

117TH CONGRESS  
1ST SESSION

# S. 1783

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

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IN THE SENATE OF THE UNITED STATES

MAY 20, 2021

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

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## 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 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 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.

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