

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 During the COVID Emergency Act
6 of 2021”.

7 SEC. 2. EMERGENCY LOANS TO PUBLICLY OWNED AND

8 **NONPROFIT WATER AND WASTEWATER UTILI-**
9 **TIES.**

10 (a) DEFINITIONS.—In this section:

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

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

10 (3) LOAN PROGRAM.—The term “loan pro-
11 gram” means the loan program established by the
12 Administrator under subsection (b).

21 (6) PAYMENT SHORTFALL.—

22 (A) IN GENERAL.—The term “payment
23 shortfall”, with respect to a qualified utility,
24 means a good faith estimate of the total
25 amount of rates and charges for water service

1 provided during the emergency period that the
2 qualified utility has not collected from residential
3 water consumers of the qualified utility, as
4 certified by the qualified utility to the Administrator under subsection (g)(1).

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

11 (7) QUALIFIED UTILITY.—The term “qualified
12 utility” means—

13 (A) a publicly owned or nonprofit community
14 water system (as defined in section 1401 of
15 the Safe Drinking Water Act (42 U.S.C.
16 300f)); and

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

20 (8) RESIDENTIAL WATER CONSUMER.—The
21 term “residential water consumer” means a person
22 to whom water services are provided at the principal
23 residence of that person, for any purpose other than
24 resale.

6 (b) ESTABLISHMENT.—

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

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

25 (d) LOAN REPAYMENT.—

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

23 (ii) the qualified utility discontinues
24 water service or refuses to establish new
25 water service to any residential water con-

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

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

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

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

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

1 rates or charges for the provision of water serv-
2 ice.

3 (e) LOAN FORGIVENESS.—

4 (1) IN GENERAL.—Except as provided in sub-
5 section (d)(2), after receipt of a certification under
6 subsection (g)(2), the Administrator shall forgive
7 any loans provided to a qualified utility under the
8 loan program in an amount equal to the total
9 amount of the payment shortfall from the residential
10 water consumers of the qualified utility for water
11 service provided by the qualified utility to those resi-
12 dential water consumers during the emergency pe-
13 riod.

14 (2) REQUIREMENTS.—On forgiveness of a loan
15 or a portion of a loan under paragraph (1), the
16 qualified utility shall—

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

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

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

13 (g) BORROWER REQUIREMENTS.—

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

23 (B) a good faith certification that—

24 (i) a significant number of the resi-
25 dential water consumers of the qualified

1 utility have not paid for the water service
2 received by those residential water con-
3 sumers during the emergency period;

4 (ii) the amount of the loan sought by
5 the qualified utility is a good faith estimate
6 of the payment shortfall of the qualified
7 utility; and

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

8 (A) by ZIP Code—

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

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

19 (iii) for each applicable residential
20 water consumer the time between—

21 (I) the disconnection of water
22 service by the qualified utility for non-
23 payment of rates and charges for the
24 provision of water service; and

3 (iv) the average time between the dis-
4 connection and restoration described in
5 clause (iii) for all residential water con-
6 sumers disconnected during the applicable
7 month;

8 (v) the number of residential water
9 consumers for which the time between the
10 disconnection and restoration described in
11 clause (iii) exceeded 2 days;

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

19 (vii)(I) the number of residential
20 water consumers of the qualified utility
21 that are in arrears of payment of rates and
22 charges for the provision of water service
23 by the qualified utility; and

(II) the total amount and the range of
arrearages for which all residential water

1 consumers described in subclause (I) are in
2 arrears;

3 (viii) the total amount for which the
4 residential water consumers described in
5 clause (vii)(I) have had the amounts de-
6 scribed in that clause forgiven;

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

10 (x) the average amount per customer
11 of the forgiveness described in clause (ix);

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

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

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

24 (xiii) data similar to the data de-
25 scribed in clauses (i) through (xii) for the

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 Administrator
16 shall submit to the Committees on Appropriations,
17 Energy and Commerce, and Transportation and In-
18 frastructure of the House of Representatives and the
19 Committees on Appropriations and Environment and
20 Public Works of the Senate a report that de-
21 scribes—

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).

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 (j) have been fully dis-
20 bursed; 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) SAVINGS CLAUSE.—Except as provided in sub-
2 section (e), nothing in this section affects the obligation
3 of—

4 (1) a residential water consumer to pay for
5 water service received by the residential water con-
6 sumer; or

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

11 (j) MANDATORY SPENDING.—

12 (1) IN GENERAL.—There is appropriated to the
13 Administrator, out of any funds in the Treasury not
14 otherwise appropriated, \$9,000,000,000 to carry out
15 this section, to remain available until September 30,
16 2025.

17 (2) REQUIREMENT.—Of the amounts made
18 available under paragraph (1) to provide loans under
19 the loan program—

20 (A) 50 percent shall be used to provide
21 loans to qualified utilities described in sub-
22 section (a)(7)(A); and

23 (B) 50 percent shall be used to provide
24 loans to qualified utilities described in sub-
25 section (a)(7)(B).

1 SEC. 3. EMERGENCY LOANS TO PRIVATELY-OWNED WATER

2 UTILITIES.

3 (a) DEFINITIONS.—In this section:

4 (1) ADMINISTRATOR.—The term “Administrator” means the Administrator of the Environmental Protection Agency.

7 (2) EMERGENCY PERIOD.—The term “emergency period” means the period that—

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

10 (B) ends on the date on which the national emergency terminates under section 202 of the 11 National Emergencies Act (50 U.S.C. 1622).

13 (3) LOAN PROGRAM.—The term “loan program” means the loan program established by the 14 Administrator under subsection (b).

16 (4) LOAN REPAYMENT DATE.—The term “loan 17 repayment date” means the date that is 2 years 18 after the date described in paragraph (2)(B).

19 (5) NATIONAL EMERGENCY.—The term “national 20 emergency” means the national emergency declared by the President under the National Emergencies Act (50 U.S.C. 1601 et seq.) with respect to 21 the Coronavirus Disease 2019 (COVID–19).

24 (6) PAYMENT SHORTFALL.—

25 (A) IN GENERAL.—The term “payment 26 shortfall”, with respect to a qualified utility,

1 means a good faith estimate of the total
2 amount of rates and charges for water service
3 provided during the emergency period that the
4 qualified utility has not collected from residential
5 water consumers of the qualified utility, as
6 certified by the qualified utility to the Administrator under subsection (g)(1).

8 (B) EXCLUSION.—The term “payment
9 shortfall” does not include any portion of the
10 uncollected amounts described in subparagraph
11 (A) that the qualified utility has sold to a third
12 party.

13 (7) QUALIFIED UTILITY.—The term “qualified
14 utility” means—

15 (A) a privately owned, for-profit community
16 water system (as defined in section 1401 of
17 the Safe Drinking Water Act (42 U.S.C.
18 300f)); and

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

22 (8) RESIDENTIAL WATER CONSUMER.—The
23 term “residential water consumer” means a person
24 to whom water services are provided at the principal

1 residence of that person, for any purpose other than
2 resale.

3 (9) WATER SERVICE.—The term “water serv-
4 ice” means the treatment and provision of drinking
5 water, the collection and treatment of wastewater, or
6 stormwater management provided by a qualified util-
7 ity to a residential water consumer.

8 (b) ESTABLISHMENT.—

9 (1) IN GENERAL.—The Administrator shall es-
10 tablish a loan program to ensure that qualified utili-
11 ties are able to continue providing water service to
12 residential water consumers during the emergency
13 period.

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

22 (c) LOAN AUTHORIZATION.—The Administrator may
23 make 1 or more loans to a qualified utility under the loan
24 program, such that the total amount of loans provided to

1 the qualified utility is not greater than the payment short-
2 fall of the qualified utility.

3 (d) LOAN REPAYMENT.—

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

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

17 (A) During the emergency period and after
18 the date on which the qualified utility receives
19 the loan—

20 (i) the qualified utility charges any
21 residential water consumer interest, late
22 fees, or other charges or penalties associ-
23 ated with the late payment or nonpayment
24 of rates or charges for the provision of
25 water service;

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 Administrator shall forgive
5 any loans provided to a qualified utility under the
6 loan program in an amount equal to 50 percent of
7 the total amount of the payment shortfall from the
8 residential water consumers of the qualified utility
9 for water service provided by the qualified utility to
10 those residential water consumers during the emer-
11 gency period.

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

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

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

1 notify the residential water consumer of the
2 amount of that forgiveness.

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

6 (g) BORROWER REQUIREMENTS.—

7 (1) APPLICATION.—A qualified utility seeking a
8 loan under the loan program shall submit to the Ad-
9 ministrator an application at such time, in such
10 manner, and containing such information as the Ad-
11 ministrator may require, including—

12 (A) the amount of the loan sought by the
13 qualified utility, which shall be in an amount
14 not greater than the payment shortfall of the
15 qualified utility; and

16 (B) a good faith certification that—

17 (i) a significant number of the resi-
18 dential water consumers of the qualified
19 utility are unable to pay for the water serv-
20 ice received by those residential water con-
21 sumers during the emergency period; and

22 (ii) the amount of the loan sought by
23 the qualified utility is a good faith estimate
24 of the payment shortfall of the qualified
25 utility.

20 (A) by ZIP Code—

21 (i) the number of residential water
22 consumers disconnected from water service
23 by the qualified utility due to nonpayment
24 of rates and charges for the provision of
25 water service;

1 (ii) the number of restorations of
2 water service by the qualified utility of res-
3 idential water consumers that had been
4 disconnected for nonpayment of rates and
5 charges for the provision of water service;

6 (iii) the average time of the qualified
7 utility between—

12 (II) the restoration of that water
13 service;

14 (iv) the number of residential water
15 consumers of the qualified utility that be-
16 came eligible for disconnection of water
17 service due to nonpayment of rates and
18 charges for the provision of water service
19 but, because of a loan received under the
20 loan program, avoided disconnection;

21 (v)(I) the number of residential water
22 consumers of the qualified utility that are
23 in arrears of payment of rates and charges
24 for the provision of water service by the
25 qualified utility; and

1 (II) the total amount and the range of
2 arrearages for which all residential water
3 consumers described in subclause (I) are in
4 arrears;

5 (vi) the total amount for which the
6 residential water consumers described in
7 clause (v)(I) have had the amounts de-
8 scribed in that clause forgiven;

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

12 (viii) the average amount per cus-
13 tomer of the forgiveness described in
14 clause (vii);

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

19 (x)(I) the number, if any, of residential
20 water consumers for whom an arrear-
21 age described in clause (v)(I) has been sold
22 to a third-party debt buyer; and

23 (II) the total amount of arrearages
24 described in clause (v)(I) that have been

1 sold to a third-party debt buyer, if any;
2 and

3 (xi) data similar to the data described
4 in clauses (i) through (x) for the arrear-
5 ages that had accrued at the beginning of
6 the emergency period, including how much
7 of those arrearages have been forgiven or
8 sold, and how much of those arrearages re-
9 main; and

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

15 (h) SUBMISSIONS TO CONGRESS.—

16 (1) MONTHLY REPORTS.—Not later than 180
17 days after the date of enactment of this Act, and
18 every other month thereafter for which funding for
19 this section remains available, the Administrator
20 shall submit to the Committees on Appropriations,
21 Energy and Commerce, and Transportation and In-
22 frastructure of the House of Representatives and the
23 Committees on Appropriations and Environment and
24 Public Works of the Senate a report that de-
25 scribes—

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

22 (B) on the date on which all funds appro-
23 priated under subsection (k) have been fully
24 disbursed; and

1 (C) on the date on which all loans made
2 under or pursuant to this section have been re-
3 paid or forgiven.

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

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

10 (1) a residential water consumer to pay for
11 water service received by the residential water con-
12 sumer; or

17 (k) MANDATORY SPENDING.—

1 (A) 75 percent shall be used to provide
2 loans to qualified utilities described in sub-
3 section (a)(7)(A); and

4 (B) 25 percent shall be used to provide
5 loans to qualified utilities described in sub-
6 section (a)(7)(B).

7 SEC. 4. EMERGENCY LOANS TO MUNICIPAL AND COOPERA-
8 TIVE ELECTRIC UTILITIES.

9 (a) DEFINITIONS.—In this section:

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

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

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

18 (8) QUALIFIED UTILITY.—The term “qualified
19 utility” means—

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

23 (B) an agency, authority, or instrumentality of a State or political subdivision of a
24

1 State that sells electric energy to residential
2 electricity consumers.

3 (9) SECRETARY.—The term “Secretary” means
4 the Secretary of Energy.

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

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

14 (d) LOAN REPAYMENT.—

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

20 (2) RIGHT TO CALL.—Notwithstanding para-
21 graph (1) and subsection (e), if, during the emer-
22 gency period and after the date on which a qualified
23 utility receives a loan under the loan program, the
24 qualified utility discontinues electric service to the
25 residential electricity consumers of the qualified util-

1 ity due to nonpayment of rates and charges for the
2 provision of electric service, the loan shall be due
3 and payable in full, with accrued interest, 90 days
4 after the date on which the qualified utility discon-
5 tinues that electric service.

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

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

17 (g) BORROWER REQUIREMENTS.—

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

23 (A) the amount of the loan sought by the
24 qualified utility, which shall be in an amount

1 equal to the payment shortfall of the qualified
2 utility; and

3 (B) a good faith certification that—

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

10 (ii) the amount of the loan sought by
11 the qualified utility is a good faith estimate
12 of the payment shortfall of the qualified
13 utility; and

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

20 (2) FINAL CERTIFICATION.—Not earlier than
21 the date described in subsection (a)(3)(B) and not
22 later than the loan repayment date, a qualified util-
23 ity that receives a loan under the loan program shall
24 make a good faith certification to the Secretary of
25 the total amount of rates and charges (including in-

1 terest and fees) that the qualified utility has been
2 unable to recover from the residential electricity con-
3 sumers of the qualified utility for the electric service
4 provided to those residential electricity consumers
5 during the emergency period.

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

9 (i) SAVINGS CLAUSE.—Except as provided in sub-
10 section (e), nothing in this section affects the obligation
11 of—

12 (1) an electricity consumer to pay for electric
13 service received by the electricity consumer; or
14 (2) a qualified utility to make reasonable, good
15 faith efforts to collect payment for electric service
16 provided to electricity consumers of the qualified
17 utility.

18 (j) MANDATORY SPENDING.—

19 (1) IN GENERAL.—There is appropriated to the
20 Secretary, out of any funds in the Treasury not oth-
21 erwise appropriated, \$4,000,000,000 to carry out
22 this section, to remain available until September 30,
23 2025.

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

10 SEC. 5. EMERGENCY LOANS TO INVESTOR-OWNED ENERGY

11 UTILITIES.

12 (a) DEFINITIONS.—In this section:

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

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

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

23 (3) ENERGY SERVICE.—The term “energy serv-
24 ice” means the delivery of electric energy, natural

1 gas, or propane by a qualified utility to a residential
2 energy consumer.

3 (4) INTEREST, LATE FEES, OR OTHER
4 CHARGES.—The term “interest, late fees, or other
5 charges”, with respect to the provision of energy
6 service to a residential energy consumer, includes—

7 (A) any late fee charged by a qualified util-
8 ity with respect to the payment or nonpayment
9 of rates;

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

12 (i) the payment or nonpayment of
13 rates; or
14 (ii) the connection, disconnection, or
15 reconnection of a residential energy con-
16 sumer; and

17 (C) any interest charged by a qualified
18 utility to a residential energy consumer.

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

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

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

16 (A) electric utility:

17 (B) gas utility; or

18 (C) utility that sells and delivers propane
19 to energy consumers

20 (10) RATE —

1 (B) EXCLUSIONS.—The term “rate” does
2 not include—

3 (i) any late fee charged by a qualified
4 utility with respect to the payment or non-
5 payment of an amount described in sub-
6 paragraph (A);

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

9 (I) the payment or nonpayment
10 of an amount described in that sub-
11 paragraph; or

12 (II) the connection, disconnec-
13 tion, or reconnection of a residential
14 energy consumer; or

15 (iii) any interest charged by a qual-
16 fied utility to a residential energy con-
17 sumer, including any interest on—

18 (I) a fee described in clause (i) or
19 (ii); or
20 (II) an amount described in sub-
21 paragraph (A).

22 (11) SECRETARY.—The term “Secretary”
23 means the Secretary of Energy.

24 (b) ESTABLISHMENT.—The Secretary shall establish
25 a loan program to ensure that qualified utilities are able

1 to continue providing energy service to residential energy
2 consumers during the emergency period.

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

8 (d) LOAN REPAYMENT.—

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

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

1 late fees, or other charges, the loan shall be due and
2 payable in full, with accrued interest, 90 days after,
3 as applicable—

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

8 (B) the deadline by which to reconnect all
9 residential energy consumers under this para-
10 graph; or

11 (C) the first date after receipt of the loan
12 on which the qualified utility disconnected a
13 residential energy consumer.

14 (e) LOAN FORGIVENESS.—

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.—

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

20 (B) a good faith certification that—

21 (i) a significant number of the resi-
22 dential energy consumers of the qualified
23 utility are unable to pay for the energy
24 service received by those residential energy

1 consumers during the emergency period;

2 and

3 (ii) the amount of the loan sought by
4 the qualified utility is a good faith estimate
5 of the payment shortfall of the qualified
6 utility.

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

17 (3) REPORTING REQUIREMENTS.—A qualified
18 utility that receives a loan under the loan program
19 shall submit to the Secretary a monthly report de-
20 scribing—

21 (A) the number of residential energy con-
22 sumers disconnected by the qualified utility for
23 nonpayment;

1 (B) the number of service restorations to
2 residential energy consumers disconnected for
3 nonpayment;

4 (C) the average time between service dis-
5 connection for nonpayment and service restora-
6 tion;

7 (D) the number of residential energy con-
8 sumers that became eligible for disconnection
9 for nonpayment but avoided disconnection be-
10 cause of a loan under the loan program;

11 (E) the number of residential energy con-
12 sumers in arrears and the total dollar amount
13 of arrears for residential energy consumers of
14 the qualified utility; and

(F) the amount of arrears forgiven by the qualified utility with respect to residential energy consumers.

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

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

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

4 (j) MANDATORY SPENDING.—There is appropriated
5 to the Secretary, out of any funds in the Treasury not
6 otherwise appropriated, \$6,000,000,000 to carry out this
7 section, to remain available until September 30, 2025.

8 SEC. 6. EMERGENCY LOANS TO INTERNET SERVICE PRO-
9 VIDERS.

10 (a) DEFINITIONS.—In this section:

1 (5) LARGE INTERNET SERVICE PROVIDER.—

2 The term “large internet service provider” means an
3 internet service provider that provides internet serv-
4 ice to not fewer than 250,000 customers.

18 (b) ESTABLISHMENT OF LOAN PROGRAM.—The
19 Commission shall establish a loan program in accordance
20 with this section to ensure that internet service providers
21 are able to continue providing internet service to their
22 internet consumers during the emergency period.

23 (c) LOAN AUTHORIZATION.—The Commission may
24 make 1 or more loans to an internet service provider under
25 this section in a total amount equal to the payment short-

1 fall of the internet service provider, based on a good-faith
2 estimate of the payment shortfall made by the provider
3 when applying for the loan.

4 (d) LOAN REPAYMENT.—

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

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

13 (A) submits a final certification under sub-
14 section (h)(2) on or before the loan repayment
15 date;

16 (B) is unable to meet the deadline under
17 paragraph (1) of this subsection because the
18 internet service provider is waiting for the Com-
19 mission to calculate the amount of the covered
20 loan that will be forgiven; and

21 (C) pays the final balance owed on the cov-
22 ered loan within a reasonable amount of time,
23 as determined by the Commission, after the
24 Commission forgives the covered loan (in whole
25 or in part) under subsection (e)(1).

1 (e) LOAN FORGIVENESS.—

2 (1) FORGIVENESS OF COVERED LOANS.—

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

14 (B) APPLICABLE AMOUNT.—For purposes
15 of this paragraph, the term “applicable
16 amount”—

17 (i) with respect to a small internet
18 service provider, means the payment short-
19 fall; and

20 (ii) with respect to a large internet
21 service provider, means one-half of the
22 payment shortfall.

1 graph (1), the internet service provider shall forgive
2 all outstanding debt of the internet consumers of the
3 internet service provider relating to internet service
4 provided during the emergency period.

5 (f) RIGHT TO CALL.—If, after receipt of a covered
6 loan, an internet service provider discontinues internet
7 service to an internet consumer for nonpayment of a bill
8 during the emergency period, the covered loan shall be due
9 and payable in full to the Commission, with accrued inter-
10 est, not later than 90 days after the date of discontinu-
11 ance.

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

14 (h) BORROWER REQUIREMENTS.—

15 (1) INITIAL CERTIFICATION.—In applying for a
16 covered loan, an internet service provider shall cer-
17 tify to the Commission that—

18 (A) a significant number of its internet
19 consumers are unable to pay for internet service
20 during the national emergency; and

21 (B) the amount of the covered loan re-
22 quested is a good faith estimate of the payment
23 shortfall of the internet service provider.

24 (2) FINAL CERTIFICATION.—Not earlier than
25 18 months after the last day of the emergency pe-

1 riod, and not later than the loan repayment date, an
2 internet service provider that receives a covered loan
3 shall certify to the Commission the amount of the
4 payment shortfall.

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

10 (j) **SAVINGS CLAUSE.**—Except as provided in sub-
11 section (e), nothing in this section shall be construed to
12 relieve—

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

15 (2) an internet service provider from making
16 reasonable, good faith efforts to collect payment for
17 internet service from its internet consumers.

18 (k) **DIRECT APPROPRIATION.**—Out of any funds in
19 the Treasury not otherwise appropriated, there is appro-
20 priated to the Commission to carry out this section
21 \$10,000,000,000 for fiscal year 2021, to remain available
22 through September 30, 2025, of which—

23 (1) \$4,000,000,000 shall be for covered loans to
24 small internet service providers; and

1 (2) \$6,000,000,000 shall be for covered loans to
2 large internet service providers.