

Union Calendar No. 141

109TH CONGRESS
1ST SESSION

H. R. 1973

[Report No. 109-260]

To make access to safe water and sanitation for developing countries a specific policy objective of the United States foreign assistance programs, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 28, 2005

Mr. BLUMENAUER (for himself, Mr. SHAW, Mr. LANTOS, Mr. LEACH, Mr. GEORGE MILLER of California, and Mr. TANCREDO) introduced the following bill; which was referred to the Committee on International Relations

OCTOBER 28, 2005

Additional sponsors: Mr. SCHWARZ of Michigan, Mrs. NAPOLITANO, Mr. CROWLEY, Mr. FRANK of Massachusetts, Mrs. CHRISTENSEN, Mr. BURTON of Indiana, Mr. WAXMAN, Mr. PAYNE, Mr. TOWNS, Mr. SANDERS, Mr. SERRANO, Mr. CUMMINGS, Mr. GRIJALVA, Mr. SPRATT, Mr. KIND, Mr. WALSH, Mr. McDERMOTT, Mr. LYNCH, Mr. CONYERS, Mr. MILLER of North Carolina, Mr. WEXLER, Mr. CARDOZA, Ms. LEE, Mr. RYAN of Ohio, Mr. BAIRD, Mr. BUTTERFIELD, Mr. STARK, Ms. MCCOLLUM of Minnesota, Mr. LIPINSKI, Ms. JACKSON-LEE of Texas, Mr. RUSH, Mr. SMITH of Washington, Mr. OWENS, Mr. MCGOVERN, Mr. FALEOMAVAEGA, Mr. ROTHMAN, Mr. BASS, Mr. FILNER, Mr. GORDON, Ms. ZOE LOFGREN of California, Mr. AL GREEN of Texas, Mr. SMITH of New Jersey, Mr. MCCOTTER, Mr. PRICE of North Carolina, Mr. BERMAN, Mr. MARKEY, Mr. BRADY of Pennsylvania, Mr. ABERCROMBIE, Mr. MOORE of Kansas, Mrs. DAVIS of California, Mr. EVANS, Mr. FARR, Mr. HYDE, Ms. WATSON, Mr. SHIMKUS, Mr. LAHOOD, Mr. GUTIERREZ, Mr. COSTELLO, Mr. TOM DAVIS of Virginia, Mr. WAMP, Mr. UDALL of New Mexico, Mr. WU, Mrs. CAPPS, Mr. BARTLETT of Maryland, Mr. GILCHREST, Mr. MANZULLO, Mr. SHAYS, Mr. WILSON of South Carolina, Mr. ROHRABACHER, Mr. THORNBERRY, Mr. TURNER, Mr. UDALL of Colorado, Mr. KINGSTON, Mr. KIRK, Mr. DENT, Mr. PICKERING, Mr. PETRI, Mr. WALDEN of Oregon, Mr. SIMPSON, Mr. LEWIS of Georgia, Mr.

RAMSTAD, Mrs. EMERSON, Mr. GERLACH, Mr. WATT, Mr. CARDIN, Ms. HOOLEY of Oregon, Mr. EHLERS, Mr. DEFazio, Mr. UPTON, Mr. BOOZMAN, Mr. McHUGH, Mr. VISCLOSKY, Mr. MORAN of Kansas, Mr. INGLIS of South Carolina, Ms. SCHAKOWSKY, and Mr. ACKERMAN

OCTOBER 28, 2005

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on April 28, 2005]

A BILL

To make access to safe water and sanitation for developing countries a specific policy objective of the United States foreign assistance programs, 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 “Senator Paul Simon*
 5 *Water for the Poor Act of 2005”.*

6 **SEC. 2. FINDINGS.**

7 *Congress makes the following findings:*

8 (1) *Water-related diseases are a human tragedy,*
 9 *killing up to five million people annually, preventing*
 10 *millions of people from leading healthy lives, and un-*
 11 *dermining development efforts.*

12 (2) *A child dies an average of every 15 seconds*
 13 *because of lack of access to safe water and adequate*
 14 *sanitation.*

1 (3) *In the poorest countries in the world, one out*
2 *of five children dies from a preventable, water-related*
3 *disease.*

4 (4) *Lack of access to safe drinking water, inad-*
5 *equately sanitation, and poor hygiene practices are di-*
6 *rectly responsible for the vast majority of diarrheal*
7 *diseases which kill over two million children each*
8 *year.*

9 (5) *At any given time, half of all people in the*
10 *developing world are suffering from one or more of*
11 *the main diseases associated with inadequate provi-*
12 *sion of water supply and sanitation services.*

13 (6) *Over 1.1 billion people, one in every six peo-*
14 *ple in the world, lack access to safe drinking water.*

15 (7) *Nearly 2.6 billion people, two in every five*
16 *people in the world, lack access to basic sanitation*
17 *services.*

18 (8) *Half of all schools in the world do not have*
19 *access to safe drinking water and basic sanitation.*

20 (9) *Over the past 20 years, two billion people*
21 *have gained access to safe drinking water and 600*
22 *million people have gained access to basic sanitation*
23 *services.*

24 (10) *Access to safe water and sanitation and im-*
25 *proved hygiene are significant factors in controlling*

1 *the spread of disease in the developing world and*
2 *positively affecting worker productivity and economic*
3 *development.*

4 (11) *Increasing access to safe water and sanita-*
5 *tion advances efforts toward other development objec-*
6 *tives, such as fighting poverty and hunger, promoting*
7 *primary education and gender equality, reducing*
8 *child mortality, promoting environmental stability,*
9 *improving the lives of slum dwellers, and strength-*
10 *ening national security.*

11 (12) *Providing safe supplies of water and sanita-*
12 *tion and hygiene improvements would save millions*
13 *of lives by reducing the prevalence of water-borne dis-*
14 *eases, water-based diseases, water-privation diseases,*
15 *and water-related vector diseases.*

16 (13) *Because women and girls in developing*
17 *countries are often the carriers of water, lack of access*
18 *to safe water and sanitation disproportionately affects*
19 *women and limits women's opportunities at edu-*
20 *cation, livelihood, and financial independence.*

21 (14) *Between 20 percent and 50 percent of exist-*
22 *ing water systems in developing countries are not op-*
23 *erating or are operating poorly.*

1 (15) *In developing world water delivery systems,*
2 *an average of 50 percent of all water is lost before it*
3 *gets to the end-user.*

4 (16) *Every \$1 invested in safe water and sanita-*
5 *tion would yield an economic return of between \$3*
6 *and \$34, depending on the region.*

7 (17) *Developing sustainable financing mecha-*
8 *nisms, such as pooling mechanisms and revolving*
9 *funds, is necessary for the long-term viability of im-*
10 *proved water and sanitation services.*

11 (18) *The annual level of investment needed to*
12 *meet the water and sanitation needs of developing*
13 *countries far exceeds the amount of Official Develop-*
14 *ment Assistance (ODA) and spending by governments*
15 *of developing countries, so facilitating and attracting*
16 *greater public and private investment is essential.*

17 (19) *Meeting the water and sanitation needs of*
18 *the lowest-income developing countries will require an*
19 *increase in the resources available as grants from*
20 *donor countries.*

21 (20) *The long-term sustainability of improved*
22 *water and sanitation services can be advanced by*
23 *promoting community level action and engagement*
24 *with civil society.*

1 (21) *Target 10 of the United Nations Millen-*
2 *nium Development Goals is to reduce by half the pro-*
3 *portion of people without sustainable access to safe*
4 *drinking water by 2015.*

5 (22) *The participants in the 2002 World Sum-*
6 *mit on Sustainable Development, held in Johannes-*
7 *burg, South Africa, including the United States,*
8 *agreed to the Plan of Implementation of the World*
9 *Summit on Sustainable Development which included*
10 *an agreement to work to reduce by one-half “the pro-*
11 *portion of people who are unable to reach or afford*
12 *safe drinking water,” and “the proportion of people*
13 *without access to basic sanitation” by 2015.*

14 (23) *At the World Summit on Sustainable Devel-*
15 *opment, the United States announced the Water for*
16 *the Poor Initiative, committing \$970 million for fis-*
17 *cal years 2003 through 2005 to improve sustainable*
18 *management of fresh water resources and accelerate*
19 *and expand international efforts to achieve the goal*
20 *of cutting in half by 2015 the proportion of people*
21 *who are unable to reach or to afford safe drinking*
22 *water.*

23 (24) *United Nations General Assembly Resolu-*
24 *tion 58/217 (February 9, 2004) proclaimed “the pe-*
25 *riod from 2005 to 2015 the International Decade for*

1 *Action, ‘Water for Life’, to commence on World Water*
2 *Day, 22 March 2005” for the purpose of increasing*
3 *the focus of the international community on water-re-*
4 *lated issues at all levels and on the implementation*
5 *of water-related programs and projects.*

6 (25) *Around the world, 263 river basins are*
7 *shared by two or more countries, and many more ba-*
8 *sins and watersheds cross political or ethnic bound-*
9 *aries.*

10 (26) *Water scarcity can contribute to insecurity*
11 *and conflict on subnational, national, and inter-*
12 *national levels, thus endangering the national secu-*
13 *rity of the United States.*

14 (27) *Opportunities to manage water problems*
15 *can be leveraged in ways to build confidence, trust,*
16 *and peace between parties in conflict.*

17 (28) *Cooperative water management can help re-*
18 *solve conflicts caused by other problems and is often*
19 *a crucial component in resolving such conflicts.*

20 (29) *Cooperative water management can help*
21 *countries recover from conflict and, by promoting dia-*
22 *logue and cooperation among former parties in con-*
23 *flict, can help prevent the reemergence of conflict.*

24 **SEC. 3. STATEMENT OF POLICY.**

25 *It is the policy of the United States—*

1 (1) to increase the percentage of water and sani-
2 tation assistance targeted toward countries designated
3 as high priority countries under section 6(f) of this
4 Act;

5 (2) to ensure that water and sanitation assist-
6 ance reflect an appropriate balance of grants, loans,
7 contracts, investment insurance, loan guarantees, and
8 other assistance to further ensure affordability and
9 equity in the provision of access to safe water and
10 sanitation for the very poor;

11 (3) to ensure that the targeting of water and
12 sanitation assistance reflect an appropriate balance
13 between urban, periurban, and rural areas to meet
14 the purposes of assistance described in section 135 of
15 the Foreign Assistance Act of 1961, as added by sec-
16 tion 5(a) of this Act;

17 (4) to ensure that forms of water and sanitation
18 assistance provided reflect the level of existing re-
19 sources and markets for investment in water and
20 sanitation within recipient countries;

21 (5) to ensure that water and sanitation assist-
22 ance, to the extent possible, supports the poverty re-
23 duction strategies of recipient countries and, when
24 appropriate, encourages the inclusion of water and
25 sanitation within such poverty reduction strategies;

1 (6) to promote country and local ownership of
2 safe water and sanitation programs, to the extent ap-
3 propriate;

4 (7) to promote community-based approaches in
5 the provision of affordable and equitable access to safe
6 water and sanitation, including the involvement of
7 civil society;

8 (8) to mobilize and leverage the financial and
9 technical capacity of businesses, governments, non-
10 governmental organizations, and civil society in the
11 form of public-private alliances;

12 (9) to encourage reforms and increase the capac-
13 ity of foreign governments to formulate and imple-
14 ment policies that expand access to safe water and
15 sanitation in an affordable, equitable, and sustainable
16 manner, including integrated strategic planning; and

17 (10) to protect the supply and availability of
18 safe water through sound environmental management,
19 including preventing the destruction and degradation
20 of ecosystems and watersheds.

21 **SEC. 4. SENSE OF CONGRESS.**

22 *It is the sense of Congress that—*

23 (1) in order to make the most effective use of
24 amounts of Official Development Assistance for water
25 and sanitation and avoid waste and duplication, the

1 *United States should seek to establish innovative*
2 *international coordination mechanisms based on best*
3 *practices in other development sectors; and*

4 *(2) the United States should greatly increase the*
5 *amount of Official Development Assistance made*
6 *available to carry out section 135 of the Foreign As-*
7 *sistance Act of 1961, as added by section 5(a) of this*
8 *Act.*

9 **SEC. 5. ASSISTANCE TO PROVIDE SAFE WATER AND SANITA-**
10 **TION.**

11 *(a) IN GENERAL.—Chapter 1 of part I of the Foreign*
12 *Assistance Act of 1961 (22 U.S.C. 2151 et seq.) is amended*
13 *by adding at the end the following new section:*

14 **“SEC. 135. ASSISTANCE TO PROVIDE SAFE WATER AND**
15 **SANITATION.**

16 *“(a) PURPOSES.—The purposes of assistance author-*
17 *ized by this section are—*

18 *“(1) to promote good health, economic develop-*
19 *ment, poverty reduction, women’s empowerment, con-*
20 *flict prevention, and environmental sustainability by*
21 *providing assistance to expand access to safe water*
22 *and sanitation, promoting integrated water resource*
23 *management, and improving hygiene for people*
24 *around the world;*

1 “(2) to seek to reduce by one-half from the base-
2 line year 1990 the proportion of people who are un-
3 able to reach or afford safe drinking water and the
4 proportion of people without access to basic sanita-
5 tion by 2015;

6 “(3) to focus water and sanitation assistance to-
7 ward the countries, locales, and people with the great-
8 est need;

9 “(4) to promote affordability and equity in the
10 provision of access to safe water and sanitation for
11 the very poor, women, and other vulnerable popu-
12 lations;

13 “(5) to improve water efficiency through water
14 demand management and reduction of unaccounted-
15 for water;

16 “(6) to promote long-term sustainability in the
17 affordable and equitable provision of access to safe
18 water and sanitation through the creation of innova-
19 tive financing mechanisms such as national revolving
20 funds, and by strengthening the capacity of recipient
21 governments and communities to formulate and im-
22 plement policies that expand access to safe water and
23 sanitation in a sustainable fashion, including inte-
24 grated planning;

1 “(7) to secure the greatest amount of resources
2 possible, encourage private investment in water and
3 sanitation infrastructure and services, particularly in
4 lower middle-income countries, without creating
5 unsustainable debt for low-income countries or
6 unaffordable water and sanitation costs for the very
7 poor; and

8 “(8) to promote the capacity of recipient govern-
9 ments to provide affordable, equitable, and sustain-
10 able access to safe water and sanitation.

11 “(b) *AUTHORIZATION.*—To carry out the purposes of
12 subsection (a), the President is authorized to furnish assist-
13 ance for programs in developing countries to provide afford-
14 able and equitable access to safe water and sanitation.

15 “(c) *ACTIVITIES SUPPORTED.*—Assistance provided
16 under subsection (b) shall, to the maximum extent prac-
17 ticable, be used to—

18 “(1) expand affordable and equitable access to
19 safe water and sanitation for underserved popu-
20 lations;

21 “(2) support the design, construction, mainte-
22 nance, upkeep, repair, and operation of water deliv-
23 ery and sanitation systems;

24 “(3) improve the safety and reliability of water
25 supplies, including environmental management; and

1 “(4) improve the capacity of recipient govern-
2 ments and local communities, including capacity-
3 building programs for improved water resource man-
4 agement.

5 “(d) LOCAL CURRENCY.—The President may use pay-
6 ments made in local currencies under an agreement made
7 under title I of the Agricultural Trade Development and
8 Assistance Act of 1954 (7 U.S.C. 1701 et seq.) to provide
9 assistance under this section.”.

10 (b) CONFORMING AMENDMENT.—Section 104(c) of the
11 Agricultural Trade Development and Assistance Act of 1954
12 (7 U.S.C. 1704(c)) is amended by adding at the end the
13 following new paragraph:

14 “(9) SAFE WATER AND SANITATION.—To provide
15 assistance under section 135 of the Foreign Assistance
16 Act of 1961 to promote good health, economic develop-
17 ment, poverty reduction, women’s empowerment, con-
18 flict prevention, and environmental sustainability by
19 increasing affordable and equitable access to safe
20 water and sanitation.”.

21 **SEC. 6. SAFE WATER AND SANITATION STRATEGY.**

22 (a) STRATEGY.—The President, acting through the
23 Secretary of State, shall develop a strategy to further the
24 United States foreign assistance objective to provide afford-
25 able and equitable access to safe water and sanitation in

1 *developing countries, as described in section 135 of the For-*
2 *ign Assistance Act of 1961, as added by section 5(a) of*
3 *this Act.*

4 **(b) CONSULTATION.**—*The strategy required by sub-*
5 *section (a) shall be developed in consultation with the Ad-*
6 *ministrator of the United States Agency for International*
7 *Development, the heads of other appropriate Federal de-*
8 *partments and agencies, international organizations, inter-*
9 *national financial institutions, recipient governments,*
10 *United States and international nongovernmental organi-*
11 *zations, indigenous civil society, and other appropriate en-*
12 *tities.*

13 **(c) IMPLEMENTATION.**—*The Secretary of State, acting*
14 *through the Administrator of the United States Agency for*
15 *International Development, shall implement the strategy re-*
16 *quired by subsection (a). The strategy may also be imple-*
17 *mented in part by other Federal departments and agencies,*
18 *as appropriate.*

19 **(d) CONSISTENT WITH SAFE WATER AND SANITATION**
20 **POLICY.**—*The strategy required by subsection (a) shall be*
21 *consistent with the policy stated in section 3 of this Act.*

22 **(e) CONTENT.**—*The strategy required by subsection (a)*
23 *shall include—*

24 **(1)** *an assessment of the activities that have been*
25 *carried out, or that are planned to be carried out, by*

1 *all appropriate Federal departments and agencies to*
2 *improve affordable and equitable access to safe water*
3 *and sanitation in all countries that receive assistance*
4 *from the United States;*

5 *(2) specific and measurable goals, benchmarks,*
6 *and timetables to achieve the objective described in*
7 *subsection (a);*

8 *(3) an assessment of the level of funding and*
9 *other assistance for United States water and sanita-*
10 *tion programs needed each year to achieve the goals,*
11 *benchmarks, and timetables described in paragraph*
12 *(2);*

13 *(4) methods to coordinate and integrate United*
14 *States water and sanitation assistance programs with*
15 *other United States development assistance programs*
16 *to achieve the objective described in subsection (a);*

17 *(5) methods to better coordinate United States*
18 *water and sanitation assistance programs with pro-*
19 *grams of other donor countries and entities to achieve*
20 *the objective described in subsection (a); and*

21 *(6) an assessment of the commitment of govern-*
22 *ments of countries that receive assistance under sec-*
23 *tion 135 of the Foreign Assistance Act of 1961, as*
24 *added by section 5(a) of this Act, to policies or policy*
25 *reforms that support affordable and equitable access*

1 *by the people of such countries to safe water and sani-*
2 *tation.*

3 *(f) DESIGNATION OF HIGH PRIORITY COUNTRIES.—*

4 *The strategy required by subsection (a) shall further include*
5 *the designation of high priority countries for assistance*
6 *under section 135 of the Foreign Assistance Act of 1961,*
7 *as added by section 5(a) of this Act. This designation shall*
8 *be made on the basis of—*

9 *(1) countries in which the need for increased ac-*
10 *cess to safe water and sanitation is greatest; and*

11 *(2) countries in which assistance under such sec-*
12 *tion can be expected to make the greatest difference in*
13 *promoting good health, economic development, poverty*
14 *reduction, women's empowerment, conflict prevention,*
15 *and environmental sustainability.*

16 *(g) REPORTS.—*

17 *(1) INITIAL REPORT.—Not later than 180 days*
18 *after the date of the enactment of this Act, the Sec-*
19 *retary of State shall submit to the appropriate con-*
20 *gressional committees a report that describes the*
21 *strategy required by subsection (a).*

22 *(2) SUBSEQUENT REPORTS.—*

23 *(A) IN GENERAL.—Not less than once every*
24 *year after the submission of the initial report*
25 *under paragraph (1) until 2015, the Secretary of*

1 *State shall submit to the appropriate congress-*
2 *sional committees a report on the status of the*
3 *implementation of the strategy, progress made in*
4 *achieving the objective described in subsection*
5 *(a), and any changes to the strategy since the*
6 *date of the submission of the last report.*

7 *(B) ADDITIONAL INFORMATION.—Such re-*
8 *ports shall include information on the amount of*
9 *funds expended in each country or program,*
10 *disaggregated by purpose of assistance, including*
11 *information on capital investments, and the*
12 *source of such funds by account.*

13 *(3) DEFINITION.—In this subsection, the term*
14 *“appropriate congressional committees” means—*

15 *(A) the Committee on International Rela-*
16 *tions and the Committee on Appropriations of*
17 *the House of Representatives; and*

18 *(B) the Committee on Foreign Relations*
19 *and the Committee on Appropriations of the*
20 *Senate.*

21 **SEC. 7. MONITORING REQUIREMENT.**

22 *The Secretary of State and the Administrator of the*
23 *United States Agency for International Development shall*
24 *monitor the implementation of assistance under section 135*
25 *of the Foreign Assistance Act of 1961, as added by section*

1 5(a) of this Act, to ensure that the assistance is reaching
2 its intended targets and meeting the intended purposes of
3 assistance.

4 **SEC. 8. SENSE OF CONGRESS REGARDING DEVELOPMENT**
5 **OF LOCAL CAPACITY.**

6 *It is the sense of Congress that the Secretary of State*
7 *should expand current programs and develop new pro-*
8 *grams, as necessary, to train local water and sanitation*
9 *managers and other officials of countries that receive assist-*
10 *ance under section 135 of the Foreign Assistance Act of*
11 *1961, as added by section 5(a) of this Act.*

12 **SEC. 9. SENSE OF CONGRESS REGARDING ADDITIONAL**
13 **WATER AND SANITATION PROGRAMS.**

14 *It is the sense of the Congress that—*

15 *(1) the United States should further support, as*
16 *appropriate, water and sanitation activities of*
17 *United Nations agencies, such as the United Nations*
18 *Children's Fund (UNICEF), the United Nations De-*
19 *velopment Programme (UNDP), and the United Na-*
20 *tions Environment Programme (UNEP); and*

21 *(2) the Secretary of the Treasury should instruct*
22 *each United States Executive Director at the multi-*
23 *lateral development banks (within the meaning of sec-*
24 *tion 1701(c) of the International Financial Institu-*
25 *tions Act) to encourage the inclusion of water and*

1 **(b) OTHER AMOUNTS.**—Amounts appropriated pursu-
2 ant to the authorization of appropriations in subsection (a)
3 shall be in addition to the amounts otherwise available to
4 carry out this Act and the amendments made by this Act.

5 **(c) AVAILABILITY.**—Amounts appropriated pursuant
6 to the authorization of appropriations under section (a) are
7 authorized to remain available until expended.

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