

109TH CONGRESS
1ST SESSION

H. R. 1973

IN THE SENATE OF THE UNITED STATES

NOVEMBER 8, 2005

Received

AN ACT

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Senator Paul Simon
3 Water for the Poor Act of 2005”.

4 **SEC. 2. FINDINGS.**

5 Congress makes the following findings:

6 (1) Water-related diseases are a human trag-
7 edy, killing up to five million people annually, pre-
8 venting millions of people from leading healthy lives,
9 and undermining development efforts.

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

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

16 (4) Lack of access to safe drinking water, inad-
17 equate sanitation, and poor hygiene practices are di-
18 rectly responsible for the vast majority of diarrheal
19 diseases which kill over two million children each
20 year.

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

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

1 (7) Nearly 2.6 billion people, two in every five
2 people in the world, lack access to basic sanitation
3 services.

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

6 (9) Over the past 20 years, two billion people
7 have gained access to safe drinking water and 600
8 million people have gained access to basic sanitation
9 services.

10 (10) Access to safe water and sanitation and
11 improved hygiene are significant factors in control-
12 ling the spread of disease in the developing world
13 and positively affecting worker productivity and eco-
14 nomic development.

15 (11) Increasing access to safe water and sanita-
16 tion advances efforts toward other development ob-
17 jectives, such as fighting poverty and hunger, pro-
18 moting primary education and gender equality, re-
19 ducing child mortality, promoting environmental sta-
20 bility, improving the lives of slum dwellers, and
21 strengthening national security.

22 (12) Providing safe supplies of water and sani-
23 tation and hygiene improvements would save millions
24 of lives by reducing the prevalence of water-borne

1 diseases, water-based diseases, water-privation dis-
2 eases, and water-related vector diseases.

3 (13) Because women and girls in developing
4 countries are often the carriers of water, lack of ac-
5 cess to safe water and sanitation disproportionately
6 affects women and limits women's opportunities at
7 education, livelihood, and financial independence.

8 (14) Between 20 percent and 50 percent of ex-
9 isting water systems in developing countries are not
10 operating or are operating poorly.

11 (15) In developing world water delivery sys-
12 tems, an average of 50 percent of all water is lost
13 before it gets to the end-user.

14 (16) Every \$1 invested in safe water and sani-
15 tation would yield an economic return of between \$3
16 and \$34, depending on the region.

17 (17) Developing sustainable financing mecha-
18 nisms, such as pooling mechanisms and revolving
19 funds, is necessary for the long-term viability of im-
20 proved water and sanitation services.

21 (18) The annual level of investment needed to
22 meet the water and sanitation needs of developing
23 countries far exceeds the amount of Official Develop-
24 ment Assistance (ODA) and spending by govern-
25 ments of developing countries, so facilitating and at-

1 tracting greater public and private investment is es-
2 sential.

3 (19) Meeting the water and sanitation needs of
4 the lowest-income developing countries will require
5 an increase in the resources available as grants from
6 donor countries.

7 (20) The long-term sustainability of improved
8 water and sanitation services can be advanced by
9 promoting community level action and engagement
10 with civil society.

11 (21) Target 10 of the United Nations Millen-
12 nium Development Goals is to reduce by half the
13 proportion of people without sustainable access to
14 safe drinking water by 2015.

15 (22) The participants in the 2002 World Sum-
16 mit on Sustainable Development, held in Johannes-
17 burg, South Africa, including the United States,
18 agreed to the Plan of Implementation of the World
19 Summit on Sustainable Development which included
20 an agreement to work to reduce by one-half “the
21 proportion of people who are unable to reach or af-
22 ford safe drinking water,” and “the proportion of
23 people without access to basic sanitation” by 2015.

24 (23) At the World Summit on Sustainable De-
25 velopment, the United States announced the Water

1 for the Poor Initiative, committing \$970 million for
2 fiscal years 2003 through 2005 to improve sustain-
3 able management of fresh water resources and accel-
4 erate and expand international efforts to achieve the
5 goal of cutting in half by 2015 the proportion of
6 people who are unable to reach or to afford safe
7 drinking water.

8 (24) United Nations General Assembly Resolu-
9 tion 58/217 (February 9, 2004) proclaimed “the pe-
10 riod from 2005 to 2015 the International Decade for
11 Action, ‘Water for Life’, to commence on World
12 Water Day, 22 March 2005” for the purpose of in-
13 creasing the focus of the international community on
14 water-related issues at all levels and on the imple-
15 mentation of water-related programs and projects.

16 (25) Around the world, 263 river basins are
17 shared by two or more countries, and many more
18 basins and watersheds cross political or ethnic
19 boundaries.

20 (26) Water scarcity can contribute to insecurity
21 and conflict on subnational, national, and inter-
22 national levels, thus endangering the national secu-
23 rity of the United States.

1 (27) Opportunities to manage water problems
2 can be leveraged in ways to build confidence, trust,
3 and peace between parties in conflict.

4 (28) Cooperative water management can help
5 resolve conflicts caused by other problems and is
6 often a crucial component in resolving such conflicts.

7 (29) Cooperative water management can help
8 countries recover from conflict and, by promoting
9 dialogue and cooperation among former parties in
10 conflict, can help prevent the reemergence of con-
11 flict.

12 **SEC. 3. STATEMENT OF POLICY.**

13 It is the policy of the United States—

14 (1) to increase the percentage of water and
15 sanitation assistance targeted toward countries des-
16 ignated as high priority countries under section 6(f)
17 of this Act;

18 (2) to ensure that water and sanitation assist-
19 ance reflect an appropriate balance of grants, loans,
20 contracts, investment insurance, loan guarantees,
21 and other assistance to further ensure affordability
22 and equity in the provision of access to safe water
23 and sanitation for the very poor;

24 (3) to ensure that the targeting of water and
25 sanitation assistance reflect an appropriate balance

1 between urban, periurban, and rural areas to meet
2 the purposes of assistance described in section 135
3 of the Foreign Assistance Act of 1961, as added by
4 section 5(a) of this Act;

5 (4) to ensure that forms of water and sanita-
6 tion assistance provided reflect the level of existing
7 resources and markets for investment in water and
8 sanitation within recipient countries;

9 (5) to ensure that water and sanitation assist-
10 ance, to the extent possible, supports the poverty re-
11 duction strategies of recipient countries and, when
12 appropriate, encourages the inclusion of water and
13 sanitation within such poverty reduction strategies;

14 (6) to promote country and local ownership of
15 safe water and sanitation programs, to the extent
16 appropriate;

17 (7) to promote community-based approaches in
18 the provision of affordable and equitable access to
19 safe water and sanitation, including the involvement
20 of civil society;

21 (8) to mobilize and leverage the financial and
22 technical capacity of businesses, governments, non-
23 governmental organizations, and civil society in the
24 form of public-private alliances;

1 (9) to encourage reforms and increase the ca-
2 capacity of foreign governments to formulate and im-
3 plement policies that expand access to safe water
4 and sanitation in an affordable, equitable, and sus-
5 tainable manner, including integrated strategic plan-
6 ning; and

7 (10) to protect the supply and availability of
8 safe water through sound environmental manage-
9 ment, including preventing the destruction and deg-
10 radation of ecosystems and watersheds.

11 **SEC. 4. SENSE OF CONGRESS.**

12 It is the sense of Congress that—

13 (1) in order to make the most effective use of
14 amounts of Official Development Assistance for
15 water and sanitation and avoid waste and duplica-
16 tion, the United States should seek to establish inno-
17 vative international coordination mechanisms based
18 on best practices in other development sectors; and

19 (2) the United States should greatly increase
20 the amount of Official Development Assistance made
21 available to carry out section 135 of the Foreign As-
22 sistance Act of 1961, as added by section 5(a) of
23 this Act.

1 **SEC. 5. ASSISTANCE TO PROVIDE SAFE WATER AND SANI-**
2 **TATION.**

3 (a) IN GENERAL.—Chapter 1 of part I of the Foreign
4 Assistance Act of 1961 (22 U.S.C. 2151 et seq.) is amend-
5 ed by adding at the end the following new section:

6 **“SEC. 135. ASSISTANCE TO PROVIDE SAFE WATER AND**
7 **SANITATION.**

8 “(a) PURPOSES.—The purposes of assistance author-
9 ized by this section are—

10 “(1) to promote good health, economic develop-
11 ment, poverty reduction, women’s empowerment,
12 conflict prevention, and environmental sustainability
13 by providing assistance to expand access to safe
14 water and sanitation, promoting integrated water re-
15 source management, and improving hygiene for peo-
16 ple around the world;

17 “(2) to seek to reduce by one-half from the
18 baseline year 1990 the proportion of people who are
19 unable to reach or afford safe drinking water and
20 the proportion of people without access to basic sani-
21 tation by 2015;

22 “(3) to focus water and sanitation assistance
23 toward the countries, locales, and people with the
24 greatest need;

25 “(4) to promote affordability and equity in the
26 provision of access to safe water and sanitation for

1 the very poor, women, and other vulnerable popu-
2 lations;

3 “(5) to improve water efficiency through water
4 demand management and reduction of unaccounted-
5 for water;

6 “(6) to promote long-term sustainability in the
7 affordable and equitable provision of access to safe
8 water and sanitation through the creation of innova-
9 tive financing mechanisms such as national revolving
10 funds, and by strengthening the capacity of recipient
11 governments and communities to formulate and im-
12 plement policies that expand access to safe water
13 and sanitation in a sustainable fashion, including in-
14 tegrated planning;

15 “(7) to secure the greatest amount of resources
16 possible, encourage private investment in water and
17 sanitation infrastructure and services, particularly in
18 lower middle-income countries, without creating
19 unsustainable debt for low-income countries or
20 unaffordable water and sanitation costs for the very
21 poor; and

22 “(8) to promote the capacity of recipient gov-
23 ernments to provide affordable, equitable, and sus-
24 tainable access to safe water and sanitation.

1 “(b) AUTHORIZATION.—To carry out the purposes of
2 subsection (a), the President is authorized to furnish as-
3 sistance for programs in developing countries to provide
4 affordable and equitable access to safe water and sanita-
5 tion.

6 “(c) ACTIVITIES SUPPORTED.—Assistance provided
7 under subsection (b) shall, to the maximum extent prac-
8 ticable, be used to—

9 “(1) expand affordable and equitable access to
10 safe water and sanitation for underserved popu-
11 lations;

12 “(2) support the design, construction, mainte-
13 nance, upkeep, repair, and operation of water deliv-
14 ery and sanitation systems;

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

17 “(4) improve the capacity of recipient govern-
18 ments and local communities, including capacity-
19 building programs for improved water resource man-
20 agement.

21 “(d) LOCAL CURRENCY.—The President may use
22 payments made in local currencies under an agreement
23 made under title I of the Agricultural Trade Development
24 and Assistance Act of 1954 (7 U.S.C. 1701 et seq.) to
25 provide assistance under this section.”.

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

5 “(9) SAFE WATER AND SANITATION.—To pro-
6 vide assistance under section 135 of the Foreign As-
7 sistance Act of 1961 to promote good health, eco-
8 nomic development, poverty reduction, women’s em-
9 powerment, conflict prevention, and environmental
10 sustainability by increasing affordable and equitable
11 access to safe water and sanitation.”.

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

13 (a) STRATEGY.—The President, acting through the
14 Secretary of State, shall develop a strategy to further the
15 United States foreign assistance objective to provide af-
16 fordable and equitable access to safe water and sanitation
17 in developing countries, as described in section 135 of the
18 Foreign Assistance Act of 1961, as added by section 5(a)
19 of this Act.

20 (b) CONSULTATION.—The strategy required by sub-
21 section (a) shall be developed in consultation with the Ad-
22 ministrator of the United States Agency for International
23 Development, the heads of other appropriate Federal de-
24 partments and agencies, international organizations, inter-
25 national financial institutions, recipient governments,

1 United States and international nongovernmental organi-
2 zations, indigenous civil society, and other appropriate en-
3 tities.

4 (c) IMPLEMENTATION.—The Secretary of State, act-
5 ing through the Administrator of the United States Agen-
6 cy for International Development, shall implement the
7 strategy required by subsection (a). The strategy may also
8 be implemented in part by other Federal departments and
9 agencies, as appropriate.

10 (d) CONSISTENT WITH SAFE WATER AND SANITA-
11 TION POLICY.—The strategy required by subsection (a)
12 shall be consistent with the policy stated in section 3 of
13 this Act.

14 (e) CONTENT.—The strategy required by subsection
15 (a) shall include—

16 (1) an assessment of the activities that have
17 been carried out, or that are planned to be carried
18 out, by all appropriate Federal departments and
19 agencies to improve affordable and equitable access
20 to safe water and sanitation in all countries that re-
21 ceive assistance from the United States;

22 (2) specific and measurable goals, benchmarks,
23 and timetables to achieve the objective described in
24 subsection (a);

1 (3) an assessment of the level of funding and
2 other assistance for United States water and sanita-
3 tion programs needed each year to achieve the goals,
4 benchmarks, and timetables described in paragraph
5 (2);

6 (4) methods to coordinate and integrate United
7 States water and sanitation assistance programs
8 with other United States development assistance
9 programs to achieve the objective described in sub-
10 section (a);

11 (5) methods to better coordinate United States
12 water and sanitation assistance programs with pro-
13 grams of other donor countries and entities to
14 achieve the objective described in subsection (a); and

15 (6) an assessment of the commitment of gov-
16 ernments of countries that receive assistance under
17 section 135 of the Foreign Assistance Act of 1961,
18 as added by section 5(a) of this Act, to policies or
19 policy reforms that support affordable and equitable
20 access by the people of such countries to safe water
21 and sanitation.

22 (f) DESIGNATION OF HIGH PRIORITY COUNTRIES.—
23 The strategy required by subsection (a) shall further in-
24 clude the designation of high priority countries for assist-
25 ance under section 135 of the Foreign Assistance Act of

1 1961, as added by section 5(a) of this Act. This designa-
2 tion shall be made on the basis of—

3 (1) countries in which the need for increased
4 access to safe water and sanitation is greatest; and

5 (2) countries in which assistance under such
6 section can be expected to make the greatest dif-
7 ference in promoting good health, economic develop-
8 ment, poverty reduction, women’s empowerment,
9 conflict prevention, and environmental sustainability.

10 (g) REPORTS.—

11 (1) INITIAL REPORT.—Not later than 180 days
12 after the date of the enactment of this Act, the Sec-
13 retary of State shall submit to the appropriate con-
14 gressional committees a report that describes the
15 strategy required by subsection (a).

16 (2) SUBSEQUENT REPORTS.—

17 (A) IN GENERAL.—Not less than once
18 every year after the submission of the initial re-
19 port under paragraph (1) until 2015, the Sec-
20 retary of State shall submit to the appropriate
21 congressional committees a report on the status
22 of the implementation of the strategy, progress
23 made in achieving the objective described in
24 subsection (a), and any changes to the strategy

1 since the date of the submission of the last re-
2 port.

3 (B) ADDITIONAL INFORMATION.—Such re-
4 ports shall include information on the amount
5 of funds expended in each country or program,
6 disaggregated by purpose of assistance, includ-
7 ing information on capital investments, and the
8 source of such funds by account.

9 (3) DEFINITION.—In this subsection, the term
10 “appropriate congressional committees” means—

11 (A) the Committee on International Rela-
12 tions and the Committee on Appropriations of
13 the House of Representatives; and

14 (B) the Committee on Foreign Relations
15 and the Committee on Appropriations of the
16 Senate.

17 **SEC. 7. MONITORING REQUIREMENT.**

18 The Secretary of State and the Administrator of the
19 United States Agency for International Development shall
20 monitor the implementation of assistance under section
21 135 of the Foreign Assistance Act of 1961, as added by
22 section 5(a) of this Act, to ensure that the assistance is
23 reaching its intended targets and meeting the intended
24 purposes of assistance.

1 **SEC. 8. SENSE OF CONGRESS REGARDING DEVELOPMENT**
2 **OF LOCAL CAPACITY.**

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

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

11 It is the sense of the Congress that—

12 (1) the United States should further support,
13 as appropriate, water and sanitation activities of
14 United Nations agencies, such as the United Na-
15 tions Children’s Fund (UNICEF), the United Na-
16 tions Development Programme (UNDP), and the
17 United Nations Environment Programme (UNEP);
18 and

19 (2) the Secretary of the Treasury should in-
20 struct each United States Executive Director at the
21 multilateral development banks (within the meaning
22 of section 1701(c) of the International Financial In-
23 stitutions Act) to encourage the inclusion of water
24 and sanitation programs as a critical element of
25 their development assistance.

1 **SEC. 10. REPORT REGARDING WATER FOR PEACE AND SE-**
2 **CURITY.**

3 (a) SENSE OF CONGRESS.—It is the sense of Con-
4 gress that United States programs to support and encour-
5 age efforts around the world to develop river basin, aquifer,
6 and other watershed-wide mechanisms for governance
7 and cooperation are critical components of long-term
8 United States national security and should be expanded.

9 (b) REPORT.—The Secretary of State, in consultation
10 with the Administrator of the United States Agency for
11 International Development, shall submit to the Committee
12 on International Relations of the House of Representa-
13 tives and the Committee on Foreign Relations of the Sen-
14 ate a report on efforts that the United States is making
15 to support and promote programs that develop river basin,
16 aquifer, and other watershed-wide mechanisms for govern-
17 ance and cooperation.

18 **SEC. 11. AUTHORIZATION OF APPROPRIATIONS.**

19 (a) IN GENERAL.—There are authorized to be appro-
20 priated for fiscal year 2006 and each subsequent fiscal
21 year such sums as may be necessary to carry out this Act
22 and the amendments made by this Act.

23 (b) OTHER AMOUNTS.—Amounts appropriated pur-
24 suant to the authorization of appropriations in subsection
25 (a) shall be in addition to the amounts otherwise available

1 to carry out this Act and the amendments made by this
2 Act.

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

Passed the House of Representatives November 7,
2005.

Attest:

JEFF TRANDAHL,

Clerk.

By GERASIMOS C. VANS,

Deputy Clerk.