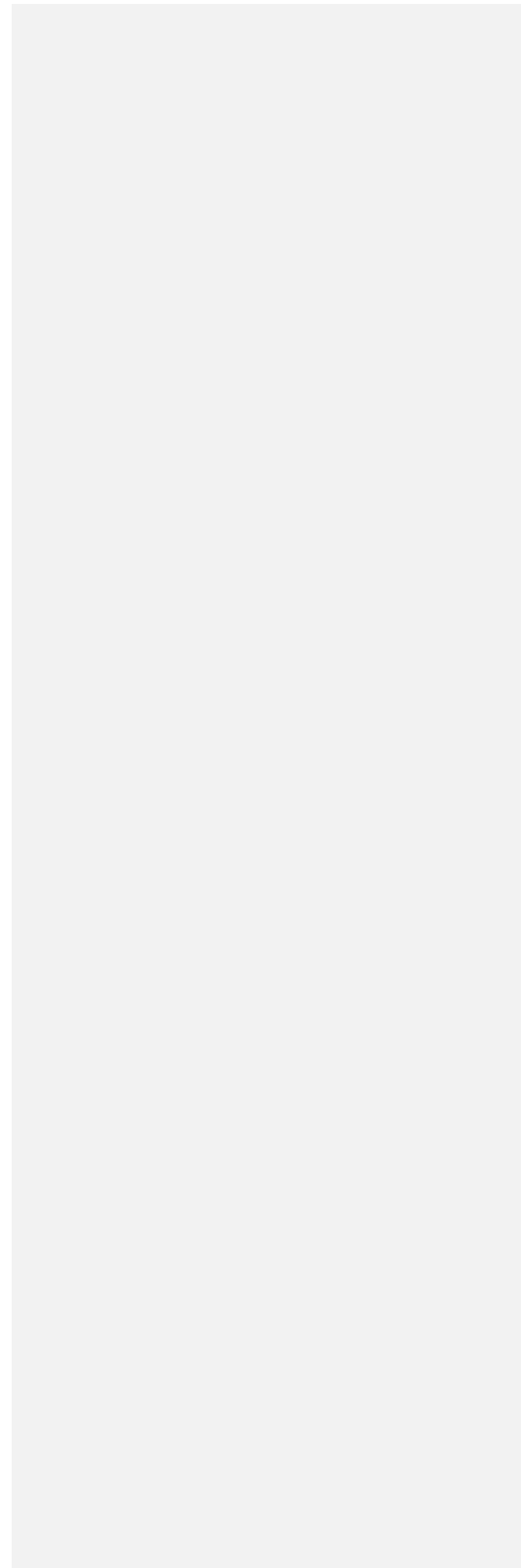


BON23765 5XR

S.L.C.

118TH-1 CONGRESS  
1ST SESSION

**S.** \_\_\_\_\_



To authorize the Low-Income Household Water Assistance Program, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. PADILLA introduced the following bill; which was read twice and referred to the Committee on \_\_\_\_\_

**A BILL**

To authorize the Low-Income Household Water Assistance Program, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the "Low-Income House-  
5 hold Water Assistance Program Establishment Act".

6 **SEC. 2. LOW-INCOME HOUSEHOLD WATER ASSISTANCE**

7 **PROGRAM.**

8 (a) DEFINITIONS.-In this section:

1 (1) ADMINISTRATOR.-The term "Administrator"  
means the Administrator of the Environ-

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2 mental Protection Agency.

3 (2) ELIGIBLE ENTITY.-The term "eligible enti-  
4 ty" means a State, or Indian tribe, that is eligible  
5 to receive or previously received a grant under the  
6 Low-Income Home Energy Assistance Act of 1981  
7 (42 U.S.C. 8621 et seq.).

8 (3) HOUSEHOLD.-The term "household"  
9 means any individual or group of individuals who  
10 are living together as 1 economic unit.

11 (4) LOW-INCOME HOUSEHOLD.-The term  
12 "low-income household" means a household-

13 (A) in which 1 or more individuals are re-  
14 ceiving-

15 (i) assistance under the State pro-  
16 gram funded under part A of title IV of  
17 the Social Security Act (42 U.S.C. 601 et  
18 seq.);

19 (ii) supplemental security income pay-  
20 ments under title XVI of the Social Secu-  
21 rity Act (42 U.S.C. 1381 et seq.);

22 (iii) supplemental nutrition assistance  
23 program benefits under the Food and Nu-  
24

1 trition Act of 2008 (7 U.S.C. 2011 et  
2 seq.);

3 (iv) payments under-

4 (I) section 1315, 1521, 1541, or  
5 1542 of title 38, United States Code;

6 or

7 (II) section 306 of the Veterans'  
8 and Survivors' Pension Improvement  
9 Act of 1978 (38 U.S.C. 1521 note;  
10 Public Law 95-588); or

11 (v) assistance under the Low-Income  
12 Home Energy Assistance Act of 1981; or

13 (B) that has a household income that, as  
deter-

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14 mined by the State or Indian tribe, does not ex-  
15 ceed the greater of-

16 (i) an amount equal to 150 percent of  
17 the poverty level;

18 (ii) an amount equal to 60 percent of  
19 the State median income for that State or  
20 the State in which the Indian tribe is pri-  
21 marily located; or

22 (iii) an amount equal to 60 percent of  
23 the area median income for the area  
24 which the household is located.

1 (5) POVERTY LEVEL.-The term "poverty  
 2 level" means the poverty line determined pursuant  
 3 to section 673 of the Community Services Block  
 4 Grant Act (42 U.S.C. 9902).

5 (6) PUBLIC WATER SYSTEM.-The term "public  
 6 water system" has the meaning given the term in  
 7 section 1401 of the Safe Drinking Water Act (42  
 8 U.S.C. 300f).

9 (7) QUALIFIED NONPROFIT ORGANIZATION.-

10 The term "qualified nonprofit organization" includes  
 11 a nonprofit organization described in section  
 12 680(a)(3)(B) of the Community Services Block  
 13 Grant Act (42 U.S.C. 9921(a)(3)(B)).

14 (8) SECRETARY.-The term "Secretary" means  
 15 the Secretary of Health and Human Services.

16 (9) STATE.-The term "State" means any of  
 17 the 50 States, the District of Columbia, the Com-  
 18 monwealth of Puerto Rico, Guam, the United States  
 19 Virgin Islands, American Samoa, and the Common-  
 20 wealth of the Northern Mariana Islands.

21 (10) TREATMENT WORKS.-The term "treat-  
 22 ment works" has the meaning given the term in sec-  
 23 tion 212 of the Federal Water Pollution Control Act  
 24 (33 U.S.C. 1292).

25 (b) ESTABLISHMENT.-

**Commented [km1]:** Is this the correct citation? The citation here is as follows (and does not seem to define qualified nonprofit organization): grants to multistate, regional, private, nonprofit organizations to enable the organizations to provide training and technical assistance to small, rural communities concerning meeting their community facility needs.

Consider adding language from Assurance 6 in the LIHEAP statute:

To the extent it is necessary to designate local administrative agencies in order to carry out the purposes of this title, [states will] give special consideration, in the designation of such agencies, to any local public or private nonprofit agency which was receiving Federal funds under any low-income energy assistance program or weatherization program under the Economic Opportunity Act of 1964 or any other provision of law on the day before the date of the enactment of this Act, except that --

(A) the State shall, before giving such special consideration, determine that the agency involved meets program and fiscal requirements established by the State; and

(B) if there is no such agency because of any change in the assistance furnished to programs for economically disadvantaged persons, then the State shall give special consideration in the designation of local administrative agencies to any successor agency which is operated in substantially the same manner as the predecessor agency which did receive funds for the fiscal year preceding the fiscal year for which the determination is made.

1 (1) IN GENERAL.-The Secretary, in consulta-  
 2 tion with the Administrator, shall establish the Low-  
 3 Income Household Water Assistance Program to  
 4 award grants, in accordance with paragraph (2), to  
 5 eligible entities to provide funds to  
 6 assist low-income households in paying arrearages  
 7 and other rates charged to such households for  
 8 drinking water or wastewater services.

9 (2) FORMULA.-In awarding grants under this  
 10 subsection to eligible entities, the Secretary shall-

11 (A) allot amounts made available for  
 12 grants under this subsection to an eligible enti-  
 13 ty that is a State or Indian tribe based on-

14 (i) the percentage of households in the  
 15 State, or under the jurisdiction of the In-  
 16 dian tribe, with income equal to or less  
 17 than 150 percent of the poverty level; or

18 (ii) the percentage of households in  
 19 the State, or under the jurisdiction of the  
 20 Indian tribe, that spend more than 30 per-  
 21 cent of monthly income on housing; and

22 (B) reserve up to 3 percent of amounts  
 23 made available for grants under this subsection  
 24 to eligible entities that are Indian tribes.

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**Deleted:** owners and oper-  
 ators of public water systems or treatment works to

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1 (c) RURAL, UNDERSERVED, AND INDIAN TRIBE AC-  
 2 CESS GRANTS.-The Secretary shall provide grants to  
 3 qualified nonprofit organizations to assist owners or oper-  
 4 ators of public water systems or treatment works, in rural  
 5 or underserved areas or in the jurisdiction of an Indian  
 6 tribe, in accessing funds through the Low-Income House-  
 7 hold Water Assistance Program.

8 (d) APPLICATIONS.-Each eligible entity seeking a  
 9 grant under subsection (b), shall  
 10 submit an application to the Secretary at such time, in  
 11 such manner, and containing such information as the Sec-  
 12 retary shall require.

13 (e) LIMITATIONS.-A recipient of a grant under sub-  
 14 section (b) or (c)-

15 (1) shall not use the funds from the grant to  
 16 supplant any other funds for any program that as-  
 17 sists low-income households in maintaining access to  
 18 affordable drinking water or wastewater services;  
 19 and

20 (2) may use the funds from the grant to supple-  
 21 ment or otherwise enhance any such program that  
 22 satisfies the requirements under this section.

23 (f) TECHNICAL ASSISTANCE FOR ELIGIBILITY RE-  
 24 QUIREMENTS.-The Secretary shall provide technical as-

**Commented [km3]:** Suggest state plans are submitted by eligible entities, which would detail subgrantee relationships, rather than request plans to the federal government from both states and subgrantees

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**Deleted:** and each qualified nonprofit organization seeking a grant under subsection (c),

1 sistance to eligible entities receiving a grant under sub-  
2 section (b) for such eligible entities to establish data shar-  
3 ing agreements to streamline categorical eligibility re-  
4 quirements for eligible low-income households.

5 (g) TRANSFER TO THE ENVIRONMENTAL PROTEC-  
6 TION AGENCY.-

7 (1) IN GENERAL.-On the date of enactment of this  
8 statute, the

9 Secretary, in coordination with the Administrator,  
10 shall transfer the Low-Income Household Water As-  
11 sistance Program established under this section to  
12 the Environmental Protection Agency for adminis-  
13 tration of such program by the Administrator in ac-  
14 cordance with this section.

14 (2) ADMINISTRATION.-

15 (A) IN GENERAL.-Beginning on the date  
16 described in paragraph (1)-

17 (i) the Administrator shall carry out  
18 all functions of the Secretary under this  
19 section; and

20 (ii) for purposes of administering the  
21 program established under this section,

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**Deleted:** on which the  
<#>final report described in section 50109(d) of the  
In-  
<#>frastructure Investment and Jobs Act (42  
U.S.C.  
<#>300j-19a note; Public Law 117-58; 135 Stat.  
1148)  
is submitted to Congress under such section

**Commented [km4]:** Recommend making the transition to  
EPA not dependent on pilot funding appropriations or  
extraneous reports, but initiated immediately upon passage  
of this legislation in order to quickly establish the program  
for ongoing support during the transition, and to protect  
households to the extent possible from a lapse in program  
delivery



1           each reference in subsection (b)(2), (c),  
2           (d), and (f) to the Secretary shall be  
3           deemed a reference to the Administrator.

4           **(B) GRANTS PREVIOUSLY AWARDED.-**

5           Notwithstanding paragraph (1) and subpara-  
6           graph (A), the Secretary shall continue, after  
7           the transfer under paragraph (1), administering  
8           each grant awarded under this section prior to  
9           such transfer until the administration of the term of  
10          such grant.

11          (3) UNOBLIGATED BALANCES.-On the date de-  
12          scribed in paragraph (1) and subject to section 1531  
13          of title 31, United States Code, the Secretary shall  
14          transfer o f all unobligated balances of appropriations,  
15          authorizations, allocations, or other funds available  
16          to the Low-Income Household Water Assistance  
17          Program established under this section (except for  
18          any such balances related to grants awarded prior to  
19          the transfer under paragraph (1)) to the Adminis-  
20          trator. The amounts of any such unobligated bal-  
21          ances so transferred shall be used only for the pur-  
22          poses for which the amounts were originally author-  
23          ized and appropriated.

1

1 (h) AUTHORIZATION OF APPROPRIATIONS.-There  
2 are authorized to be appropriated such sums as may be  
3 necessary to carry out this section.

