24 viously received assistance under the Low-In-
25 come Home Energy Assistance Act of 1981 in

1 the same manner as households that have pre-
2 viously received such assistance.

3 (2) HOUSEHOLD DOCUMENTATION REQUIRE-
4 MENTS.—States and Indian Tribes shall—

5 (A) to the maximum extent practicable,
6 seek to limit the income history documentation
7 requirements for determining whether a house-
8 hold is considered low-income for the purposes
9 of this section; and

10 (B) for the purposes of income eligibility,
11 accept proof of job loss or severe income loss
12 dated after February 29, 2020, such as a layoff
13 or furlough notice or verification of application
14 of unemployment benefits, as sufficient to dem-
15 onstrate lack of income for an individual or
16 household.

17 (f) APPLICATIONS.—Each State or Indian Tribe de-
18 siring to receive a grant under this section shall submit
19 an application to the Secretary, in such form as the Sec-
20 retary shall require.

21 (g) STATE AGREEMENTS WITH DRINKING WATER
22 AND WASTEWATER PROVIDERS.—To the maximum extent
23 practicable, a State that receives a grant under this sec-
24 tion shall enter into agreements with public water systems,
25 municipalities, nonprofit organizations associated with

1 providing drinking water and wastewater services to rural
2 and small communities, and Indian Tribes, to assist in
3 identifying low-income households and to carry out this
4 section.

5 (h) ADMINISTRATIVE COSTS.—A State or Indian
6 Tribe that receives a grant under this section may use up
7 to 15 percent of the granted amounts for administrative
8 costs.

9 (i) FEDERAL AGENCY COORDINATION.—In carrying
10 out this section, the Secretary shall coordinate with the
11 Administrator of the Environmental Protection Agency
12 and consult with other Federal agencies with authority
13 over the provision of drinking water and wastewater serv-
14 ices.

15 (j) AUDITS.—The Secretary shall require each State
16 and Indian Tribe receiving a grant under this section to
17 undertake periodic audits and evaluations of expenditures
18 made by such State or Indian Tribe pursuant to this sec-
19 tion.

20 (k) REPORTS TO CONGRESS.—The Secretary shall
21 submit to Congress a report on the results of activities
22 carried out pursuant to this section—

23 (1) not later than 1 year after the date of en-
24 actment of this section; and

1 (2) upon disbursement of all funds appropriated
2 pursuant to this section.

3 (l) DEFINITIONS.—In this section:

4 (1) INDIAN TRIBE.—The term “Indian Tribe”
5 means any Indian Tribe, band, group, or community
6 recognized by the Secretary of the Interior and exer-
7 cising governmental authority over a Federal Indian
8 reservation.

9 (2) MUNICIPALITY.—The term “municipality”
10 has the meaning given such term in section 502 of
11 the Federal Water Pollution Control Act (33 U.S.C.
12 1362).

13 (3) PUBLIC HEALTH EMERGENCY.—The term
14 “public health emergency” means the public health
15 emergency described in section 1135(g)(1)(B) of the
16 Social Security Act.

17 (4) SECRETARY.—The term “Secretary” means
18 the Secretary of Health and Human Services.

19 (5) STATE.—The term “State” means a State,
20 the District of Columbia, the Commonwealth of
21 Puerto Rico, the Virgin Islands of the United States,
22 Guam, American Samoa, and the Commonwealth of
23 the Northern Mariana Islands.

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