

117TH CONGRESS
1ST SESSION

H. R. 4979

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

IN THE HOUSE OF REPRESENTATIVES

AUGUST 6, 2021

Ms. TLAIB (for herself, Mr. GRIJALVA, Mr. BOWMAN, Mr. GARCÍA of Illinois, and Mr. KHANNA) introduced the following bill; which was referred to the Committee on Financial Services, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To 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”.

1 **SEC. 2. EMERGENCY LOANS TO PUBLICLY OWNED AND**
2 **NONPROFIT WATER AND WASTEWATER UTILI-**
3 **TIES.**

4 (a) DEFINITIONS.—In this section:

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

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

8 (B) ends on the date that is 2 years after
9 the date on which the national emergency ter-
10 minates under section 202 of the National
11 Emergencies Act (50 U.S.C. 1622).

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

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

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

23 (5) PAYMENT SHORTFALL.—

24 (A) IN GENERAL.—The term “payment
25 shortfall”, with respect to a qualified utility,
26 means a good faith estimate of the total

1 amount of rates and charges for water service
2 provided during the emergency period that the
3 qualified utility has not collected from residen-
4 tial water consumers of the qualified utility, as
5 certified by the qualified utility to the Secretary
6 under subsection (g)(1).

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

12 (6) QUALIFIED UTILITY.—The term “qualified
13 utility” means—

14 (A) a publicly owned or nonprofit commu-
15 nity water system (as defined in section 1401 of
16 the Safe Drinking Water Act (42 U.S.C.
17 300f)); and

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

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

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

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, including any
8 activities necessary to provide those services.

9 (b) ESTABLISHMENT.—

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

14 (2) REQUIREMENT.—In carrying out the loan
15 program, the Secretary 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 Secretary 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 quali-
13 fied 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 (ii) the qualified utility discontinues
2 water service or refuses to establish new
3 water service to any residential water con-
4 sumer of the qualified utility due to the
5 nonpayment of rates or charges or the
6 nonpayment of a deposit for the provision
7 of water service;

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

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

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

20 (vi) the qualified utility charges a
21 service restoration fee for the restoration
22 of service described in subparagraph (B).

23 (B) Not later than 30 days after the date
24 on which the qualified utility receives the loan,
25 the qualified utility fails to restore (except for

1 reasons of safety) water service to all residential
2 water consumers of the qualified utility who
3 had been disconnected due to nonpayment of
4 rates or charges for the provision of water serv-
5 ice.

6 (e) LOAN FORGIVENESS.—

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

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

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

1 water services to residential water consumers
2 during the emergency period;

3 (B) not later than 30 days after the date
4 on which the debt described in subparagraph
5 (A) is forgiven for a residential water consumer,
6 notify the residential water consumer of the
7 amount of that forgiveness; and

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

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

15 (g) BORROWER REQUIREMENTS.—

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

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

25 (B) a good faith certification that—

1 (i) a significant number of the resi-
2 dential water consumers of the qualified
3 utility have not paid for the water service
4 received by those residential water con-
5 sumers during the emergency period;

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

10 (iii) a loan in the amount described in
11 subparagraph (A) is needed to support the
12 qualified utility in continuing to provide
13 water service to the residential water con-
14 sumers of the qualified utility during the
15 emergency period.

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

cluding any such amount of uncollected payments
that the qualified utility has sold to a third party.

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

(A) by ZIP Code—

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

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

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

(I) the disconnection of water
service by the qualified utility for non-

1 payment of rates and charges for the
2 provision of water service; and

3 (II) the restoration of that water
4 service;

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

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

14 (vi) 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 (vii)(I) the number of residential
22 water consumers of the qualified utility
23 that are in arrears of payment of rates and
24 charges for the provision of water service
25 by the 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 (viii) the total amount for which the
6 residential water consumers described in
7 clause (vii)(I) have had the amounts de-
8 scribed in that clause forgiven;

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

12 (x) a good faith estimate of the aver-
13 age amount per residential water consumer
14 of the forgiveness described in clause (ix);

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

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

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

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

3 (xiii) data similar to the data de-
4 scribed in clauses (i) through (xii) for the
5 arrearages that had accrued at the begin-
6 ning of the emergency period, including
7 how much of those arrearages have been
8 forgiven or sold, and how much of those
9 arrearages remain; 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 Secretary shall
20 submit to the Committees on Appropriations, Finan-
21 cial Services, Energy and Commerce, and Transpor-
22 tation and Infrastructure of the House of Represent-
23 atives and the Committees on Appropriations, Envi-
24 ronment and Public Works, and Finance of the Sen-
25 ate a report that describes—

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

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

5 (C) the amount forgiven under subsection
6 (e) for each loan provided under or pursuant to
7 this section; and

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

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

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 (j) have been fully dis-
24 bursed; 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) 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 (j) 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, \$12,000,000,000 to carry out
18 this section, to remain available until September 30,
19 2027.

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

23 (A) 50 percent shall be used to provide
24 loans to qualified utilities described in sub-
25 section (a)(6)(A); and

1 (B) 50 percent shall be used to provide
 2 loans to qualified utilities described in sub-
 3 section (a)(6)(B).

4 **SEC. 3. EMERGENCY LOANS TO PRIVATELY OWNED WATER**
 5 **UTILITIES.**

6 (a) DEFINITIONS.—In this section:

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

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

10 (B) ends on the date that is 2 years after
 11 the date on which the national emergency ter-
 12 minates under section 202 of the National
 13 Emergencies Act (50 U.S.C. 1622).

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

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

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

25 (5) PAYMENT SHORTFALL.—

1 (A) IN GENERAL.—The term “payment
 2 shortfall”, with respect to a qualified utility,
 3 means a good faith estimate of the total
 4 amount of rates and charges for water service
 5 provided during the emergency period that the
 6 qualified utility has not collected from residen-
 7 tial water consumers of the qualified utility, as
 8 certified by the qualified utility to the Secretary
 9 under subsection (g)(1).

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

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

17 (A) a privately owned, for-profit commu-
 18 nity water system (as defined in section 1401 of
 19 the Safe Drinking Water Act (42 U.S.C.
 20 300f)); and

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

24 (7) RESIDENTIAL WATER CONSUMER.—The
 25 term “residential water consumer” means a house-

1 hold that serves as a principal residence to which
2 water services are provided for any purpose other
3 than resale.

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

6 (9) WATER SERVICE.—The term “water serv-
7 ice” means the treatment and provision of drinking
8 water, the collection and treatment of wastewater, or
9 stormwater management provided by a qualified util-
10 ity to a residential water consumer, including any
11 activities necessary to provide those services.

12 (b) ESTABLISHMENT.—

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

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

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

6 (d) LOAN REPAYMENT.—

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

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

20 (A) During the emergency period and after
21 the date on which the qualified utility receives
22 the loan—

23 (i) the qualified utility charges any
24 residential water consumer interest, late
25 fees, or other charges or penalties associ-

1 ated with the late payment or nonpayment
2 of rates or charges for the provision of
3 water service;

4 (ii) the qualified utility discontinues
5 water service or refuses to establish new
6 water service to any residential water con-
7 sumer of the qualified utility due to the
8 nonpayment of rates or charges or the
9 nonpayment of a deposit for the provision
10 of water service;

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

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

18 (v) the qualified utility charges a serv-
19 ice restoration fee for the restoration of
20 service described in subparagraph (B).

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

1 had been disconnected due to nonpayment of
2 rates or charges for the provision of water serv-
3 ice.

4 (e) LOAN FORGIVENESS.—

5 (1) IN GENERAL.—Except as provided in sub-
6 section (d)(2), after receipt of a certification under
7 subsection (g)(2), the Secretary shall forgive any
8 loans provided to a qualified utility under the loan
9 program in an amount equal to 50 percent of the
10 total amount of the payment shortfall from the resi-
11 dential water consumers of the qualified utility for
12 water service provided by the qualified utility to
13 those residential water consumers during the emer-
14 gency period.

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

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

1 (B) not later than 30 days after the date
2 on which the debt described in subparagraph
3 (A) is forgiven for a residential water consumer,
4 notify the residential water consumer of the
5 amount of that forgiveness.

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

9 (g) BORROWER REQUIREMENTS.—

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

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

19 (B) a good faith certification that—

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

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.

5 (2) FINAL CERTIFICATION.—Not earlier than
6 18 months after the date described in subsection
7 (a)(1)(B) and not later than the loan repayment
8 date, a qualified utility that receives a loan under
9 the loan program shall make a good faith certifi-
10 cation to the Secretary of the total amount of rates
11 that the qualified utility has not collected from the
12 residential water consumers of the qualified utility
13 for the water service provided to those residential
14 water consumers during the emergency period, ex-
15 cluding any such amount of uncollected payments
16 that the qualified utility has sold to a third party.

17 (3) REPORTING REQUIREMENT.—A qualified
18 utility that receives a loan under the loan program
19 shall, for each month until the month after the
20 month of the loan repayment date or the month in
21 which the loan is forgiven under subsection (e), as
22 applicable, submit to the Secretary a report that in-
23 cludes—

24 (A) by ZIP Code—

1 (i) the number of residential water
2 consumers disconnected from water service
3 by the qualified utility due to nonpayment
4 of rates and charges for the provision of
5 water service;

6 (ii) the number of restorations of
7 water service by the qualified utility of res-
8 idential water consumers that had been
9 disconnected for nonpayment of rates and
10 charges for the provision of water service;

11 (iii) the average time of the qualified
12 utility between—

13 (I) the disconnection of water
14 service by the qualified utility for non-
15 payment of rates and charges for the
16 provision of water service; and

17 (II) the restoration of that water
18 service;

19 (iv) the number of residential water
20 consumers of the qualified utility that be-
21 came eligible for disconnection of water
22 service due to nonpayment of rates and
23 charges for the provision of water service
24 but, because of a loan received under the
25 loan program, avoided disconnection;

1 (v)(I) the number of residential water
2 consumers of the qualified utility that are
3 in arrears of payment of rates and charges
4 for the provision of water service by the
5 qualified utility; and

6 (II) the total amount and the range of
7 arrearages for which all residential water
8 consumers described in subclause (I) are in
9 arrears;

10 (vi) the total amount for which the
11 residential water consumers described in
12 clause (v)(I) have had the amounts de-
13 scribed in that clause forgiven;

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

17 (viii) a good faith estimate of the av-
18 erage amount per residential water con-
19 sumer of the forgiveness described in
20 clause (vii);

21 (ix) the number, if any, of residential
22 water consumers that have had an arrear-
23 age described in clause (v)(I) forgiven only
24 in part;

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

5 (II) the total amount of arrearages
 6 described in clause (v)(I) that have been
 7 sold to a third-party debt buyer, if any;
 8 and

9 (xi) data similar to the data described
 10 in clauses (i) through (x) for the arrear-
 11 ages that had accrued at the beginning of
 12 the emergency period, including how much
 13 of those arrearages have been forgiven or
 14 sold, and how much of those arrearages re-
 15 main; and

16 (B) a statement of whether the qualified
 17 utility has carried out any of the actions de-
 18 scribed in subsection (d)(2)(A) or failed to
 19 carry out any of the actions described in sub-
 20 section (d)(2)(B) within the applicable month.

21 (h) SUBMISSIONS TO CONGRESS.—

22 (1) MONTHLY REPORTS.—Not later than 180
 23 days after the date of enactment of this Act, and
 24 every other month thereafter for which funding for
 25 this section remains available, the Secretary shall

1 submit to the Committees on Appropriations, Finan-
2 cial Services, Energy and Commerce, and Transpor-
3 tation and Infrastructure of the House of Represent-
4 atives and the Committees on Appropriations, Envi-
5 ronment and Public Works, and Finance of the Sen-
6 ate a report that describes—

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

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

11 (C) the amount forgiven under subsection
12 (e) for each loan provided under or pursuant to
13 this section; and

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

18 (2) OTHER REPORTS.—The Secretary shall sub-
19 mit to the Committees on Appropriations, Financial
20 Services, Energy and Commerce, and Transportation
21 and Infrastructure of the House of Representatives
22 and the Committees on Appropriations, Environment
23 and Public Works, and Finance of the Senate a re-
24 port that describes the results of activities carried
25 out pursuant to this section—

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

3 (B) on the date on which all funds appro-
4 priated under subsection (k) have been fully
5 disbursed; and

6 (C) on the date on which all loans made
7 under or pursuant to this section have been re-
8 paid or forgiven.

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

12 (j) SAVINGS CLAUSE.—Except as provided in sub-
13 section (e), nothing in this section affects the obligation
14 of—

15 (1) a residential water consumer to pay for
16 water service received by the residential water con-
17 sumer; or

18 (2) a qualified utility to make reasonable, good
19 faith efforts to collect payment for water services
20 provided to residential water consumers of the quali-
21 fied utility.

22 (k) MANDATORY SPENDING.—

23 (1) IN GENERAL.—There is appropriated to the
24 Secretary, out of any funds in the Treasury not oth-
25 erwise appropriated, \$1,500,000,000 to carry out

1 this section, to remain available until September 30,
2 2025.

3 (2) REQUIREMENT.—Of the amounts made
4 available under paragraph (1) to provide loans under
5 the loan program—

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

9 (B) 25 percent shall be used to provide
10 loans to qualified utilities described in sub-
11 section (a)(6)(B).

12 (l) FINANCIAL TERMS FOR PRIVATE UTILITIES.—

13 (1) FINANCIAL BENEFITS.—Any qualified util-
14 ity that is owned by shareholders or individuals shall
15 not derive any financial benefits, including increased
16 rates of return on capital investments, dividends,
17 and interest, from receipt of funding under this sec-
18 tion.

19 (2) REPORT.—Any qualified utility that is regu-
20 lated by a State utility commission and is owned by
21 shareholders shall report to its State utility commis-
22 sion or equivalent financial regulator the amount of
23 all loans it receives under this section and all infor-
24 mation it submits to the Secretary pursuant to sub-
25 section (g)(3).

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

3 (a) DEFINITIONS.—In this section:

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

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

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

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

14 (B) ends on the date that is 2 years after
15 the date on which the national emergency ter-
16 minates under section 202 of the National
17 Emergencies Act (50 U.S.C. 1622).

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

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

24 (6) NATIONAL EMERGENCY.—The term “na-
25 tional emergency” means the national emergency de-
26 clared by the President in response to the

1 coronavirus disease on March 13, 2020 (Proclama-
2 tion 9994, 85 Fed. Reg. 15337 (Mar. 18, 2020)).

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

12 (8) QUALIFIED UTILITY.—The term “qualified
13 utility” means—

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

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

21 (9) SECRETARY.—The term “Secretary” means
22 the Secretary of Energy.

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

1 to continue providing electric service to residential elec-
2 tricity 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 discontinues electric service to the
19 residential electricity consumers of the qualified util-
20 ity due to nonpayment of rates and charges for the
21 provision of electric service, the loan shall be due
22 and payable in full, with accrued interest, 90 days
23 after the date on which the qualified utility discon-
24 tinues that electric service.

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

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

12 (g) BORROWER REQUIREMENTS.—

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

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

22 (B) a good faith certification that—

23 (i) a significant number of the resi-
24 dential electricity consumers of the quali-
25 fied utility are unable to pay for the elec-

1 tric service received by those residential
2 electricity consumers during the emergency
3 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

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

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

1 (3) REPORTING REQUIREMENTS.—A qualified
2 utility that receives a loan under the loan program
3 shall submit to the Secretary a monthly report de-
4 scribing—

5 (A) the number of residential electricity
6 consumers disconnected by the qualified utility
7 for nonpayment;

8 (B) the number of service restorations to
9 residential electricity consumers disconnected
10 for nonpayment;

11 (C) the average time between service dis-
12 connection for nonpayment and service restora-
13 tion;

14 (D) the number of residential electricity
15 consumers that became eligible for disconnec-
16 tion for nonpayment but avoided disconnection
17 because of a loan under the loan program;

18 (E) the number of residential electricity
19 consumers in arrears and the total dollar
20 amount of arrears for residential energy con-
21 sumers of the qualified utility; and

22 (F) the amount of arrears forgiven by the
23 qualified utility with respect to residential elec-
24 tricity consumers.

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

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

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

13 (j) MANDATORY SPENDING.—

14 (1) IN GENERAL.—There is appropriated to the
15 Secretary, out of any funds in the Treasury not oth-
16 erwise appropriated, \$5,000,000,000 to carry out
17 this section, to remain available until September 30,
18 2025.

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

22 (A) 50 percent shall be used to provide
23 loans to qualified utilities described in sub-
24 section (a)(8)(A); and

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

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

6 (a) DEFINITIONS.—In this section:

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

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

10 (B) ends on the date that is 2 years after
 11 the date on which the national emergency ter-
 12 minates under section 202 of the National
 13 Emergencies Act (50 U.S.C. 1622).

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

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

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

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

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

6 (i) the payment or nonpayment of
7 rates; or

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

11 (C) any interest charged by a qualified
12 utility to a residential energy consumer.

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

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

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

24 (8) PAYMENT SHORTFALL.—The term “pay-
25 ment shortfall”, with respect to a qualified utility,

1 means a good faith estimate of the total amount of
2 rates for energy service provided during the emer-
3 gency period that the qualified utility is unable to
4 collect from all residential energy consumers of the
5 qualified utility, as certified by the qualified utility
6 to the Secretary under subsection (g)(1).

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

9 (A) electric utility;

10 (B) gas utility; or

11 (C) utility that sells and delivers propane
12 to energy consumers.

13 (10) RATE.—

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

19 (B) EXCLUSIONS.—The term “rate” does
20 not include—

21 (i) any late fee charged by a qualified
22 utility with respect to the payment or non-
23 payment of an amount described in sub-
24 paragraph (A);

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

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

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

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

12 (I) a fee described in clause (i) or
 13 (ii); or

14 (II) an amount described in sub-
 15 paragraph (A).

16 (11) SECRETARY.—The term “Secretary”
 17 means the Secretary of the Treasury.

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

22 (c) LOAN AUTHORIZATION.—The Secretary 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 more than the payment shortfall
2 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, during the emer-
11 gency period and after the date on which a qualified
12 utility receives a loan under the loan program, the
13 qualified utility charges residential energy consumers
14 interest, late fees, or other charges, does not recon-
15 nect all residential energy consumers who have been
16 disconnected for nonpayment of rates or interest,
17 late fees, or other charges by the date that is 30
18 days after the date on which the loan is made, or
19 discontinues energy service to a residential energy
20 consumer due to nonpayment of rates or interest,
21 late fees, or other charges, the loan shall be due and
22 payable in full, with accrued interest, 90 days after,
23 as applicable—

24 (A) the date on which the qualified utility
25 first charged residential energy consumers in-

1 terest, late fees, or other charges after receiving
2 the loan;

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

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

9 (e) LOAN FORGIVENESS.—

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

21 (2) REQUIREMENT.—On forgiveness of a loan
22 or a portion of a loan under paragraph (1), the
23 qualified utility shall forgive all outstanding debt
24 owed to the qualified utility that results from the

1 provision of energy service to residential energy con-
2 sumers during the emergency period.

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
9 Secretary an application at such time, in such man-
10 ner, and containing such information as the Sec-
11 retary may require, including—

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

16 (B) a good faith certification that—

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

23 (ii) the amount of the loan sought by
24 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, \$8,000,000,000 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 \$13,000,000,000 for fiscal year 2021, to remain available
18 through September 30, 2025, of which—

19 (1) \$5,000,000,000 shall be for covered loans to
20 small internet service providers; and

21 (2) \$8,000,000,000 shall be for covered loans to
22 large internet service providers.

○